

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15572/2020

Date of Institution ... 03.12.2020

Date of Decision ... 18.01.2022

Jehan Ali, Ex-Probationer Assistant Sub Inspector (PASI) Police No. 509 and S/O Amir Sher R/O Village Naragi, Tehsil Razzarh, District Swabi.

... (Appellant)

VERSUS

Provincial Police Officer (PPO), Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar and (03) others.

... (Respondents)

Usman Khan Turlandi,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that brother of the appellant namely; Nawaz Ali being employee in the Police Department met martyrdom during performance of duties on 12-01-2014. Mr. Nawaz Ali, being issueless and on no objection of his widow, brother of Nawaz Ali (the present appellant) was appointed as PASI in Police Department against the Shuhada sons/brothers quota vide order dated 02-02-2016 keeping in view the government policy on the subject. His appointment order, however was withdrawn vide order dated 22-10-2019. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 31-01-2020, thereafter, the appellant filed Writ Petition No. 1864-P/2020, which was converted into service appeal vide judgment dated 26-11-2020 and was referred to this

Tribunal with prayers of the appellant that the impugned orders dated 22-10-2019 and 31-01-2020 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that appellant was real brother of Shaheed constable Nawaz Ali and as per policy notification dated 18-05-2007 issued by the respondents, the appellant being real brother of the Shaheed Constable was recruited as PASI against 5% quota reserved for police Shuhada vide order dated 02-02-2016; that withdrawal of his appointment order through impugned order dated 22-10-2019 is illegal and without lawful authority and against the norms of natural justice; that policy formulated later on vide order dated 02-02-2017, whereby some amendments were brought, cannot be retrospectively applied upon the appellant and is not applicable to the case of the appellant; that the action and inaction of the respondents shows malafide, which is contrary to Article-4, 25 and 27 of the constitution; that the appellant has not been treated in accordance with law, as appointment order of the appellant was withdrawn without serving any notice or affording opportunity of defense to the appellant, hence substantive as well as procedural law has vehemently been violated; that doctrine of locus poenitentiae vigorously refrains from any adverse action on part of the respondents, once an act even illegal has taken its field cannot be taken back, which principle on the touchstone of instant case is applicable, as the impugned policy being later in time could not be permitted to take effect retrospectively.

03. Learned Additional Advocate General for the respondents has contended that the appellant was enlisted as PASI in Police Department against Shuhada quota as per prevailing policy at the time; that after submission of revised succession certificate by widow of Shaheed Nawaz Ali, minor child of Shaheed Nawaz Ali was declared as heir to the Shaheed, hence appointment order of the appellant was withdrawn being illegal; that at the time of issuance of succession certificate, the fact of a child in the womb of widow of Shaheed Nawaz Ali was

concealed from the court as well as from the department for a long time and when the relationship of widow of Shaheed with her in-laws become strained, she came to know about the legal rights of her minor daughter and applied for revised succession certificate, which was accepted vide order dated 30-07-2019; that in presence of minor child of the Shaheed, brothers and sisters are not entitled for the relief as per standing order dated 02-02-2017; that the respondents treated the appellant in accordance with law and no discrimination has been done with the appellant.

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

05. Record reveals that brother of the appellant namely; Nawaz Ali being employee in the Police Department met martyrdom during performance of duties on 12-01-2014. For the purpose of compensation to the legal heirs of the Shaheed, a succession certificate was issued by the competent court of law on 02-04-2014, where widow, father and mother of Shaheed Nawaz Ali were declared as legal heirs of the Shaheed constable and Shaheed package (cash compensation) was distributed amongst them accordingly. In addition, as per notification dated 17-10-2003 as amended on 16-05-2007, 5% quota was also reserved for Shuhada sons and in absence of son; the real brothers were entitled to be appointed as PASI in place of Shaheed. Since Mr. Nawaz Ali being newly wedded had no offspring at that particular time, hence with no objection of his widow and in accordance with the policy, the appellant being real brother of the appellant was appointed as PASI vide order dated 02-02-2016. Widow of Shaheed Nawaz Ali has given birth to a baby on 05-08-2014, who was named as Aneesa Begum. Widow of the Shaheed Nawaz Ali, came to know at a later stage, that minor Aneesa Begum, who born seven months after death of her father can also claim Shaheed Package (cash compensation), hence she approached the competent court of law for revocation/ amendments in the succession certificate, which was accepted and previous succession certificate issued on 02-04-2014

(before birth of Aneesa begum) was cancelled and revised succession certificate was issued on 30-07-2019, thereby including the minor Aneesa begum in legal heirs of Shaheed Nawaz Ali. Accordingly, Shaheed package was re-collected from the legal heirs and was distributed afresh with due share to the minor.

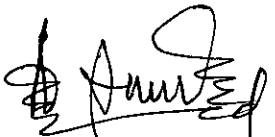
06. In a meeting of Police Policy Board, held on 01-12-2016, it was decided that brother/sister of the Shaheed shall not be considered for appointment as ASI, where minor child of the Shaheed is available, even if the widow has given consent in this behalf because she is not entitled to forego right of the minor and notification to this effect was issued on 02-02-2017. Since the appellant was appointed as PASI on 02-02-2016 under the previous policy, but the policy dated 02-02-2017 was retrospectively applied on appellant and was removed from service under the plea that he was not entitled for such relief in presence of minor of the deceased. Available record would suggest that cash compensation to legal heirs as well as recruitment of Shaheed son/real brother were two parts of such compensation, which were simultaneously allowed as per policy. The cash compensation was proportionately distributed amongst father mother widow and minor (Aneesa Begum), whereas his real brother was appointed as PASI as per law and rule with no irregularity committed to this effect. The issue erupted when widow of the deceased applied for revised succession certificate to make sure claim of her minor in cash compensation, which was done accordingly, but the respondents retrospectively applied the policy dated 02-02-2017 with the stance that the appellant had concealed the minor (Aneesa Begum) for a longer time, facts however are otherwise. The appellant neither concealed any fact nor committed any irregularity, rather he was appointed as per policy in vogue. The baby was born after seven months of death of Nawaz Ali, who could only be made entitled for the cash compensation and the revised succession certificate was never intended for dislodging the appellant, but in the meanwhile new policy came into field and the respondents misinterpreted the succession certificate in light of a policy dated 02-02-2017, which was formulated much after his


appointment. It is well settled legal proposition that policy/notification can be applied prospectively and not retrospectively.

07. We have also observed that the appellant being a civil servant, was not supposed to be struck down with a single stroke of pen, rather he was required to be afforded appropriate opportunity of defense, which however was not warranted. Appointment of the appellant was made by competent authority by following the prescribed procedure, the appellant having no nexus with the mode of selection process and he could not be blamed or punished for the laxities on part of the respondents. The order affecting the rights of a person had to be made in accordance with the principle of natural justice; order taking away the rights of a person without complying with the principles of natural justice had been held to be illegal. Government was not vested with the authority to withdraw or rescind an order if the same had taken legal effect and created certain legal rights in favor of the appellant. Reliance is place on 2017 PLC (CS) 585. In the instant case, appointment of the appellant was never illegal; rather it was made in accordance with law under the prevailing policy.

08. We are of the considered opinion that the appellant has not been treated in accordance with law and was illegally kept away from his lawful duty. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 22-10-2019 and 31-01-2020 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
18.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

ORDER

18.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 22-10-2019 and 31-01-2020 are set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

18.01.2022




(AHMAD SULTAN TAREEN)
CHAIRMAN



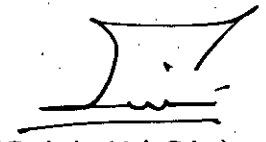
(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)

28.10.2021

Learned counsel for the appellant present. Mr. Fazle Subhan, Head Constable alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. None present on behalf of private respondent No. 4. Previous date was changed on Reader Note, therefore, notice be issued to respondent No. 4 and to come up for reply/comments on behalf of respondent No. 4 as well as arguments 18.01.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

21.06.2021

Father of the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Fazle Subhan, H.C for respondents No. 1 to 3 present and reply filed.

None present on behalf of private respondent No. 4. Fresh notice be issued to him with direction to submit reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 03.09.2021 before the D.B.


Chairman

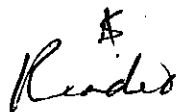
03.09.2021

Due to summer vacations, the case is adjourned to 29.09.2021 for the same as before.


READER

29-9-21

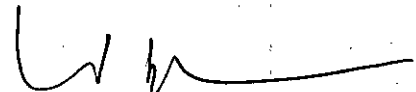
D.B is on Tour case to come up
For the same on Dated 28-10-21


Reader

25.03.2021

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Addl. AG for respondents present. None present on behalf of private respondent No.4.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General is required to contact the respondents and facilitate the submission of reply/comments. Notice be issued to private respondent No.4 for submission of reply/comments. To come up for reply/comments on 29.04.2021 before S.B.


(Atiq Ur Rehman Wazir)
Member (E)

29.04.2021

Due to demise of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 21.06.2021 for the same as before.


Reader

29.12.2020

Learned counsel for the appellant present.

Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.03.2021 before S.B.

Appellant Deposited
Security & Process Fee



(Atiq-Ur-Rehman Wazir)
Member (E)

19.02.2021

Counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondent submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 25.03.2021 on which date file to come up for written reply/comments before S.B.

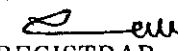

(Muhammad Jamal Khan)
Member

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 15572/2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	03/12/2020	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 26.11.2020 treated the Writ Petition into an appeal and sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution Register and put up to the worthy Chairman for further order please.</p> <p style="text-align: right;">  REGISTRAR </p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/12/2020</u>.</p> <p style="text-align: right;">  CHAIRMAN </p>

Security & Protection Division
 Islamabad



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58

No. 29708/806/2020/WP-MN

Dated. 01-December-2020

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

To

✓
The Khyber Pakhtunkhwa Seriyce Tribunal, Peshawar.

Subject:

Writ Petition No.1972/2020 Title: Jehan Ali VS Provincial Police Officer (PPO) KPK

Sir,

I am directed to send herewith the titled case in original alongwith all annexures & copy of order of this Honourable Court dated 26.11.2020 for disposal.



[Signature]
Deputy Registrar (J)

Encl: As above.

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
26.11.2020	<p><u>WP No. 1972-P/2020.</u></p> <p>Present:</p> <p style="padding-left: 40px;">Mr. Mohammad Usman Khan Turlandi, Advocate for petitioner.</p> <p style="padding-left: 40px;">Mr. Rab Nawaz Khan, AAG, for official respondents.</p> <p style="text-align: center;">*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> As per averment of the writ petition, the brother of petitioner namely Nawaz Ali being employee in the police department met martyrdom during duty on ²⁰¹⁴12.1.2019. He being issueless and on no objection of the widow, the petitioner was appointed as PASI vide order dated 14.1.2016 keeping in view the Government policy on the subject which was subsequently withdrawn vide order dated 22.10.2019 thereby the petitioner was absolved from the service.</p> <p>2. Admittedly the appointment order of petitioner was withdrawn and he was discharged from duty vide order dated 22.10.2019 against which appeal filed before the Regional Police Officer Mardan was also dismissed vide</p>

order dated 31.1.2020. Admittedly the petitioner is a civil servant and the incident of his discharge from service falls under Chapter-II of the Civil Servants Act which enumerated the terms and conditions of service of a civil servant, wherein jurisdiction of this Court is expressly barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, when the learned counsel for petitioner was confronted with the above preposition, he candidly conceded and requested that this writ petition be converted into a service appeal and be sent to the proper forum i.e. Khyber Pakhtunkhwa Service Tribunal. The request is genuine, which is acceded to. The instant writ petition is converted into service appeal and transmitted to the Khyber Pakhtunkhwa Service Tribunal for decision in accordance with law subject to all legal objections from the other side.

*Announced on;
26th of November, 2020*

Rooh U Amin
JUDGE

JUDGE

Before the Peshawar high court Peshawar.

15572

CM No. _____-P/2020.

In

WP No. 1972 -P/2020.

Jehan Ali Ex-PASI.....Versus.....PPO & Others

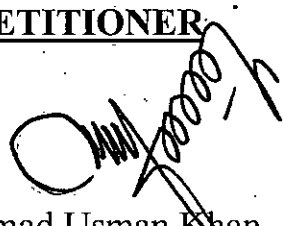
I N D E X

S.No.	Description of documents.	Annex	Page No.
01	CM for Early hearing of the main case.	---	01
02	Affidavit.	---	02

Dated: - 11/06 /2020

PETITIONER

Through:-


Muhammad Usman Khan
Turlandi
Advocate Supreme Court.

FILED TODAY


Deputy Registrar

11 JUN 2020

Before the Peshawar high court Peshawar.

CM No. _____-P/2020.

In

WP No. 1972 -P/2020.

Jehan Ali Ex-PASI..... Versus..... PPO & Others

**APPLICATION FOR FIXATION OF AN EARLY DATE OF HEARING IN
THE ABOVE TITLED WRIT PETITION.**

Respectfully Sheweth;

Petitioner submits as under;-

3. That the above noted writ petition is pending in this Honourable Court and is fixed for **29/10/2020**.
4. That two real brothers namely Jehan Ali and Rahat Ali were properly and duly enlisted in Police department as PASI and the other was Constable respectively in accordance with law and Government police in vogue and put their respective services for years whereas both the recruitment orders were withdrawn for no legal reason and as such both the writ petitions are pending adjudication. The sudden withdrawal of recruitment order, depriving two real brothers from services would amount to deprive them and their families from their livelihood and breathing more.

Since very short point of law is involved, hence both the connected cases require immediate fixation for an early date.

It is, therefore, requested that on acceptance of this application, an early date of hearing may kindly be fixed in the above noted Writ Petition just to meet the ends of justice.

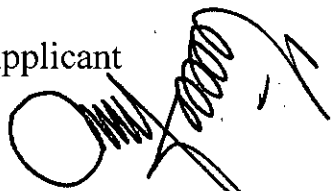
Dated 11/06/2020

Applicant

Through;-

FILED TODAY
Deputy Registrar

11 JUN 2020


Muhammad Usman Khan
Turlandi
Advocate Supreme Court, of Pakistan

Before the Peshawar high court Peshawar.

15572

CM No. _____-P/2020.

In

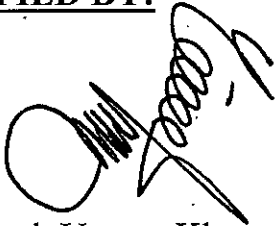
WP No. 1972 -P/2020.

Jehan Ali Ex-PASI..... Versus..... PPO & Others

AFFIDAVIT.

I, Jehan Ali Ex-PASI, No. 509/MR of Swabi Police and son of Amir Sher R/O Narangi, Tehsil Razzarh and District Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying writ petition are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august court.

IDENTIFIED BY:




Muhammad Usman Khan
Turlandi
Advocate Peshawar.

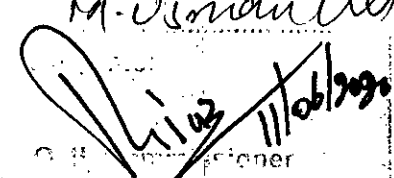


DEPONENT:

CNIC No. 16204-0360850-5

0313-3530452


FILED TODAY

Deputy Registrar
11 JUN 2020

No. <u>877</u>
Certified that the above was verified on solemn affirmation before me on <u>11</u> day of <u>Jun</u> <u>2020</u> at <u>Jehan Ali Narangi</u> s/o <u>Amir Sher</u> who was identified by <u>M. Usman Khan</u> Who is personally <u>known</u> to me.
 11/06/2020

09-03-2020.

Respected Sir,

In compliance with the instruction, the better copies of Page 15 & 18, prepared and placed on Case file, Titled "Jehan AliVS..... PPO & others" and after necessary completion, is hereby resubmitted with a request to be fixed before the available Honourable DB at the earliest please.


Muhammad Usman Khan ASC
Peshawar.

R/S.

objection slip missing

and

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

CHECK LIST.

