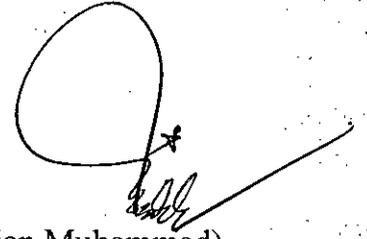


19.08.2020

Counsel for the appellant present. Mr. Ziaullah, DDA
for respondents present.

Security and process fee has not been deposited.
Appellant is directed to deposit the same within one week,
thereafter, notices be issued to the respondents for submission
of written reply/comments.

Adjourned to 09.10.2020 before S.B.



(Mian Muhammad)
Member(E)

09.10.2020

Counsel for the appellant present.

Learned counsel states that security and process fee
have not been deposited due to unavoidable
circumstances and submitted an application for extension
of time. Application placed on file.

Appellant is required to deposit security and process
fee within three working days from today, thereafter,
notices be issued to the respondents for submission of
reply/comments on 03.12.2020 before S.B.



Chairman

03.12.2020

Nemo for the appellant.

It is already past 03.00 P.M and despite repeated calls
no one is in attendance on behalf of the appellant. It is,
therefore, dismissed for non-prosecution. File be consigned to
the record.



Chairman

ANNOUNCED

03.12.2020.

Before the Khyber Pakhtunkhwa Service Tribunal,
Peshawar

Appeal No. 939/2019

Muhammad Nasir vs Police Deptt.

Application for allowing the appellant
to submit Security & Process fee.

R/Sheweth:

1. That the above mentioned appeal is pending adjudication before this august Tribunal which is fixed for hearing today on 9/10/2020.
2. That on the previous date the instant appeal was admitted for regular hearing but due to some un-avoidable circumstances the appellant cannot submitted Security & Process fee.

It is therefore, most humbly prayed that on acceptance of this application the appellant may kindly be allowed for submission of Security & Process fee.

Dated: 9/10/2020.

Appellant
Through: 
Mir Zaman Safi,
Advocate

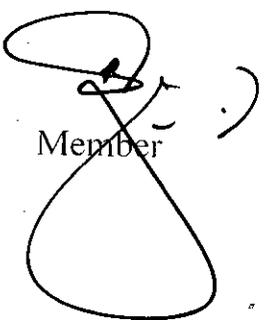


23.06.2020

Counsel for the appellant present. Arguments heard and record perused.

It was submitted that the appellant was initially appointed as Junior Clerk and was later on promoted to the post of Senior Clerk; that the appellant was wrongly placed at Serial No.48 in the seniority list, therefore, departmental appeal was filed but was not responded. During the pendency of departmental appeal, the respondent department issued promotion order whereby juniors to appellant were promoted. He, therefore, filed departmental appeal on 07.11.2017 which was not responded and the same was followed by service appeal. During the pendency of service appeal, impugned order was issued and appellant was promoted to the Assistant Grade Clerk (BPS-16) but with immediate effect and not from due date i.e. 31.10.2017 when juniors to appellant were promoted.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal exceptions. The appellant is directed to deposit security and process fee within 10 days. Notice be issued to the respondents. To come up for written reply/comments on 19.08.2020 before S.B.


Member

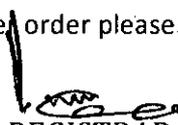
FORM OF ORDER SHEET

Court of _____

Case No.-

939

/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/02/2020	<p>The appeal of Mr. Muhammad Nasir presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. decrease</p> <p style="text-align: right;"> REGISTRAR 14/2/2020</p>
2-	31.03.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31/03/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to public holiday on account of COVID-19, the case is adjourned to 23.06.2020 for the same. To come up for the same as before S.B.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 939 /2020

MUHAMMAD NASIR

VS

POLICE DEPTT:

INDEX

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3.	Seniority list	B	7- 12.
4.	Departmental appeal	C	13.
5.	Letters	D & E	14- 15.
6.	Promotion order	F	16- 17.
7.	Departmental appeal	G	18- 19.
8.	Memo of service appeal	H	20- 22.
9.	Impugned Notification	I	23- 24.
10.	Departmental appeal	J	25.
11.	Withdrawal order	K	26.
12.	Vakalat nama	27.

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 939 /2020

Khyber Pakhtunkhwa
Service Tribunal

Mr. Muhammad Nasir, Assistant Grade Clerk (BPS-16),
Audit Cell, CPO, Peshawar.

Entry No. 1138
14/2/2020
APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Inspector General of Police, Counter Terrorism Department, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 17-09-2019, WHEREBY THE APPELLANT WAS PROMOTED WITH IMMEDIATE EFFECT AND NOT FROM THE DUE DATE I.E. W.E.F. 31/10/2017 WHEN JUNIORS TO APPELLANT WERE PROMOTED AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITH IN THE STIPULATED PERIOD OF 90 DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 17-09-2019 may very kindly be modified to the extent of appellant promotion to the post of Assistant BPS-16 with effect from 31/10/2017 i.e w.e.f. the date when juniors of appellant were promoted to the post of Assistant BPS-16 with all consequential back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present Appeal are as under:-

- 1- That appellant was initially appointed as Junior Clerk vide order dated 07-12-1988 and was later on promoted to the post of Senior Clerk (BPS-14) vide order dated 05-06-2009.

led to-day
Registrar
14/2/2020

- 2- That the appellant performed his duty quite efficiently, whole heartedly and up to the entire satisfaction his high ups and as such the appellant has an unblemished service record of almost 20 years.
- 3- That respondent no. 2 circulated a letter dated 13-09-2017 upon which it was asked from various section of the respondent Department to furnish information regarding NO DEPARTMENTAL ENQUIRY CERTIFICATE in respect of various colleagues including the appellant. Copy of the Letter is attached as annexure **A.**
- 4- That the respondent Department issued seniority list dated 31-12-2016 of the Senior Clerks (BPS-14) which was circulated/communicated to the appellant on 04-05-2017 in which the appellant has wrongly and illegally been placed at Serial No. 48 of the said seniority while juniors to the appellant has been placed senior to the appellant. Copy of seniority list is attached as annexure **B.**
- 5- That the said seniority list was challenged well in time by filing Departmental Representation against the said seniority list which properly corresponded amongst the authorities. Copy of Departmental Appeal & corresponding letters are attached as annexure **C,D&E.**
- 6- That during the pendency of the said Departmental Appeal upon which no reply was received, that the respondent Department issued the promotion order dated 31-10-2017 whereby juniors to appellant were promoted to the post of Assistant (BPS-16) by ignoring the appellant in the said promotion. Copy of juniors promotion order is attached as annexure **F.**
- 7- That feeling aggrieved from the inaction of the respondent the appellant filed Departmental Appeal dated 07-11-2017 which was not responded and the same was followed by service appeal no.368/2018. Copy of Departmental Appeal/Representation and memo of service appeal are attached as annexure **G & H.**
- 8- That it is pertinent to mention here that during pendency of the above mentioned service appeal the respondents issued the impugned order dated 17/09/2019 whereby the appellant was promoted to the post of assistant grade clerk BPS-16 but with immediate effect and not from due date i.e 31/10/2017 when juniors of appellant were promoted and appellant was ignored. Copy of impugned promotion order is attached as annexure.....**I.**

