


20.11.2019

Counsel for the petitioner present. Mr. Usman Ghani,
District Attorney for respondents present. Adjourn. In view of
orders contained in order sheet dated 23.10.2019 and with the
consent of the learned counsel for the petitioner, the present
execution petition is adjourned sine-die. The office is directed
to place the case file in safe custody.


Member
Camp Court Abbottabad

20.08.2019

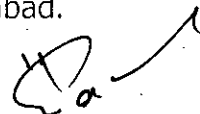
Learned counsel for the petitioner present. Mr. Muhammad Bilal learned Deputy District Attorney along with Shamrez SI present and seeks adjournment to furnish implementation report/comments. Adjourn. To come up for implementation report/comments on 22.10.2019 before S.B at Camp Court, Abbottabad.



Member
Camp Court A/Abad

23.10.2019

Counsel for the petitioner present. Mr. Usman Ghani, District Attorney present. Mr. Shamraiz Khan, ASI for the respondents present. The learned District Attorney submitted copy of order dated 16.09.2019 of Apex Court in CP No. 305-P of 2018 and stated that through the said order dated 16.09.2019, the Apex Court suspended the operation of judgment dated 21.02.2018 in Service Appeal No. 736/2016 filed by Amjad Ali. Learned District Attorney sought adjournment on the ground that judgment under implementation was passed on the basis of judgment in Service Appeal No. 736/2016 mentioned above. Adjourn. To come up for further proceedings and arguments on 20.11.2019 before S.B at camp court, Abbottabad.



Member
Camp court, A/Abad

14.01.2019

Petitioner with counsel present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Shamrez Khan ASI present. Implementation report not submitted. Representative of the respondents requested for time to furnish implementation report. Granted. To come up for further proceedings/implementation report on 19.03.2019 before S.B at camp court Abbottabad.


Member

Camp Court Abbottabad

19.03.2019


Learned counsel for the petitioner present. Mr. Muhammad Bilal learned Deputy District Attorney alongwith Shamrez SI present. Representative of the respondent department stated that the respondent department has filed CPLA against the judgment under implementation. Adjournment requested. Adjourn. To come up for further proceedings on 22.05.2019 before S.B at Camp Court A/Abad.


Member

Camp Court A/Abad.

22.05.2019

Counsel for the petitioner and Mr. Shamraiz Khan, ASI alongwith Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Implementation report not submitted. Representative of the department requested for further adjournment. Adjourned to 20.08.2019 for implementation report before S.B at Camp Court Abbottabad.





(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. _ 274/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.09.2018	<p>The execution petition of Mr. Razeem Khan submitted by him may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	10-9-18	<p>This execution petition be put before touring S. Bench at A.Abad on <u>18/10/18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
18.10.2018		<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report on 14.01.2019 before S.B at camp court, Abbottabad.</p> <p style="text-align: right;"> Member Camp Court, A/Abad</p>
14.01.2019		<p>Petitioner's wife in the execution petition has been named as the respondent. Deputy District Attorney present. Implementation report not submitted. Adjourment requested. Adjour. To come up for implementation report further proceedings on 19.03.2019 before S.B at Camp Court Abbottabad.</p> <p style="text-align: right;">Khalid Camp Court, Abbottabad</p>

BEFORE THE SERVICES TRIBUNAL KPK PESHAWAR

Execution Petition No. 274/18

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 971

Razeeq Khan VERSUS Govt
MSB

KPK Dated 27/9/2018

APPLICATION FOR REDRESSAL OF GRIEVANCES PLAINT No. 197/2016

197/2016

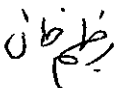
RESPECTFULLY SHEWETH: -

1. That the petitioner seniority was effected on as S.I confirmation and 26.6.2010. Wherin he was dropped and my colleagues Junier to him were confirmed, The order was assailed in Departmental appeal and then before this Tribunal. However, during pendency of the appeal the services was confirmed as S.I, but with immediate effect so my appeal was disposed off and the appelliant preferred which was not responded, so I came again before this Tribunal for redressal of grievances. vide case no. 197/2016
2. Now on dated 28.6.2018 my appeal is allowed and impugned order dated 22.4.2015 is modified to the extent that the appelliant shall be deemed to have been confirmed from the date of effectuating S.I. i.e 26.6.2010 instead of 22.04.2015. as per circumstances of above so it is requested may kindly be advised to the concerned department to implement the order of the cause.

PETITIONER


RAZEEM KHAN NO. 1/01 INSPECTOR
HAZARA DIVISION.

07.09.2018.



