



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

Dated Peshawar the 17/09/2021

**NOTIFICATION**

No.CPO/E-I/Revised Seniority/ 1561, In compliance with the judgment of Honorable Khyber Pakhtunkhwa Service Tribunal dated 19.02.2018 in Service Appeal 182/2017 and execution petition No. 102/2021 dated 25.08.2021, duly approved by Competent Authority, the seniority of DSP Zahid Ur Rehman is hereby revised with his original batch-mates and his name is placed above the name of DSP Zulfiqar Khan Jadoon and below the name of DSP Qamar Hayat of the current seniority list as issued on 31.03.2021 condition and provisionally subject to the outcome of CPLA No. 277-P/2018 file by Police Department before Supreme Court of Pakistan.

Sd/-

**Moazzam Jah Ansari, PSP**  
(QPM, UNPM, NSWG)  
PROVINCIAL POLICE OFFICE  
KHYBER PAKHTUNKHWA

**No & date even:**

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of Police HQrs, Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police HQrs, Khyber Pakhtunkhwa.
4. Regional Police Officer, Hazara Region.
5. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.
6.  AIG Legal CPO Peshawar.
7. PSO to IGP Khyber Pakhtunkhwa.
8. Officer concerned through AIG Legal CPO Peshawar.
9. Registrar CPO Peshawar.
10. Supdt: Secret CPO Peshawar.
11. Supdt: CPB CPO Peshawar.
12. U.O.P File.

*Z. Asghar*

**ZEESHAN ASGHAR, PSP**  
Assistant Inspector General of Police  
Establishment, Khyber Pakhtunkhwa

**EP 102/2021**

17.09.2021            Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Tariq Umar, Inspector (Legal) for the respondents present.

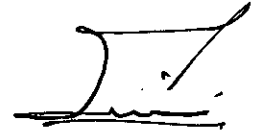
Representative of the respondents has produced the copy of Notification No. CPO/E-I/Revised Seniority/1561, dated 17.09.2021 and placed on file. Accordingly compliance of the judgment dated 19.02.2018 in Service Appeal No. 182/2017, after approval by the Competent Authority, has been made. The seniority of DSP Zahid-Ur-Rehman has been revised with his original batch-mates and his name has been placed above the name of DSP Zulfiqar Khan Jadoon and below the name of DSP Qamar Hayat in seniority list as issued on 31.03.2021, conditionally subject to the outcome of CPLA filed by the department before the August Supreme Court of Pakistan. Obviously, CPLA is pending and both the parties shall be at liberty to proceed against each other in light of decision of CPLA in due course of time. For the time-being this petition is consigned to the record room, leaving both the parties at liberty to seek its restoration, if needed after decision of CPLA.

  
Chairman

25.08.2021

Mr. Shahid Muhammad, RI (FRP) for the petitioner present and stated that the petitioner is unable to appear before the Tribunal due to serious illness.

Mr. Tariq Umer, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and stated that process of implementation of the judgment has been initiated, which will soon complete. Learned Additional Advocate General shall ensure the compliance of the judgment. To come up for implementation report before the S.B on 14.09.2021.



(SALAH-UD-DIN)  
MEMBER (J)

14.09.2021

Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Tariq Umar, Inspector (Legal) for the respondents present.

Implementation report not submitted. Learned AAG assured that implementation report will be submitted on next date positively. On assurance of learned AAG another chance is given to the respondents. To come up for implementation report on 17.09.2021 before S.B.



Chairman

EP 102/21

27.07.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Shamraiz Khan, ASI (Legal) for the respondents present.

The copy of order bearing No. 16688-92/E, dated 26.07.2021 of the office of Regional Police Officer, Hazara Region Abbottabad has been produced and placed on file. According to which the petitioner has been confirmed as Sub Inspector with effect from 28.04.2000 conditionally in compliance with the judgment of this Tribunal but the further course is to placement of name of the petitioner in the relevant seniority list of DSPs is yet to take place. Obviously, further course relates to office of respondent No. 1. The learned AAG has assured that further implementation will take-place without loss of time. As the matter of seniority is linked with legitimate expectation of promotion by the petitioner, therefore, respondent No. 1 (PPO) is directed to place the name of petitioner in seniority list of DSPs at right place in pursuance to order dated 26.07.2021. Copy of this order be sent to office of respondent No. 1 for compliance. Case to come up on 25.08.2021 before S.B.

  
Chairman

E.P. No-102/2021  
Zahid ur Rahman vs Govt

04.06.2021

Petitioner alongwith counsel present.



Although notice was not issued to the respondents but Mr. Muhammad Adeel Butt, learned AAG is in attendance and his attention has been diverted to the operative part of the judgment, whereby it was held that the appellant shall be deemed to have been confirmed from the date when he was promoted/appointed on officiating basis as Sub Inspector in the year 2000. Obviously, the department will have to clear the position after notice whether any CPLA has been filed to challenge the judgment under implementation or not. If the CPLA has not been filed, the judgment has got finality and requires implementation in letter & spirit, without further delay; but if the CPLA has been filed and the judgment has not been suspended, even then the respondents are under obligation to implement the judgment, subject to decision of CPLA by the August Supreme Court of Pakistan. Learned Addl. AG shall also take up the matter with the respondents for proper order not only in instant case but also in other similar cases to present the available recourse of petitioner(s) to this Tribunal, for implementation of the judgment on his/their credit. Copies of this order be sent to the respondents alongwith notice. To come up for implementation report on 27.07.2021 before S.B.

  
Chairman

FORM OF ORDER SHEET

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

Execution Petition No. 102 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03.05.2021	<p>The Execution Petition submitted by Mr. Zahid Ur Rehman through Mr. Muhammad Aslam Tanoli 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-	27/05/2021	<p>This Execution Petition be put up before S. Bench on <u>04/06/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>



**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL**  
**PESHAWAR.**

Execution Petition \_\_\_\_\_/2021

Zahid Ur Rehman DSP, presently posted at acting SP ERP  
Hazara Range Abbottabad

..... Appellant

**VERSUS**



1. Provincial Police Officer, KPK, Peshawar.
2. RPO Hazara Region, Abbotabad.

..... Respondents

**PETITION FOR EARLY HEARING AT PRINCIPAL**  
**SEAT PESHAWAR.**

Respectfully Sheweth:

- 1) That the above titled Execution Petition is being filed today before this Hon' able Court, the same may kindly be treated as part and parcel of this petition.
- 2) That the Petitioner's colleagues/ Juniors are being promoted to the rank of Superintendent of Police BPS-18, as their documents have been requisitioned by CPO Peshawar for producing before the Departmental Promotion Board. *(ords attached)*.
- 3) That the Petitioner's precious rights are involved, if the instant execution Petition is not heard at an early date then Petitioner will have to suffer irreparable loss.
- 4) That Petitioner has prima facie case and Petitioner is expected to be promoted as SP in BPS-18.