- 9- That feeling aggrieved from the aforementioned impugned promotion order the appellant filed departmental appeal but the same has not been responded within stipulated period. That it is also pertinent to mention that appellant withdraw appeal no.368/2018 being anfractuious after issuance of impugned promotion order vide order dated 03/02/2020. Copy of departmental appeal and withdrawal order is attached as annexure.....**J & K.**
- 10- That feeling aggrieved and having no other remedy the appellant filed the instant appeal on following grounds inter alia.

GROUND:

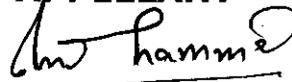
- A- That the impugned promotion order dated 17/09/2019 to the extent of appellant promotion with immediate effect and not from due date is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified.
- B- That the Appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the treatment meted out to the appellant is discriminatory in nature.
- D- That the impugned order dated 17-09-2020 to the extent of appellant promotion with immediate effect has been issued in arbitrary and malafide manner, therefore not tenable and liable to be modified.
- E- That the act of the respondent is against the dictum enshrined in Article 38 (e) of the Constitution of Islamic Republic of Pakistan, that to "*reduce disparity in the income and earning of the individual including persons in different classes in the service of Pakistan*".
- F- That as per Rules and regulation the appellant is entitled for promotion with effect from due date i.e 31/10/2017 (when juniors to appellant were promoted) with all consequential back benefits.
- G- That the impugned order dated 17/09/2020 to the extent of appellant promotion with immediate effect and not from due date is violative of Civil Servant act and appointment, promotion and transfer Rules 1989.

H- That Appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 13-02-2020

APPELLANT



MUHAMMAD NASIR

THROUGH:



NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&


MIR ZAMAN SAFI

ADVOCATES

A = (S)

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

6140
14-9-17

No. 272 /CPB, dated Peshawar the 13/ 09 / 2017

- To: The Addl. Inspectors General of Police, Special Branch, Elite Force, Investigation and Operations Khyber Pakhtunkhwa, Peshawar.
The Capital City Police Officer, Peshawar.
The Deputy Inspectors General of Police, Enquiry & Inspections, CTD, Traffic and Training, Khyber Pakhtunkhwa, Peshawar.
The Regional Police Officers, Mardan, Hazara, Malakand, Kohat, Bannu and D.I. Khan Regions.
The Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
The Commandant, Police Training Colloge, Hangu.
The Assistant Inspectors General of Police Legal & BDU, Khyber Pakhtunkhwa.
The Director, CPC, Khyber Pakhtunkhwa, Peshawar.
The Director, FSL, Khyber Pakhtunkhwa, Peshawar.
The Budget Officer, CPO Peshawar.
The Deputy Supdt: of Police, PQR, Khyber Pakhtunkhwa, Peshawar.
All Branches in CPO, Peshawar.

NO DEPARTMENTAL ENQUIRY CERTIFICATE

Subject:
Memo:

Please furnish fresh No Departmental Enquiry Certificates in respect of the following Senior Clerks serving in your regions/Units in connection with their promotion as Assistant Grade Clerks immediately:-

SP/HQ. KAU
EC

S.NO	NAME	S.NO	NAME
1.	Muhammad Iqbal	21. *	Abdur Rauf
2.	Akbar Ali	22.	Tehseenullah
3.	Halbat Khan	23. x	Nadoom Ahmed
4.	Muhammad Yousaf	24.	Riaz Muhammad
5.	Sannaullah	25.	Wahed ur Rehman
6.	Ali Murad	26.	Nizakat Khan
7.	Zahirullah	27.	Naseer Ahmad
8.	Muhammad Riaz	28.	Ishtiaq Hussain
9.	Taj Muhammad	29.	Muhammad Hamayun
10.	Muhammad Jamshid	30.	Muhammad Ramzan
11.	Muhammad Zahid	31.	Shafaqat Hayat
12.	Ilhamullah	32.	Haq Nawaz
13.	Sajjad Hussain	33.	Muhammad Javed
14.	Shah Farooq	34.	Muhammad Aslam
15.	Ihsanullah	35.	Dildar Hussain
16.	Javed Ali	36.	Muhammad Fahim
17.	Inamullah	37.	Amjad
18.	Abdul Aziz	38.	Muhammad Tayyub
19. x	Sajjad Anwar	39.	Muhammad Yousaf
20.	Muqarrab Alam	40.	Muhammad Ishtiaq

Promotee with me

DIG/CTD

14/9/17

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

No. 92 /CPB, dated Peshawar the 13/09/2017

S.NO	NAME	S.NO	NAME
41.	Sardar Alam	51.	Muhammad Irshad
42.	Sikandar Khan	52.	Farmanullah
43.	Zahidullah	53.	Minhah ud Din
44.	Abdul Hakim	54.	Ali Asghar
45.	Muhammad Nasir	55.	Israr Ali
46.	Muhammad Riaz	56.	Abdul Wadood
47.	Inayatullah	57.	Hayat Ullah
48.	Sibghatullah	58.	Murtaza
49.	Alamzeb	59.	Muhammad Azhar
50.	Muhammad Bashir	60.	Rehmat Ullah

(Signature)
(ARIF SHAHBAZ KHAN) PSP
AIG/Establishment:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Signature)
12/9/2017

Encl: No. and dated even

Copy forwarded to the:-

1. Addl: Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, HQrs., Khyber Pakhtunkhwa, Peshawar.
3. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
4. Registrar, CPO, Peshawar.
5. Supdt: Secret, CPO Peshawar to provide synopsis of the above named Senior Clerks to Career Planning Branch CPO.
6. Supdt: Establishment-V, CPO, Peshawar.