Jehan Ali PASI.....VS.....The PPO and Others.		YES	NO
1.	Case is duly signed.	YES	NO ✓
2.	The law under which the case is preferred has been mentioned.	YES	NO ✓
3.	Approved file cover is used.	YES	NO ✓
4.	Affidavit is duly attested and appended.	YES	NO ✓
5.	Case and annexure are properly paged/ numbered according to index.	YES	NO ✓
6.	Copies of annexure are legible and attested. If not, then better copies duly attested have been annexed.	YES	NO ✓
7.	Certified copies of all the requisite documents have been filed.	YES	NO ✓
8.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	YES	NO ✓
9.	Case is within time.	YES	NO ✓
10.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	YES	NO ✓
11.	Court fee in shape of stamp paper is affixed.(for writ Rs.500, for other was required).	YES	NO ✓
12.	Power of attorney is in proper form.	YES	NO ✓
13.	Memo of addresses filed.	YES	NO ✓
14.	List of books mentioned in the petition.	YES	NO ✓
15.	The requisite number of spare copied attached.(Writ Petition-3 Nos, Civil Appeal (SB-1,DB-2) Civil Revision (SB-1,DB-2).	YES	NO ✓
16.	Case (Revision/appeal/petition etc.) is filed on the prescribed form.	YES	NO ✓
17.	Power of attorney is attested by jail authority (for jail prisoner only).	YES	NO ✓

It is certified that formalities/documents as requires in column 2 to 18 above, have been fulfilled.

Signature. _____

Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Date: /02/2020.

FOR OFFICE USE ONLY.

Case No. _____

Case received. _____

Complete in all respect; Yes /No (if Not the _____ grounds) _____

Date in court. ____ / ____ /2019

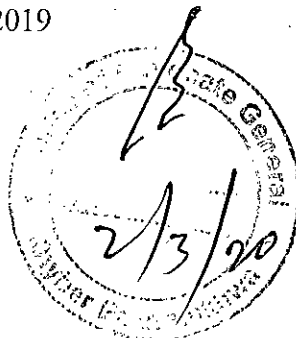
Date ____ /12/ ____ /2019

Signature. _____

(Reader)

Countersigned _____

(Deputy Registrar)



1

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

In Ref: to W.P No.: - 1972P /2020.

Jehan Ali, Ex-PASI Police.....VERSUS.....PPO & others.

INDEX

S#	Description of the Documents	Annex	Pages
1.	Opening Sheet/Index	*	01-02
2.	Main Writ Petition	*	03-09
3.	Affidavit	*	10
4.	Addresses of Parties	*	11
5.	Copy of Succession Certificate dated 28-03-2014	"A"	12-13
6.	Copy of the Government policy dated 08-05-2007	"B"	14
7.	Copy of the appointment order dated 02-02-2016	"C"	15-16
8.	Revised Succession Certificate dated 30-07-2019	"D"	17
9.	Copy of impugned withdrawal order of appointment dated 22/10/2019.	"E"	18
10	Copy of the subsequent Policy dated 02-02-2017.	"F"	19
11	Copies of the departmental appeal.	"G"	20
12	Copy of final impugned Order dated 31/01/2020.	"H"	21-22
13	Court Fee worth Rs. 500/-	*	23-24
14	Vokalatnama	*	25

Dated: - 28/02/2020.

PETITIONER.

Through:-

RE-FILED TODAY

Deputy Registrar

09 MAR 2020

Muhammad Usman Khan
Turlandi
Advocate Supreme Court

&

Tariq Aziz Khan Chamkani
Advocate Peshawar.

23
Scanned USB Received
02 MAR 2020
Signature

OFFICE: Flat-I/C, Murad Plaza, Dalazak Road, Peshawar City.

Mobile# 0333-9153699 * * * 0300-5895841.

FILED TODAY

Deputy Registrar

02 MAR 2020

2

**IN THE PESHAWAR HIGH COURT,
PESHAWAR.**

Date of Filing:- 13/02/2020
District:- Peshawar

OPENING SHEET FOR WRIT BRANCH

Case Type: Writ Petition Nature of Original Proceedings: _____

Category Code
0 5 4 6

Review/Contempt of Court in respect of

W. P No. 1188-P/2014

Writ of:

Heabus Corpus Prohibition Mandamus Qua Warranto Certiorari

Form	Date	interlocutory/ Final Order

Case pertains to
SB
DB

Petitioner(s) Name	<u>Jehan Ali Ex-PASI</u>
Mobile No	<u>0313-3530452</u>
Addresses	<u>Narangi, Tehsil Razzarh & District Swabi</u>
CNIC No	<u>16204-0360850-5</u>
Email Address	

Counsel for Petitioner(s)	<u>Muhammad Usman Khan Turlandi</u>
Mobile No	<u>0333-9153699</u>
Addresses	<u>Flat # C-1, Murad Plaza, Dalazak Road, Peshawar</u>
CNIC No	<u>17301-6004404-9</u>
Email Address	<u>usmanturlandi@gmail.com</u>

Respondents	<u>PPO KRK & others</u>
Addresses	

Original Order/ Action/ Inaction Complained of	
--	--

Prayer	<u>The final impugned order dated 31/01/2020 passed by the respondent No. 2 may be set aside whereby departmental representation of the petitioner was rejected/filed and the first impugned order dated 22-10-2019 passed by the respondent No. 3 was upheld whereby the enlistment order as PASI dated 02/02/2016 in respect of the petitioner against Shaheed Son's/brother's quota was withdrawn and in consequence thereof, the petitioner may very graciously be reinstated on his post with all consequential back benefits and all allied allowances.</u>
--------	---

Law/Rules/governing the original proceedings/ action/Inaction	<u>Article 199, Constitution of Islamic Republic of Pakistan, 1973</u>
---	--

Signature:- _____

-FILED TODAY

Deputy Registrar

02 MAR 2020

4

Son's/Brother's Quota in Police department and by allowing all the consequential back benefits, be deemed as such.

Respectfully Sheweth:

- 1) That the petitioner is bonafide citizen of the Islamic Republic of Pakistan, Domiciled in the Province of Khyber Pakhtunkhwa and resident of village Narangi, Tehsil Razzarh, District Swabi and law abiding person having to enjoy and has every legal and constitutional right duly protected by the command of the Constitution.
- 2) That the real brother of the Petitioner Namely Nawaz Ali while having been martyred in line of his respective duty on 12/01/2019²⁰¹⁶, the widow of the Shaheed/Martyred Constable (Respondent No. 4) being issueless at that time, applied for grant of Succession Certificate and accordingly, the widow and the parents of Shaheed were declared as legal heirs vide order dated 28-03-2014, passed by the learned Senior Civil Judge Swabi and the Shaheed package was distributed amongst the declared legal heirs accordingly. (Copy of the Succession Certificate dated 28-03-2014 is annexure "A").
- 3) That the widow (Respondent No. 4) while having no objection on the recruitment of the petitioner and in furtherance of the policy promulgated by the Government of Khyber Pakhtunkhwa, vide Notification No. SO (Police)/HD/3-22/2007 dated 08/05/2007 whereas, in absence of son, the real brother of Shaheed/Martyred police employee may be recruited against 5% quota reserved for the sons of Police Shuhada, the Petitioner was recruited as PASI w.e.f 12-01-2016 vide order dated 02-02-2016 passed by the respondent No. 3. (Copy of the Government policy dated 18/05/2007 and appointment order dated 02-02-2016 is annexure "B" & "C" respectively).
- 4) That the petitioner was appointed as PASI and was allotted No. 509 vide D.D No. 46 date 14-01-2016 and since then, the petitioner was regularly performing his respective duty and was

FILED TODAY

Deputy Registrar

02 MAR 2020

3

Before the Peshawar high court Peshawar.

S.A. No. 15572/20

In Ref: to WP No. 1972-P/2020.

Jehan Ali, Ex-Probationer Assistant Sub Inspector (PASI) Police, No. 509 and S/O Amir Sher R/O Village Naragi, Tehsil Razzarh, District Swabi.....**PETITIONER.**

VERSUS

- 1) Provincial Police Officer (PPO), Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar.
- 2) Regional Police Officer, Mardan Range Mardan.
- 3) District Police Officer (DPO) Swabi.
- 4) Mst: Nargas Widow of Nawaz Ali, Shaheed/martyred Police Constable, R/O Village Naragi, Tehsil Razzarh, District Swabi.....**RESPONDENTS.**

Writ Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 as amended up-to date.

PRAYERS IN WRIT PETITION:

On acceptance of this petition, this Honourable Court may very graciously:

- A) Hold and declare the first impugned order passed by the respondent No. 3 dated 22-10-2019 whereby the initial appointment order dated 02-02-2016, made against Shaheed Son's/Brother's Quota, was withdrawn and the subsequent final impugned order dated 31-01-2020 passed by the respondent No. 2 whereby departmental representation of the petitioner was rejected/filed as illegal, unlawful, without lawful authority, discriminatory, unjustified, unconstitutional, un-Islamic, ineffective/ inoperative upon the rights of the petitioner and be set-aside.
- B) Further declare the status of petitioner as permanent and regular employee, duly appointed as PASI against Shaheed

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Deputy Registrar

02 MAR 2020

regularly drawing his monthly pay and all other allied allowances for the post of PASI.

- 5) That on 05-08-2014, the widow of Shaheed (Respondent No. 4) gave birth to a female baby (Mst: Aneesa Begum D/O Shaheed Constable Nawaz Ali) and in order to include her name in the Succession Certificate dated 28-03-2014 (Annexure "A"), again applied for revised Succession Certificate which was allowed vide order dated 30-07-2019 and hence, the Shaheed Package, already distributed amongst the three LRs, was withdrawn and again re-disbursed amongst the four LRs accordingly. (Copy of the revised Succession Certificate dated 30-07-2019 is annexure "D").
- 6) That on the arrival of revised Succession Certificate dated 30-07-2019, it was held by the respondent No. 3 that Mst: Aneesa Begum, minor has been declared as legal heir of Shaheed Constable Nawaz Ali and was entitle to receive share in Shaheed Package and other service benefits. The illogical conclusion, drawn to a bit of astound, the petitioner was absolved from his services and his first appointment order as PASI dated 02-02-2016, was withdrawn on the pretext of extract from subsequent policy dated 02-02-2017, that the brother of Shaheed Constable would not be allowed to be recruited and as such the widow of a Shaheed Constable cannot forego the right of the minor. (Copy of the impugned/withdrawal of the first appointment order, passed by the respondent No. 3 dated 22/10/2019 and new Policy dated 02-02-2017 is annexure "E" & "F" respectively).
- 7) That having been aggrieved of the discriminative policy and cruel treatment of the Respondents, the Petitioner submitted departmental representation, for the redressal of his just grievances but to no avail being rejected vide final impugned order dated 31-01-2020 passed by the respondent No. 2 and hence this petition. (Copy of the departmental appeal and the final impugned order dated 31-01-2020 is annexure "G" & "H" respectively).

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Deputy Registrar

02 MAR 2020

- 8
- 8) That while having his legitimate right been rebuffed by the Respondents and having no ear to his Departmental Representation, the Petitioner is constrained to approach this honorable constitutional court inter-alia on the following grounds.

GR O U N D S:

- A) **Because** the petitioner was the real brother of Shaheed Constable Nawaz Ali who embraced shahadat in line of his respective duty and in furtherance to the policy, promulgated by the Government of Khyber Pakhtunkhwa, vide Notification No. SO (Police)/HD/3-22/2007 dated 18/05/2007 whereas, in absence of son, the real brother of Shaheed/Martyred police employee may be recruited against 5% quota reserved for the sons of Police Shuhada.
- B) **Because** the Petitioner was highly deserved candidate for his due and legitimate right of appointment as PSI in furtherance to the policy supra and accordingly, he was recruited as PASI w.e.f 12-01-2016 vide order dated 02-02-2016 passed by the respondent No. 3.
- C) **Because** as per pre-requisite legal condition/ criteria given in the policy promulgated by the provincial government, the petitioner could never be denied his due appointment against the Post of PASI being qualified in all respect and aspect and particularly being the real brother of Shaheed/Martyred police employee , hence deferment of the Petitioner from his due appointment is illegal, unlawful, without lawful authority, without jurisdiction, Unconstitutional, Un-Islamic, against the law on the subject and against the natural justice.
- D) **Because** the respondent No. 3 has intentionally ignored the policy, promulgated by the Government of Khyber Pakhtunkhwa, vide Notification No. SO (Police)/HD/3-22/2007 dated 18/05/2007 which was running in the field at that time and only the said policy was applicable to the fate of the petitioner whereas he was recruited as PASI w.e.f 12-01-2016 vide order dated 02-02-2016 passed by the respondent No. 3.
- E) **Because**, the subsequent Police Policy Board Order No. 66/2016 and Endorsement No. 194-239/PA/AIG Estt: Dated Peshawar the 02-02-2017 (annexure "F") wherein some minor amendments were brought regarding appointment of Shaheed's

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Deputy Registrar
02 MAR 2020

Brother/Sister as ASI having no retrospective effect, is not applicable to the case of the petitioner.

- F) **Because** the respondent No. 3 has committed gross illegality by giving retrospective effect to the subsequent policy Dated Peshawar the 02-02-2017 while passing the first impugned withdrawal order of initial appointment on the pretext that the brother of Shaheed Constable would not be allowed to be recruited and as such the widow of a Shaheed Constable cannot forego the right of the minor.
- G) **Because** in the light of the Notification No. SO (Police)/HD/3-22/2007 dated 08/05/2007, Passed by the Government of the then N.W.F.P, now, Khyber Pakhtunkhwa, it is inalienable constitutional right of the petitioner to be deemed legally appointed as PASI and as such, should have been retained in service. Hence, in the present scenario, the respondent No. 3 fell into error by not accommodating the Petitioner as PST and hence lawful right of the Petitioner has been infringed without lawful justification.
- H) **Because** the present petitioner has been abstained from his due right of appointment which attracts the purview of surmises, conjecture and summit reluctant bemoan attitude on part of the respondents which is liable to be vehemently discouraged and declared as such.
- I) **Because** in light of the law, rules and policy promulgated by the government of Khyber Pakhtunkhwa, the Petitioner cannot be treated with a different yardstick particularly in light of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973 which ensures equality of citizens by mandating that all citizens are equal before law and are entitled to equal protection of law more so to give everyone his due.
- J) **Because** the action and inaction on part of the respondent No. 3 proclaims his own malafide which is contrary to Article 4, 25 and 27 of the Constitution.
- K) **Because** the respondent No. 3 has totally changed the entire criteria/formula set for the appointment of Shaheed's brother/sister and deprived the petitioner from his due legal right of appointment.
- L) **Because** the Petitioner has been recruited as PASI dated 14/01/2016 While the impugned CPO policy was promulgated on 02/02/2017 having been later in time could not by any stretch of imagination be extended to indulge Petitioner within

FILED TODAY
Deputy Registrar
02 MAR 2020

its ambit to affect the fate of his service adversely on retrospective footings as such.

- M) **Because** the petitioner has not been dealt with in accordance with law and the terms and conditions figured in the Notification No. SO (Police)/HD/3-22/2007 dated 08/05/2007, passed and formulated by the Government of the then N.W.F.P, have very boldly been violated/ brushed-aside and bulldozed by the official respondent for the reason best known to them.
- N) **Because** on paving his illegal and illogical supposed eventuality discriminative way of withdrawing the services of the Petitioner the department having been failed to serve any notice whatsoever upon the petitioner prior to passing the impugned order and hence substantive as well as procedural law has vehemently been violated.
- O) **Because** That the doctrine of Locus Poenitentiae vigorously inculcates the exclusion of any adverse action on part of the department once even an illegal act has taken its field which principle on the touchstone of instant case vehemently applicable, as the impugned policy being later in time could not be permitted to retrospectively jeopardize the fate of the petitioner.
- P) **Because** Article 12 of the constitution of the Islamic Republic of Pakistan emphatically emphasized the Golden, acknowledged principle of universal renowned that no one could be jeopardized and punished for an act or omission retrospectively as adverse action would infer injustice even at the footings of equity and good conscience.
- Q) That further submissions will be advanced with the prior permission of this august court at the time of hearing the petitioner at the bar.

It is, therefore, most humbly prayed that on acceptance of this petition, this Honourable Court may very graciously:

- A) Hold and declare, the first impugned order passed by the respondent No. 3 dated 22-10-2019 whereby the initial appointment order dated 02-02-2016, made against Shaheed Son's/Brother's Quota, was withdrawn and the subsequent final impugned order dated 31-01-2020 passed by the respondent No. 2 whereby departmental representation of the petitioner was rejected/filed, as illegal, unlawful, without lawful authority, discriminatory, unjustified,

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Deputy Registrar

02 MAR 2020

9

unconstitutional, un-Islamic, ineffective/ inoperative upon the rights of the petitioner and be set-aside.