1950

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASSEMBLY AVENUE
CHICAGO, ILLINOIS 60607
U.S.A.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASSEMBLY AVENUE
CHICAGO, ILLINOIS 60607
U.S.A.

THE UNIVERSITY OF CHICAGO

.....

.....

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**



Service Appeal No. 197 /2016

Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

Attested
Service Tribunal
Blg. No. 1343
Date: 10-11-2015

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar.
2. DIG Police, Hazara Division, Abbottabad.
3. IG Police, Khyber Pakhtunkhwa, Peshawar.
4. Habib ur Rehman, No: H/257, Posted at Mansehra.
5. Aurangzeb, No. H/258, Posted at Mansehra.
6. Sajjad Haider, No. H/261, Posted at Kohistan.
7. Muhammad Altaf, No. H/185, Posted at Mansehra.
8. Shah Nawaz, No. H/191, Posted at CCP, Haripur.
9. Muhammad Khurshid, No. H/201, Posted at Mansehra.
10. Ghulam Mustafa, No. H/202, Posted at Kohistan.
11. Hazrat Nabi, No. H/206, Posted at Inv: Mardan.
12. Muhammad Iqbal, No. H/211, Posted at EAC, Peshawar.
13. Altaf, No. H/31, Posted at Inv: Kohistan.
14. SI Ibrar Khan, No. 08/H, Posted at Kohistan.

Private
SP in charge
No. 4 to 47
19 & 51 to 76
laced ex-parte
in audio
lt: 20/7/16

Filed 02-0-16
Registered
10/11/15

re-submitted to-day
and filed.

Registered
3/3/16

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.



Service appeal No. 197/2016

Date of institution ... 10.11.2015
Date of decision 28.06.2018

Razem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing,
Lower Kohistan, District Kohistan. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Home, Peshawar and
others. ... (Respondents)

Present:-

M/S. Muhammad Aslam Khan Tanoli and
Abdul Rahim Khan, Advocates ... For appellant.

Mr. ZIAULLAH,
Deputy District Attorney ... For respondents.

MR. SUBHAN SHER,
MR. AHMAD HASSAN.


CHAIRMAN
MEMBER.

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Arguments heard and record perused.

ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

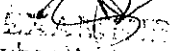
2. The short facts relevant for the disposal of the present appeal are stated here,
that the appellant joined the Police Department as Constable in the year 1984 and
got promotion to the rank of Sub-Inspector. However, in the meanwhile a meeting
of DPC was held on 16.06.2010 wherein he was dropped from confirmation and
his colleagues junior to him were confirmed. The same order was assailed in
departmental appeal and then before this Tribunal. However, during pendency of
the appeal, his services were confirmed as S.I but with immediate effect. So his
appeal was disposed off and the appellant preferred departmental appeal which

was not responded, so he came in appeal again before this Tribunal for redressal of his grievances.

3. M/s. Muhammad Aslam Tanoli, Advocate, and Abdur Rahim, Advocate, the learned counsels for the appellant contended that the similar cases of similar facts and circumstances of other colleagues of the appellant were given benefits of confirmation from 16.06.2010. In support of their contentions, they produced two judgment of this Tribunal passed in service appeal No. 736/2016 titled "*Amjad Ali-vs-Government of Khyber Pakhtunkhwa through Secretary Home and Triabl Affairs Department, Peshawar and others*" decided on 21.02.2018 and service appeal No. 182/2017 titled "*Zahid Ur Rehman-vs-Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and another*" decided on 19.02.2018 and requested the Tribunal to direct the respondents that back benefits from the above mentioned date be given to the appellant.

4. Mr. Ziaullah, learned Deputy District Attorney for respondents could not controvert the judgments of this Tribunal, however, he raised the question of limitation and requested this Tribunal to dismiss the appeal being time barred.

5. Without discussing the merits of the case, this Tribunal would place reliance on the previous judgments of this Tribunal passed in similar appeals in which not only the facts and circumvents were discussed but even the question of limitation was also resolved. As such, following the previous those judgments of this Tribunal, appeal of the appellant is allowed and the impugned order dated 22.04.2015 is modified to the extent that the appellant shall be deemed to have been confirmed from the date of officiating S.I i.e 16.06.2010 instead of

ATTESTED

 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

22.04.2015. In the circumstances of the case, parties shall bear their own costs.

File be consigned to the record room.