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(Signature)

B-7



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

SENIORITY LIST OF SENIOR CLERKS (BPS-14) AS IT STOOD ON 31.12.2016

No. 705 /E-V: The Seniority list of Senior Clerks (BPS-14) of Khyber Pakhtunkhwa Police is published for information of all concerned:-

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU. QUAL.	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
1.	Muhammad Iqbal	20.11.1960	19.11.2020	Kohat	F.A	04.02.1979	05.09.1988	Reverted
2.	Akbar Ali	09.02.1963	08.02.2023	Swat	10 th	17.01.1982	17.07.1990	
3.	Haibat Khan	30.09.1963	31.08.2023	Bannu	F.A	19.08.1982	16.08.1992	
4.	Muhammad Yousaf	25.12.1962	24.12.2022	A. Abad	10 th	28.11.1983	22.08.1993	
5.	Sana Ullah	11.03.1963	10.03.2023	Charsadda	B.A	18.04.1986	25.04.1994	
6.	Abdul Wadood	09.03.1960	08.03.2020	Chitral	10 th	19.03.1980	16.11.1998	
7.	Ali Murad	15.01.1959	14.01.2019	Chitral	F.A	14.09.1987	16.11.1998	
8.	Zahirullah	10.05.1961	09.05.2021	Charsadda	10 th	20.12.1981	17.12.1999	
9.	Muhammad Riaz	02.07.1963	01.07.2023	Peshawar	B.A	20.10.1987	17.12.1999	

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AE-V

Supdt. E-V

Register

AIG/Establishment

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S/N	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU. QUAL.	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
10.	Taj Muhammad	06.09.1969	05.09.2029	Mardan	F.A	17.02.1988	16.01.2008	
11.	Muhammad Jamshid	20.03.1963	19.03.2023	Mansehra	10 th	18.02.1988	05.06.2009	Assigned revised/inter-se-seniority.
12.	Muhammad Zahid	04.04.1968	03.04.2028	Mansehra	10 th	24.03.1988	16.01.2008	
13.	Ilihamullah	16.02.1963	05.02.2023	Charsadda	10 th	25.08.1982	16.01.2008	
14.	Sajjad Hussain	24.04.1968	23.04.2028	Peshawar	10 th	03.02.1988	16.01.2008	
15.	Shah Farooq	01.03.1967	28.02.2027	Kohat	B.A	07.03.1988	16.01.2008	
16.	Ihsanullah	11.05.1967	10.05.2027	Charsadda	10 th	19.09.1988	11.12.2012	
17.	Javed Ali	16.09.1968	15.09.2028	Charsadda	F.A	19.09.1988	16.01.2008	
18.	Inamullah	12.04.1969	11.04.2029	Bannu	F.A	25.09.1988	16.01.2008	
19.	Abdul Aziz	10.08.1960	09.08.2020	Swat	10 th	01.08.1982 C-IV 01.10.1988 JC	16.01.2008	
20.	Sajjad Anwar	12.02.1967	11.02.2027	Kohat	F.A	02.10.1988	11.12.2012	Assigned revised/inter-se-seniority.
21.	Muqrab Alam Khan	07.10.1970	06.10.2023	Mardan	10 th	08.10.1988	16.01.2008	
22.	Abdur Rauf	14.02.1970	13.02.2030	Lakki	10 th	18.12.1988	11.12.2012	
23.	Tahseen Ullah	10.01.1965	09.01.2025	Charsadda	F.A	03.07.1989	16.01.2008	

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Supdt: E-V

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S/No	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU. QUAL.	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
24.	Nadeem Ahmad	11.04.1971	10.04.2031	Mansehra	10 th	05.07.1989	02.12.2009	Assigned revised/inter-se seniority.
25.	Riaz Muhammad	14.04.1963	13.04.2023	Abbottabad	B.A	28.09.1989	16.01.2008	
26.	Waheed ur Rehman	25.12.1968	25.12.2028	Abbottabad	D.Com	22.10.1989	16.01.2008	
27.	Nizakat Khan	20.04.1969	19.04.2029	Haripur	10 th	16.10.1989	16.01.2008	
28.	Naseer Ahmad	04.10.1965	03.10.2025	Peshawar	F.A	07.01.1990	16.01.2008	
29.	Ishtiaq Hussain	20.08.1971	19.08.2031	Charsadda	10 th	10.01.1990	16.01.2008	
30.	Muhammad Humayun	04.04.1965	03.04.2025	Charsadda-	10 th	01.09.1989 FC 29.03.1990 JC	16.01.2008	
31.	Muhammad Ramzan	15.03.1969	14.03.2029	DIKhan	10 th	01.07.1990	16.01.2008	
32.	Shafaqat Hayat	29.12.1969	28.12.2029	Kohat	10 th	09.07.1990	16.01.2008	
33.	Haq Nawaz	06.01.1959	05.01.2019	Mansehra	10 th	01.12.1981	08.08.2009	
34.	Muhammad Javed	11.09.1964	10.09.2024	Peshawar	10 th	01.10.1983	11.12.2012	Assigned revised/inter-se seniority.
35.	Muhammad Aslam	18.05.1965	17.05.2025	Bannu	10 th	06.10.1985	02.12.2009	
36.	Dildar Hussain	20.06.1962	19.06.2022	Kohat	10 th	10.12.1987	05.06.2009	
37.	Muhammad Fahim	10.03.1966	09.03.2026	Mardan	10 th	02.03.1988	05.06.2009	

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Supdt: E-V

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Register

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AIG/Establishment



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S/No	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU-QUAL	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
38.	Amjad	21.04.1965	20.04.2025	Mansehra	F.A	10.03.1988	05.06.2009	
39.	Muhammad Tayyub	27.03.1962	26.03.2022	Charsadda	10 th	01.01.1987	05.06.2009	
40.	Muhammad Yousaf	01.04.1961	31.03.2021	Peshawar	10 th	30.09.1987	02.12.2009	(Died)
41.	Muhammad Ishtiaq	12.01.1967	11.01.2027	Abbottabad	10 th	06.03.1988	05.06.2009	
42.	Sardar Alam	02.10.1963	01.10.2023	Charsadda	F.A	02.05.1988	05.06.2009	
43.	Sikandar Khan	04.04.1964	03.04.2024	Kohat	B.A	01.08.1988	08.08.2009	
44.	Zahid Ullah	04.03.1969	03.03.2029	Peshawar	10 th	01.08.1988	08.08.2009	
45.	Abdul Hakim	28.10.1963	27.10.2023	Swabi	F.A	06.08.1988	05.06.2009	
46.	Muhammad Nasir	11.11.1970	10.11.2030	Kohat	B.A	07.12.1988	05.06.2009	
47.	Jehanzeb Haideri	04.06.1965	03.06.2025	Peshawar	B.A	11.10.1989	05.06.2009	He will retire from service w.e.f 02.01.2017
48.	Muhammad Riaz	08.09.1968	07.09.2028	Peshawar	10 th	08.08.1988	05.06.2009	
49.	Inayat Ullah	10.04.1967	09.04.2027	Malakand Agency	D.Com	11.10.1989	06.05.2009	
50.	Sibghatullah	08.05.1964	07.05.2024	Bannu	10 th	30.10.1989	02.12.2009	
51.	Alamzeb	11.09.1967	10.09.2027	Mansehra	10 th	16.01.1990	05.06.2009	
52.	Muhammad Bashir	02.01.1971	01.01.2031	Mansehra	10 th	16.06.1990	05.06.2009	

