

10.08.2021

Since 10.08.2021 has been declared public holiday on account of 1st Muharram, therefore, case to come up for the same on 07.10.2021 before S.B.

Reader

07.10.2021

Clerk of counsel for the petitioner present. Mr. Wisal Khan, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and stated at the bar that the implementation of the judgment has been made. In this respect, copy of notification dated 27.09.2021 was submitted, which is placed on file. As learned counsel for the petitioner is out of station, therefore, to come up for further proceedings on 10.11.2021 before the S.B.

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

10.11.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned counsel for the petitioner stated at the bar that grievance of the petitioner has been redressed and requested that instant petition may be dismissed as withdrawn. His signature also obtained in margin of order sheet. In view of the above, the execution petition at hands is filed and consigned to the record room.

Chairman

R/S, Since the grievance of the petitioner has been redressed, the petition may be disposed off as withdrawn.



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

PH: 091-9210239 Fax: 091-9210927

Dated, Peshawar the 27/09.2021.

NOTIFICATION.

No.CPO/E-II/2021/Revised Seniority/ 351, In compliance with the Judgment issued by the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar dated 18.03.2019 in Service Appeal No.800/2018, Execution Petition No.129/2020 followed by order issued vide Endst: No.14596-603/EC-I, dated 16.08.2021 by CCPO Peshawar and duly approved by the Competent Authority, the seniority of Inspector Muhammad Ismail Shah No.P/378 is hereby revised w.e.f 26.11.2013 in the rank of Sub-Inspector. His name is placed above the name of Inspector Zar Wali No.P/225 and below the name of Inspector Sadat Khan No.MR/98 in the seniority list of Inspector and Sub-Inspector on list "F" as stood on 10.07.2020 conditionally and provisionally subject to the outcome of CPLA lodged by Police department before Supreme Court of Pakistan.

Sd/-

(RAI BABAR SAEED) PSP

Dy: Inspector General of Police HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Addl: IGP HQR Khyber Pakhtunkhwa.
2. DIG of Police HQR Khyber Pakhtunkhwa.
3. Capital City Police Officer Peshawar.
4. DIG of Police CTD Khyber Pakhtunkhwa.
5. Registrar Service Tribunal Khyber Pakhtunkhwa Peshawar.
6. Assistant Inspector General of Police Legal CPO Peshawar.
7. PSO to the IGP Khyber Pakhtunkhwa.
8. Office Supdt: Secret & CP Branch, CPO Peshawar.
9. U.O.P File.

Z. Asghar

(ZEESHAN ASGHAR)PSP

AIG/ Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

E.P.No-129/2020
S. Ismail Shah vs Govt

22.06.2021

Petitioner in person and Mr. Kabirullah Khattak, Addl. AG
alongwith Abdur Razaq, Reader for the respondents present.

The representative of the department has produced copy of notification bearing No. 2644/E-III, Promotion as Offg. Inspector(BPS-16), dated 22.10.2019, whereby the petitioner alongwith others was promoted as Offtg. Inspector BPS-16 with immediate effect. According to the recommendations prescribed in the notification against the name of petitioner at S.No. 3, he was given promotion in compliance of the judgment of Service Tribunal, Peshawar subject to decision of the CPLA. According to information of learned AAG, CPLA is still pending before the August Supreme Court of Pakistan. It is not clear from the recommendations of the DPC that on what parameter they complied with the judgment of this Tribunal. In the operative part of the judgment, it was observed that the appellant/petitioner had qualified the upper college course through notification dated 18.06.2015. It was further observed that two notifications referred in the same part of the judgment related to his confirmation. The Tribunal while relying on Para-B of grounds of the appeal, noted that revised notification No. 4159/EC-I, dated 01.03.2006 was not acted upon. If this is the case, the respondents are required to implement the notification dated 01.03.2016 r/w operative part of the judgment to ensure its compliance in letter and spirit. To come up for implementation report in the given terms on 10.08.2021 before S.B.

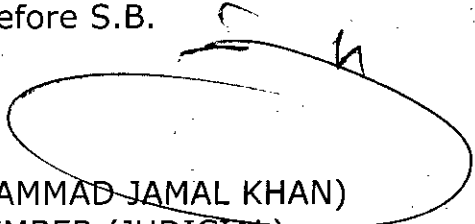


Chairman

25.01.2021

Petitioner is present alongwith his counsel namely, Mr. Yasir Saleem, Advocate. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Aziz Shah, Reader, on behalf of respondent No. 3, are also present.