It is, therefore, prayed that this Hon' able Service Tribunal may graciously be pleased to hear this execution Petition at an early date at Principal Seat Peshawar.

Dated 03/05/2021

*Zahid*  
Petitioner

Through

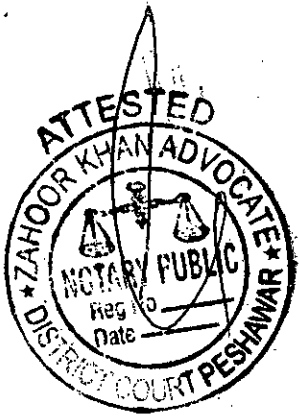
*M. Aslam*  
(Muhammad Aslam Tanoli)  
Advocate High Court Peshawar.

**AFFIDAVIT**

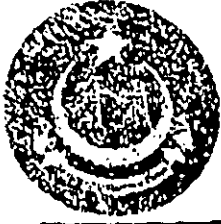
I, Zahir Ur Rehman, Petitioner do hereby solemnly declared that the contents of the instant petition are correct and true to the best of my knowledge an belief and nothing has been concealed from this Hon' able Court.

*Zahid*  
Petitioner/Deponent

Date 03/05/2021



*35/2021*



2815  
26-09-21

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

No. CPO/CPB/DSB/ 179

Dated Peshawar 23 April 2021

MOST IMMEDIATE

To:- The Addl: Inspectors General of Police, Investigation and Elite Force, Khyber Pakhtunkhwa, Peshawar.  
The Capital City Police Officer, Peshawar.  
The Deputy Inspectors General of Police, Internal Accountability, Special Branch, Operations, CTD, Traffic, Finance & Procurement and Training, Khyber Pakhtunkhwa, Peshawar.  
The Commandant, Police Training College, Hangu.  
The Regional Police Officers, Mardan, Hazara, Malakand, Kohat, Bannu and D.I. Khan Regions.  
The Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.  
The Deputy Inspector General of Police, Motorway Zone, Chungi No. 26, Motorway Chowk, Islamabad.  
The Assistant Inspectors General of Police Legal & BDU, Khyber Pakhtunkhwa.  
The Director, CPC and ACE Khyber Pakhtunkhwa, Peshawar.

Subject: PROMOTION OF DSsP BS-17 (EXECUTIVE & LEGAL) TO THE RANK OF SsP (BS-18).

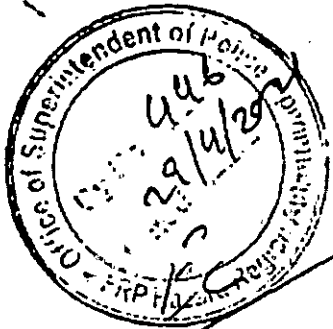
Memo:-

As per direction of the Competent Authority, a meeting of Departmental Selection Board (DSB) will be held shortly for promotion of DSsP (BS-17) to the rank of SsP (BS-18).

It is therefore, requested that the following Informations / documents of DSsP (BS-17) serving in your Regions/Units are urgently required which may be provided to this office within two weeks:-

- Present posting.
- No Departmental Enquiry Certificates.
- Medical Fitness Certificates.
- Fresh photographs (passport size).

S. NO	NAME	Home District
1	Mr. Janas Khan	Abbottabad
2	Mr. Munir Hussain	Mansehra
3	Mr. Mukhtiar Ahmad	Abbottabad
4	Mr. Muhammad Suleman	Mansehra
5	Mr. Asif Gohar	Mansehra
6	Mr. Aamir Shahzad	Peshawar
7	Mr. Amir Muhammad Khan	Buner
8	Mr. Sanaullah	Lakki Marwat
9	Mr. Gul Naseeb	Bannu
10	Mr. Waqar Ahmad	Nowshera
11	Mr. Muhammad Shafiq	Bannu
12	Mr. Muhammad Arif	Peshawar
13	Mr. Tahir-ur-Rehman	Haripur
14	Mr. Darvesh Khan	Mardan
15	Mr. Tauheed Khan	DIKhan



Seen  
Zahid  
SP HQ AM  
29/4/21





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

S. NO	NAME	Home District
16	Mr. Salah-ud-Din	Tank
17	Mr. Noor Jamal	Mardan
18	Mr. Muhammad Arif	Bannu
19	Mr. Tariq Habib	Peshawar
20	Mr. Nisar Ahmad	Charsadda
21	Mr. Aslam Nawaz	Bannu
22	Mr. Tariq Iqbal	Peshawar
23	Mr. Qaid Kamal	Charsadda
24	Mr. Banaras Khan	Nowshera
25	Mr. Shafiullah	DIKhan
26	Mr. Tahir Iqbal	Haripur
27	Mr. Qamar Hayat	Haripur
28	Mr. Zulfiqar Khan Jadoon	Abbottabad
29	Syed Mukhtiar Shah	Haripur
30	Mr. Nazir Ahmad	Abbottabad
31	Mr. Saeed Aklitar	Haripur
32	Mr. Muhammad Ishtiaq	Mansehra
33	Mr. Muhammad Ayaz	Abbottabad
34	Mr. Muhammad Jamil Akhtar	Haripur
35	Mr. Falak Niaz	Swabi
36	Mr. Nasir Khan	Peshawar
37	Mr. Ishtiaq Ahmad	Lakki Marwat
38	Mr. Ifikhar Shah	Mardan
39	Mr. Shaukat Ali	Swabi
40	Mr. Abdul Samad	Swabi
41	Mr. Mushtaq Ahmad	Swabi
42	Mr. Sajjad Ahmad	Swabi
43	Mr. Abdur Rashid Marwat	Lakki Marwat
44	Mr. Muzamil Shah	Swabi
45	Mr. Niaz Muhammad	Swabi
46	Mr. Shah Hassan	Mardan
47	Mr. Sajjad Ahmad Sahibzada	Swabi
48	Mr. Nazir Khan	Mardan
49	Mr. Abdul Hai Khan	DIKhan
50	Mr. Saleem Amanullah	Peshawar
51	Mr. Muhammad Javed	Mansehra
52	Mr. Zia Hassan	DIKhan
<b>DSP LEGAL</b>		
1.	Mr. Muhammad Ibrahim Azhar	Kohat
2.	Mr. Sobail Afzal	Bannu
3.	Mr. Mir Faraz	Bannu
4.	Mr. Muhammad Asif	Lakki Marwat
5.	Mr. Ibrahim Ullah Khan	Kohat