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ATTESTED

[Signature]

Supdt. E-V

[Signature]
Register

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AIG/Establishment

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S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU. QUAL.	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
360.	Muhammad Nawab	01.02.1976	31.01.2036	Swat	10 th	20.11.1994	11.12.2012	He was awarded major punishment of compulsory retirement from service on the score of issuance bogus driving licenses vide CPO order No.2569-74/EV dated 21.04.2015. Consequent upon the judgment of service tribunal KPK he has been re-instated in services vide CPO order No.3238-46/EV dated 30.05.2016. However de-novo proceedings are still under way.

[Signature]
A.E.V

[Signature]
Supdt. E-V

[Signature]
Register

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AIG/Establishment

ATTESTED

[Signature]

(SYED AKHTAR ALI SHAH) PSP
Additional IGP/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

[Signature]

No. 706-60 /EV, dated Peshawar, the 31/1 /2017.

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

1. Addl: Inspector General of Police, Investigation, Special Branch, Operation & Elite Force Khyber Pakhtunkhwa.
2. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
3. Commandant, PTC, Hangu.
4. Commandant, CPC, Peshawar.
5. Capital City Police Officer, Peshawar.
6. All Regional Police Officers in Khyber Pakhtunkhwa, Peshawar.
7. Deputy Inspector General of Police, Traffic, CTD, Training, E&I & Telecommunications, Khyber Pakhtunkhwa.
8. Senior Superintendant of Police Traffic, Peshawar.
9. Assistant Inspector General of Police, BDS, Peshawar.
10. Director, FSL, Khyber Pakhtunkhwa, Peshawar.
11. Director, IT, CPO, Peshawar.
12. All District Police Officers in Khyber Pakhtunkhwa.
13. Deputy Superintendent of Police, PQR.
14. All Branches in CPO, Peshawar.
15. In-charge, Central Registry Cell, CPO, Peshawar.

NOTE: - They are requested to inform all the officers serving under their command. Any officer who has any objection regarding seniority/ missing of name/date of birth etc, he must submit his representation within one month after the issuance of the list, otherwise representation will be entertained after the specific period.

ATTESTED

ATTESTED

[Handwritten signature]

C = ~~10~~ 13

To : The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel.

Subject: REQUEST FOR THE GRANT OF ACTUAL SENIORITY.

Respected Sir,

It is very humbly submitted that I am serving in Police department since more than 28 years with great zeal, interest and very honestly. I was appointed as Junior Clerk in Police department on 7.12.1988 and was promoted as Senior Clerk on 5.6.2009. During my whole long and spotless service I worked hard and never given any opportunity of complaint to my superior officers. I never faced any kind of departmental proceedings during my entire lengthy service even a single explanation but instead of appreciation, I was very late promoted on 5.6.2009 as a Senior Clerk after completion of 23 years long service with the plea that my few ACRs are not completed however later on my these ACRs were completed and now all ACRs are updated.

It is further submitted that in the seniority lists of Junior Clerks (BPS-05) as it stood on 31.12.1996 vide CPO Peshawar Endst: No. 4758-4800//E-III, dated 7.3.1997 (Copy enclosed) my name was placed at Serial No. 67 and Junior Clerk Sajjad Anwar was shown at serial No. 62, similarly in the seniority lists of Junior Clerks (BPS-07) as it stood on 31.12.2009 vide CPO Peshawar Endst: No. 646-65/E-III, dated 31.12.2008 (Copy enclosed) my name was placed at serial No. 50 and Junior Clerk Sajad Anwar was placed at serial No. 48.

I already requested numerous times to CPO Peshawar through proper channel for correction of my seniority in the list of Senior Clerks. Similarly last time I again submitted my application to CPO Peshawar through proper channel vide Worthy DIG CTD KPK Peshawar Memo: No. 8266/SRC/CTD, dated 18.3.2016 in which I narrated in very detail my observations against the seniority list of Senior Clerks, issued by CPO Peshawar bearing Endst: No. 4122-95/E-V, dated 17.6.2015 and therefore I requested for correction with cogent reasons but no reply has been received to me so far.

Now to-day I came to know that in the Seniority lists of Senior Clerks issued by CPO Peshawar bearing Endst: No. 705-60/E-V, dated 3.1.2017 my name has been placed at serial No. 46 which is not correct and injustice. In this regard I beg to submit that my name is required to be placed at serial No. 22 below the name of Senior Clerk Muqarab Alam Khan and above name of senior Clerk Abdur Rauf presently placed at 22 because he is Junior than me in service as well as in promotion. However if Criteria for seniority is from the date of promotion as senior Clerk then my name is required at serial No. 20 below the name of Senior Clerk Abdul Aziz and above the name of Senior Clerk Sajjad Anwar (Presently placed at S/No. 20 in the current list) because he was promoted later than me as senior Clerk on 11.12.2012 i.e three years & Six months late while I was promoted on 5.6.2009.

In view of the above mentioned clarifications and circumstances which are based on factual facts, it is therefore very humbly requested that necessary orders may kindly be issued for correction of my seniority in the seniority list of senior Clerks, vide CPO Peshawar Endst: No. 705-60/E-V, dated 3.1.2017 either in the light of date of appointment as Junior Clerk or date of promotion as Senior Clerk so that could not be deprived from my promotion as Asstt: Grade Clerk and obliged.

Thanking you.

Dated 10.05.2017.

ATTESTED

ATTESTED

Yours Obediently,

Muhammad Nasir Senior Clerk,

CTD, Khyber Pakhtunkhwa, Peshawar.

D = (10) (14)



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

3342
05-05-17

No. 464-534/CPB, dated Peshawar the 4 / 05 / 2017

Immediate

To : All Heads of Police Offices in Khyber Pakhtunkhwa.
All Branches in CPO, Peshawar.