The process of execution shall continue unless and until the judgment passed by this Tribunal is either set-aside or suspended by the Hon'ble Supreme Court of Pakistan in consequence of filing of CPLA regarding which the record on file is silent. Respondents are directed to produce attested copy of CPLA if any filed in the august Supreme Court of Pakistan alongwith suspension order else they has to submit implementation report on 24.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

24.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 28.04.2021.


Reader

28.04.2021

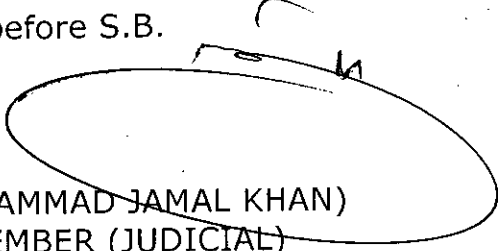
Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 22.06.2021 for the same as before.


Reader

26.11.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Wisal Ahmad, Head Constable, for the respondents are also present.

Petitioner submitted application for arraying Capital City Police Officer, Peshawar, as respondent No. 3 in place of District Police Officer, Nowshera. Copy of the application delivered to respondents. File come up for reply, arguments and implementation report on 22.12.2020 before S.B.



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

22.12.2020

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

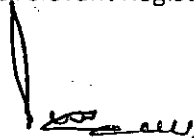

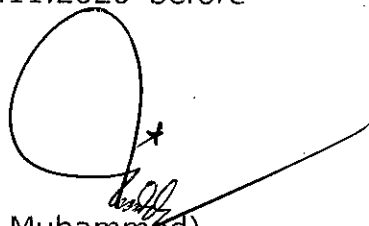
An application for arraying Capital City Police Officer as respondent No.3 had been submitted which application being genuine is accepted. As per record, Capital City Police Officer was respondent No.3 in the service appeal filed by the present petitioner. Necessary correction be made in the relevant record. All the three respondents be put on notice with direction to submit implementation report on 25.01.2021 before S.B.


(Rozina Rehman)
Member (J)

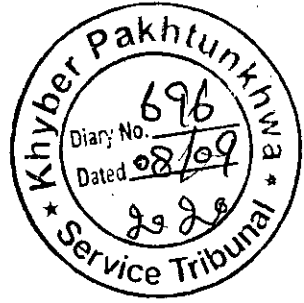
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 129 /2020 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.09.2020	<p>The Execution Petition submitted by Syed Ismail Shah through Mr. Yasir Saleem Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This Execution Petition be put up before S. Bench on <u>02/10/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	02.10.2020	<p>Counsel for petitioner as well as Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present. Notices be issued to respondents directing them to submit implementation report at the earliest. To come up for implementation report on 26.11.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR



In the matter of
Appeal No. 800/2018
Decided on 18.03.2019

Syed Ismail Shah Sub Inspector District Police Nowshera .

(Applicant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Mardan Region-1, Mardan.
3. District Police Officer, Nowshera.

22/12/20 - (~~3~~ 3. Capital City Police Officer (CCPO) Khyber Pakhtunkhwa, Peshawar. (Respondents) ✓

*Application for the implementation of the
Judgment and Order dated 18.03.2019 of this
Honourable Tribunal in its true letter and spirit.*

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 18.03.2019.
2. That vide judgment and order dated 18.03.2019, this Honourable Tribunal while accepted appeal of the appellant in the following terms:

“10. As a sequel to above, the appeal is accepted impugned order dated 21.05.2018 is set aside and the respondents are directed to consider the case of the appellant for confirmation as S.I. from the due date. Parties are left to bear their own costs.....”

(Copy of the Judgment and order dated 18.03.2019, is Attached)

3. That the judgment of this Honorable Tribunal was duly communicated to the Respondents, however they have not considered the appellant for promotion, which is against the spirit of the judgment and order dated 18.03.2019 of this Honorable Tribunal.
4. That after judgment and order of this Honorable Tribunal, the applicant is continuously approaching the respondents for the


implementation of the judgment, however they are reluctant to implement the judgment.

5. That it is pertinent to mention here that there is no restraining order from the Apex Court in the instant case and the respondents are disobeying the order of this Tribunal.
6. That the respondents are legally bound to implement the judgment of this Honourable Tribunal in its true letter and spirit without any further delay.

It is, therefore, prayed that on acceptance of this application the respondents may please be directed to implement the judgment and order dated 18.03.2019 of this Honourable Tribunal in its true letter and spirit.