B) Further declare the status of petitioner as permanent and regular employee, duly appointed as PASI against Shaheed Son's/ Brother's Quota in Police department and by allowing all the consequential back benefits, be deemed as such.

C) Any other remedy, deemed fit and appropriate in the circumstances of the case may also be extended in favour of the petitioner just to meet the ends of justice.

Dated: - 28/02/2020

PETITIONER

Through:-

Muhammad Usman Khan
Turlandi
Advocate Supreme Court

&

Tariq Azia Khan Chamkani
Advocate Peshawar

Certificate:- It is certify that no such like writ petition has earlier been filed by the Petitioner in this Honourable Court.

Advocate.

Note:- As per Notification dated 18th March, 2017 issued by the worthy Registrar, Peshawar High Court, Peshawar, the grounds of Writ Petition along-with all appended annexures have been scanned in PDF format, while institution of this Writ Petition to avoid certain requisitions of Scanning, this case may be treated accordingly.

Advocate.

List of Books:-

1. Constitution of Islamic Republic of Pakistan 1973
2. Case laws as per need.

Advocate.

FILED TODAY
Deputy Registrar
02 MAR 2020

IN THE PESHAWAR HIGH COURT PESHAWAR.

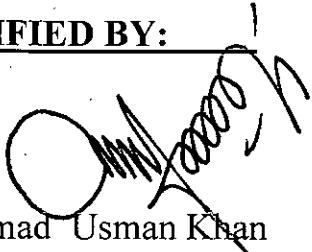
In Ref; to WP No. 1972 P of 2020.

Jehan Ali PASI.....**VERSUS**.....PPO KPK & Others.

AFFIDAVIT.

I, Jehan Ali Ex-PASI, No. 509/MR of Swabi Police and son of Amir Sher R/O Narangi, Tehsil Razzarh and District Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying writ petition are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august court.

IDENTIFIED BY:



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Jeha
DEPONENT:

CNIC No. 16204-0360850-5
Mob = 0313-3330
3530452

No:..... <u>22181</u>
Certified that the above was verified on solemnly affirmation before me in office, this <u>13</u> day of <u>Feb</u> <u>2020</u> , <u>Jehan Ali</u> s/o <u>Amir Sher</u> <u>Swabi</u> , who was identified by <u>M. Usman Khan</u>
Who is personally known to me?
<i>[Signature]</i> Oath Commissioner Peshawar High Court, Peshawar.

Madam Verified

-FILED TODAY
Deputy Registrar
02 MAR 2020

(11)

Before the Peshawar high court Peshawar.

In Ref: to WP No. 1972 P -P/2020.

Jehan Ali, Ex-PASI Police.....VERSUS.....PPO & others.

MEMO OF ADDRESSES

PETITIONER.

Jehan Ali, Ex-Probationer Assistant Sub Inspector (PASI) Police, No. 509 and S/O Amir Sher R/O Village Naragi, Tehsil Razzarh, District Swabi.

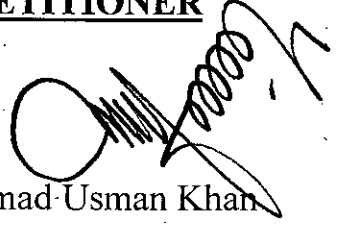
VERSUS

RESPONDENTS.

- 1) Provincial Police Officer (PPO), Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar.
- 2) Regional Police Officer, Mardan Range Mardan.
- 3) District Police Officer (DPO) Swabi.
- 4) Mst: Nargas Widow of Nawaz Ali, Shaheed/martyred Police Constable, R/O Village Naragi, Tehsil Razzarh, District Swabi.

PETITIONER

Through:


Muhammad Usman Khan
Turlandi
Advocate Supreme Court.

FILED TODAY
Deputy Registrar
02 MAR 2020

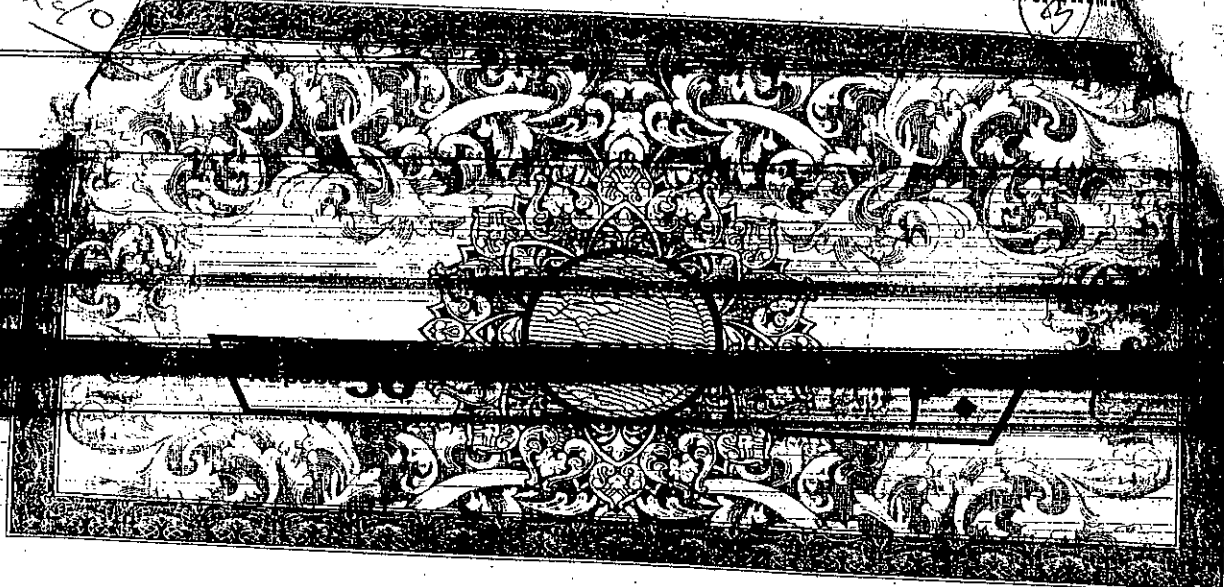
12

Amir A.M

140

102

85



IN THE COURT OF IRSHAD AHMAD KHAN
Senior Civil Judge/Guardian Judge, Swabi

Petition No. 53/5 of 2014
Date of Institution 27.02.2014
Date of Decision 28.03.2014

NOT RECORDED
District & Sessions Judge
Swabi

Mst. Nargus Begum Widow of Nawaz Ali (deceased)
Resident of Village Naranji Mohallah Syed Khan Tehsil Razzar District Swabi. (Petitioner)

VERSUS

General Public at Large (Respondents)

TO WHOM IT MAY CONCERN

Subject: -

Succession Certificate In Favour Of Legal Heirs of Deceased Nawaz Ali S/o Amir Sher R/O village Naranji Mohallah Syed Khani Tehsil Razzar District Swabi.

To whom it may concern	Shaheed compensation amount. Other benefits and dues out standing against Police Department District Swabi Khyber Pukhtunkhwa.	Deceased Nawaz Ali S/O Amir Sher R/O Village Naranji Mohallah Syed Khani Tehsil Razzar District Swabi.
-------------------------------	---	---

This succession certificate is granted in favour of Mst. Nargus Begum (Widow), Amir Sher S/O Izat Khan (Father), Mst. Sarvizay Bibi (Mother), of deceased Nawaz Ali S/O Amir Sher. These persons are the legal heirs of deceased above and they are entitled to receive their Shari shares in the amount/legacy of deceased named above.

[Handwritten Signature]

(Continued on page 2)

ATTESTED TO BE TRUE COPY

*Shahid son, so for her
Entitlement is concerned*

[Handwritten Signature]
No. 6045

13



Rupees 30

(Page 2)

Handwritten signature and stamp of the court.

S.#	Name	Relationship	Date of birth	No. of I.D. Cards	Shares
1.	Mst Nargus Begum	Widow	18.08.1996	16204-0600461-2	As per law
2.	Amir Sher S/O Izat Khan	Father	01.07.1964	16202-0917701-3	As per law
3.	Mst. Sarvizay-Bibi W/O Amir Sher.	Mother	1970	16202-0867754-6	As per law

Issued under my hand and seal of the Court on 2nd Day of April, 2014.

(Signature)
 (Irshad Ahmad Khan)
 Senior Civil Judge /Guardian Judge,
 District Swabi

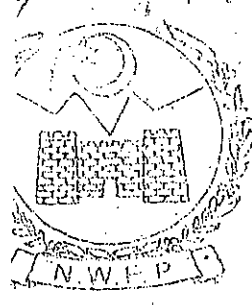
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(Signature)
 ایزدکوت سیرم
 کورٹ آف پاکستان
 No: 5045

is the legal owner
 Shaukat son, So for his
 Entitlement is concerned

14

Annex "B"



GOVERNMENT OF N.W.F.P.
HOME & T.A.S. DEPARTMENT

90379/05
115

No. SO(Police)HD/3-22

Dated Peshawar, the 15/5/2007

NOTIFICATION

No.SO(Police)HD/3-22/2000 In partial modification of this department Notification of even No. dated 17/10/2003, the competent Authority i.e. Chief Minister, NWFP is pleased to approve the following substitution in the contents of notification.

^A The word "Shuhada Sons" may be read as "Shuhada Sons and in the absence of sons, the real brothers" wherever it appears in the said notification. ^B

Secretary to Government of NWFP
Home & Tribal Affairs Department

Dated 08/05/2007

Enclt: No.SO(Police)HD/3-22/2007

Copy for information forwarded to:-

1. Secretary to Govt. of NWFP, E&A Department.
2. Secretary to Govt. of NWFP, Law Department.
3. Provincial Police Officer with reference to his letter No.6244/E-II dated 26/03/2007.
4. Accountant General, NWFP Peshawar.
5. Manager, Government Printing Press, Peshawar for publication in the next official gazette. He is requested to send at-least 10 copies of the same to this office.

B.II
17/5

(MANZOOR HUSSA
Section Officer (Police
Phone Office:-091-921
091-9210201

OFFICE OF THE PROVINCIAL POLICE OFFICER,
NWFP., PESHAWAR.

No. 10046-85 E-II, Dated Peshawar, the 30/5

Copy of above is forwarded for information and action to All Heads of Police Offices in NWFP.

ATTESTED TO BE
TRUE COPY

(Signature)
Registrar
Provincial Police
NWFP

بندوبان انتظامی
پشاور
No: 5045

(15)

Annex "C"

FOR PUBLICATION IN THE KPK POLICE GAZETTE PART-II
ORDER BY THE DISTRICT POLICE OFFICER, SWABI

NOTIFICATION.

Dated 02 / 02 / 2016.

No. 979 /EC, APPOINTMENT/ABSORPTION OF POLICE SHUHADA'S SONS/BROTHERS AS PASIS- The following Police Shuhada's sons/brothers of this District Police were appointed/absorbed as PASIs in BPS No. 09 (8015-495-22865) in Police Department (KPK) with effect from 12.01.2016 on 03 years probation period vide Deputy Inspector General of Police, Mardan Region-I, Mardan office Memo: No. 407-10/IS, dated 12.01.2016.

On the appointment/absorption of the following Shuhada's sons/brothers, they are also allotted/region number noted against each their names.

SF	Name	Appointment/ Absorption	Region No.
1	M. Bohzad s/o Shaheed FC Shah Fazil	Appointed	435/MR
2	Khalid Ahmad s/o Shaheed FC Noor Hayat	Appointed	438/MR
3	FC M. Bilal s/o Shaheed FC M. Javed	Absorbed	446/MR
4	FC Nasir Khan s/o Shaheed HC Laiq Shah	Absorbed	451/MR
5	M. Bashir s/o Shaheed SI Husan Zada	Appointed	453/MR
6	M. Shahzad s/o Shaheed HC Wisal Muhammad	Appointed	457/MR
7	Abid Ali s/o Shaheed FC Usman Ali	Appointed	471/MR
8	FC Aizez Ali s/o Shaheed HC Muhammad Taj	Absorbed	472/MR
9	FC Shakeel b/o Shaheed FC Siyar No. 4763/FRP	Absorbed	476/MR
10	FC Naveed-ur-Rehman s/o Shaheed SU Khan Dil Khan	Absorbed	486/MR
11	Sadman Hussain s/o Shaheed LHC Mir Wali No. 36	Appointed	494/MR
12	M. Adil s/o Shaheed HC Ali Zar (Spl. Branch)	Appointed	496/MR
13	Sadam Ali b/o Shaheed FC Kashif Ali	Appointed	498/MR
14	FC Waseem Iqbal s/o Shaheed HC Irshad Iqbal	Absorbed	502/MR
15	Zeechan s/o Shaheed FC Ifikhar Ahmad	Appointed	508/MR
16	Jehan Ali b/o Shaheed FC Nawaz Ali	Appointed	509/MR
17	Amir Khan s/o Shaheed FC Sabir Khan No. 738	Appointed	512/MR

(2)

District Police Officer,
Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 980 /EC, dated Swabi, the 02 / 02 / 2016.

Copy of above along 6 spare copies of Notification is submitted to Deputy Inspector General of Police, Mardan Range Mardan for publication in the Gazette Notification part-II, please.

(2)

District Police Officer,
Swabi.

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TRUE COPY

مخدوم
ایڈیٹر
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پاکستان
No: 5045

BETTER COPY

15-A

Police Department

FOR PUBLICATION IN THE KPK POLICE GAZETTE PART-II
ORDER BY THE DISTRICT POLICE OFFICER, SWABI.

NOTIFICATION.

Dated 02/02/2016

No 979/EC: APPOINTMENT /ABSORPTION OF POLICE SHUHUDA'S SONS/
BROTHERS AS PASIS:-The following Police Shuhuda's sons /Brothers of this District Police were
appointed /ascribed as PASI in BPS NO. 09 (8015-495-22865) in Police Department (KPK) with
effect from 12.01.2016 on 03 years probation period vide Deputy Inspector General of Police
Mardan Region-I, Mardan office Memo No.407-10/ES, dated 12.01.2016.

On the appointment /absorption of the following shuhuda's sons/ brothers, they
are also allotted/region number noted against each their names.

<u>S.#</u>	<u>Name</u>	<u>Appointment /absorption</u>	<u>Region No.</u>
1	M. Behzad S/O Shaheed Shah Fazil	Appointed	435/MR
2	Khalid Ahmed S/O Shaheed FC Noor Hayat	Appointed	438/MR
3	FC Bilal S/O Shaheed FC M. Javed	Absorbed	446/MR
4	FC Nasir Khan S/O Shaheed HC Laiq Shah	Absorbed	451/MR
5	M. Bashir S/O Shaheed HC Wisal Muhammad	Appointed	453/MR
6	Abid Ali S/O Shaheed FC Usman Ali	Appointed	457/MR
7	FC Aizaz Ali S/O Shaheed HC Muhammad Taj.	Appointed	471/MR
8	FC Shakeel B/O Shaheed FC Siyar No. 4763/FRP	Absorbed	472/MR
9	FC Naveed-Ur-Rehman S/O Shaheed SI Khushdil Khan	Absorbed	476/MR
10	Saddam Hussain S/O Shaheed LHC Mir Wali No. 136	Absorbed	486/MR
11	M. Adil S/O Shaheed HC Ali Zar (spl: Branch)	Appointed	494/MR
12	Sadam Ali B/O Shaheed FC Kashif Ali	Appointed	496/MR
13	FC Wasim Iqbal S/O Shaheed HC Irshad Iqbal	Appointed	498/MR
14	FC Waseem Iqbal S/O Shaheed HC Irshad Iqbal	Absorbed	502/MR
15	Zeeshan S/O Shaheed FC Iftikhar Ahmad.	Appointed	508/MR
16	Jehan Ali B/O Shaheed FC Nawaz Ali	Appointed	509/MR
17	Amir Khan S/O Shaheed FC Sabir Khan No.738	appointed	512/MR

Sd/-

District Police Officer Swabi


Office of the District Police Officer, swabi

No. 980 /EC DATED Swabi, the 02/02/2016.

Copy of above along 6 spare copies of notification is submitted to Deputy Inspector General of Police
Mardan Range Mardan for the publication in the Gazette Notification Part-II please.