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

S. NO	NAME	Home District
6.	Mr. Raza Muhammad	Swabi
7.	Mr. Kamal Hussain	Kohat
8.	Mr. Ishaq Gul	Kohat
9.	Mr. Rashid Ahmed	Upper Dir
10.	Mr. Wisal Ahmad	Peshawar
11.	Malik Habib Khan	Peshawar

Note:

This office may also be informed if any DSP of your region has been died or Shaheed, retired, reverted or dismissed from service.

(IRFANULHAQ KHAN) PSP  
AIG Establishment.  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

Encls: No. and dated even

Copy forwarded to the:-

1. Addl: Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
3. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
4. Registrar, CPO Peshawar.
5. Supdt: Establishment-I, CPO, Peshawar.
6. Supdt: Secret to provide synopsis of above mentioned police officers to Career Planning Branch.

Office of the Commandant FRP,  
Khyber Pakhtunkhwa Peshawar

No. 579/5 Dated 28/04/2021

Copy of above is sent for further necessary action to the

SP FRP Peshawar  SP FRP Kohat  SP FRP DUS

SP FRP Bannu  SP FRP Hazara  SP FRP MRO

Accd:  SRC  PO  I/C SB  FRP H/O,

PAS Comdt  Dy. Comdt  :- OAS  FRP H/O

DSP H/O  DSP Admn  R  SI Leg  FRP H/O

For Addl: IGP, Semnan Jam  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar

D. N. R.  
28/04/2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Execution Petition No..... 102

Zahid-ur-Rehman DSP, presently posted as acting SP FRP  
Hazara Range Abbottabad. **(Petitioner)**

**VERSUS**

1. Provincial Police Officer, KPK, Peshawar.
2. RPO Hazara Region, Abbottabad.

**(Respondents)**

**EXECUTION PETITION IN SERVICE APPEAL NO.182/2017**

**INDEX**

S/No	Description of Document	Ann- exure	Page No.
1.	Execution Petition.		01-04
2.	Service Appeal dated 15-02-2017	"A"	05-11
3.	KPK Service Tribunal Decision 19-02-2018	"B"	12-14
4.	Order dated 01-01-2019 & 29-04-2019	"C&D"	15-16
5.	Wakalatnama		

Through

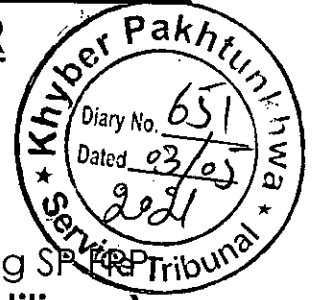
*Zahid*  
**Petitioner**

*M. Aslam Tanoli*  
**(Mohammad Aslam Tanoli)**  
Advocate High Court  
at Haripur

Dated 03-05-2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Execution Petition No...102/2024



Zahid-ur-Rehman DSP, presently posted as acting SP, Hazara Range Abbottabad.  
(Petitioner)

**VERSUS**

1. Provincial Police Officer, KPK, Peshawar.
2. RPO Hazard Region, Abbottabad.

(Respondents)

**EXECUTION PETITION IN SERVICE APPEAL NO.182/2017 FOR**  
**GRANT OF CONFIRMATION, SENIORITY AND PROMOTION**  
**ON CONDITIONAL AND PROVISIONAL BASIS SUBJECT TO**  
**OUTCOME OF CPLA NO. 277-P/2018 FILED BY THE POLICE**  
**DEPARTMENT AGAINST THE PETITIONER.**

Respectfully sheweth:

1. That petitioner/appellant filed above title service appeal before this Honorable Service Tribunal against the order 04-11-2016 passed by respondents and in flagrant violation and negation of this Honorable Tribunal's judgment dated 18-07-2014 and denied appellant of his confirmation, seniority and promotion in rank of Inspector with his colleagues. **(Copy of the service appeal is attached as Annex-"A")**.
2. That this Honorable Service Tribunal on acceptance of subject service appeal issued the judgment dated 19-02-2018 with the decision that "present appeal is accepted and appellant shall be deemed to have been confirmed from date when he was promoted/appointed on officiating

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basis as Sub Inspector in the year 2000".

**(Copy of judgment/order dated 19-02-2018 is attached as Annex- "B").**

3. That respondents on receipt of judgment dated 19-02-2018 of this Honorable Tribunal instead of complying the same resorted to filing of CPLA No. 277-P/2018 before the Apex Supreme Court of Pakistan Islamabad which is still pending adjudication and there is no expectation of its decision in near future. There is no stay order from the Apex Supreme Court of Pakistan Islamabad in this respect. Petitioner's confirmation, seniority, promotion is badly affecting and he is sustaining financial loss while his colleagues are enjoying these rights. Not to speak of that even the record of petitioner's juniors DSPs has been requisitioned by the CPO for their promotion to the Rank of Superintendent of Police BPS-18 as DPC is expected within next 2 to 3 weeks.
4. That for example petitioner's junior "Muhammad Ishtiaq" DSP who had also filed a similar service appeal before this Honorable Service Tribunal which was decided on 22-02-2018 has been given revised seniority conditionally and provisionally in the rank of DSP vide order dated 01-01-2019 issued by RPO Abbottabad and Notification dated 29-04-2019 of IGP KPK Peshawar subject to outcome of CPLA filed by the Police Department before the Apex Supreme Court of Pakistan. **(Copies of order/notification dated 01-01-2019 and 29-04-2019 are annexed as "C&D").**

5. That despite petitioner's incessant approaches to respondents he has not been granted his confirmation/seniority and promotion at right place as decided by this Honorable Tribunal even on conditional and provisional basis subject to outcome of CPLA filed by Police Department against the petitioner. According to seniority petitioner's name is required to be placed above the name of **DSP Touheed Khan (DIK)** and below the name of **DSP Darwesh Khan (Mardan)**. Hence this Execution Petition on the following:

**GROUND:**

- a) That as this Honorable Service Tribunal in its judgment dated 19-02-2018 had ordered that "present appeal is accepted and appellant shall be deemed to have been confirmed from date when he was promoted/appointed on officiating basis as Sub Inspector in the year 2000".
- d) That the record of petitioner's colleagues/ juniors DSPs has already been requisitioned by the CPO Peshawar for their promotion to the Rank of Superintendent of Police (BPS-18) of which DPC is expected within next 2 to 3 weeks.