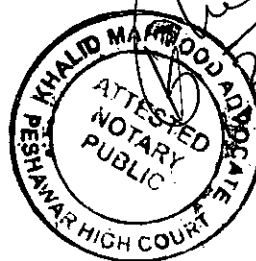

Appellant

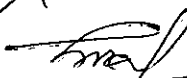
Through


YASIR SALEEM
Advocate High Court
Peshawar

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above implementation petition are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.




Deponent

Annex-A



1
3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 800 of 2018

Syed Muhammad Ismail Shah S/O Syed Bari Imam Shah
R/O Mohallah Liaqat Abad Koroona, Tehsil & District Nowshera.Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
2. Provincial Police Officer (PPO)/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer (CCPO)-Khyber Pakhtunkhwa, Peshawar.....Respondents

SERVICE APPEAL U/S 4 OF THE KP SERVICES TRIBUNAL ACT, 1974 READ WITH ALL PROVISIONS OF LAW/RULES, GOVERNING THE SUBJECT, AGAINST OFFICE ORDER/LETTER DATED: 21.05.2018 OF RESPONDENT NO.2, VIDE WHICH DEPARTMENTAL APPEAL DATED: 07.05.2018 OF THE APPELLANT AGAINST THE DECISION OF NON-CONSIDERATION FOR PROMOTION TO THE RANK OF INSPECTOR AND GRANT HIM DUE SENIORITY WITH ALL BACK BENEFITS, WAS TURNED DOWN.

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1056

Dated 14/6/2018

Prayer in Appeal:

On acceptance of instant service appeal, impugned office letter/final order dated: 21.05.2018 of respondent No.2, may be set aside and appellant may be ordered to be promoted to the rank of Inspector from the date of his eligibility, with all back benefits, so as to secure the ends of justice.

=====

Filed to - d/sy
[Signature]
Registrar

14/6/18, **Respectfully Sheweth:**

1. That appellant joined the Respondent Department on 17.08.1988 as Constable (BPS-5), after due process and fulfilment of legal/codal formalities, and was promoted from time to time, on the basis of outstanding performance and unblemished service career. (Copy of service breakup is attached as Annexure "A").
2. That appellant has successfully completed Intermediate College Course from PTC Hangu, evident from History Sheets of Intermediate College Course, dated: 10.01.2004, thus was promoted to the rank of Officiating ASI, vide Notification dated: 26.11.2009 and was confirmed vide notification dated: 02.08.2013. (Copies of History Sheets dated: 10.01.2004, Notification dated: 26.11.2009 & confirmation notification dated: 02.08.2013 are attached as Annexures "B", "C" & "D" respectively).

ATTESTED

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Yusufzai Law Chamber

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 800/2018

Date of Institution ... 14.06.2018

Date of Decision ... 18.03.2019



Syed Muhammad Ismail Shah S/o Syed Bari Imam Shah R/o Mohallah Liaqatabad Koroon, Tehsil and District Nowshera. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department, Civil Secretariat, Peshawar and two others. ... (Respondents)

MR. AMIN UR REHMAN YOUSAFZAI,
Advocate
MR. SAJJAD MEHSUD,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURRANI

--- MEMBER(Executive)
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN. MEMBER.- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that he joined the respondent-department as Constable (BPS-05) on 17.08.1988. He reached the rank of officiating ASI vide notification dated 26.11.2009 and confirmed through notification dated 02.08.2013. That the appellant was promoted to the rank of officiating Sub-Inspector vide notification dated 16.04.2014. Thereafter, through notification dated 01.03.2016 his promotion as officiating S.I was made effective

ATTESTED

Khyber Pakhtunkhwa Service Tribunal
Peshawar

(5)

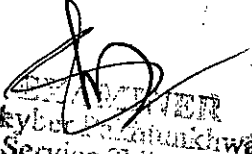
w.e.f 27.09.2011. He got regular promotion as S.I through notification dated 01.03.2016.

3. He further argued that the respondents promoted juniors to the appellant to the rank of officiating Inspector, as was evident from notification dated 05.11.2014 read with notification dated 18.12.2004, 03.05.2008, 27.09.2011 and 19.10.2015, which compelled the appellant to make departmental appeal on 08.07.2017. As the earlier appeal failed to evoke any response from the respondents, another appeal dated 07.05.2018 was preferred but dismissed vide order dated 21.05.2018. The appellant is aggrieved on account of denial of seniority and promotion from the date his juniors were promoted/confirmed. He is entitled for confirmation w.e.f 27.09.2011 and as such notification dated 01.03.2016 requires amendment/rectification.