Subject: **REPRESENTATIONS FOR REVISED SENIORITY**

Memo:-

The revised Seniority Lists of Ministerial Staff (Junior Clerks, Senior Clerks, Assistant Grade Clerks, Office Supdts, Computer Operators, Steno Typists & Stenographers) have been issued.

A few Junior Clerks, Senior Clerks, Assistant Grade Clerks & Stenographer have submitted representations for correction of their Seniority.

To settle the issue once for all, Executive, Legal and Ministerial Staff serving under your command may please be directed to submit their representations afresh supported by relevant documents as well as showing the reasons for revised seniority within period of fifteen (15) days positively.

It may also be ensured that no representation will be entertained after the expiry of stipulated period in future.

ATTESTED

No. 535-38/CPB

(MUHAMMAD ALI KHAN) PSP
DIG/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

26
275

Copy of above is forwarded for information to the:-

1. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar.
2. Assistant Inspector General of Police, Establishment, Khyber Pakhtunkhwa, Peshawar.
3. PSO to worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

ATTESTED

E = (A) (B)



OFFICE OF THE,
DEPUTY INSPECTOR GENERAL OF POLICE
COUNTER TERRORISM DEPARTMENT,
PESHAWAR REGION.
No. 6265 /EC/CTD dated Peshawar the 10-5 /2017

To:- The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: REPRESENTATION

MEMO:

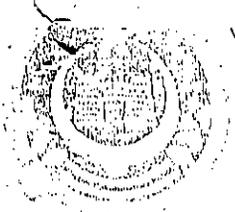
Kindly refer to your office Memo No 464-534/CPB dated 04.05.2017 on the subject cited above.

Enclosed please find herewith a representation alongwith supported documents submitted by Senior Clerk Muhammad Nasir of this Unit are send herewith for further necessary action, please.

ATTESTED

SP/HQrs.
For Deputy Inspector General of Police,
CTD; Khyber Pakhtunkhwa,
Peshawar.

ATTESTED



F = (18) (16)

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA
POLICE GAZETTE PART-II, ORDERS BY THE INSPECTOR
GENERAL OF POLICE KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar 31/10/2017

NOTIFICATION.

No. 6561-90 /E-V. PROMOTION :- In pursuance of the provision contained in Serial No. 2 of the Khyber Pakhtunkhwa Police Ministerial Rules-1974 the Competent Authority i.e. Inspector General of Police Khyber Pakhtunkhwa, on recommendations of the Departmental Selection Committee meeting held on 18.10.2017 is pleased to promote the following Senior Clerks (BPS-14) to the rank of Assistant Grade Clerks (BS-16) on regular basis with immediate effect:-

S.No	NAME
1)	Muhammad Yousaf of RPO/Abbottabad
2)	Sana Ullah of Special Branch, KPK Peshawar
3)	Zahir Ullah of CCP office Peshawar
4)	Taj Muhammad of Inv. Wing Nowshera
5)	Muhammad Jamshed of DPO office Manshera
6)	Ilham Ullah of DPO office Charsadda
7)	Sajjad Hussain of CCP office Peshawar
8)	Ihsan Ullah of CPO, Peshawar
9)	Javed Ali of DPO office Charsadda
10)	Inam Ullah of FRP/Hazara Range
11)	Sajjad Anwar of DPO office Kohat
12)	Muqarrab Alam Khan of RPO/Mardan
13)	Abur Raul of CCP office Peshawar
14)	Tehseen Ullah of CPO, Peshawar.
15)	Nadeem Ahmad of CPO, Peshawar.
16)	Riaz Muhammad of FRP/Hazara Range
17)	Nizakat Khan of RPO office Abbottabad.
18)	Naseer Ahmad of SSP/Fratie office, Peshawar
19)	Ishtiaq Hussain of DPO office Charsadda

The terms and conditions of their promotion will bas as under:-

1. Their promotion will be on probation for a period of one year and also extendable for another one year in terms of Section-6 (02) of Khyber Pakhtunkhwa, Civil Servant Act-1973 read with Rules-15 (01) of Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.
2. Their promotion will take effect from the date of they actually assume the charge of their higher responsibilities:-

ATTESTED

ATTESTED

Sd/
SALAH-UD-DIN KHAN
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

(17)

17

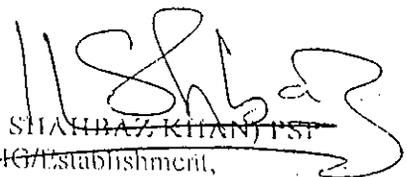
Endst: No. and dated even.

Copy forwarded to the:-

- Addl: Inspectors General of Police: HQrs in Khyber Pakhtunkhwa.
- Addl: Inspectors General of Police: Special Branch Khyber Pakhtunkhwa.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- Commandant, Frontier Reserve Police Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspectors General of Police: HQrs, CPO Peshawar.
- Regional Police Officers, Abbottabad and Mardan.
- Capital City Police Officer, Peshawar.
- District Police Officers, Charsadda, Kohat and Mansehra.
- PA to Assistant Inspectors General of Police: Estt: CPO Peshawar.
- District Accounts Officers; Kohat, Mardan, Abbottabad, Mansehra Nowshetra, and Charsadda.
- PSO to Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- Senior Superintendent of Police Traffic, Peshawar.
- SP/IRP Hazara Range.
- SP/Investigation Wing, Nowshetra
- Registrar, CPO, Peshawar.
- Office Supdt: Secret CPO, Peshawar.
- Office Supdt: Career Planning Branch CPO, Peshawar.
- Incharge Central Registry Cell.

ATTESTED




(ARIF SHAHBAZ KHAN) PSI
A/G Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar


35/10/17

ATTESTED



C7 = (18)

To The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel

Subject:- DEPARTMENTAL APPEAL/REPRESENTATION

Respected Sir,

Muhammad Nasir, Senior Clerk (BPS-14), Counter Terrorism Department, submits most respectfully the following for your kind consideration and favour of acceptance as following;

1. That the appellant was initially appointed as Junior Clerk (BPS-05), on 07-12-1988 and was then promoted to the post of Senior Clerk (BPS-09), on 05-06-2009. The appellant since his appointment has been serving the department honestly and diligently to the utmost satisfaction of his superiors. Neither complaint of any sort was filed against him, nor was he served with any adverse remarks during entire period of his service. (Certificates in this regard have been issued to the appellant)
2. That the appellant has 30 years of continuous service at his credit, whereby he has served the department at various places of his postings without any blemish on his service record.
3. That during his service, the appellant preferred various representations before the competent authorities for correction of his inter-se-seniority w.e.f the date of his initial appointment and his promotion to the post of Senior Clerk on 05-06-2009.
4. That non of his representations dated 13-08-2015, 18-08-2016 and 10-05-2017 were decided by the authority concerned.
5. That in complete disregard to the appellant's date of initial appointment and then his promotion as Senior Clerk on 05-06-2009, the department promoted 19 Senior Clerks (BPS-14) to the rank of Assistants (BPS-16) vide impugned notification No. 6561-90/E-V dated 31-10-2017, whereby the appellant being senior and eligible, was ignored without showing any plausible reason.
6. That one Muhammad Jamshed (S.No. 5) was promoted to the post of Senior Clerk along with the appellant on 05-06-2009. Similarly IhsanUllah, Sajjad Anwar and Abdur Rauf placed at S. No. 8, 11 and 13 of the impugned notification were promoted as Senior Clerks on 11-12-2012 after the appellant's promotion as Senior Clerk. They were promoted to next higher scale, while the appellant was arbitrarily ignored.