Announced
28.06.2018

Q. — SW³ 6.2018²

Edf- Subhan Sheer,
Chairman
Camp Court A/Abad

Edf- Ahmad Hassan,
Nauder

Certified to be true copy


Khuzdar
Service Tribunal,
Peshawar

Date of Presentation of Application 11-07-18
 Number of Words 1600
 Copying Fee 10.00
 Urgent 2.00
 Total 12.00
 Name of Comptroller [Signature]
 Date of Comptroller 11-07-18
 Date of Delivery of Copy 11-07-18

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. 841-P /2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

Appeal from : *KPK, Service Tribunal, Camp Court Abbottabad*
Counsel for Petitioner : *Advocate General, KPK, Peshawar*
Instituted by : *Mian Saadullah Jandoli, AOR*

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CERTIFIED that the paper book has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the court have been included in it. Index is complete in all respect.

(Mian Saadullah Jandoli)
Advocate on Record
Supreme Court of Pakistan
For Govt. of KPK/petitioners

(A)

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

CONCISE STATEMENT

- 1- Subject matter and the law *Service Matter / Confirmation / Promotion*
- 2- Which side has filed this petition *Government / petitioners*

Court / Forum	Date of a) Institution b) Decision	Who filed it and with what result
KPK Service Tribunal, Camp Court Abbottabad	a) 10/11/2015 b) 28/06/2018	Respondent filed service appeal which has been accepted
Points noted in the impugned Judgment	Treatment of points in the impugned judgment	
M/s Muhammad Aslam Tanoli, Advocate and Abdur Rahim, Advocate the learned counsels for the respondent contended that the similar cases of similar facts and circumstances of other colleagues of the respondent were given benefits of confirmation from 16/06/2010. The respective counsels requested the Tribunal to direct the petitioners that back benefits from the above mentioned date be given to the	Without discussing the merits of the case this tribunal would place reliance on the previous judgments of this tribunal passed in similar appeals in which not only the facts and circumvents were discussed but even the question of limitation was also resolved. As such, following the previous those judgments of this tribunal, appeal of the respondent is allowed and the impugned order dated 22/04/2015 is modified to the extent that the respondent shall be deemed to have	

B

<p>respondent. Mr. Ziaullah, learned Deputy District Attorney raised the question of limitation and requested this Tribunal to dismiss the appeal being time barred.</p>	<p>been confirmed from the date of officiating SI i.e. 16/06/2010 instead of 22/04/2015.</p>
--	--

LAW/RULING ON THE SUBJECT

FOR

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- Police Rule 1934
- 3- Police Act, 2017

CERTIFICATE:

Certify that I myself prepared the above concise statement which is correct.

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

①

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

1. Government of Khyber Pakhtunkhwa through Secretary Home, Peshawar
2. Deputy Inspector General of Police, Hazara Region-II, Abbottabad
3. IG Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

PETITIONERS

VERSUS

1. Razeem Khan, Inspector No.H-01 District Abbottabad, presently Investigation wing, Lower Kohistan, District Kohistan
2. Habib ur Rehman, No.H/257, Posted at Mansehra
3. Aurangzeb, No. H/258, posted at Mansehra
4. Sajjad Haider, No.H/261 Posted at Kohistan
5. Muhammad Altaf No.H/185 posted at Mansehra
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8. Ghulam Mustafa No.H/202 posted at Kohistan
9. Hazrat Nabi, No.H/206 posted at Inv: Mardan
10. Muhammad Iqbal, No. H/211 posted at EAC Peshawar
11. Altaf No.H/31 posted at Inv: Kohistan
12. SI Ibrar Khan, No.08/H, posted at Kohistan
13. SI Muhammad Yaseen, No.09/H FRP
14. SI Iftikhar Ahmed, No.10/H posted at Mansehra
15. SI Zakir Hussain No.13/H posted at Mansehra
16. SI Muhammad Riaz No.14/H posted at Haripur
17. SI Muhammad Amjad No.15/H posted at Investigation Wing, Battagram
18. Lady SI Samina Zaffar No.16/H posted at Haripur
19. SI Bashir Ahmed, No.17/H posted at Haripur
20. SI Mehboob No.18/H posted at Abbottabad
21. SI Matloob shah, No.19/H posted at Mansehra
22. SI Muhammad Hamayun No.20/H posted at CTD Operation Wing, Abbottabad
23. SI Farman Akhtar No.21/H posted at Islamabad Frontier House Abbottabd
24. SI Ashiq Hussain, No.22/H posted at Operation Wing, Abbottabad
25. SI Mukhtiar Ahmed No.23/H posted at Operation Wing, Battagram
26. SI Adalat khanb, No.24/H posted at Operation Wing, Abbottabad
27. SI Ghulam Muhammad No.25/H posted at Operation wing, Mansehra
28. SI Muhammad Javed No.26/H posted at Operation wing, Manshera
29. SI Muhammad Iqrar No.29/H posted at Hangu
30. SI Farhad Ali No.30/H posted at Special Branch
31. SI Azam Ali Shah, No.32/H posted at Abbottabad
32. SI Arshad Hussain No.33/H posted at PTC Hangu
33. SI Shad Muhammad No.36/H posted at Torghar District
34. SI Fazal Wahab No.37/H posted at Special Branch
35. SI Jehanzeb Khan No.39/h posted at Investigation Wing, Mansehra
36. SI Muhammad Amin No.42/H posted at Traffic Khyber Pakhtunkhwa