4. Moreover, his name was not considered for promotion to the rank of Inspector, as he had not served as ASI/SI in the unit specified in Standing Order no. 21/2014 and non-availability of ACR from 01.01.2017 to 25.07.2017. The said standing order is not attracted in this case, as the appellant had not refused to perform duty, rather onus of posting/transfer of employees lies on the respondents. It was the domain/prerogative of the competent authority to post employees against suitable posts. Even his PER were available with the respondents.

5. Other employees having same deficiencies/shortcoming were promoted to the rank of Inspector as per notification dated 19.10.2015. Special treatment against the rules was given to the officers mentioned at sr. no. 5,32,38 and 42

ATTESTED


 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar


which amounts to discrimination, as enshrined in the Article-25 of the Constitution. Reliance was placed on case law reported as 2013 PLC (CS) 1000, 2011 SCMR 408, 2016 SCMR 1254 and judgment of this Tribunal dated 21.02.2018 passed in service appeal no. 736/2016.

6. On the other hand learned Additional Advocate General argued that promotion in list "E" that is to the rank of Sub-Inspector and list "F" as Inspector is contingent upon fulfillment the criteria laid down in the rules. As his case was not covered under the rules so his departmental appeal was rejected vide order dated 21.05.2018. He was treated according to law and rules.

CONCLUSION

7. The record placed before us during the course of hearing revealed that in pursuance of the meeting of DPC held on 19.02.2014, the appellant was confirmed as officiating S.I with immediate effect vide notification no. 5821/EC-I dated 16.04.2014. On the other hand the notification no. 4167/EC-I dated 01.03.2016 indicated that he was confirmed in the rank of S.I with immediate effect. Approval to this fact was given in the meeting of the Departmental Promotion Committee held on 24.02.2016. Later on through revised notification no. 4159/EC-I dated 01.03.2016 the promotion order of the appellant was revised and made effective w.e.f 27.09.2011 instead of 01.03.2016. It is pertinent to mention here that he had qualified the upper college course through notification dated 18.06.2015. The two notifications referred to above created confusion about the date of his confirmation. Relying on para-B of grounds of the appeal, it appeared that revised notification no. 4159/EC-I dated 01.03.2016 was not acted upon.

ATTESTED



 Member
 Kayal or Peshawar
 Service Tribunal,
 Peshawar

8. The plea of the appellant is further supported by notification dated 15.11.2014, whereby officials junior to him were promoted to the rank of officiating inspector. This fact has not been rebutted by the respondents and as such amounts to discrimination.

9. Denial of confirmation/promotion on the strength of standing order no. 21/2014 is not understandable. Posting/transfer was the domain of the respondents. He cannot be penalized for the mistakes of others. Our stance is further supported by the judgment of this Tribunal dated 21.2.2018 rendered in service appeal no. 736/2016. The moot point in the said judgment was that the appellant was entitled for confirmation from the date of officiating promotion.

10. As a sequel to above, the appeal is accepted, impugned order dated 21.05.2018 is set aside and the respondents are directed to consider the case of the appellant for confirmation as S.I from the due date. Parties are left to bear their own costs. File be consigned to the record room.


(HAMID FAROOQ DURRANI)
CHAIRMAN


(AHMAD HASSAN)
MEMBER

ANNOUNCED
18.03.2019

Certified to be true copy


Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 08/09/2020
Number of Words 2000
Copying Fee 22/-
Urgent 4/-
Total 26/-
Name of Copyist [Signature]
Date of Completion of Copy 08/09/2020
Date of Delivery of Copy 08/09/2020

POWER OF ATTORNEY

8

In the Court of K.P. Service Tribunal Peshawar

Syed Asmail Shah } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

District Police Officer Nowshera } Defendant
} Respondent
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

YASIR SALEEM,
JAWAD UR REHMAN &
PIRZADA MUHAMMAD TAYAB AMIN Advocates Peshawar

my true and lawful attorney, for me in my same and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Jawad Ur Rehman
JAWAD UR REHMAN
Advocate High Court

Yasir Saleem
YASIR SALEEM
Advocate High Court, Peshawar

M. Tayyab
&
PIRZADA MUHAMMAD TAYAB AMIN
Advocate Peshawar

BEFORE THE SERVICE TRIBUNAL PESHAWAR

In RE;

Syed Ismail Shah..... Applicant

V E R S U S

PPO & others..... Respondents

**APPLICATION ON BEHALF OF THE
APPLICANT / APPELLANT FOR
ARRAYING "CAPITAL CITY POLICE
OFFICER PESHAWAR" AS RESPONDENT
NO. 03 IN PLACE OF "DISTRICT POLICE
OFFICER NOWSHERA".**

Respectfully Sheweth:

1. That the above noted case is pending adjudication before this Honourable Court and is fixed for today i.e. 26.11.2020
2. That inadvertently DPO Nowshera has been arrayed as respondent No. 03 while infact the CCPO Peshawar is the relevant respondent.
3. That therefore name of the DPO Nowshera may be deleted from the panel of respondents and instead name of the CCPO Peshawar may be inserted as respondent.