Sd/-

District Police Officer Swabi.


Muhammad Usman Khan
Advocate Supreme Court
Islamabad. No: 5045

بالتاريخ

تعداد 46 و تاریخ 14/1/16

46 = رقم رسید و تاریخ 14/1/16 و وقت 4:45

مکتبہ عالیہ 3/3 سید جمال 3/3 کراچی 14-1-16
کوالیٹی کنٹرول ڈیپارٹمنٹ 407-10/ES باریک

12-1-16
DIO سید محمد کوشک سے کثرت پاس

کثرت کوالیٹی کنٹرول ڈیپارٹمنٹ 407-10/ES باریک
505
الذی فیہ السلام
حکومت سندھ کراچی

سید علی

سید علی
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Sir

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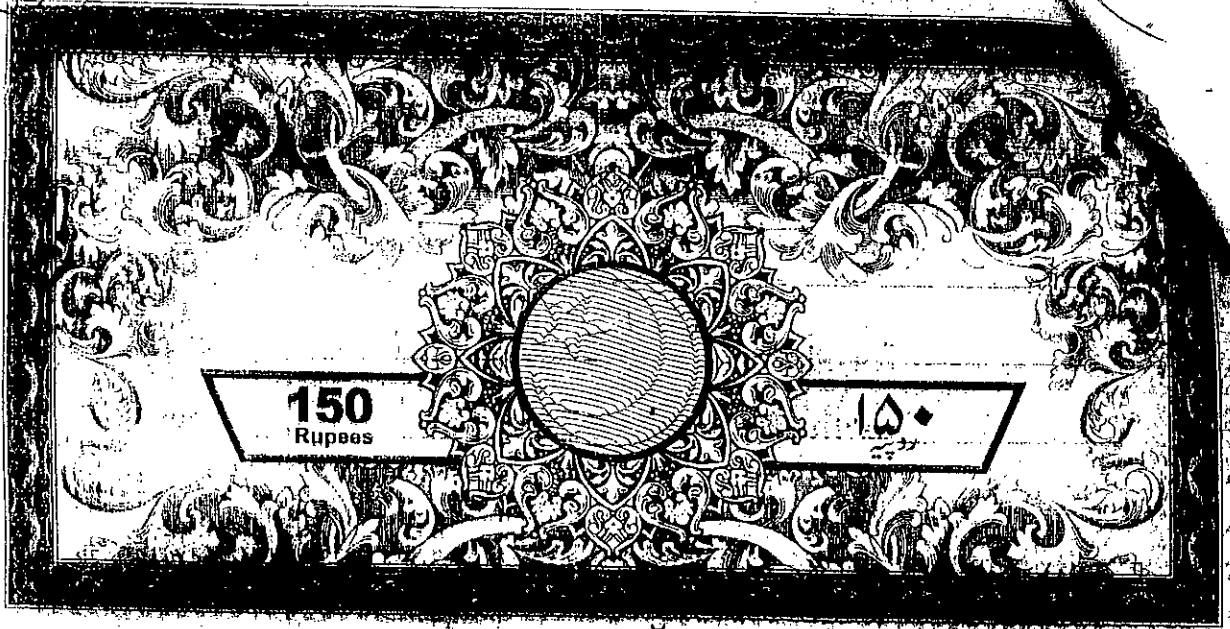
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بذریعہ سندھ کوالیٹی کنٹرول ڈیپارٹمنٹ کراچی
No: 5045

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Annex "D"



IN THE COURT OF SENIOR CIVIL JUDGE/GUARDIAN JUDGE, SWABI

Petition # 53/5 of 2014

Decided on 30-07-2019

Mst. Nargis widow of the deceased Nawaz Ali r/o Naranji, Tehsil Razar, District Swabi.....Petitioners

VERSUS

1.) Public at Large, 2). Amir Sher & 3). Mst. Sarvizay.....Respondents

REVISED SUCCESSION CERTIFICATE U/S 373 ACT XXXIX, 1925

"Issued in light of order dated 30.07.2019 passed in petition # 76/6 of 2019"

Whereas, you the above-named petitioner, have applied to this Court for the grant of succession certificate under the succession Act 1925, in respect of following debts/securities of deceased;

Shaheed compensation amount, other service benefits/dues outstanding against Police Department District Swabi, Khyber Pakhtunkhwa

On the basis of evidence recorded before this court, you the petitioner & respondents # 02 & 03 including Mst. Aneesa Begum, have been declared as the only legal heirs of the deceased. The application is accepted & succession certificate is hereby granted in favour of them in accordance with their Shari shares as detailed below:

Sl No	NAME OF THE LEGAL HEIR	RELATION WITH DECEASED	SHARES
1	Mst. Nargis Begum	Widow	3/24
2	Mst. Aneesa Begum	Daughter (minor)	12/24
3	Amir Sher	Father	5/24
4	Mst. Sarvizay Bibi	Mother	4/24

This certificate is granted to the petitioner & respondents # 02 & 03 to empowers them to collect their above-mentioned Shari shares from the quarter concerned, whereas, share of minor Mst. Aneesa Begum be deposited in the court immediately for investment in some profitable scheme of government in her name. *Pension Rules of Department Concerned/Government, shall be observed while dealing the pension matter.*

Given under my signatures and seal of the court this 30th Day of July, 2019.

ATTESTED TO BE
TRUE COPY

Muhammad Iqbal
Muhammad Iqbal

Senior Civil Judge/Guardian Judge, Swabi

Handwritten signature and stamp
No: 50-3

(18)

Annex "E"

ORDER.

In the light of application of Mst: Nargis Begum widow of Shaheed Constable Nawaz Ali No. 1098 supported by copy of revised Succession Certificate bearing No. 53/5 of 2014 decided on 30.07.2019 issued by the Senior Civil Judge/Guardian Judge Swabi wherein Mst: Aneesha Begum (Minor) was declared as legal heir of Shaheed Constable Nawaz Ali and was entitled to receive share in Shaheed package and other service benefits.

The fact of birth of Mst: Aneesha Begum was concealed from this department till issuance of revised Succession Certificate above and according to policy, in presence of minor child, brother of Shaheed is not entitled to appointment as ASI in Shaheed quota even if the widow has given consent in his behalf because, she is not entitled to forego right of the minor.

Therefore in the light of above, the enlistment order in regard of Mr. Jehan Ali PASI No. 509/MR s/o Amir Sher r/o Narangi against the post of ASI on Shaheed quota is hereby withdrawn.

He is discharge from service with immediate effect.

OB No 889

Dated 22.10/2019.

District Police Officer
Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 9729-31 /EC, dated Swabi, the 22 /10 /2019.

Copies to all concerned.

ATTESTED TO BE
TRUE COPY

محمد عثمان خان لائبریری
ایڈریس: پورٹ ٹراؤٹ آف پاکستان
No: 5045

BETTER COPY

(18) A

ORDER

In the light of application of Mst: Nargis Begum, widow of Shaheed Constable Nawaz Ali No.1098, supported by copy of revised succession certificate bearing No. 53/5 of 2014, decided on 30/07/2019, issued by the Senior Civil Judge/Guardian Judge Swabi wherein Mst: Aneesa Begum (Minor) was declared as legal heir of shaheed constable Nawaz Ali and was entitled to receive share in shaheed package and other service benefits.

The fact of birth of Mst: Aneesa Begum was concealed from this department till issuance of revised succession certificate above and accordingly appointment as ASI in Shaheed quota even if the widow has given consent in this behalf because she is not entitled to forego right of the minor.

Therefore, in the light of above, the enlistment order in respect of Mr. Jehan Ali PASI No. 509/MR S/O Amir share R/O Narangi against the post of ASI on Shaheed quota is hereby withdrawn.

He is discharged from service with immediate effect.

OB NO. _____

Dated _____/2019.

Sd/-


District Police Officer
Swabi.

Office of the district police officer, swabi.
No.9729-31 /EC Dated swabi, the 22/10/2019
Copies to all concerned.

M. of P.

Sd/-

District Police Officer
Swabi.


Muhammad Usman Khan
Tufandi
Advocate Supreme Court
of Pakistan. No: 5045



(19) Annex "E"

**OFFICE OF THE
THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**

POLICE POLICY BOARD

PPB Order No. 66/2016

Subject: Appointment of Shuhada brothers as ASIs

Reference this office Endst: No. 3085-3135 /DIG HQrs:/PA, dated 28.12.2016.

In light of the decision taken by the 26th Police Policy Board held on 1.12.2016, under the chairmanship of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar the following policy has been approved.

Deliberations were held on the issue of appointment of Shaheed brothers/ sisters as ASI and following were agreed upon :-

- 1) Brother/ sister of the Shaheed shall not be considered for appointment as ASI where minor child of the Shaheed is available, even if the widow has given consent in this behalf because she is not entitled to forego right of the minor.
2. In case widow is issueless and qualified to be recruited as ASI against shuhada quota she may forego her right in favour of shaheed brother/sister. However, in order to ensure her free will in this behalf; she will have to be accompanied by her blood relations and shall get her statement recorded in presence of the committee headed by RPO concerned.
3. If widow is issueless and is also otherwise disqualified to be recruited as ASI due to non-fulfillment of requisite criteria i.e age, education etc: the brother/sister of the shaheed will then be considered for recruitment as ASI.

All concerned are hereby directed to implement the decision in letter & spirit.


-Sd-

(NASIR KHAN DURRANI)
Inspector General of Police
Khyber Pakhtunkhwa Peshawar


No. 194 - 239 /PA/AIG Estt., dated Peshawar the 02/02/2017.

Copy of above is forwarded for information to the:-

1. All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
2. Capital City Police Officer Peshawar.
3. All DisG of Police in Khyber Pakhtunkhwa.
4. All AIsG of Police in Khyber Pakhtunkhwa.
5. PSO to Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
6. All District Police Officers in Khyber Pakhtunkhwa.
7. All Head of Police Offices in Khyber Pakhtunkhwa.
8. All Office Superintendent CPO Peshawar.


(Najeed-ur-Rehman Bugvi)
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar

**ATTESTED TO BE
TRUE COPY**


Najeed-ur-Rehman Bugvi
AIG/Establishment
No: 6046

Annex 1

20

To: -
The Regional Police Officer, Mardan Region.

Respected Sir,

1. It is submitted that my real brother Constable Nawaz Ali No. 1098 was martyred on 27.01.2019.
2. The Government of Khyber Pakhtunkhwa has fixed 5 % quota for appointment as ASI in Police Department for the sons of Police Shuhada vide Notification No. SO(P-1)HD/3-22/78-11 dated 01.11.1995 and No. Police/HD/3-22/2000 dated 17.10.2003.
3. Later-on the Government of Khyber Pakhtunkhwa Home & TAs Department vide Notification No. SO (Police)/HD/3-22/2000 dated 18.05.2007 decided that in absence of sons the Real Brother of Shaheed could be appointed as ASI against the 5% quota.
4. The Government of Khyber Pakhtunkhwa Finance Department created 300 supernumerary posts for appointment of ASI of Shuhada sons.
5. MST Nargus Begum widow of Shaheed Constable Nawaz Ali No. 1098 given statement on stamp paper that she has no objection on the appointment Mr. Jehan Ali brother of Constable Nawaz Ali No. 1098 as ASI.
6. I was appointed as ASI on 14.01.2016 and allotted Region No. 509 through letter No. 407-10/ES dated 12.01.2016 by RPO Mardan.
7. The DPO Swabi vide OB No. 389 dated 22.10.2019 issued my discharge order from service given reason of succession certificate which is against the rules because it is only for disbursement of inheritance not for appointment. The Provincial Government decided already existing committee for scrutinizing and recommending the sons of Shuhada will remain intact.
8. The DPO Swabi issued my discharge order from service in the light of CPO Police Policy Board decision dated 02.02.2017 that brother or sister of Shuhada shall not be considered for appointment as an ASI where minor child of Shaheed is available even if the widow has given consent in this behalf because she is not entitle to forgo right of the minor.
9. The DPO Swabi order is not justified because I was appointed as ASI on 14.01.2016 and the CPO Policy was issued on 02.02.2017 which is not applicable retrospective effect.

It is therefore, requested that my discharge order issued by DPO Swabi may kindly be set aside and I may very kindly be reinstated in service with all back benefits.

Yours obediently

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(JEHAN ALI)
EX-ASI Mardan Region

محمد خان ترلانڈی
کورٹ آف پاکستان
No: 509

ORDER.

21

28.1.20

انکس

Annex H

This order will dispose-off the departmental appeal preferred by Ex-PASI Jehan Ali No. 509/MR of Swabi District Police against the order of District Police Officer, Swabi, whereby he was discharged from service vide District Police Officer, Swabi OB: No. 889 dated 22.10.2019. The appellant was enlisted as PASI under Shaheed quota vide this office Memo: No. 407-10/ES dated 12.01.2016. Appellant Jehan is brother of Shaheed Constable Nawaz Ali martyred vide case FIR No. 28 dated 12.01.2014 u/s 302/324/353/34 PPC/7ATA PS Swabi. The widow of Shaheed Constable applied for the succession certificate and the court of Senior Civil Judge Swabi issued succession certificate bearing No. 53/5 of 2014 vide order dated 02.04.2014, wherein widow, father and mother of Shaheed Constable were declared as legal heirs and the Shaheed package was distributed amongst the legal heirs in the light of above succession certificate. After a few months of the issuance of succession certificate, Aneesa Begum d/o Shaheed was born, but this fact was concealed from the Police department for a long time and when the relationship of widow of Shaheed with her in-laws becomes strained, she came to know about the legal rights of her minor daughter and applied for revised succession certificate in the court of Senior Civil Judge Swabi. The court after hearing, accepted the application and issued revised succession certificate vide order dated 30.07.2019 and Aneesa Begum was declared as legal heir. Her share in Shaheed package was recovered from the other heirs and deposited in the court of Senior Civil Judge Swabi vide District Police Officer, Swabi Memo: No. 627/A, dated 15.10.2019.

The widow of Shaheed submitted an application alleging that her brother in-law is enlisted on Shaheed quota against her free will. The matter was enquired and it was found that appellant Jehan Ali was enlisted as PASI in Shaheed quota. According to the policy, in presence of minor child, brother/sister is not entitled for enlistment against Shaheed quota. Therefore, in the light of application of widow of Shaheed, enlistment order of appellant Jehan Ali as PASI against Shaheed quota was withdrawn vide District Police Officer, Swabi OB No. 889 dated 22.10.2019.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.01.2020.

From the perusal of record and personal hearing of appellant, it came to light that the appellant concealed the fact of minor child of Shaheed as a result of which he succeeded in getting himself appointed as PASI in Police Department against Shaheed quota. It merits a mention here that as per decision of Police Policy Board vide order No. 66/2016 dated 01.12.2016 "**Brother/Sister of the shaheed shall not be considered for appointment as ASI where minor child of the shaheed is available, even if the widow has given consent in this behalf because she is not entitled to forego rights of the minor**". The retention of appellant Jehan Ali No. 509/MR as PASI against the shaheed quota will be tantamount to the infringement of the lawful right of

ATTESTED TO B3

محمد رفیق
ڈپٹی سیکرٹری
پولیس سروس
سواہی ڈسٹرکٹ پولیس
No: 5045

the shaheed's legal heirs which is not only against the principles of Islam but also against the rules and policy of Khyber Pakhtunkhwa Police, in vogue. Based on the appreciation of facts stated above, order passed by the District Police Officer, Swabi does not warrant any interference.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, finds no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.



Regional Police Officer,
Mardan.

No. 1146 /ES, Dated Mardan the 31-01-2020.