More so, the Senior Clerks placed at S. No. 14, 16 to 19 of the impugned notification were allowed promotion as Assistants in spite of the fact that they are juniors to the appellant in service on the basis of initial appointment. Whereas the Senior Clerk at S.No.13 & 15 are not only junior to the appellant in service on the basis of initial appointment but also on promotion to the post of Senior Clerk as well

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19

S/No	NAME OF SENIOR CLERK	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
1.	Muhammad Yousaf	28.11.1983	22.8.1993	No objection
2.	Sanullah	18.4.1986	25.4.1994	No objection
3.	Zahirullah	20.12.1981	17.12.1999	No objection
4.	Taj Muhammad	17.2.1988	16.1.2008	No objection
5.	Muhammad Jamshed	18.2.1988	5.6.2009	Promoted along with appellant on 5.6.2009-
6.	Ilihamullah	25.8.1982	16.1.2008	No objection
7.	Sajjad Hussain	3.2.1988	16.1.2008	No objection
8.	Ihsanullah	19.9.1988	11.12.2012	Promoted as Senior Clerk after the appellant
9.	Javed Ali	19.9.1988	16.1.2008	No objection
10.	Inamullah	25.9.1988	16.1.2008	No objection
11.	Sajjad Anwer	2.10.1988	11.12.2012	Promoted as Senior Clerk after the appellant
12.	Muqarab Alam	8.10.1988	16.1.2008	No objection
13.	Abdur Rauf	18.12.1988	11.12.2012	Junior to appellant on the basis of initial appointment as well as promotion
14.	Tehseenullah	3.7.1989	16.1.2008	Appointed in service after appellant
15.	Nadeem Ahmed	5.7.1989	2.12.2009	Junior to appellant on the basis of initial appointment as well as promotion
16.	Riaz Muhammad	28.9.1989	16.1.2008	Appointed in service after appellant
17.	Nizakat Khan	16.10.1989	16.1.2008	Appointed in service after appellant
18.	Naseer Ahmed	7.1.1990	16.1.2008	Appointed in service after appellant
19.	Ishtiaq Hussain	10.1.1990	16.1.2008	Appointed in service after appellant

- The impugned promotion notification dated 31-10-2017 has been issued in complete disregard to the inter-se-seniority of the appellant, whereby the junior blue-eyed Senior Clerks, have been allowed promotion in preference to him without showing any rhyme or reason.
- The appellant has also been granted various commendation certificates in lieu of his valuable services to the department, which is on record.
- The impugned omission on the part of the department is thus arbitrary, discriminatory, against the principles of equity, law, justice and propriety, subject to correction by the worthy appellate authority.

In view of the above, it is most humbly submitted that the impugned promotion notification dated 31-10-2017 may kindly be set aside and the appellant may be allowed promotion to the post of Assistant BPS-16 in preference to all those who are junior to him in service on the basis of his initial appointment as well as promotion, to the post of Senior Clerk, with all the benefits of service due and obliged.

Thanking you.

Dated: 07.11.2017.

ATTESTED

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Yours Obediently,

Muhammad Nasir

(MUHAMMAD NASIR)
Senior Clerk, CTD HQRS:
Khyber Pakhtunkhwa,
Peshawar.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

H-20

APPEAL NO. _____/2018

6/3/18

323

6-3-2018

Mr. Muhammad Nasir, Senior Clerk (BPS-14),
CTD, Headquarters, Khyber Pakhtunkhwa, Peshawar

..... **APPELLANT**

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Inspector General of Police, Counter Terrorism Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Abdur Rauf, CCPO Office, Peshawar.
- 5- Mr. Tehseen Ullah, SP/FRP Peshawar, Rang.
- 6- Mr. Nadeem Ahmad, CPO, Peshawar.
- 7- Mr. Riaz Muhammad, FRP/Hazara Range.
- 8- Mr. Nizakat Khan, RPO Office Hazara.
- 9- Mr. Naseer Ahmad, SSP/Traffic Office, Peshawar.
- 10- Mr. Ishtiaq Hussain, RPO Office, Mardan.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 31-10-2017, WHEREBY JUNIORS TO THE APPELLANT I.E. PRIVATE RESPONDENT NO. 4-10 HAS BEEN PROMOTED TO THE POST OF ASSISTANT (BPS-16) WHILE THE APPELLANT IS IGNORED INSPITE OF THE ILLEGIBLE AND SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT ON NO GOOD GROUNDS WITH IN THE STIPULATED PERIOD OF 90 DAYS.

6/3/18
PRAYER:

That on acceptance of this appeal the impugned order dated 31-10-2017 may very kindly be set aside to the extent of Private Respondents and the respondents may be directed to consider the appellant for promotion to the post of Assistant BPS-16 with consequential back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