It is, therefore, most humbly prayed that on acceptance of this application, CCPO Peshawar may be arrayed as respondent No. 03 in place of DPO Nowshera.

Through:

Applicant / Appellant

Yasir Saleem
Advocate High Court,
Peshawar.

Date: 26.11.2020

BEFORE THE SERVICE TRIBUNAL PESHAWAR

In RE;

Syed Ismail Shah..... Applicant

V E R S U S

PPO & others..... Respondents

**APPLICATION ON BEHALF OF THE
APPLICANT / APPELLANT FOR
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OFFICER PESHAWAR" AS RESPONDENT
NO. 03 IN PLACE OF "DISTRICT POLICE
OFFICER NOWSHERA".**

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3. That therefore name of the DPO Nowshera may be deleted from the panel of respondents and instead name of the CCPO Peshawar may be inserted as respondent.

It is, therefore, most humbly prayed that on acceptance of this application, CCPO Peshawar may be arrayed as respondent No. 03 in place of DPO Nowshera.

Through: Applicant / Appellant


Yasir Saleem
Advocate High Court,
Peshawar

Date: 26.11.2020

OFFICE OF ADVOCATE GENERAL KHYBER PAKHTUNKHWA
PESHAWAR

RECEIPT

Received a sum of Rs. 2400/- (Rupees Two thousand and four hundred only) as expenses (Photostat, binding, Supreme Court tickets and notices to respondents etc) for filing CPLA in the Supreme Court of Pakistan in connection with case title Service Appeal No. 800/2018 Syed Muhammad Ismail Shah Versus Government of Khyber Pakhtunkhwa and others.


Advocate-at-Large
Supreme Court of Pakistan
Govt of Khyber Pakhtunkhwa
Peshawar

13/6/2019

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

NOTIFICATION

No. 2644/E-III, **PROMOTION AS OFFG: INSPECTORS (BPS-16)** Dated: 22/10/2019

As per recommendations made by the Departmental Promotion Committee in its meeting held on 12.09.2019, the following confirmed Sub-Inspectors on List "F" are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Akhtar Ali No. 50/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
2.	SI Muhammad Nawaz No. D/41	D.I. Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
3.	SI Ismail Shah No. P/378	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) in compliance of the judgment of Service Tribunal Peshawar No. 800/2018, over which the CPLA has been put-up. Therefore, the promotion is recommended subject to decision of the CPLA on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
4.	SI Gul Shed No. P/386	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
5.	SI Muhammad Sadiq Shah No. H/149	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
6.	SI Salih Muhammad Khan No. MR/122	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 01.07.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
7.	SI Nooran Shah Khan No. MR/126	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
8.	SI Sultan Mehmood No. MR/130	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
9.	SI Nasrullah No. K/105	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
10.	SI Said Marjan No. D/43	D.I Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 15.04.2016 to 16.09.2016 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
11.	SI Nairmat Ullah No. K/96	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

12.	SI Shah Jabbar No. 414/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
13.	SI Fazal Karim No. 32/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
14.	SI Zewar Khan No. 66/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
15.	SI Riaz Muhammad No. 467/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 06.06.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
16.	SI Sultan Khan No. 37/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
17.	SI Amir Bahadar No. 370/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
18.	SI Iqbal ud Din No. 492/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
19.	SI Faiz Mohammad No. 500/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
20.	SI Jameel ud Din No. 520/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
21.	SI Noor Baz Khan No. 540/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
22.	SI Muhammad Wali Shah No. 544/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
23.	SI Sherin Zada No. 212/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 01.09.2014 to 31.12.2014 and 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
24.	SI Gul Zamin No. 159/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
25.	SI Muhammad Tawheed No. 111/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