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- e) That the departmental authorities/respondents are reluctant to pay heed to the decision dated 19-02-2018 hence instant petition.
- f) That petitioner deserves to the granted confirmation/seniority and promotion at right place in the light of judgment/decision dated 19-02-2018 of this Honorable Service Tribunal as has been granted to Muhammad Ishtiaq DSP.

**PRAYER:**

It is, therefore, humbly prayed that this Honorable Service Tribunal may graciously be pleased that on acceptance of this Execution Petition necessary orders/direction to the respondents the petitioner be given provisional/conditional confirmation, seniority and promotion subject to outcome of the CPLA NO.277-P/2018 filed by the police department against the petitioner and with grant of all consequential service back benefits.

*Zahid*  
PETITIONER/APELLANT

THROUGH

*M. Aslam Tanoli*  
(MOHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT HARIPUR

Dated: 07-05-2021

**AFFIDAVIT:**

I, Zahid-ur-Rehman, appellant do hereby solemnly declare that contents of instant Execution Petition are true and correct to the best of my knowledge and belief.

Dated: 07-05-2021

*Zahid*  
Deponent/Petitioner

(5)

Annex-A

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.....

Zahid-ur-Rehman S/O Fazal-ur-Rehman, D.S.P., Anticorruption  
Officer, District Haripur.

**Appellant**

**VERSUS**

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Range, Abbottabad.

**Respondents.**

**SERVICE APPEAL UNDER SECTION-4 OF THE KPK SERVICE TRIBUNAL  
ACT 1974 AGAINST ORDER NO. 2325 DATED 04-11-2016 OF THE  
PROVINCIAL POLICE OFFICER K.P.K. PESHAWAR WHEREBY  
APPELLANT'S DEPARTMENTAL APPEAL/REPRESENTATION DATED 21-12-  
2011 FOR GRANT OF DUE SENIORITY AND PROMOTION IN THE RANK  
OF INSPECTOR AT RIGHT PLACE WITH HIS COLLEAGUES WAS  
REMANDED/SENT BACK FOR DECISION AFRESH BY THIS HONOURABLE  
KPK SERVICE TRIBUNAL VIDE ITS JUDGMENT/DECISION DATED 18-07-  
2014 HAS BEEN TURNED DOWN ILLEGALLY AND WITHOUT  
CONSIDERATION.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER  
DATED 04-11-2016 OF THE PPO KPK MAY GRACIOUSLY BE SET ASIDE  
AND THE APPELLANT MAY BE GIVEN DUE SENIORITY AND  
PROMOTION IN THE RANK OF INSPECTOR AT RIGHT PLACE WITH HIS  
COLLEAGUES WITH ALL SERVICE BACK BENEFITS AND ANY OTHER  
RELIEF MAY DEEM PROPER BE ALSO ALLOWED.**

Respectfully Sheweth:

1. That earlier the appellant filed a departmental representation/appeal dated 21-02-2011 before Provincial Police Officer, KPK, Peshawar/Respondent No.1 requesting therein for grant of due seniority and promotion in the rank

*Attested  
Zahid*



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of Inspector at right place with his colleagues. (Copy of representation/appeal dated 21-02-2011 is attached as Annexure "A").

2. That aforementioned representation/appeal of the appellant was turned down by PPO KPK/Respondent No.1 vide order dated 17-05-2011 without consideration. Whereupon the appellant preferred a service appeal dated 28-02-2012 before this Honourable Service Tribunal against the abovementioned order dated 17-05-2011 of the PPO KPK/Respondent No.1 (Appellate Authority). (Copy of memorandum of Service Appeal dated 28-02-2012 is attached as Annexure "B").
3. That this Honourable Service Tribunal vide its judgment/decision dated 18-07-2014 set aside order dated 17-05-2011 of the PPO, KPK, Peshawar with directions that "the departmental appeal/representation of the appellant is remanded/sent back to the appellate authority i.e. PPO KPK Peshawar for decision afresh, within reasonable time, take into consideration the para-wise comments and recommendation of Respondent No. 2, reproduced above, and in accordance with the letter and spirit of section 24-A(2) of the General Clauses Act 1897 by furnishing reasons for order on the departmental appeal/representation". (Copy of the Judgment/decision dated 18-07-2014 is attached as annexure "C").
4. That the PPO KPK Peshawar/Respondent No.1 vide his order No. 2325/E-II dated 09-11-2016 without giving any heed to the directions of this Honourable Service Tribunal and in flagrant violation of law, departmental rules &

Alloha  
Zahid

7

regulations and principle of natural justice turned down the said departmental representation/appeal of the appellant on flimsy grounds in a cursory, arbitrary and whimsical manner, thus impugned order dated 09-11-2016 is liable to be set aside. **(Copy of the impugned order dated 09-11-2016 is attached as Annexure "D")**.

5. That PPO KPK Peshawar/Respondent No.1 through his impugned order dated 09-11-2016 while rejecting the departmental appeal/representation of the appellant remanded/sent back by this Honourable Service Tribunal has mentioned therein the conditions that **"as per rules/policy a Sub-Inspector is confirmed in the rank after fulfilling the prescribed criteria; Upper College Course and having experience of independent charge of Police Station or other units of Police Department as envisaged in Rule 13.10(2) of Police Rules and Standing Orders. Appellant qualified Upper College Course on 30-04-2006 and completed mandatory period under Police Rule 13.10(2) on 04-02-2007"**.