ATTESTED

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**R/SHEWETH:
ON FACTS:**

Brief facts giving rise to the present Appeal are as under:-

21

- 1- That appellant was initially appointed as Junior Clerk vide order dated 07-12-1988 and was later on promoted to the post of Senior Clerk (BPS-14) vide order dated 05-06-2009.
- 2- That the appellant performed his duty quite efficiently, whole heartedly and up to the entire satisfaction his high ups and as such the appellant has an unblemished service record of almost 20 years.
- 3- That respondent no. 2 circulated a letter dated 13-09-2017 upon which it was asked from various section of the respondent Department to furnish information regarding NO DEPARTMENTAL ENQUIRY CERTIFICATE in respect of various colleagues including the appellant. Copy of the Letter is attached as annexure **A.**
- 4- That the respondent Department issued seniority list dated 31-12-2016 of the Senior Clerks (BPS-14) which was circulated/communicated to the appellant on 04-05-2017 in which the appellant has wrongly and illegally been placed at Serial No. 48 of the said seniority while juniors to the appellant has been placed senior to the appellant. Copy of seniority list is attached as annexure **B.**
- 5- That the said seniority list was challenged well in time by filing Departmental Representation against the said seniority list which properly corresponded amongst the authorities. Copy of Departmental Appeal & corresponding letters are attached as annexure **C,D&E.**
- 6- That during the pendency of the said Departmental Appeal upon which no reply has yet been received, that the respondent Department issued the impugned promotion order dated 31-10-2017 whereby Private Respondent no. 4 to 10 has been promoted to the post of Assistant (BPS-16) by ignoring the appellant in the said promotion. Copy of impugned order is attached as annexure **F.**
- 7- That, feeling aggrieved from the inaction of the respondent the appellant filed Departmental Appeal dated 07-11-2017 which is not responded till date. Copy of Departmental Appeal/Representation is attached as annexure **G.**
- 8- That appellant having no other adequate remedy prefer the instant appeal on the following grounds amongst the others.

ATTESTED



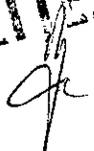
GROUNDS:

22

- A- That the impugned promotion order dated 31-10-2017 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified.
- B- That the Appellant has not been treated by the respondent Department in accordance with law and rules and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the treatment meted out to the appellant is discriminatory in nature.
- D- That the impugned order dated 31-10-2017 has been issued in arbitrary and malafide manner, therefore not tenable and liable to be modified.
- E- That, the act of the respondent is against the dictum enshrined in Article 38 (e) of the Constitution of Islamic Republic of Pakistan, that to "*reduce disparity in the income and earning of the individual including persons in different classes in the service of Pakistan*".
- F- That as per Rules and regulation the appellant is entitled for promotion with all consequential back benefits.
- G- That the impugned order dated 31.10.2017 is violative of Civil Servant act and appointment, promotion and transfer Rules 1989.
- H- That Appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 06-03-2018

ATTESTED


APPELLANT



MUHAMMAD NASIR

THROUGH:


NOOR MOHAMMAD KHATTAK

&


MUHAMMAD MAAZ MADNI
ADVOCATES



**FOR PUBLICATION IN THE KHYBE PAKHTUNKHWA
POLICE GAZETTE PART-II, ORDERS BY THE INSPECTOR
GENERAL OF POLICE KHYBER
PAKHTUNKHWA PESHAWAR**

I - 23

Dated Peshawar/7/09/2019

NOTIFICATION.

No. 4314-31 /E-V, **PROMOTION** :- In pursuance of the Departmental Promotion Committee Meeting held on 29.07.2019 at CPO Peshawar under the Chairmanship of Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa, duly approved by the Inspector General of Police, Khyber Pakhtunkhwa, the following Senior Clerks (BS-14) are hereby promoted as Assistant Grade Clerks (BS-16), with immediate effect:-

S. NO.	NAME	PRESENT POSTING
1.	Akbar Ali	DPO Office Swat
2.	Shah Farooq	SP/FRP Kohat Range
3.	Waheed-ur-Rehman	RPO Office Hazara
4.	Hussain Ali	RPO Office Malakand
5.	Muhammad Hamayun	DPO Office Charsadda
6.	Muhammad Ramzan	SP/Investigation Office D.I Khan
7.	Shafqat Hayat	SP/Investigation Office Kohat
8.	Muhammad Javed	Telecommunication Office Peshawar
9.	Dildar Hussain	RPO Office Kohat
10.	Amjad	DPO Office Torghar
11.	Sikandar Khan	SP/FRP Kohat Range
12.	Zahid Ullah	CCP Office Peshawar
13.	Abdul Hakim	DPO Office Swabi
14.	Muhammad Nasir	Audit Cell CPO
15.	Muhammad Riaz	CCP Office Peshawar
16.	Inayat Ullah	SP/Investigation Office Swat
17.	Farmanullah	DPO Office Nowshera
18.	Minhaj-ud-Din	Budget Branch CPO
19.	Ali Asghar	CCP Office Peshawar
20.	Israr Ali	Police School of Tactics Peshawar
21.	Abdul Wadood	CCP Office Peshawar
22.	Murtaza	DPO Office Nowshera
23.	Muhammad Azhar	DPO Office Swabi
24.	Jehanzeb	Elite Force CPO
25.	Muhammad Idrees	Commandant FRP Office Peshawar
26.	Wajid Ali	CCP Office Peshawar
27.	Ikram Ullah	DPO Office D.I Khan
28.	Basher Ahmad	CCP Office Peshawar
29.	Muhammad Ashraf	DPO Office Upper Dir
30.	Daud Shah	SP/Investigation Office Buner
31.	Sher Zamin	-do-
32.	Amreez Khan	DPO Office Buner
33.	Syed Munawar Ali Shah	SP FRP Office Peshawar
34.	Fazal Wahab	DPO Office Buner
35.	Tariq Hameed	SP/Inv: Office Abbottabad
36.	Arbab Inam Ullah Jan	Operations Branch CPO
37.	Sohail Ahmad	CCP Office Peshawar

ATTESTED

4



**FOR PUBLICATION IN THE KHYBE PAKHTUNKHWA
POLICE GAZETTE PART-II, ORDERS BY THE INSPECTOR
GENERAL OF POLICE KHYBER
PAKHTUNKHWA PESHAWAR**

24

38.	Fayaz Khan	E-II Branch CPO
39.	Khalid Mehmood	Elite Force CPO
40.	Sajid Hussain	DPO Office Upper Kohistan
41.	Muhammad Naeem Jan	Secret Branch CPO
42.	Fayaz Ahmad	Traffic Warden Peshawar
43.	Muhammad Anwar Shah	SP/FRP Kohat Range
44.	Anwar-ul-Hassan	DPO Office Nowshera
45.	Akhtar Hussain	DPO Office D.I Khan
46.	Hamidullah Jan	Commandant FRP Office Peshawar
47.	Javed Iqbal	Operation Branch CPO
48.	Noor Khan	DPO Office Nowshera
49.	Nadeemullah	CCP Office Peshawar
50.	Khaista Gul	CPC Office Peshawar

The terms and conditions of their promotion will be as under:-

1. Their promotion will be on probation for a period of one year and also extendable for another one year in terms of Section-6 (02) of Khyber Pakhtunkhwa, Civil Servant Act-1973 read with Rules-15 (01) of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989.
2. Their promotion will take effect from the date they actually assume the charge of their higher responsibilities.