26.	SI Imran Khan No. 113/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
27.	SI Bakht Zada No. 94/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
28.	SI Hayat Ali Shah No. 153/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
29.	SI Mian Said Jamal No. 53/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2015 to 31.12.2015 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
30.	SI Gohar Rehman No. H/45	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 04.10.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
31.	SI Muhammad Saeed No. H/156	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
32.	SI Tariq Umar No. P/21	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
33.	SI Qazi Aslam No. P/34	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
34.	SI Wilayat Khan No. P/46	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
35.	SI Zardad Ali No. P/53	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 24.08.2016 to 31.12.2016 and 01.01.2018 to 24.04.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
36.	SI Shakir Ullah No. P/57	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
37.	SI Saira Saleh No. P/153	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
38.	SI Waqar Ali No. H/184	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
39.	SI Ghulam Kazim No. D/8	D.I Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 04.05.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

40.	SI Faqir Muhammad No. P/100	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
41.	SI Sajid Farooq No. H/213	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
42.	SI Anees ul Hassan No. D/55	D.I. Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

According to Rule 13-18 of Police Rules 1934, the officers will be on probation for 02 years.

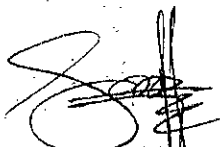
Sd/-
Muhammad Naem Khan -Dr, PSP
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. 2645-60 /E-III. Dated Peshawar, the 22 / 10 /2019.

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

1. Addl: IsGP in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Commandant PTC Hangu.
4. Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar.
6. Capital City Police Officer, Peshawar.
7. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret CPO, Peshawar.
9. Office Supdt: E-II CPO/Peshawar.
10. U.O.P files.




(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

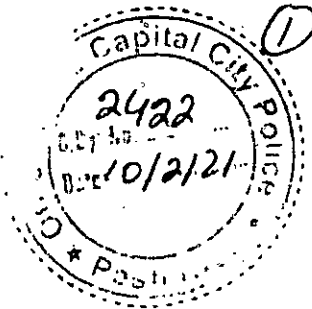
CCPO _____
SSP/O _____
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SP/City _____
SP/Rural _____
SP/Sec _____
SP/HQ _____
SP/T.O _____
SP/T. HQ _____
DSP/L/OS _____
P.O./C.C. _____
PA/EC-II _____
AS./C.Cell _____

EC-1 ✓
29/10/19

OFFICE OF THE INSPECTOR GENERAL OF POLICE, KPK, PESHAWAR

No. 884 / Legal dated 9/12/2021.

Copy of order sheet dated 25.01.2021, in Execution Petition No. -129/ 2020 in Service Appeal No. 800/ 2018 received from the Honorable Service Tribunal, Peshawar is forwarded to the Capital City Police Officer, Peshawar for compliance of Court orders, please.



[Signature]
AIGY LEGAL
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
04.02.2021

BEFORE THE KHYBER PAKHTUNKWA
SERVICE TRIBUNAL PESHAWAR

EP 129/20

In the matter of
Appeal No. 800/2018
Decided on 18.03.2019

Syed Ismail Shah Sub Inspector District Police Nowshera

(Applicant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Mardan Region-1, Mardan.
3. District Police Officer, Nowshera.

(Respondents)

Application for the implementation of the Judgment and Order dated 18.03.2019 of this Honourable Tribunal in its true letter and spirit.

Respectfully Submitted:

1. That the above noted service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 18.03.2019.
2. That vide judgment and order dated 18.03.2019, this Honourable Tribunal while accepted appeal of the appellant in the following terms:

"10. As a sequel to above, the appeal is accepted impugned order dated 21.05.2018 is set aside and the respondents are directed to consider the case of the appellant for confirmation as S.I. from the due date. Parties are left to bear their own costs....."

(Copy of the Judgment and order dated 18.03.2019, is Attached)

3. That the judgment of this Honorable Tribunal was duly communicated to the Respondents, however they have not considered the appellant for promotion, which is against the spirit of the judgment and order dated 18.03.2019 of this Honorable Tribunal.
4. That after judgment and order of this Honorable Tribunal, the applicant is continuously approaching the respondents for the

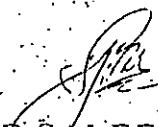
implementation of the judgment, however they are reluctant to implement the judgment.

5. That it is pertinent to mention here that there is no restraining order from the Apex Court in the instant case and the respondents are disobeying the order of this Tribunal.
6. That the respondents are legally bound to implement the judgment of this Honorable Tribunal in its true letter and spirit without any further delay.

It is, therefore, prayed that on acceptance of this application the respondents may please be directed to implement the judgment and order dated 18.03.2019 of this Honourable Tribunal in its true letter and spirit.