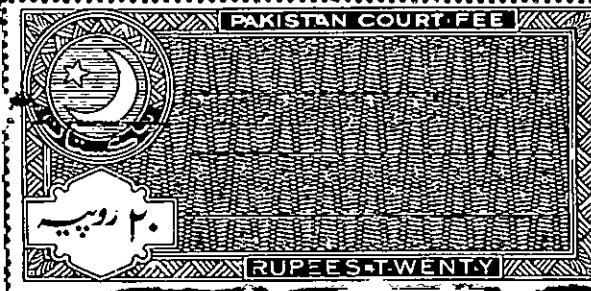
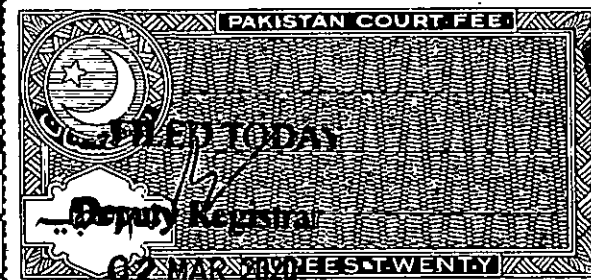
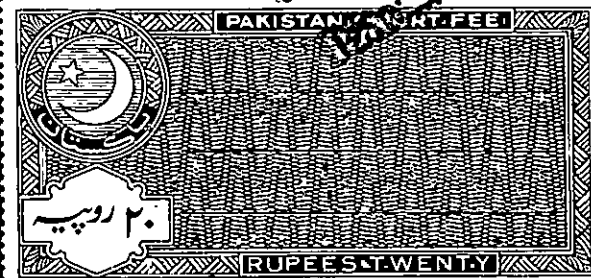
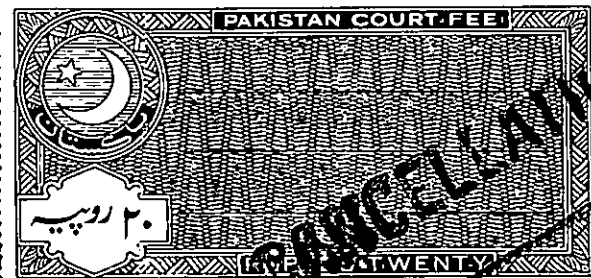
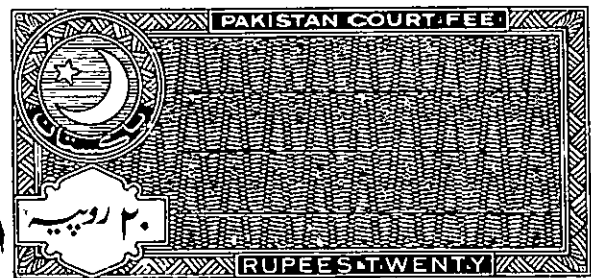
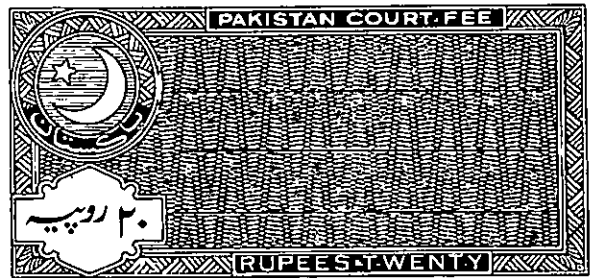
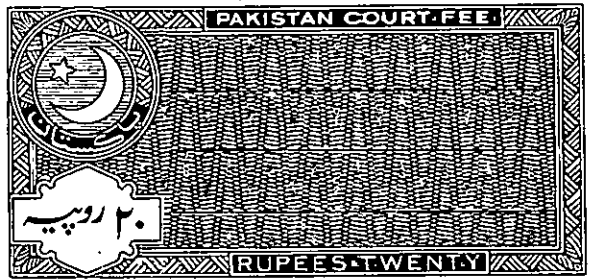
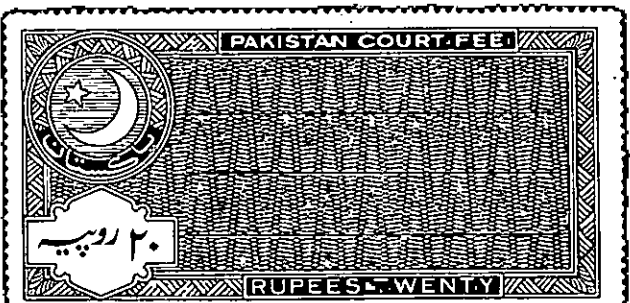
Copy forwarded to District Police Officer, Swabi for information and necessary w/r to his office Memo: No. 07/Insp: Legal dated 09.01.2020. His Service Record is returned herewith.

(*****)

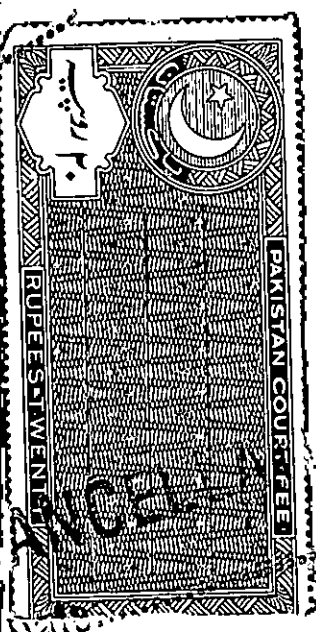
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محمد عثمان خان ترلانڈی
ایڈووکیٹ، پریزم کورٹ آف پاکستان
No: 5045

24



CANCELLED



CANCELLED

انٹرنل انڈی
ایڈووکیٹ سپر-اورٹ آف پاکستان
No: 5045

وکالت نامہ

25

بعدالت پشاور ہائی کورٹ پشاور

	S No	190
	BC No	bc-10-7472
	Sign	
	THIRTY RUPEES	

WP No. — 12020 مورخہ

مقدمہ

دعویٰ

جرم

جہان نسلی 2020ء منجانب سائیل
 بنام PPO وغیرہ
 باعث تحرے آنکہ Ex-PASI

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام PHC کیلئے محمد عثمان خان ترلانڈی ایڈووکیٹ سپریم کورٹ آف پاکستان
 No: 5045

مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا۔ نیز
 وکیل صاحب کو عرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہوگا
 نیز وکیل صاحب بصورت ڈگری برخلاف من اختیار دہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء
 تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی
 کاروائی یکطرفہ یا ڈگری یکطرفہ کیخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میرے جانب
 سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کر سکے گا اور مزید یہ کہ وکیل موصوف
 مقدمہ متذکرہ کی کل یا جزوی کاروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا ہے جس
 کو بھی وہ جملہ اختیار حاصل ہونگے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں تمام ساختہ
 پرداختہ منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط / نشان انگشت ثبت
 ہے تاکہ سند رہے۔

محمد عثمان خان ترلانڈی
 ایڈووکیٹ سپریم کورٹ آف پاکستان
 No: 5045

2020

المرقوم 25 مارچ 2020

FILED TODAY

Deputy Registrar

Q2 MAR 2020

بمقام PHC

واہ کے لئے منظور ہے۔



Chabi (Petitioner)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

Writ Petition No. 1972-P/2020.

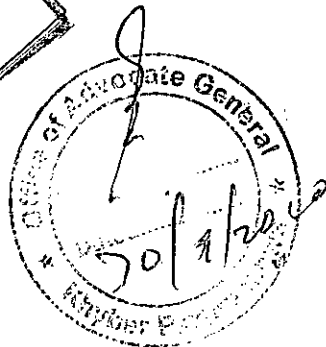
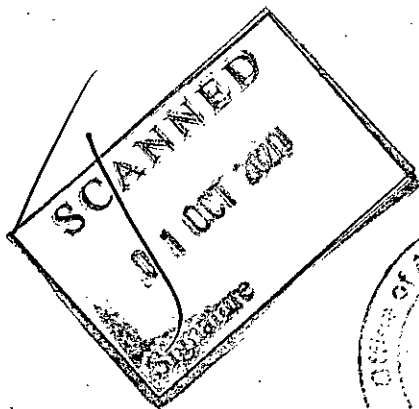
Jehan Ali Ex-PASI.....Petitioner.

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents.

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3	Standing order No 5/2014	B	05-06
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FILED TODAY
Deputy Registrar
30 SEP 2020

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(A)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

Writ Petition No. 1972-P/2020.

Jehan Ali Ex-PASI s/o Amir Sher r/o village Narangi Tehsil Razzar Swabi.....Petitioner.

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents.

PARAWISE COMMENTS BY RESPONDENTS.


Respectfully Shewith,

Preliminary Objections.

1. That the petitioner is barred by his conduct to bring the instant writ petition before this Honorable Court.
2. That the petitioner failed in disclosing a valid cause of action before this Honorable Court.
3. That the petitioner is not vested with blanket immunity from the rules regulations, law, decision of the government, under the garb of fundamental rights.
4. That the petitioner has got adequate remedy in the civil/criminal courts therefore the writ petition is not maintainable under Article 199 of the Constitution 1973.
5. That the august court may refrain to entertain the instant petition as the present answering Respondents have not attributed any discrimination to the petitioner in violation of Article 4 & 25 of the constitution of the Islamic Republic of Pakistan enabling him entitled to invoke the constitutional jurisdiction of this Honorable Court.
6. That the instant Writ is premature at this stage.

Reply on facts.

1. Para No. 01 of petition relates to personal information of petitioner, hence need no comments.
2. Para No. 02 of petition to the extent of Shahadat/Martyrdom of petitioner's brother namely Nawaz Ali vide FIR No. 28 dated 12.01.2014 u/s 302/324/353/34 PPC/7ATA PS Swabi is correct, however at the time of issuance of Succession Certificate, the fact of a child in the womb of widow of Shaheed was concealed from the Court as well as from the department for a long time and when the relationship of widow of Shaheed with her in-laws become strained, she came to know about the legal rights of her minor daughter and applied for revised Succession Certificate, which was accepted vide order dated 30.07.2019.

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Deputy Registrar
30 SEP 2020

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3. Para No. 03 of petition to the extent of recruitment of the wards of Shuhada's against Shaheed quota is correct, however, in presence of minor child of the Shaheed brothers/sisters are not entitled for enlistment against Shaheed quota. Moreover, widow has no right to forgo right of minor.
4. The petitioner concealed the fact of one of the legal heirs i.e. minor daughter Aneesa Begum and brother of petitioner namely Rahat Ali got employment as a result of mis-representation/deceit as Constable against Shaheed quota, while petitioner was enlisted as PASI against Shaheed quota.
5. Para No. 05 of petition to the extent of birth of female baby (Mst: Aneesa Begum) and issuance of revised Succession Certificate is correct, however, petitioner concealed the birth of female child till issuance of revised Succession Certificate.
6. Para No. 06 of petition is correct to the extent of issuance of revised Succession Certificate on the basis of which, Shaheed package already distributed amongst the legal heirs was withdrawn and against re-disbursed. However, in order to protect the rights of minor daughter, appointment order of petitioner against the post of PASI in Shaheed quota was withdrawn by the respondent No. 3, while her share in Shaheed package was deposited in the Court of Senior Civil Judge, Swabi.
7. The respondents treat the petitioner in accordance with the policy and no discrimination has been done with petitioner.
8. That the petitioner has got no cause of action to invoke the constitutional jurisdiction of this Hon'ble Court.

Reply on grounds.

- A. Correct to the extent that petitioner is real brother of Shaheed Constable Nawaz Ali and as per policy 5% quota is reserved for the recruitment of wards of Shuhada against the post of PASI, however in presence of child of Shaheed, brothers/sisters are not entitled for enlistment against Shaheed quota. **(copy of standing order enclosed as annexure 'A')**
- B. Incorrect. In presence of child of Shaheed, brother of Shaheed is not entitled for enlistment against Shaheed quota, however on account of concealment of facts/mis-representation, brother of petitioner namely Rahat Ali was enlisted as Constable in Shaheed quota, while petitioner was enlisted as PASI in Shaheed quota. However, in order to protect the rights of minor daughter of Shaheed, appointment order of petitioner was withdrawn.
- C. Incorrect. Petitioner was treated in accordance with law/rules/policy.
- D. Incorrect. Petitioner was treated according to the policy.
- E. Incorrect. The fact of birth of minor child was concealed from the department till issuance of revised Succession Certificate and petitioner as a result of mis-representation/deceit succeeded in getting himself appointed as PASI against Shaheed quota.

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30 SEP 2020


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- F. Incorrect. The orders of respondents No. 3 & 2 are quite legal in accordance with the policy/rules.
- G. Incorrect. Reply already given vide paras above, however retention of petitioner as PASI against Shaheed quota will deprive the legal heir of Shaheed i.e. Aneesa Begum (minor) of her due right.
- H. Incorrect. The orders of respondents are legal in accordance with rules/policy.
- I. Incorrect. The petitioner was treated in accordance with the law.
- J. Incorrect. The order of respondent No. 3 is legal in accordance with the policy/rules.
- K. Incorrect. The respondents have protected the rights of legal heir i.e. Mst: Aneesa Begum (minor) and treated the petitioner in accordance with law.
- L. Incorrect. Reply already given vide para-E above.
- M. Incorrect. Reply already given vide paras above.
- N. Incorrect. Petitioner has been treated in accordance with law/rules/policy.
- O. Incorrect. Reply already given vide paras above.
- P. Incorrect. The orders of respondents are legal in accordance with the rules/policy.
- Q. That respondents will also raised additional grounds at the time of hearing

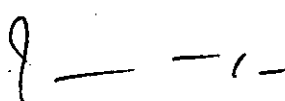
PRAYERS

Keeping in view the above stated facts it is humbly prayed that the petition may kindly be dismissed with cost being devoid of merits/legal force.

FILED TODAY
Deputy Registrar
30 SEP 2020


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)


Deputy Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)


District Police Officer, Swabi.
(Respondent No. 3)

4

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

WP No.1972-P/2020

Jehan Ali Ex PASI

Petitioners

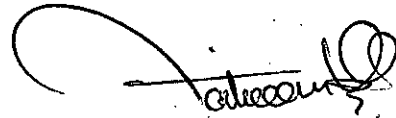
Versus

Inspector General of Police Khyber Pakhtunkhwa & others

Respondents

AFFIDAVIT

I, Faheem Khan Inspector Legal Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying parawise comments are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.

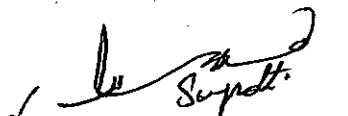


DEPONENT

13302-0379279-9

0301-8173738

Identified by



Advocate General
Khyber Pakhtunkhwa,
Peshawar.

FILED TODAY

Deputy Registrar
30 SEP 2020

No:.....	7106
Certified that the above was verified on solemnly affirmation before me in of the Ms. ⁹	
day of.....	Sep 30 th 2020 Faheem Khan
s/o.....	Inspector Swabi
Who was present with me.....	26
Who is personally known to me:	
Oath Commissioner Peshawar 3/9/2020	



Annexure - ⁶ B

OFFICE OF THE
THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

STANDING ORDER NO. 5/2014

The Option of Appointment as Constables of Shuhada
Sons/Brothers Placed on the Waiting List for ASI Posts

This Standing Order is issued under Article 10(3) of Police Order 2002 in pursuance of the Police Policy Board decision taken in its 1st meeting held on 19th December 2013.

2. **Aim:-** Due to the high number of Police Shuhada, the seats of ASIs on the 5% quota allocated for Shuhada sons/brothers gets filled very quickly. Consequently, hundreds of candidates routinely wait for years for their turn to be appointed as ASIs. In most cases, candidates cross the upper age limit and hence become ineligible for appointment. It is therefore necessary that such candidates are provided an alternative opportunity.
3. **The option of appointment as Constables:-** Candidates placed on the approved waiting list for recruitment as ASIs against the 5% quota allocated for Shuhada sons/brothers shall be given the option of appointment as Constables till they could be appointed as ASIs on their turn as per the approved criteria and procedure.
4. **Appointment:-** Candidates who are willing to take the option under these provisions shall be appointed as Constables in their Districts of Domicile.
5. **Entitlement against the post of ASI:-** A candidate appointed as Constable under these provisions shall retain his entitlement/right against the post of ASI, in accordance with his merit position. This entitlement shall be mentioned in the appointment order issued under these provisions.
6. For recruitment of Shuhada sons/brothers as Constables under these provisions, the following relaxation shall apply:
 - a) Condonation of 1 inch in height measurement;
 - b) Condonation of 2 inches in chest measurement;
 - c) Relaxation of 5 years in upper age limit.
7. **There shall be no relaxation in the basic educational qualification in any case.**
8. The merit position of candidate for the post of ASI on Shuhada quota shall be determined from the date of Shahadat of the Police officer concerned.

A He Aed
Javed
My. 10/10/14
S. S. S.

A/1

7

9. **Power to remove difficulties:-** If any difficulty arises in giving effect to this order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.

10. **Amendment:-** All previous Standing Orders on the subject, to the extent of the provisions of this order, shall stand amended.