6. That stance taken by the PPO KPK Peshawar/Respondent No.1 is incorrect and against the facts and departmental rules and regulations. Appellant was promoted as officiating Sub-Inspector in the year 2000 and remained posted as SHO for four years in different Police Stations and had already having the requirement of SHO-ship on his side as envisaged in Police Rule 13.10(2) at the time of holding DPC meeting held on 06-04-2006 for promotion & confirmation of officiating Sub-Inspectors. Detail of posting as SHO is given as under:-

Alleged  
Dated

8

S/No	Posting/Station	From	To	Period in	
				Month	Days
1.	SHO PS Dubair Kohistan	15-01-2001	22-02-2001	01	07
2.	SHO PS Kotnajibullah HRP	20-05-2002	27-07-2002	02	07
3.	SHO PS Batagram	11-07-2003	22-04-2004	09	12
Total Period				12	26

(Photo copies of posting orders are attached as Annexure (E, F & G).

7. That besides above mentioned stations, the appellant remained posted as SHO at a number of Police Station of Hazara Region before 06-04-2006 and had successfully undergone the test of independent charge of Police Station.
8. That so far as condition of Upper Class Course is concerned that same is not mandatory provision for confirmation as Sub-Inspector. The only criteria for confirmation has been provided in Police Rules 13.10(2) "that no Assistant Sub-Inspector shall be confirmed in a substantive vacancy in the rank of Sub-Inspector unless he has been tested at least a year as an officiating Sub-Inspector in independent charge of Police Station in a District other than that in which his home situated". However, the appellant had successfully qualified the Upper College Course in April, 2006.
9. That this Honourable Service Tribunal vide its judgment/decision dated 18-07-2014 had directed the PPO KPK Peshawar/Respondent No.1 to take into consideration the para-wise comments and recommendation of respondent No.2, but the instant directions of this Honourable Tribunal were seriously violated by the PPO KPK

*Allesha Zahid*

9

Peshawar/Respondent No.1 while deciding remanded/sent back appeal/representation of the appellant. **(Copy of para-wise comments of Respondents No.2 dated 16-04-2011 are attached as Annexure-"H").**

10. That due to wrong interpretation of Police Rules 13.10(2) by PPO KPK Peshawar/Respondent No.1, the appellant has become junior to his colleagues otherwise he was fit for grant of seniority and promotion with his colleagues.
11. That impugned order on remand of appeal/representation of the appellant by this Honourable Service Tribunal vide judgment/decision dated 18-07-2014 was passed by PPO KPK Peshawar/Respondent No.1 on 09-11-2016 but copy of the said order was delivered to the appellant on 17-01-2017 and that too on his specific request, therefore, the instant service appeal before this Honourable Service Tribunal is within time. **(Copy of the application is attached as annexure-"I").**
12. That feeling aggrieved, the appellant challenges the order dated 09-11-2016 of Respondent No.1, on the following grounds amongst others:-

### GROUNDS

- a) That the order of respondent No.1 is against law, rules, ultra vires and against the principle of natural justice.
- b) That the appellant has a clean and unblemished record and has got all the qualifications required for seniority with his colleagues.

Attested  
Date

- c) That the appellant became junior from his colleagues only because of an unlawful order for further placing him on two years probation.
- c) That Upper Class Course is also not a mandatory requirement for confirmation as Sub-Inspector rather the only criteria for confirmation has been provided in Police Rules 13.10 (2).
- c) That the appellant was already having the requirement of SHO-Ship because since his promotion as officiating Sub-Inspector in the year 2000, he remained continuously as SHO for four years in different Police Station of various District of Hazara Region at the time of holding DPC meeting held on 06-04-2006.
- c) That in-spite of clear order for inclusion to list "F" and promotion to the rank of Inspector with his colleagues, the appellant was refused to give proper seniority with his colleagues.
- c) That Respondent No.1 while rejecting appeal of the appellant has not given heed to the instructions passed by this Honourable Service Tribunal in its judgment/decision dated 18-07-2014.
- c) That the appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of this appeal.

*Ahmed  
Zahid*

(H)

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant service appeal, the impugned order of Respondent No.1 dated 09-11-2016 may graciously be set aside and the appellant be given proper seniority with his colleagues at right place with all service back benefits in the interest of justice.

Any other relief which this Honourable Tribunal deems fit in the circumstance of the case may also graciously be awarded.

THROUGH

✓  
APPELLANT  
*M Aslam*

(MOHAMMAD ASLAM TANOLI)  
ADVOCATE HIGH COURT  
AT HARIPUR

Dated: 15-02-2017

Verification

It is verified that the contents of instant appeal are true and correct to the best of my knowledge and nothing has been concealed therefrom.

Dated: 15-02-2017

✓ Appellant

*Attest  
Zahid*

(12)

Annex-B

Service Appeal No. 182/2017

Date of Institution... 15.02.2017

Date of decision... 19.02.2018



Zahid Ur Rehman son of Fazal Ur Rehman, DSP Anticorruption Officer, District Haripur. ... (Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and another... (Respondents)

Mr. Muhammad Aslam Khan Tanoli,  
Advocate

... For appellant.

Mr. Ziaullah,  
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN  
... MEMBER

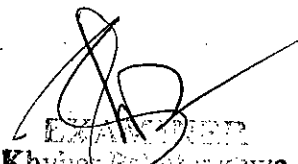
JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted to Sub Inspector in the year 2000 on officiating basis. He was however confirmed w.e.f 06.04.2006. The appellant wanted to be confirmed from the date when he was promoted as the officiating sub inspector in the year 2000. Feeling aggrieved he came to this Tribunal in the first round of litigation and this Tribunal vide order dated 18.03.2014 remitted the appeal to the appellate authority for decision in accordance with law and rules. The departmental appellate authority decided the issue by order dated 09.11.2016 in which the appellant was not given confirmation from the year 2000, therefore, he filed the present service appeal.

**ATTESTED**

  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

ARGUMENTS

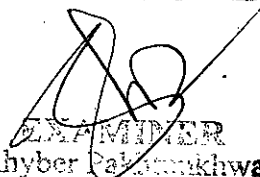
3. The learned counsel for the appellant argued that the confirmation of officiating officials or probationary officials should be deemed to have been made from the date of appointment by initial recruitment or by promotion. In this regard the learned counsel for the appellant relied upon some judgments reported as PLJ 2006 Tr.C(Service) 254, 2002 PLC (CS) 1388 and 2016 PLC(C.S) 1102.