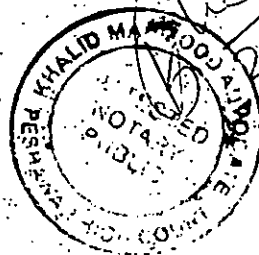

Appellant

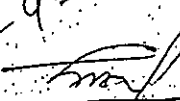
Through


YASIR SALEEM
Advocate High Court
Peshawar

AFFIDAVIT

I do hereby solemnly affirm and declare on oath that the contents of the above implementation petition are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.




Deponent

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Service Appeal No 300 of 2018

Syed Muhammad Ismail Shah S/O Syed Bari Imam Shah
R/O Mohallah, Saqai Abad Koroon, Tehsil & District Nowshera. Appellant

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs
Department, Civil Secretariat, Peshawar.

Additional Police Officer (PPO)/Inspector General of Police, Khyber
Pakhtunkhwa, Peshawar.

Capital City Police Officer (CCPO) Khyber Pakhtunkhwa,
Peshawar. Respondents

SERVICE APPEAL U/S 4 OF THE KP SERVICES TRIBUNAL ACT, 1974
READ WITH ALL PROVISIONS OF LAW/RULES, GOVERNING THE
SUBJECT, AGAINST OFFICE ORDER/LETTER DATED: 21.05.2018 OF
RESPONDENT NO.2, VIDE WHICH DEPARTMENTAL APPEAL DATED:
07.05.2018 OF THE APPELLANT AGAINST THE DECISION OF NON-
CONSIDERATION FOR PROMOTION TO THE RANK OF INSPECTOR
AND GRANT HIM DUE SENIORITY WITH ALL BACK BENEFITS, WAS
TURNED DOWN.

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Prayer in Appeal:

On acceptance of instant service appeal, impugned office
letter/final order dated: 21.05.2018 of respondent No.2, may be
set aside and appellant may be ordered to be promoted to the
rank of inspector from the date of his eligibility, with all back
benefits; so as to secure the ends of justice.

=====

Respectfully Sheweth:

1. That appellant joined the Respondent Department on 17.08.1988 as
Constable (BPS-5), after due process and fulfilment of legal/codal
formalities, and was promoted from time to time, on the basis of
outstanding performance and unblemished service career.
(Copy of service breakup is attached as Annexure "A").
2. That appellant has successfully completed Intermediate College Course
from PTC Hangu, evident from History Sheets of Intermediate College
Course, dated: 10.01.2004, thus was promoted to the rank of Officialing ASI,
vide Notification dated: 26.11.2009 and was confirmed vide notification
dated: 02.08.2013.
(Copies of History Sheets, dated: 10.01.2004, Notification dated: 26.11.2009 &
confirmation notification dated: 02.08.2013 are attached as Annexures "B", "C" &
"D" respectively).

Handwritten signature

Yusuf Ali Chander

Date of institution ... 14.06.2018

Date of Decision ... 18.03.2019



Muhammad Ismail Shah S/o Syed Bari Imam Shah R/o Mohallah Liaqatabad
District Jail and District Jail ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs
Department, Civil Secretariat, Peshawar and two others. (Respondents)

MR. ANIN UR REHMAN YOUSAFI

Advocate

MR. SAJJAD MEHSUD

Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK

National Advocate-General

--- For respondents.

MR. AHMAD HASSAN

MR. TAJMID FAROOQ DURRANI

--- MEMBER (Executive)

--- CHAIRMAN

JUDGMENT

MR. AHMAD HASSAN, MEMBER: Arguments of the learned counsel for the

parties heard and record perused.

ARGUMENTS

The learned counsel for the appellant argued that he joined the respondent-
department as Constable (1897405) on 17.08.1988. He reached the rank of
officiating ASI vide notification dated 26.11.2009 and confirmed through
notification dated 02.08.2013. That the appellant was promoted to the rank of
officiating Sub-inspector vide notification dated 16.04.2014. Thereafter, through
notification dated 01.03.2015 his promotion as officiating S.I was made effective

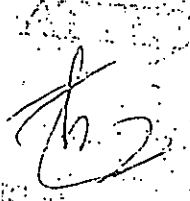
01.05.2019.

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The Petitioner argued that the respondents promoted juniors to the appellant to the rank of officiating Inspector, as was evident from notification dated 07.12.2014 read with notification dated 18.12.2004, 03.05.2008, 27.09.2011 and 19.10.2015, which compelled the appellant to make departmental appeal on 08.07.2017. As the earlier appeal failed to evoke any response from the respondents, another appeal dated 07.05.2018 was preferred but dismissed vide order dated 21.05.2018. The appellant is aggrieved on account of denial of promotion and promotion from the date his juniors were promoted/confirmed. He is entitled for confirmation w.e.f 27.09.2011 and as such notification dated 01.07.2016, requires amendment/cancellation.