(NASIR KHAN DURRANI)
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar

No:- 364-427/GB dated Peshawar the 12th September 2014

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

1. All Heads of Police Offices in Khyber Pakhtunkhwa;
2. PRO to PPO;
3. Registrar CPO.

(MUBARAK ZEB) PSP
DIG Headquarters
Khyber Pakhtunkhwa
Peshawar

A Headed
Fattah
W. Legat
S. S. S.

IN THE PESHAWAR HIGH COURT, PESHAWAR.
OBJECTION SLIP

No: 33755

Jehan Ali V/S IGP

- Annexure "A" is
10 Copies of annexures are not legible.
11 Copies of annexures are not attested.

Annexure "A" is



READER

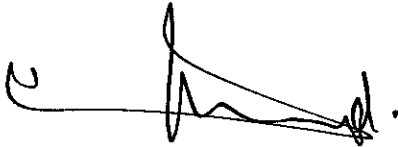
Returned with above mentioned objections for removal to be re-submitted on or before _____

16 October 2020


Deputy Registrar/ Incharge
Peshawar High Court, Peshawa

Respected Sir

Objection Removed





BY

①

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

In Ref: to WP No. 1972-P/2020

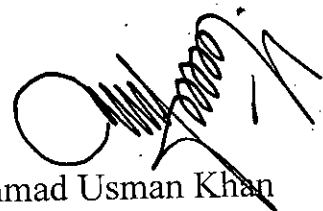
Jehan Ali Ex-PASI.....VS.....IGP KPK & others

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1.	Rejoinder on behalf of the petitioner.		1-6
2.	Affidavit.		6
3.	Appointment order of Constable Rahat Ali No. 573	"A"	7-8
4.	Revised Succession Certificate dated 30-07-2019.	"B"	9-15

PETITIONER

Through;



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 14/10/2020.

OFFICE: Flat # C-1 Haji Murad Plaza, Opp: Bank of Punjab, Dalazak Road, Peshawar.

Cell# 0333-9153699 * 0300-5895841**

FILED TODAY

Deputy Registrar
16 OCT 2020

RE-FILED TODAY

Deputy Registrar
19 OCT 2020

2

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

In Ref: to WP No. 1972-P/2020

Jehan Ali Ex-PASI.....VS.....IGP KPK & others

REJOINDER ON BEHALF OF THE PETITIONER.

RESPECTFULLY SHEWETH;

The petitioners humbly submit as under:

REPLY TO THE PRELIMINARY OBJECTIONS:

- a) Incorrect. No uncalled for conduct whatsoever has ever been attributed to the petitioner from any quarter and consequently no bar exists to bring the instant suit before this honorable court.
- b) Incorrect. The petitioner has got good cause of action both on factual and legal grounds and prima facie good and arguable case.
- c) Incorrect. The petitioner never claimed any blanket immunity from the law, rules, regulations and precedents rather rely on legally promulgated sound grounds and his genuine fundamental rights have been grossly violated.
- d) Incorrect. As has been enunciated earlier, the genuine fundamental rights enshrined in constitution enjoined upon citizens of Pakistan have been grossly violated and therefore the instant writ petition is well within the ambit of article 199 of the constitution of Pakistan 1973.
- e) Incorrect. Article 4 of the constitution characterize that every individual is to be dealt with in accordance with law and

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16 OCT 2020

article 25 is the equal sight of the state to its every citizen and hence both the pedestals are available to petitioner as he has not be extended equal sight nor has been dealt with in accordance with promulgated enabling laws.

f). Incorrect. The instant petition of the petitioner is ripe for its true adjudication by this honorable court.

ON FACTS:

1. No comments therefore no reply.

2. Incorrect. No one is responsible for the Act/omission of the other. Petitioner is not responsible for any alleged concealment of the baby in womb even her mother may not know it, so no question of constructive liability on part of the petitioner arise. Secondly widow of the shaheed gave her consent of no objection on stamp paper. Thirdly, admittedly petitioner was appointed as PASI on dated:14/01/2016 while CPO policy of forgoing the consent of widow of shaheed in presence of son or daughter of shaheed for the said post was promulgated dated 02/02/2017 similarly revised succession certificate issued dated 30/07/2019 hence both succession certificate & promulgated policy of CPO are later in time and hence legally have no retrospective effect upon the genuine rights of the petitioner to continue his service while at the same time the policy promulgated dated 08/05/2007 wherein in absence of son brother of the shaheed may be posted to the said post is applicable, more-so the principle of locus poententie applies as it is a principle of law that order once passed and take legal effect becomes irrevocable and it is past and closed transaction and cannot be reopened again. So the petitioner in light of above averments has a genuine arguable case in his favor having unprecedented right of reinstatement.

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3. Incorrect. Adequately dealt with in Para No.2

4

4. Incorrect. Mere assumptions have been exaggerated. Possible even for mother not knowing about child in her womb till its full growth, More-so appointment of Rahat Ali, brother of the petitioner is not based on any shaheed quota and hence no concealments of facts have to be attributed to the petitioner.
5. Incorrect. No concealment of facts has been resorted to by the petitioner. The matter of fact is that mother of the baby can be held responsible for any alleged concealment and not the petitioner as such.
6. Incorrect to the extent that the act of Respondent No.3 of the impugned withdrawal of his service of petitioner which was in utter disregard to the then prevailing law and rules and was void ab-initio.
7. Incorrect. The petitioner has never been treated in accordance with the then prevailing policy of appointment against shaheed brother quota and share venom and discrimination has been administered.

REPLY ON GROUNDS:-

A. Incorrect to the extent that the current policy of foregoing of shaheed widow's consent in presence of her child was not as such promulgates as at that time and real brother could be appointed as per then applicable policy.

B. Incorrect. Rahat Ali has never been appointed against shaheed son's quota and for ready reference his appointment order may be observed, while petitioner was appointed against shaheed son's quota being brother of the shaheed and no concealment of facts on part of the Petitioner is attributed ever is not just at all. (Appointment order of Rahat Ali being self-explanatory is appended for ready reference please).

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16 OCT, 2020

5

- C. Incorrect. Petitioner has never ever been treated in accordance with law and his qualification/right has unjustly and unwisely been neglected.
- D. Incorrect. Petitioner has never been treated in accordance with policy.
- E. Incorrect. No concealment of fact has ever been proved as against petitioner on cogent reliable grounds and have the demarcation of baseless allegations.
- F. Incorrect. The acts and orders of Respondents No.3 & 2 are illegal on factual as well legal footings and as such untenable.
- G. Incorrect. Detailed reply has already been given in Para No. 2 of facts of the instant rejoinder.
- H. Incorrect. Gross illegality has been attributable to the respondents for their biased malafide acts of withdrawal of appointment order of the petitioner.
- I. Incorrect. The petitioner has not been treated in accordance with law.
- J. Incorrect. The order of Respondent No. 3 doesn't hold field on the premises of promulgated law, rules and regulations.
- K. Incorrect. as has been time and again enunciated that no concealment of facts, no misrepresentation and consequently no usurpation of rights has ever taken place rather mother of the baby gave her consent on stamp paper when foregoing of consent of mother policy was not in field.

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Deputy Registrar

16 OCT 2020

L. Incorrect. Reply has already been given in Para 2 of the facts in the instant rejoinder.

M. Incorrect. Have already been dealt with.

N. Incorrect. Petitioner has been discriminated and un-cherished rules of favoritism and nepotism is feeble to.

O. Incorrect. Reply has already been given.

P. Incorrect. The orders of the Respondents are mockery played on law, rules, regulations and policy of the government as such.

6

Q. Further submissions will be advanced at the time of hearing the petitioner at the bar.

PRAYER:-

In view of the above facts, circumstances and averments, it is most humbly in the best interest of justice prayed that on acceptance of instant rejoinder the comments of the respondent be set at naught and the petitioner may kindly be reinstated in service with all consequential back benefits just to meet the ends of justice.

PETITIONER.

Through;



Muhammad Usman Khan
Turlandi
Advocate Peshawar
Cell # 0333-9153699

Dated: 14 /10/2020.

AFFIDAVIT:-

I, Jehan Ali EX-PASI, NO.509/MR of swabi police and son of Amir Sher R/O Narangi, Tehsil Razzarh and District Swabi , do hereby solemnly affirm and declare on oath that the contents of the accompanying rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein from this august court.

IDENTIFIED BY:




Muhammad Usman Khan
Turlandi
Advocate Peshawar.

DEPONENT:



(Jehan Ali Ex-PASI)
CNIC NO. 16204-0360850-5
Mob. 0313-3530452

FILED TODAY
Deputy Registrar
16 OCT 2020

No: 10361
Certified that the above was verified on solemnly affirmation before me in office this 14 day of Oct 2020 by Jehan Ali s/o Amir Sher Swabi who was identified by m. Usman Khan Who is personally known to me.

Oath Commissioner Peshawar 14/10/2020

(17) (19)

ANNEXURE A

POLICE DEPARTMENT.

SWABI DISTRICT

ENLISTMENT ORDER.

Mr. Rahat Ali S/O Amir Sher R/O Narangi Police Station
Barroh Tehsil Jajzar District Swabi is hereby enlisted as Constable on three
years probation in B.P.S No. 5 RS:(5-00-260-13200) on permanent basis at a
rate of Rs. 5400/- per month with effect from 08/04/2014 and allotted
constabulary No. 573.

This order is issued in compliance with order of Provincial
Police Officer, Khyber Pakhtunkhwa, Peshawar vide his office Endst: No. 5153
82/E-IV dated 20. 12.2014.

Height. 5-8 1/2

Chest. 31" x 36"

Education. 10th

Date of birth. 08.01.1995

Blood group. (A+)

Age. Year 19 Month 03 Days 00.

O.B. No. 487

dated 01-04-2014.

District Police Officer,
Swabi.

*to
hm
Attested to be
True copy*

ATTESTED TO BE
TRUE COPY

Handwritten signature and notes in Urdu

(8) (10) (75)

دراستی

تقدیر 22 جون 2014 10/14

10/14

سید اہلیہ بنت 10:05 منٹ 10/14 درج ذیل کے تمام حوالہ
 487 08 (سٹیٹ ٹرانسپورٹ) ولد امیر بشیر سائن ٹاؤن ٹاؤن ٹاؤن
 9-4-14 میں رجسٹرڈ ریفرٹ کھینچ کر پورے کینیڈا میں 573 ایئر ٹائٹل
 کے لئے درخواستیں جمع کرائیں۔ ان کے بارے میں جاننے کے لئے
 10/14 ایئر ٹائٹل کے بارے میں جاننے کے لئے
 (A) 10/14 ایئر ٹائٹل کے بارے میں جاننے کے لئے

مہر 30

صاف کاپی

تقریباً 10/14

Sir, Forwarded

10-4-14

10-4-14

ATTACHED TO BB FROM COPY

محمد عثمان خان بلوچی
101-5046

(9)

نورث

کھریاں کا مجموعہ

نورث	کھریاں	مجموعہ	حصہ	رجسٹر	نورث
19/10/11	25	تا 19	30 ⁷ / ₁₉	17 ⁶ / ₁₉	76/6

نورث کا مجموعہ

نورث کا مجموعہ	کھریاں	نورث
19/10/11 - 25	19	1
25	6	2

25

کل 25 کھریاں اور 6 نورث

3048

18

(10)

اعدالت گارڈین جج صاحب ہوابی

عوام اتناس

ننام

نرسنگ بیگم

درخواست عہدہ شامل کرنے مہمی امیر شیر ولد محتر خان، مسماہ سروینزی زوجہ امیر شیر
(والدین متوفی نواز علی) ساکنان محلہ سپہ خانی، تاریخی تحصیل رزٹ، ضلع ہوابی بزمہ رسول
الہیم و طلب کرنے سند جانشینی جاری شدہ مورخہ 28 مارچ 2014ء۔

0403

mmk
28/3/20

جناب عالی! درخواست حسب ذیل ہے۔

1- یہ کہ درخواست بعنوان بالا اعدالت حضور میں زیر تجویز ہے جس میں آج کی تاریخ
تقرر ہے۔

2- یہ کہ مقدمہ درخواست نمبری پر 53 سال 2014ء میں سائلان 2 اور 3 جو کہ
متوفی نواز علی کے والدین ہیں اور سند جانشینی جاری شدہ والد متوفی یعنی سائل 2
کو جاری کیا گیا ہے اور ان کے تحویل میں ہے اور مذکورہ سائل 2، سائل کو سند
جانشینی دینے یا اعدالت میں جمع کرنے کیلئے تیار نہ ہے جبکہ سائل سند جانشینی میں
ترمیم کرنے اور اپنی بیٹی کو متوفی کے وراثت میں شامل کرنے کی خواہش ہے
لہذا مقدمہ نمبری پر 53 سال 2014ء میں سائلان 2 اور 3 کو درخواست زیر
تجویز میں طلب زمانہ اور ان کو بزمہ رسول الہیم شامل کرانا مطلوب ہے۔

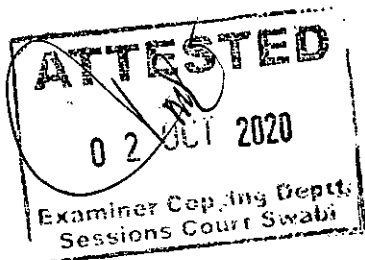
لہذا استدعا ہے کہ درخواست پر 53 سال 2014ء میں سائلان 2 اور 3 کو درخواست زیر
تجویز میں طلب کرنے اور بزمہ رسول الہیم شامل کرنے کا حکم صادر فرمائیں۔

مورخہ 24.6.19

نرسنگ بیگم - سائلہ
[Signature]

بدولالت

[Signature]



بعدالت محترم سینئر سول جج/اگر ڈین جج صاحب صوابی

01

17 6 12

عوام الناس

مسماة زگس بیگم بنام

24/6/19

احمد شیر زلم حضرتی

17/6/12

Petition No: 53/5 of 2014

Date of Decision: 28/03/2014

درخواست بدیں مراد کہ سند جانشینی جاری کردہ مورخہ ۲۸ مارچ ۲۰۱۳ منسوخ فرمایا جا کر نابالغہ انیلہ بیگم کے نام اور اس کے والد کی وراثت میں اس کے شرعی حصہ پر مشتمل مر م سند جانشینی جاری کیا جائے۔

جناب عالی! درخواست حسب ذیل ہے۔

1. یہ کہ سانلہ کی درخواست مندرجہ نمبری بلاعدالت حضور نے مورخہ ۲۸ مارچ ۲۰۱۳ کو منظور کر کے سند جانشینی بحق سانلہ (بیوہ متوفی) و والدین متوفی جاری ہو چکا ہے۔ (نقل سند جانشینی لف ہے)
2. یہ کہ سانلہ کے شوہر متوفی نواز علی محکمہ پولیس میں ملازم تھا اور مورخہ ۲۷ جنوری ۲۰۱۳ کو دوران ذیوٹی شہید ہوا تھا۔
3. یہ کہ درخواست مذکورہ بالا مورخہ ۲۷ فروری ۲۰۱۳ کو دائر کیا گیا تھا اور اس وقت سانلہ تقریباً ۳ ماہ کے حمل سے تھی اور بعد ازاں مورخہ ۱۵ اگست ۲۰۱۳ کو سانلہ اور شہید کی بیٹی انیسہ بیگم کی پیدائش ہوئی جو کہ زندہ سلامت سانلہ کے تحویل میں موجود ہے۔ (نقل فارم "ب" و پیدائش سند لف ہے)۔
4. یہ کہ سند جانشینی جاری کردہ میں نابالغہ متوفی نواز علی کی وراثت میں شامل نہ ہے کیونکہ بوقت اجراء سند مذکور نابالغہ وارث کی ولادت نہیں ہوئی تھی اور اسی طرح نابالغہ اپنے والد کی وراثت میں اپنے شرعی و قانونی حصے سے محروم رہی ہے۔
5. یہ کہ بذریعہ درخواست ہذا سانلہ سند جانشینی جاری کردہ کو منسوخ کرانے اور نابالغہ انیسہ بیگم کے نام اور اسکے والد کی وراثت میں اس کے شرعی حصے پر مشتمل مر م سند جانشینی کے اجراء کی مانتس ہے۔

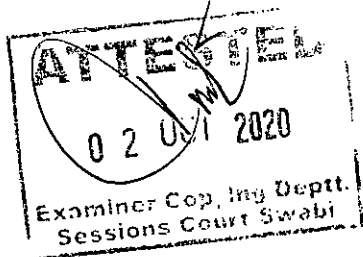
لہذا استدعا ہے کہ سند جانشینی مذکورہ بالا کو منسوخ فرما کر مر م سند جانشینی بحق انیسہ بیگم بمع دیگر وارثان متوفی جاری فرمایا جائے۔

مسماة زگس بیگم ----- (سانلہ)

مورخہ ۱۵ جون ۲۰۱۹ء

برائے نابالغہ انیسہ بیگم دختر نواز علی

یہ وکالت: وحید کامران ترک ایڈووکیٹ





(12)

IN THE COURT OF MUHAMMAD IQBAL

Senior Civil Judge/Guardian Judge, Swabi

Case # 76/6 of 2019

"Mst. Nargis Begum ...VS... Public At Large etc"

"APPLICATION FOR ISSUANCE OF REVISED SUCCESSION CERTIFICATE"

Order # 09

30.07.2019

Present: The petitioner & respondents through their counsel.