4. On the other hand learned DDA argued that the appellant did not implead those officers/officials who would be declared junior to him through anticipated judgments. That the departmental authority rightly ordered the confirmation of the appellant from 06.4.2006 because he was to undergo certain pre conditions like testing for one year and passing certain courses. He next contended that the present appeal was time barred.

CONCLUSION.

5. The issue of limitations is without any force because the appellant approached this Tribunal in the first round. That appeal was duly entertained and the departmental was directed to decide the departmental appeal on merits. Thereafter the appellant sought the indulgence of this Tribunal against the departmental appellate order. Coming to the issue of confirmation of probationer/officiating officials there is a settled law on the point that though confirmation shall be made after the completion of satisfactory period but the confirmation would be from the date when a civil servant was appointed through any mode. In this regard apart from the judgment relied upon by the counsel for the appellant this tribunal in a service appeal 537/2016 entitled "*Badshah Hazrat versus Government of Khyber Pakhtunkhwa and 2 others*" decided on 07.12.2017 has elaborately dealt with this issue and has decided that the confirmation shall reckon from the date of officiating promotion. There was no need of impleadment of other officials who would become junior as a result of this judgment. The reason is that it is not a case of seniority but of confirmation.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



6. In view of the above discussion the present appeal is accepted and the appeal shall be deemed to have been confirmed from the date when he was promoted/appointed on officiating basis as sub inspector in the year 2000. Parties are left to bear their own costs. File be consigned to the record room.

Announced Sd/- Muz Muhammad Khan  
19.02.2018  
Chairman  
Comp Post App

Certified to be true copy  
EX-100  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Sd/- M. Hameed Mughal  
Member

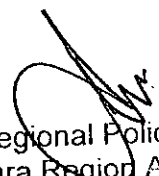
Date of Presentation of Application 03-04-18  
Number of Words 1250  
Copying Fee 8  
Urgent 2  
Total 10  
Name of Copyist Muz Muhammad Khan  
Date of Copying 03-04-18  
Date of Delivery of Copy 03-04-18

(15)

Phone No. 0992-9310021  
Fax No. 0992-9310023  
Amex-C

ORDER

DSP Muhammad Ishtiaq of this Region is hereby confirmed as SI with effect from 11-05-2004 on conditionally basis alongwith his colleagues i.e. above the name of SI Muhammad Ayaz (now DSP) as per judgment of Khyber Pakhtunkhwa Service Tribunal dated 22-02-2018 and directives received from CPO Peshawar vide Memo: No.4174/Legal dated 09-11-2018 till the outcome of CPLA No.298-P/2018 filed by Police Department before Supreme Court of Pakistan; on the decision of CPLA if the judgment of Service Tribunal set aside this order will be considered as cancelled.

  
Regional Police Officer,  
Hazara Region Abbottabad

No. 112-15

/E, Dated Abbottabad the 01-01 /2019.

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

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar w/r to his office Memo: quoted above.
2. District Police Officer, Abbottabad.
3. Superintendent of Police, Traffic Warden Abbottabad.
4. DSP Legal Abbottabad.

  
Ali Akbar  
District

16

Annex-D

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR  
Fax: 091-9210927

Dated Peshawar the 29 April, 2019

**NOTIFICATION**

No.CPO/E-1/Revised Seniority/ 504. In compliance with the judgment of the Honorable Service Tribunal Khyber Pakhtunkhwa dated 22.02.2018 in Service Appeal No.28/2012, duly approved by the Inspector General of Police Khyber Pakhtunkhwa, the seniority of DSP Muhammad Ishtiaq is hereby revised in the rank of Deputy Superintendent of Police and his name is placed below the name of Mr. Saeed Akhtar DSP and above the name of Mr. Muhammad Ayaz DSP in the seniority list of DSsP issued vide No. 347/SE-1, dated 19.03.2019 conditionally and provisionally subject to outcome of CPLA No.298-P/2018 file by Police Department before Supreme Court of Pakistan

Sd/-  
Muhammad Naeem Khan, Dr, PSP  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

**Endst: No. & date even.**

Copy forwarded to the:-

1. All Addl: IsGP in Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police HQs: Khyber Pakhtunkhwa.
3. All Regional Police Officers in Khyber Pakhtunkhwa.
4. AIG Legal Khyber Pakhtunkhwa Peshawar.
5. SP Court & Litigation CPO Peshawar.
6. PSO to IGP Khyber Pakhtunkhwa Peshawar.
7. Registrar CPO Peshawar.
8. Supdt: Secret, & Supdt: E-II, CPO Peshawar.
9. Central Registry CPO Peshawar.
10. H.O.P File.

*Attested  
Zahid*

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

# وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب چیمبر میں صاحبہ کی طرف سے درخواست کی گئی ہے کہ اس کو کورٹ سے رجسٹرڈ کیا جائے اور

جناب امین اللہ صاحب

ذات الرحمن امین

دعویٰ یا جرم سرحد اپیل - باعث تحریر آنکے

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام اپیل آف ایب اور

گورنمنٹ کی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر

حاضر نہ ہوں اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز

تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگیا یا پچھے ہونے پر مظہر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے

بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مثل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق

کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹائشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و

برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم انتہائی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ پیروی مختار نامہ کرنیکا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر

کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ

کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا ہے کہ سند ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted  
M. A. Jal

مورخہ: 2021ء

Zahid

ال عبد ال عبد ال عبد ال عبد ال عبد ال



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1552 /ST

Dated: 06/08 /2021

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To

The Provincial Police Officer,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: ORDER IN EXECUTION PETITION NO. 102/2021 MR. ZAHID UR RAHMAN.

I am directed to forward herewith a certified copy of order dated  
27.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR



OFFICE OF THE REGIONAL POLICE OFFICER  
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 16688-92/E DATED 26/07/2021

## ORDER

DSP Zahid-ur-Rehman of this Region is hereby confirmed as SI with effect from 28-04-2000 on conditional/ provisional basis in light of judgment of Khyber Pakhtunkhwa Service Tribunal dated 19-02-2018 and the opinion given by DSP Legal Abbottabad vide letter No.39/Legal dated 13-07-2021. This confirmation will hold till the outcome of CPLA filed by Police Department before Supreme Court of Pakistan. If the Supreme Court set aside the judgment of the Service Tribunal then this order will be considered as cancelled abinitio.