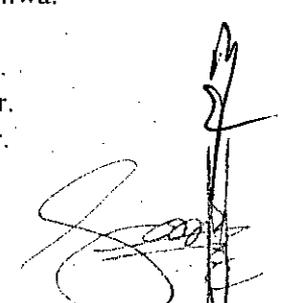
Sd/-
Muhammad Naeem Khan Dr.PSP
Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. and dated even.

Copy forwarded to the:-

- Addl: Inspector General of Police: HQrs Khyber Pakhtunkhwa, Peshawar.
- Addl: Inspector General of Police: Investigation, Khyber Pakhtunkhwa, Peshawar.
- Addl: Inspector General of Police: Elite Force, Khyber Pakhtunkhwa, Peshawar.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, HQrs, Khyber Pakhtunkhwa Peshawar.
- Capital City Police Officer, Peshawar.
- Commandant FRP Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, Training Khyber Pakhtunkhwa, Peshawar.
- Commandant CPC Peshawar.
- All Regional Police Officers, in Khyber Pakhtunkhwa.
- All DPOs and SsP/Investigations in Khyber Pakhtunkhwa.
- COS to the Worthy Inspector General of Police, Khyber Pakhtunkhwa.
- Registrar, CPO, Peshawar.
- All concerned District Accounts Officers in Khyber Pakhtunkhwa.
- Office Supdts: Secret and Career Planning Branch CPO, Peshawar.
- PA to Assistant Inspectors General of Police: Estt: CPO Peshawar.
- Accountant, CPO Peshawar.

ATTESTED


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

To,

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

SUBJECT: **DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER DATED 17.09.2019 WHEREBY PROMOTION TO APPELLANT HAS BEEN GRANTED WITH IMMEDIATE EFFECT BUT NOT FROM THE DATE WHEN HIS COLLEAGUES/JUNIOR COLLEAGUES WERE PROMOTED i.e. w.e.f. 31.10.2017.**

Respected Sir,

With due respect it is stated that the appellant has been initially appointed as Junior Clerk in your good self Department and subsequently promoted to the post of Senior Clerk. That since his appointment the appellant performed his duty quite efficiently and up to the entire satisfaction his superior. That during service no as such blemish compliant has been made against the appellant in his entire duration of service. That the department was issued the promotion order dated 31.10.2017 in which the appellant was deprived of promotion to the post of Assistant (BPS-16) whilst juniors to the appellant were promoted to the post of assistant (BPS-16). That appellant feeling aggrieved from the promotion order dated 31.10.2017 preferred departmental appeal followed by service appeal No. 368/2018 before the august Service Tribunal, Peshawar. That during the pendency of the aforementioned service appeal the competent authority was issued Notification 17.09.2019 whereby the appellant has been granted promotion to the post of Assistant (BPS-16) but with immediate effect rather than retrospective effect i.e. w.e.f. 31.10.2017 when the junior colleagues of the appellant were promoted to the post of Assistant. That appellant being senior most employee of the Police Department as well as senior from the promoted junior colleagues entitle for promotion to the post of Assistant (BPS-16) w.e.f. 31.10.2017. That appellant feeling aggrieved from the Notification dated 17.09.2019 preferred this Departmental appeal before your good self to modify the promotion Notification dated 17.09.2019 to the extent of appellant and allow promotion to the appellant from the date when his junior colleagues were promoted i.e. 31.10.2017.

It is therefore, most humbly prayed that on the acceptance of this departmental appeal the impugned promotion Notification dated 17.09.2019 may very kindly be modified to the extent of appellant and allow promotion to appellant against the post of Assistant (BPS-16) w.e.f 31.10.2017 with all consequential back benefits. Any other remedy which your good self deems fit that may also be awarded in favor of the appellant.

Dated: 15.10.2019.

ATTESTED

[Handwritten signature]

APPELLANT

[Handwritten signature]

MUHAMMAD NASIR,
ASSISTANT GRADE CLERK (BPS-16),
Audit Cell CPO, Peshawar

K-26

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

APPEAL NO. 367 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 323

Date: 6-3-2018

Mr. Muhammad Nasir, Senior Clerk (BPS-14),
CTD, Headquarters, Khyber Pakhtunkhwa, Peshawar

..... APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.
- 3- The Deputy Inspector General of Police, Counter Terrorism Department, Khyber Pakhtunkhwa, Peshawar.
- 4- Mr. Abdur Rauf, CCPO Office, Peshawar.
- 5- Mr. Tehseen Ullah, SP/FRP Peshawar, Rang.
- 6- Mr. Nadeem Ahmad, CPO, Peshawar.
- 7- Mr. Riaz Muhammad, FRP/Hazara Range, Police Lines, Abbottabad
- 8- Mr. Nizakat Khan, RPO Office Hazara.
- 9- Mr. Naseer Ahmad, SSP/Traffic Office, Peshawar.
- 10- Mr. Ishtiaq Hussain, RPO Office, Mardan.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 31-10-2017, WHEREBY JUNIORS TO THE APPELLANT I.E. PRIVATE RESPONDENT NO. 4-10 HAS BEEN PROMOTED TO THE POST OF ASSISTANT (BPS-16) WHILE THE APPELLANT IS IGNORED INSPITE OF THE ILLEGIBLE AND SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT ON NO GOOD GROUNDS WITH IN THE STIPULATED PERIOD OF 90 DAYS.

Filed to-day

Registrar

6/3/18

PRAYER:

That on acceptance of this appeal the impugned order dated 31-10-2017 may very kindly be set aside to the extent of Private Respondents and the respondents may be directed to consider the appellant for promotion to the post of Assistant BPS-16 with consequential back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:
ON FACTS:**

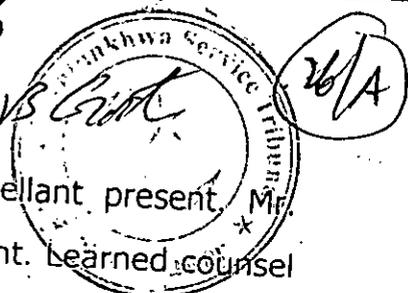
Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Re-submitted to-day and filed.

13/3/18

Appeal No: 367/2018
Muhammad Nabis vs Govt



03.02.2020

Learned counsel for the appellant present, Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant submitted an application for withdrawal of the instant service appeal with permission to file a fresh one. Request accepted and the appeal in hand is therefore, dismissed as withdrawn. File be consigned to the record room.

Announced:
03.02.2020

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

Certificate to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2020

Muhammad Nasir

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Nasir

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020

Muhammad

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

KAMRAN KHAN

&

MIR ZAMAN SARI
ADVOCATES.

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.