Moreover, his name was not considered for promotion to the rank of Inspector, as he had not served as A/SI in the unit specified in Standing Order no. 21/2014 and non-availability of ACR from 01.01.2017 to 25.07.2017. The said standing order is not attracted in this case, as the appellant had not refused to perform duty, rather onus of posting/transfer of employees lies on the respondents. It was the domain/prerogative of the competent authority to post employees against suitable posts. Even his PER were available with the respondents.

Other employees having same deficiencies/shortcoming were promoted to the rank of Inspector as per notification dated 19.10.2015. Special treatment against the rules was given to the officers mentioned at sr. no. 5,32,38 and 42

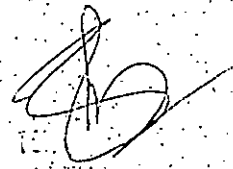


Constitution. Reliance was placed on case law reported as 2013-PLC (CS) 1000, 2011 SCMR 408, 2016 SCMR 1254 and judgment of this Tribunal dated 21.04.2018 passed in service appeal no. 736/2016. (6)

On the other hand learned Additional Advocate General argued that promotion in list "E" that is to the rank of Sub-Inspector and list "F" as Inspector is contingent upon fulfillment the criteria laid down in the rules. As his case was not covered under the rules so his departmental appeal was rejected vide order dated 27.02.2018. He was treated according to law and rules.

CONCLUSION

The record placed before us during the course of hearing revealed that in pursuance of the meeting of DPC held on 19.02.2014, the appellant was confirmed as officiating S.I with immediate effect vide notification no. 5821/EC-I dated 16.04.2014. On the other hand the notification no. 4167/EC-I dated 01.03.2016 indicated that he was confirmed in the rank of S.I with immediate effect. Approval to this fact was given in the meeting of the Departmental Promotion Committee held on 24.02.2016. Later on through revised notification no. 4159/EC-I dated 01.03.2016 the promotion order of the appellant was revised and made effective w.e.f 27.09.2011 instead of 01.03.2016. It is pertinent to mention here that he had qualified the upper college course through notification dated 18.06.2015. The two notifications referred to above created confusion about the date of his confirmation. Relying on para-B of grounds of the appeal, it appeared that revised notification no. 4159/EC-I dated 01.03.2016 was not acted upon.



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... further supported by no. ... dated 15.11.2014, whereby officials junior to him were promoted to the rank of officiating inspector. This fact has not been rebutted by the respondents and as such amounts to discrimination.

9. Denial of confirmation/promotion on the strength of standing order no. 21/2014 is not understandable. Posting/transfer was the domain of the respondents. He cannot be penalized for the mistakes of others. Our stance is further supported by the judgment of this Tribunal dated 21.2.2018 rendered in service appeal no. 736/2016. The moot point in the said judgment was that the appellant was entitled for confirmation from the date of officiating promotion.

10. As a sequel to above, the appeal is accepted, impugned order dated 21.05.2015 is set aside and the respondents are directed to consider the case of the appellant for confirmation as S.I from the due date. Parties are left to bear their own costs. File be consigned to the record room.

SD/

(HAMID FAROOQ DURRANI)
CHAIRMAN

AHMAD HASSAN

(AHMAD HASSAN)
MEMBER

ANNOUNCED
18.03.2019

[Signature]

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03-12-19
03-12-19

POWER OF ATTORNEY

8

The Court of K.P. Service Tribunal Peshawar

For
Syed Asmat Shah
Plaintiff
Appellant
Petitioner
Complainant

VERSUS

District Police Officer Nowshera
Defendant
Respondent
Accused

Appeal/Revision/Suit/Application/Petition/Cause No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

YASIR SALEEM,
JAWAD UR REHMAN &
PIRZADA MUHAMMAD TAYAB AMIN Advocates Peshawar

my true and lawful attorney, for me in my name and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of doctiments, depositions etc. and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so; any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always that I/we undertake at time of calling of the case by the Court any authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Jawad Ur Rehman
JAWAD UR REHMAN
Advocate High Court

Yasir Saleem
YASIR SALEEM
Advocate High Court, Peshawar

M. Tayyab

PIRZADA MUHAMMAD TAYAB AMIN
Advocate Peshawar