  
Regional Police Officer,  
Hazara Region Abbottabad

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

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
  2. Assistant Inspector General of Police, Legal CPO Peshawar.
  3. District Police Officer, Abbottabad.
  4. Superintendent of Police, FRP Hazara Abbottabad.
  - ✓ 5. DSP Legal Abbottabad.
-

Upper College Course and completed mandatory period for confirmation as Sub Inspector.

Therefore, as per recommendation of Departmental Promotion Committee dated 27.07.2016 his representation for antedating confirmation in the rank of SI with effect from 06.04.2006 is not tenable, as the existing rules do not allow such antedating confirmation".

The appellant again lodged a Service Appeal No. 182/2017 against the order dated 04.11.2016 passed by the PPO. The Service Tribunal vide judgment dated 19.02.2018 accepted the Service Appeal. The relevant para 5 & 6 of the judgment are reproduced as below:-

"The issue of limitation is without any force because the appellant approached this Tribunal in the first round. That appeal was duly entertained and the department was directed to decide the departmental appeal on merits. Thereafter, the appellant sought the indulgence of this Tribunal against the departmental appellate order. Coming to the issue of confirmation of probationer/officiating official there is a settled law on the point that though confirmation shall be made after the completion of satisfactory period but the confirmation would be from the date when a civil servant was appointed through any mode. In this regard apart from the judgment relied upon by the counsel for the appellant this Tribunal in a Service Appeal No. 537/2016 entitled "Badshah Hazrat Vs Govt: of Khyber Pakhtunkhwa and 02 others" decided on 07.12.2017 has elaborately dealt with this issue and has decided that the confirmation shall reckon from the date of officiating promotion. There was no need of impleadment of other officials who would become junior as a result of this judgment. The reason is that it is not case of seniority but of confirmation.

In view of above, discussion the present appeal is accepted and the appellant shall be deemed to have been confirmed from the date when he was promoted / appointed on officiating basis as Sub Inspector in the year 2000".

The Deputy SP/Legal Abbottabad has intimated that the Executive Petition No. 102/2021 in Service Appeal No. 182/2017 titled Zahid-ur-Rehman Vs IGP/Khyber Pakhtunkhwa and others was fixed for hearing before the Service Tribunal Peshawar on 27.07.2021 wherein a copy of Order No. 16688-92/E, dated 26.07.2021 issued by the RPO/Hazara was produced in compliance of the court order passed on 04.06.2021 in which the petitioner was confirmed as Sub Inspector w.e.from 28.04.2000 conditionally subject to the outcome of CPLA and Honorable court issued following directions to the Respondent No. 01 i.e. PPO/Khyber Pakhtunkhwa:-

"As the matter of seniority is linked with the legitimate expectation of promotion by the petitioner, therefore, Respondent No.01 (PPO) is directed to place the name of petitioner in seniority list of DSsP at right place in pursuance to order dated 26.07.2021".

In the current seniority list of DSsP as stood on 31.03.2021 his name exists at Sr. No. 60. According to the revised confirmation in the rank of SI i.e 28.04.2000, his name may be placed at Sr. No. 01 above the name of DSP Janas Khan.

#### Recommendation of Sub-Committee ✓

The Sub-Committee examined his case in the light of law and rules in vogue. The Committee came to conclusion that if the DSP Zahid-Ur-Rehman is given seniority as per revised confirmation in the rank of SI w.e.from 28.04.2000, he will stand senior to 1991 batch which is against the law & rules. Therefore, the committee recommends that RPO/Hazara may be directed to revisit his Order No. 16688-92/E, dated 26.07.2021 in light of the Police Rules 13.10(2) and 13.18.

ii. **Representation of DSP Niaz Gul.**

The RPO/Malakand Region has forwarded an application of DSP Niaz Gul Khan presently posted as SP/Investigation Upper Dir wherein he stated that he submitted an appeal in the year 2011 regarding fixation of his seniority in Honorable KP Service Tribunal. The KP Service Tribunal decided the case in his favour vide judgment dated 24.05.2018 in Service Appeal No. 1807/2011 and directions were issued to place his name with his batch mates.

**Brief facts of the case:-**

He was appointed as PASI in Police Department on 29.07.1998. He was confirmed in the rank of Sub-Inspector on 06.04.2006. His name was included into List-F and promoted as Inspector w.e.from 05.04.2008 with his colleagues. He was confirmed in the rank of Inspector on 23.12.2011. He was promoted as DSP on 24.01.2014. His batch mates namely Mr. Muhammad Ishtiaq Khan submitted an appeal in Service Tribunal in the year 2011 which was decided in his favour vide judgment dated 22.02.2018 in Service Appeal No. 28/2012 and he was granted seniority alongwith his colleagues vide Notification No. CPO/E-I/Revised Seniority/504, dated 29.04.2019. In the same way, another batch mate Mr. Mukhtiar Shah also made a departmental appeal for his seniority and he has also been given seniority alongwith his colleagues vide Notification No. CPO/E-II/Revised Seniority/369, dated 23.09.2020. Despite the decision in the favour of applicant in the year 2018, his seniority has not revised, so he submitted an appeal to the Service Tribunal for Execution and next date is fixed on 14.07.2021. He requested that his seniority may kindly be fixed with his batch mates as of his above mentioned colleagues.

**Recommendation of Sub-Committee**

The Sub-Committee examined his case in the light of law and rules in vogue and recommended him revised seniority in the rank of DSP subject to outcome of CPLA, as per court judgment dated 24.05.2018 in Service Appeal No. 1807/2011 and judgment dated 22.02.2018 in Service Appeal No. 28/2018 titled "Muhammad Ishtiaq".

iii. **Representation of DSP Muhammad Aleem Jan.**

The CCPO/Peshawar issued Notification wherein revised confirmation was assigned to Acting SP Muhammad Aleem Jan in the rank of Sub Inspector w.e.from 29.01.1998 instead of 23.10.2007 in the light of judgment dated 21.02.2018 of Service Tribunal.