Heard.

This is a petition for revocation of succession certificate U/S 383 of the Succession of the Act, 1925, earlier issued in succession petition # 53/5 on 28.03.2014.

Yes, deceased Nawaz Ali had died. At the time of issuance of succession certificate in petition # 53/5 of 2014, he was survived by a widow (the petitioner), father & mother (the respondents). Accordingly, they were declared as the LR's of the deceased entitled to inherit their due as per commands of sharia. As pleaded, the petitioner being the widow the deceased was pregnant by then. She had given birth to a daughter namely, Mst. Aneesa Begum on 05.08.2014. Her NADRA record is Ex.PD. In the backdrop of the petitioner's daughter birth the situation has changed as she would also be entitled to inherit her due share out

of the debts & securities of the deceased. Petitioner reiterated so, while offering her statement before this court. Respondent

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Stamp: BIN 111-1111
Lic # 418-2019
Compt. Shahadat Swabi

ATTESTED
02 OCT 2020
Examiner Cop. Ing Deptt:
Sessions Court Swabi

Certified to be true copy
EXAMINER
District & Sessions Judge, Swabi
Authorized under Article 87 of
The Qanun-e-Shahadat Order 1984
02-10-2020

ISSUED ON
27 OCT 2020
HEAD TREASURER
SESSIONS COURT SWABI

No of application 8240
Date of presentation of application 02-10-2020
Date on which copy prepared 02-10-2020
Date on which copy delivered 02-10-2020
Total Number of pages of E 06
Signature of Copyist [Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1972/2020.

Jehan Ali Ex-PASI s/o Amir Sher r/o village Narangi Tehsil Razzar Swabi.....Appellant

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1972/2020.

Jehan Ali Ex-PASI s/o Amir Sher r/o village Narangi Tehsil Razzar Swabi.....Petitioner

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Shewith,

Preliminary Objections.

1. That the appellant has got no cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
6. That the instant appeal is not maintainable in its present form.
7. That the appellant concealed the material facts from this Hon'ble Tribunal.
8. That the appellant has been estopped by his own conduct to file the appeal.

Reply on facts.

1. Para No. 01 of appeal relates to personal information of appellant, hence need no comments.
2. Para No. 02 of appeal to the extent of Shahadat/Martyrdom of appellant's brother namely Nawaz Ali vide FIR No. 28 dated 12.01.2014 u/s 302/324/353/34 PPC/7ATA PS Swabi is correct, however at the time of issuance of Succession Certificate, the fact of a child in the womb of widow of Shaheed was concealed from the Court as well as from the department for a long time and when the relationship of widow of Shaheed with her in-laws become strained, she came to know about the legal rights of her minor daughter and applied for revised Succession Certificate, which was accepted vide order dated 30.07.2019.

3. Para No. 03 of appeal to the extent of recruitment of the wards of Shuhada's against Shaheed quota is correct, however, in presence of minor child of the Shaheed brothers/sisters are not entitled for enlistment against Shaheed quota. Moreover, widow has no right to forgo right of minor.
4. The appellant concealed the fact of one of the legal heirs i.e. minor daughter Aneesa Begum and brother of appellant namely Rahat Ali got employment as a result of mis-representation/deceit as Constable against Shaheed quota, while appellant was enlisted as PASI against Shaheed quota.
5. Para No. 05 of appeal to the extent of birth of female baby (Mst: Aneesa Begum) and issuance of revised Succession Certificate is correct, however, appellant concealed the birth of female child till issuance of revised Succession Certificate.
6. Para No. 06 of appeal is correct to the extent of issuance of revised Succession Certificate on the basis of which, Shaheed package already distributed amongst the legal heirs was withdrawn and against re-disbursed. However, in order to protect the rights of minor daughter, appointment order of appellant against the post of PASI in Shaheed quota was withdrawn by the respondent No. 3, while her share in Shaheed package was deposited in the Court of Senior Civil Judge, Swabi.
7. The respondents treat the appellant in accordance with the policy and no discrimination has been done with appellant.
8. That the appellant has got no cause of action to file the instant Service Appeal before this Hon'ble Tribunal.

Reply on grounds.


- A. Correct to the extent that appellant is real brother of Shaheed Constable Nawaz Ali and as per policy 5% quota is reserved for the recruitment of wards of Shuhada against the post of PASI, however in presence of child of Shaheed, brothers/sisters are not entitled for enlistment against Shaheed quota **(Copy of Standing Order enclosed as Annexure 'A')**
- B. Incorrect. In presence of child of Shaheed, brother of Shaheed is not entitled for enlistment against Shaheed quota, however on account of concealment of facts/mis-representation, brother of appellant namely Rahat Ali was enlisted as Constable in Shaheed quota, while appellant was enlisted as PASI in Shaheed quota. However, in order to protect the rights of minor daughter of Shaheed, appointment order of appellant was withdrawn.
- C. Incorrect. Appellant was treated in accordance with law/rules/policy.


3

- D. Incorrect. Appellant was treated according to the policy.
- E. Incorrect. The fact of birth of minor child was concealed from the department till issuance of revised Succession Certificate and appellant as a result of mis-representation/deceit succeeded in getting himself appointed as PASI against Shaheed quota.
- F. Incorrect. The orders of respondents No. 3 & 2 are quite legal in accordance with the policy/rules.
- G. Incorrect. Reply already given vide paras above, however retention of appellant as PASI against Shaheed quota will deprive the legal heir of Shaheed i.e. Aneesa Begum (minor) of her due right.
- H. Incorrect. The orders of respondents are legal in accordance with rules/policy.
- I. Incorrect. The appellant was treated in accordance with the law.
- J. Incorrect. The order of respondent No. 3 is legal in accordance with the policy/rules.
- K. Incorrect. The respondents have protected the rights of legal heir i.e. Mst: Aneesa Begum (minor) and treated the appellant in accordance with law.
- L. Incorrect. Reply already given vide para-E above.
- M. Incorrect. Reply already given vide paras above.
- N. Incorrect. Appellant has been treated in accordance with law/rules/policy.
- O. Incorrect. Reply already given vide paras above.
- P. Incorrect. The orders of respondents are legal in accordance with the rules/policy.
- Q. That respondents will also raised additional grounds at the time of hearing

PRAYERS

Keeping in view the above stated facts it is humbly prayed that the appeal may kindly be dismissed with cost being devoid of merits/legal force.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)**


**Deputy Inspector General of Police,
Mardan Region-I, Mardan.
(Respondent No. 2)**


**District Police Officer, Swabi.
(Respondent No. 3)**

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1972/2020.


Jehan Ali Ex-PASI s/o Amir Sher r/o village Narangi Tehsil Razzar Swabi.....Appellant.

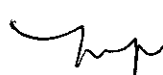
VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.....Respondents

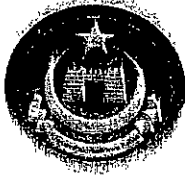
AFFIDAVIT:-

We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)**


**Deputy Inspector General of Police,
Mardan Region-I Mardan
(Respondent No. 2)**


**District Police Officer Swabi,
(Respondent No. 3)**



(A)

OFFICE OF THE
THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

STANDING ORDER NO. 5/2014

**The Option of Appointment as Constables of Shuhada
Sons/Brothers Placed on the Waiting List for ASI Posts**

This Standing Order is issued under Article 10(3) of Police Order 2002 in pursuance of the Police Policy Board decision taken in its 1st meeting held on 19th December 2013.

2. **Aim:-** Due to the high number of Police Shuhada, the seats of ASIs on the 5% quota allocated for Shuhada sons/brothers gets filled very quickly. Consequently, hundreds of candidates routinely wait for years for their turn to be appointed as ASIs. In most cases, candidates cross the upper age limit and hence become ineligible for appointment. It is therefore necessary that such candidates are provided an alternative opportunity.

3. **The option of appointment as Constables:-** Candidates placed on the approved waiting list for recruitment as ASIs against the 5% quota allocated for Shuhada sons/brothers shall be given the option of appointment as Constables till they could be appointed as ASIs on their turn as per the approved criteria and procedure.

4. **Appointment:-** Candidates who are willing to take the option under these provisions shall be appointed as Constables in their Districts of Domicile.

5. **Entitlement against the post of ASI:-** A candidate appointed as Constable under these provisions shall retain his entitlement/right against the post of ASI, in accordance with his merit position. This entitlement shall be mentioned in the appointment order issued under these provisions.

6. For recruitment of Shuhada sons/brothers as Constables under these provisions, the following relaxation shall apply:

- a) Condonation of 1 inch in height measurement;
- b) Condonation of 2 inches in chest measurement;
- c) Relaxation of 5 years in upper age limit.

7. **There shall be no relaxation in the basic educational qualification in any case.**

8. The merit position of candidate for the post of ASI on Shuhada quota shall be determined from the date of Shahadat of the Police officer concerned.



(A.1)

9. **Power to remove difficulties:-** If any difficulty arises in giving effect to this order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.


10. **Amendment:-** All previous Standing Orders on the subject, to the extent of the provisions of this order, shall stand amended.

(NASIR KHAN DURRANI)
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar

No:- 364-427/GB dated Peshawar the 12th September 2014

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

1. All Heads of Police Offices in Khyber Pakhtunkhwa;
2. PRO to PPO;
3. Registrar CPO.


(MUBARAK ZEB) PSP
DIG Headquarters
Khyber Pakhtunkhwa
Peshawar

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



In Ref: to Service Appeal No. ¹⁵⁵⁷²~~1972~~/2020.

Put up to the court with relevant appeal.

5/7/2021

Reader

Jehan Ali Ex-PASI Police, No. 509.....VS.....PPO & others.

Rejoinder on behalf of the Appellant in Service Appeal No. 1972/ of 2020 to the comments, filed by the respondents.

RESPECTFULLY SHEWETH:

The Appellant humbly submits as under:

REPLY TO THE PRELIMINARY OBJECTIONS:

- a) Incorrect. The Appellant has a genuine cause of action and locus standi to file the instant appeal within the ambit of law on the subject.
- b) Incorrect. Appeal is competent and all necessary/proper parties have properly been arrayed therein.
- c) Incorrect. Appeal is well within time; question of limitation is out of question.
- d) Incorrect. Appellant came to this court with bonafide intention and clean hands and nothing have been concealed from this honorable court.
- e) Incorrect. The appellant being a civil servant was directed by the august Peshawar High Court to approach this august Tribunal for the redressal of his grievances.
- f) Incorrect. The appeal is maintainable within the four corners of prevalent law and hence the Appellant has a good prima facie arguable case and he is sanguine for attaining the relief as prayed for.
- g) Incorrect. Nothing floating on the face of adduced and available evidence which could be adjudged to be concealed from this honorable court.
- h) Incorrect. No rule of estoppel applied as the appellant has not committed such an act which could become hurdle in the way of seeking his relief from this honorable court.

PARAWISE COMMENTS

ON FACTS:

1. Para-1 is admitted hence no reply.
2. Para-2 of the Comments is ambiguous, frivolous and incorrect. After the martyrdom of Shaheed namely Nawaz Ali and the matter so reported vide FIR No. 28 dated 12-01-2014 the widow of Shaheed Nawaz Ali herself had applied for Succession Certificate just to cash the shaheed package in time and at that time even she had no knowledge about her pregnancy being very initial stage, hence at that time she was issueless one and Whereas, in light of the Notification passed by the Provincial Government dated 08-05-2007 (Annexure "B") the appointment of the appellant being real brother of Shaheed Nawaz Ali was made as PASI against Shaheed Son's/Brother's quota (Annexure "C") vide order dated 02-02-2016. Mst; Nargus Begum, widow of Shaheed Nawaz Ali gave a birth to a female baby namely Aneesa Begum dated 05-08-2014 and later-on, in order to include her daughter/female child in the legacy of her Shaheed husband, again applied and obtained revised Succession Certificate on 30-07-2019. Furthermore, Mst; Nargus Begum, widow of Shaheed Nawaz Ali had also tendered an affidavit to the effect that she herself doesn't willing/interesting for recruitment in police department against reserve quota and that she has no male issue, thus requested for recruitment of her brother-in-law (the appellant, being the real brother of Shaheed). In this scenario, nothing was kept concealed from the respondent/Police department.
3. Para-3 is incorrect. The appointment of the appellant dated 02-02-2016 against Shaheed brother's quota was made in light of the Notification passed by the Provincial Government dated 08-05-2007 whereas, later-on, it was subsequently declared that the widow is not entitle to give consent to forgo the right of minor vide Police Policy Board No. 66/2016 dated 02-02-2017 which is a policy simplicity and not Notification of the provincial Government having been based on proper legislation and secondly it has no retrospective effect.
4. Para-4 is incorrect. Not a single even a slightest fact has ever been concealed from the mother department. Both the Succession Certificates were obtained by the widow herself in order to receive the Shaheed package and the alleged concealing the birth of female child has no relevancy with the appellant. As for as, the appointment of Rahat Ali is concerned. He was appointed as Constable on open merit. His appointment order is self-explanatory which has never been made against Shaheed brother's quota. Had he been appointed against Shaheed brother's quota, then he would have been recruited as ASI and not a Constable under the policy in vogue.

5. Para-5 is frivolous and incorrect. Detailed reply has been given in Para-4 above.
6. Para-6 is incorrect. The main aim and object of both the Succession Certificates were to get the Shaheed Package which was received and distributed while on the arrival of the revised Succession Certificate the legal shares amongst the legal heirs were rescheduled and redistributed accordingly.
7. Incorrect. The appellant was rightly recruited as PASI in Police Department in light of the Notification passed by the Provincial Government dated 08-05-2007 as per his legitimate fundamental right but he was made a scapegoat and was treated discriminately under the police of the year 2017 which has no binding effect on the right of the appellant.
8. Incorrect. The Appellant has a genuine cause of action and locus standi to file the instant appeal within the ambit of law on the subject.

GROUNDS:

- A) Incorrect. The appellant was rightly recruited as PASI in Police Department in light of the Notification passed by the Provincial Government dated 08-05-2007 as per his legitimate fundamental right but he was made a scapegoat and was treated discriminately under the police of the year 2017 which has no binding effect on the right of the appellant.
- B) Incorrect. The appointment of the appellant dated 02-02-2016 against Shaheed brother's quota was made in light of the Notification passed by the Provincial Government dated 08-05-2007 whereas, later-on, it was subsequently declared that the widow is not entitle to give consent to forgo the right of minor vide Police Policy Board No. 66/2016 dated 02-02-2017 which is a policy simplicity and not Notification of the provincial Government and secondly it has no retrospective effect.
- C) Incorrect. Detailed reply has been given in Para-A above.
- D) Incorrect. Detailed reply has been given in Para-A above.
- E) Incorrect. Detailed reply has been given in Para-4 above.
- F) Incorrect. The acts and orders of Respondents No.3 & 2 are illegal on factual as well legal footings and as such untenable.
- G) Incorrect. Detailed reply has already been given in Para No. 2 of facts of the instant rejoinder.