**Brief facts of the case:-**

He was appointed as PASI in Police Department on 16.04.1991. He was confirmed in the rank of ASI w.e.from 13.11.1994. He was promoted as Offg: Sub Inspector on 07.02.1996. He was confirmed in the rank of Sub-Inspector on 23.10.2007. His name was included into List-F and promoted as Offg: Inspector on 05.04.2008. He was promoted as DSP BPS -17 on 24.01.2014.

**Recommendation of Sub-Committee**

The Sub-Committee examined his case and recommends that CCPO may be asked to provide a copy of judgment of Service Tribunal dated 21.02.2018 and minutes of the DPC meeting held on 06.08.2021 of his case at CCP/Peshawar to be placed before the Committee at CPO.



iv. **Representation of Inspector Muhammad Ismail Shah No. P/378.**

In the light of judgment dated 18.03.2019 of Service Tribunal Khyber Pakhtunkhwa the CCPO/Peshawar has assigned revised seniority to Inspector Muhammad Ismail Shah No. P/378 by revising his date of confirmation as SI w.e.from 26.11.2013 instead of 01.03.2016 conditionally subject to outcome of CPLA .

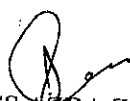
**Brief facts of the case:-**

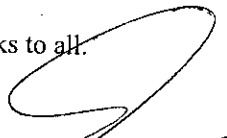
He joined the Police Department on 17.08.1988. He was promoted as ASI on 26.11.2009. He was promoted as Offg: Sub Inspector with his colleagues w.e.from 27.09.2011. He was confirmed in the rank of Sub-Inspector on 24.02.2016. His name was included into List-F on 19.07.2016. He was promoted as Inspector on 22.10.2019. The CCPO/Peshawar has assigned revised seniority to Inspector Muhammad Ismail Shah No. P/378 by revising his date of confirmation as SI w.e.from 26.11.2013 instead of 01.03.2016 conditionally subject to outcome of CPLA. In the current seniority list of Inspectors and Sub-Inspectors as stood on 10.07.2020 his name exists at Sr. No. 495. According to the revised confirmation in the rank of SI i.e 26.11.2013, his name may be placed at Sr. No. 139 of the seniority list as stood on 10.07.2021.

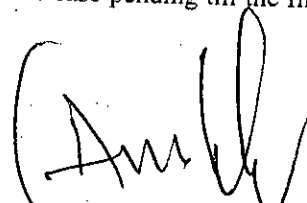
**Recommendation of Sub-Committee**


The Sub-Committee examined his case and recommends to keep the case pending till the final outcome of CPLA.

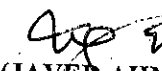
4. Meeting ended with vote of thanks to all.

  
(MISS AZRA ZEB)  
Office Asstt:  
Career Planning Branch

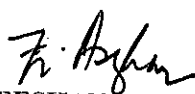
  
(MUHAMMAD FAROOQ)  
Office Supdt:  
Establishment-I, Branch CPO

  
(ALI MAN SHAH)  
Office Asstt:  
Establishment-II, Branch CPO

  
(NOOR AFGHAN)  
Registrar,  
Central Police Office.

  
(JAVED AHMED)  
Asstt: Inspector General of Police,  
Legal, Khyber Pakhtunkhwa

Chairman

  
(ZEESHAN ASGHAR) PSP  
AIG/Establishment,  
Khyber Pakhtunkhwa


**MINUTES OF THE SUB-COMMITTEE MEETING.**

1. A meeting of the Sub-Committee was held under the Chairmanship of Mr. Zeeshan Asghar PSP, Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa in his office on 02.09.2021 to examine the representation cases of Police Officers regarding their due seniority as per directions of the Service Tribunal Khyber Pakhtunkhwa.

2. The following attended the meeting:-

1.	AIG/Establishment, Khyber Pakhtunkhwa.	Chairman
2.	AIG/Legal, Khyber Pakhtunkhwa.	Member
3.	Registrar CPO.	Member
4.	Office Superintendent Establishment-I Branch, CPO.	Member
5.	Office Superintendent Establishment-II Branch CPO.	Member
6.	Office Assistant Career Planning Branch, CPO.	Member

Place on file

  
14/9/2021

3. The Committee discussed the following representation cases of Police Officers in detail in light of laws and rules in vogue and took decision noted below in each case:-

i. **Representation of DSP Zahid-Ur-Rehman.**

The AIG/Legal CPO has forwarded an Order Sheet dated 27.07.2021 of Service Tribunal Khyber Pakhtunkhwa regarding implementation of court judgment.

**Brief facts:**

He was appointed as ASI in the year 1994. He was promoted as SI in the year 2000 and Inspector on 05.04.2008. He submitted representation to Worthy PPO/Khyber Pakhtunkhwa for seniority and promotion in the rank of Inspector with his colleagues which was rejected. He lodged Service Appeal No. 318/2012. The Service Tribunal vide judgment dated 18.07.2014 set aside the order dated 17.05.2011 and remanded back the case to PPO. The operational para of the judgment is reproduced as under:

"As such, without deliberating upon merits of the case in the light of grounds in the appeal, the impugned order of the appellate authority i.e. Respondent No. 01 vide memo: dated 17.05.2011 is set aside, with the result the departmental appeal/representation of the appellant is remanded/ sent back to the appellate authority i.e. PPO/Khyber Pakhtunkhwa for decision afresh, within reasonable time, while taking into consideration the parawise comments and recommendations of Respondent NO. 02 reproduced above, and in accordance with the letter and spirit of section 24-A(2) of the General Clauses Act 1897 by furnishing reason for his order on the departmental appeal / representation, where-after, the appellant, is still aggrieved, can have recourse to the remedy available to him under the law. There shall, however, be no order as to costs"

The PPO turned down the appeal vide order bearing NO. 2325 dated 04.11.2016, the operational para 03 is reproduced as under:-

"As per Rules/Policy a Sub Inspector is confirmed in the rank after fulfilling the prescribed criteria. Upper College Course and having experience of independent charge of Police Station or other units of Police department as envisaged in Rule 13.10(2) of Police Rules and Standing Orders issued in this behalf. According to record, appellant had not completed the aforementioned pre-conditions for confirmation in the rank of SI, therefore, he was not confirmed with colleague officers. Appellant qualified Upper College Course on 30.04.2006 and completed mandatory period under Police Rules 13.10(2) on 04.02.2007. He was rightly confirmed in the rank of SI when he qualified