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- H) Incorrect. Gross illegality has been attributable to the respondents for their biased malafide acts of withdrawal of appointment order of the petitioner.
- I) Incorrect. The petitioner has not been treated in accordance with law.
- J) Incorrect. The order of Respondent No. 3 doesn't hold field on the premises of promulgated law, rules and regulations.
- K) Incorrect. as has been time and again enunciated that no concealment of facts, no misrepresentation and consequently no usurpation of rights has ever taken place rather mother of the baby gave her consent on stamp paper when foregoing of consent of mother policy was not in field.
- L) Incorrect. Reply has already been given in Para 2 of the facts in the instant rejoinder.
- M) Incorrect. Detailed reply has already been given in preceding Paras.
- N) Incorrect. Petitioner has been discriminated and un-cherished rules of favoritism and nepotism is feeble to.
- O) Incorrect. Reply has already been given.
- P) Incorrect. The orders of the Respondents are mockery played on law, rules, regulations and policy of the government as such.
- Q) Further submissions will be advanced at the time of hearing the petitioner at the bar.

PRAYER:-

In view of the above facts, circumstances and averments, it is most humbly in the best interest of justice prayed that on acceptance of instant rejoinder the comments of the respondent be set at naught and the appellant may kindly be reinstated in service with all consequential back benefits just to meet the ends of justice.

Through;


PETITIONER.

**Muhammad Usman Khan
Turlandi**

**Advocate Peshawar
Cell # 0333-9153699**

Dated: 05/07/2021

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

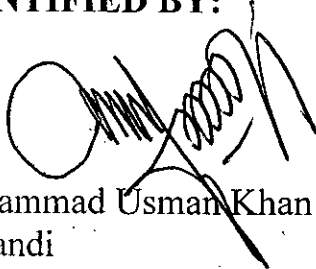
In Ref: to Service Appeal No. ¹⁵⁵⁷²~~1972~~/2020.

Jehan Ali Ex-PASI Police, No. 509.....VS.....PPO & others.

AFFIDAVIT:-


I, Jehan Ali EX-PASI, NO.509/MR of swabi police and son of Amir Sher R/O Narangi, Tehsil Razzarh and District Swabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed therein from this august court.

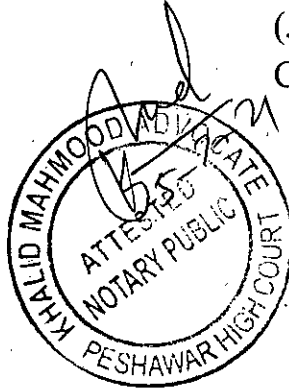
IDENTIFIED BY:



Muhammad Usman Khan
Turlandi
Advocate Peshawar.

DEPONENT:


(Jehan Ali Ex-PASI)
CNIC NO. 16204-0360850-5



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Ref; to Service Appeal No. 1972/2020.

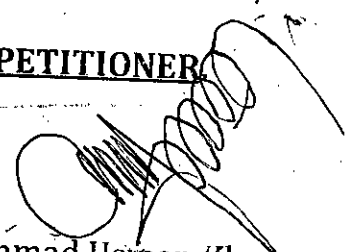
Jehan Ali Ex-PASI.....VS.....PPO & others.

INDEX

<u>S.No.</u>	<u>Description of documents.</u>	<u>Annexure</u>	<u>Page No.</u>
01	Index/Rejoinder.		01-02
02	Affidavit.		03

PETITIONER

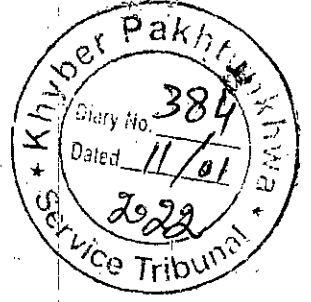
Through;



Muhammad Usman Khan
Turlandi.
Advocate Supreme Court.
Mobile# 0333-9153699.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021



In Ref; to Service Appeal No. 1972/2020.

Jehan Ali Ex-PASI.....VS.....PPO & others.

Parawise reply to the Comments of the respondents 4.

Respectfully Sheweth:

Reply to the preliminary objections:

Para-1 needs no reply.

Para-1 needs no reply.

Para-1 needs no reply.

Para-4 is legal one whereas the respondent No. 4 has never shown her personal interest to be indulged in the matter in hand. It would be pertinent to mention here that the appellant (Jehan Ali, Ex-PASI) was appointed as such in Police department against "Shaheed 's brother reserve quota" strictly in accordance with law and Policy in vogue, duly promulgated by the provincial Government the respondent No. 4, once legally tendered her option will have nothing to do and cannot object such appointment of the appellant already made in accordance with law and Policy in vogue. The impugned policy by excluding the consent of the widow and Shaheed's Brother from the reserve quota has never been given any retrospective effect and as such, has no bearing on the fate of the appellant. Detailed reply has been given in Para-4 above. However it is added that the appellant has impliedly shown her willingness on such reinstatement of the appellant by this august Tribunal.

It is, therefore, humbly prayed that on acceptance of this rejoinder the prayers of the appellant, furnished in the service appeal may very graciously be accepted and the grievances of the appellant may be redressed in accordance with law accordingly.

APPELLANT.

Through;

Muhammad Usman Khan
Turlandi.
Advocate Supreme Court.

Dated: 10 /01/2022

KP Service Tribunal

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

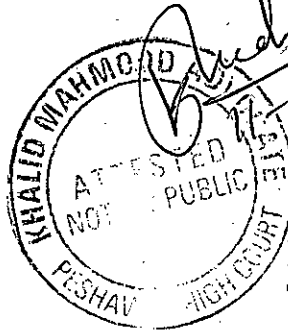
In Ref; to Service Appeal No. 1972/2020.

Jehan Ali Ex-PASI.....VS.....PPO & others.

AFFIDAVIT.

I, Muhammad Usman Khan Turlandi Advocate Peshawar, counsel for the appellant, do hereby solemnly affirm and declare on oath that the contents of the accompanying Rejoinder are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed therein from this august Tribunal.

DEPONENT:



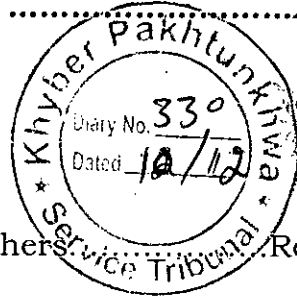
Muhammad Usman Khan
Turlandi
Advocate Peshawar.

18/01/22 DB

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1972/2020 Jehan Ali Ex-PASIAppellant

VERSUS



Inspector General of Police Khyber Pakhtunkhwa & others Respondents

Subject: **REPLY ON BEHALF OF RESPONDENT NO. 4.**

Respectfully Shewith,

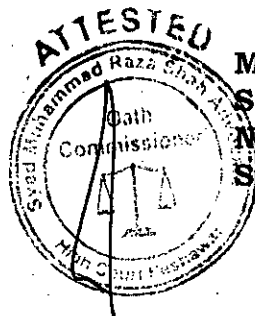
The respondent submits as under:-

1. That answering respondent is pardanasheen lady and widow of Shaheed Police Constable Nawaz Ali s/o Ameer Sher r/o Narangi Tehsil Razzar District Swabi.
2. That answering respondent has been made party in the above noted Service Appeal.
3. That answering respondent belongs to poor family and could not afford the expenses of counsel.
4. That the reply already submitted by the Police Department may please be considered as reply of answering respondent.
5. That answering respondent will have no objection if above noted Service Appeal is decided by this Hon'ble Tribunal on available record.

**Mst: Nargas widow of Nawaz Ali
Shaheed Police Constable r/o
Narangi Tehsil Razzar District
Swabi.**

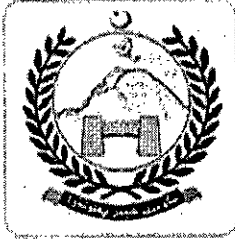
AFFIDAVIT:-

I the respondent No. 4 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of my knowledge/belief and nothing has been concealed from the honorable Tribunal.



**Mst: Nargas widow of Nawaz Ali
Shaheed Police Constable r/o
Narangi Tehsil Razzar District
Swabi.**

Respondent No. 4



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 461 /ST

Dated: 17-2- /2022

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 District Police Officer,
Government of Khyber Pakhtunkhwa,
Swabi.

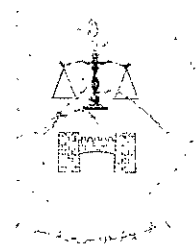
Subject: JUDGMENT IN APPEAL NO. 15572/2020, MR. JEHAN ALI.

I am directed to forward herewith a certified copy of Judgement dated 18.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. 2319-21 /ST Dated 3/8 /2022

To

1. The Provincial Police Officer, Khyber Pakhtukhwa, Peshawar.
2. The Regional Police Officer, Mardan.
3. The District Police Officer, Swabi.

SUBJECT: SHOWCAUSE NOTICE IN EXECUTION PETITION NO: 146/2022 TITLED JEHAN ALI -VS THE PROVINCIAL POLICE OFFICER, KHYBER PAKHTUKHWA, PESHAWAR AND OTHERS.

I am directed to say that execution petition No. 146/2022 was filed in this Tribunal against the respondents for disobedience of the order dated: 18-01-2022 passed by this Tribunal in service appeal No. 15572/2020 titled Mr. Sahib Zada ~~XXXXXXXXXX~~ -Vs The Provincial Police Officer, Khyber Pakhtukhwa, Peshawar And Others.

That when the above execution petition came up for hearing before this Tribunal on 05-07-2022, the following orders were passed:

"Learned counsel for the petitioner present. None for the respondents present.

Mr. Adeel Butt, Addl: AG on behalf of the respondents put appearance in early hours of the court and assured that he would submit compliance report in the matter in some moments but later on neither compliance was submitted nor he put appearance. Therefore, salaries of the judgement debtors attached. The Accountant General Khyber Pakhtunkhwa is directed to attach the salaries of the respondents not to release the same till further order by this Tribunal. Show cause notice be also issued to the respondents as to why they should not be proceeded under the Contempt of Court Ordinance-2003.

Last Chance is given to the respondents to implement the judgement and submit compliance report on 06-09-2022."

You are, therefore, served with show cause notice to explain as to why appropriate action may not be initiated against you for non-compliance of order of this Tribunal dated 06-02-2017.

ASSISTANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR.



In Ref: to Service Appeal No. 15572 /2020.

Jehan Ali Ex-PASI.....VERSUS.....PPO & others.

*Put up to the Hon'ble chairman
with relevant appeal.*

Next date of hearing is fixed dated 18-01-2022.

2/11/21
Subject: Application for early/accelerated fixation of the titled service appeal.

Respectfully Sheweth:

- NPA*
- 1) That the above titled Service Appeal is pending adjudication before this august Tribunal which is fixed for final/regular hearing dated 18-01-2022.
 - 2) That astonishingly, after rendering 4/5 years continued services by the appellants/applicants, illegally and illogically, the first appointment order in respect of two real brothers were simultaneously withdrawn and hence large family including school going infants and old-aged dependable parents were kept deprived from their bread & butter.
 - 3) That admittedly this august Tribunal is heavily burdened down of day to day routine rush of work but keeping in view the miserable condition of two dependable families who are facing a very short question of law & fact for their survival in a shortest possible time, determinable by this august Tribunal, would certainly minimize their graveness and would also meet the ends of justice.

It is, therefore, humbly prayed that on acceptances of this application, the final/regular hearing dated 18-01-2022 may very graciously be fixed for an early/accelerated date, convenient to this august Tribunal please.

Appellant/Applicant

Through

[Signature]
Muhammad Usman Khan
Turlandi
ASC at Peshawar.

Dated; 02 /11-2021.

محرمات جہان پور میں سرورسز سرورسز کے ساتھ

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 939

Dated 10/08/2022

عنوان: درخواست طراد تنخواہ گھولنے

جہان پور

موردہ نمبر: -

(i) سرورسز اسل نمبر 15572/2020 اور سرورسز اسل نمبر 15574/2020
غدارانہ طراس بندنگ میں جس کی تاریخ 2022-07-05 مورخہ میں
Respondents کی تنخواہیں رٹج کرنے کا حکم دیا گیا ہے۔ آرڈر ہمراہ لیا ہے۔

(ii) مذکورہ سرورسز اسل نمبر سے Implementation Report وغیرہ طراس لیا ہے
جمع کر کے لیا ہے۔ کاپی آرڈر ہمراہ لیا ہے۔

رہنما Early Hearing اور درخواست اس کے لئے کہ Implementation
Report سے جمع کرنے کے Respondents کی تنخواہیں Release

کرنے کا حکم صادر فرمایا ہے
DSP Legal CPO
10-08-2022

مخبر

طراس DSP سے CPO کے ساتھ

0333-8878882

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

In Ref: to Service Appeal No. 15572 -P/2020.

In

WP No. 1972-P/2020.



Jehan Ali, Ex-Constable Police.....VERSUS.....PPO & others.

SUBJECT:- APPLICATION FOR EARLY HEARING/FIXATION OF THE TITLED SERVICE APPEAL.

RESPECTFULLY SHEWETH:-

Put up to P.H. court along with original writ. 12/1/2021
That the appellant, initially had inadvertently filed writ petition bearing WP No. 1972-P/2020 before the august Peshawar High Court Peshawar which was subsequently converted into the instant service appeal and was transmitted to this august Tribunal for disposal, which was admitted to full hearing and comments were called upon of the respondents and hence the appeal is fixed for onward proceedings for 22/03/2021. It is worth to mention here that the comments of the respondents have once already procured/available on file, so there will be no need of further comments of the respondents.

- Reader*
- 2) That keeping in view the scenario of affairs it will be appropriate that the regular hearing of the appeal is to be fixed for an early/accelerated hearing in order to meet the ends of justice and in light of legal maxim of "Justice delayed justice denied".

It is, therefore, humbly prayed that the subject matter may very graciously be fixed for an early date, convenient to the Tribunal please.

APPLICANT

Through;

Muhammad Usman Khan
Turlandi
Advocate Peshawar.

Dated; 12/01/2021.

Be laid before CB along with the appeal on a date in 2nd third week of February 2021. Notice appellant shall bear the cost of service.

13/1/21

19/02

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'A'

To be filled by the Counsel/Applicant

Case Number	S.A # 15572/2020 and S.A # 15574/2020			
Case Title	Jeham Ali Vs PPO and Rahat Ali Vs PPO			
Date of Institution	03-12-2020 and 03-12-2020			
Bench	SB <input checked="" type="checkbox"/>		DB	
Case Status	Fresh		Pending <input checked="" type="checkbox"/>	
Stage	Notice		Reply	Argument
Urgency to clearly stated.	Salaries of respondents attached while implementation of judgement submitted.			
Nature of the relief sought.	Release of Salaries			
Next date of hearing.	06-09-2022			
Alleged Target				
Date				
Counsel for	Petitioner		Respondent <input checked="" type="checkbox"/>	In person <input checked="" type="checkbox"/>


Signature of counsel/party

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. ¹⁵⁵⁷⁴ /15572 -p/20 20

Jehah Ali and Rahat Ali vs PPO etc

Presented by DSP Legal Tariq Umar on behalf of Respondent. Entered in the relevant register.

Put up along with main case

Last date fixed	06-09-2022
Reason(S) for last adjournment, if any by the Branch Incharge.	—
Date(s) fixed in the similar matter by the Branch Incharge	—
Available dates Readers/Assistant Registrar branch	11/08/2022

Assistant Registrar ^{MW} 19/8/22

Fix it before the court on 11/08/2022.

REGISTRAR

ORDER

In compliance of judgment dated 18.01.2022 of Khyber Pakhtunkhwa Service Tribunal Peshawar passed in Service Appeal No. 15572/2020 and in the light of directions dated 13.06.2022 passed in Execution Petition No. 146/2022 in above Service Appeal, Ex-PASI Jehan Ali is hereby reinstated in service conditionally and provisionally subject to the outcome of CPLA.

OB No

634

Dated

05-07/2022.


MUHAMMAD SHOAIB KHAN (PSP)

District Police Officer,
Swabi

No. S268-76 /EC, dated Swabi the 05 /07 /2022

Copy of above is forwarded for information to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar w/r to his office Memo: No. 3060/Legal, dated 22.06.2022, please.
2. Regional Police Officer, Mardan.
3. Registrar, Khyber Pakhtunkhwa, Services Tribunal, Peshawar.
4. District Account Officer, Swabi.
5. DSP/HQrs, Swabi.
6. Inspector Legal Swabi.
7. Pay Officer.
8. Establishment Clerk.
9. Official concerned.