37. SI Ehsan Shah, No.44/H posted at Kohistan
38. SI Muhammad Yousaf No.46/H posted at Kohistan
39. SI Muhammad Sajjad No.47/H posted at Investigation Wing, Mansehra
40. SI Fida Muhammad, No.48/H posted at Operational Wing, Abbottabad
41. SI Muhammad Rafi No.05/H posted at Polcie School of Intelligenece
Abbottabd
42. SI Muhammad Ishaq No.06/H posted at Ithar
43. SI Nisar Ahmed, No.38/H posted at Operational Wing, Battagram
44. SI Chanwaiz khan ,No.40/H posted at Investigtaiion Wing, Abbottabad
45. SI Akhtar Zaman, No.59/H posted at Operational wing, Lower Kohistan
46. SI Daraz Khan, No.78/H posted at Special Branch, battgram
47. SI Saleem Rashid, No.79/H posted at Operational Wing, Haripur
48. SI Sarwaiz Khan, No.82/H posted at Region Office, Abbottabad
49. SI Fazal ur Rehman, No.83/H posted at Kohistan
50. SI Muhammad Hayat No.84/H posted at Operational Wing, Upper
Kohistan
51. SI Muhammad Zakir No.85/H posted at Operational Wing, upper
Kohistan
52. SI Gul Khatab No.87/H posted at Kohistan
53. SI Zubair shah, No.88/H posted at elite Force, Peshawar
54. SI Muhammad Fahim No.89/H posted at Investigation wing, Lower
Kohistan
55. SI Amir Khatam, No.90/H posted at Investigation Wing, Haripur
56. SI Umar Zada No.91/H posted at Investigation wing, Battagram
57. SI Muhammad Resaan, No.92/H posted at PTC Hangu
58. SI Muhammad Khushal No.93/H posted investigation Wing, Torghar
59. SI Riasat Khan, No.94/H posted at Investigation wing, Abbottabad
60. SI Abdul ghafoor No.95/h posted at elite force, Hazara
61. SI Abdul Sattar No.96/H posted at Elite Force, Hazara
62. SI Zulfiqar Ali No.97/H posted at police Training School, Swabi
63. SI Muhamamd Uzair No.98/H posted at Hattar Haripur
64. SI Tufail Muhammad No.99/H posted at Operational Wing, Battagram
65. SI Muhammad Munir No.100/H posted at city Haripur
66. SI Muhammad Arif, No.101/H posted at Operational wing, Abbottabad
67. Sadaqat Nisar No.102/H posted at Operational Wing, Mansehra
68. Muhammad Arshad No.103/H posted at Operational Wing, Battagram
69. Muhammad Asad yousaf No.104/H posted at Elite force, Hazara
70. SI Mudassar Zia, No.105/H posted at Investigation Wing, Abbottabad
71. SI Muhammad Farooq, No.106/H posted at Operational Wing,
Mansehra
72. SI Muhammad Asif No.107/H posted at CTD, Hazara
73. SI Abdul Rauf, No.108/H posted at Operational Wing, Lower Kohistan
74. SI Muhammad Riaz No.109/H posted at Operational wing, Abbottabad

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER
ARTICLES 212(3) OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST
THE IMPUGNED JUDGMENT/ ORDER OF
LEARNED KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD DATED
28/06/2018 IN SERVICE APPEAL NO.197/2016

3

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds, inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad suffers from material illegality, factually incorrect and require interference by this august Court?
2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad has properly and legally exercised its jurisdiction in the matter in hand?
3. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad is in utter violation of law and rules r/w Police Act, 2017?
4. Whether at the time of appointment as officiating Inspector the respondents were legally qualified or having the prerequisite qualification for the post of Inspector as the seniority is always recognized /granted from date of confirmation in particular post?
5. Whether under the Police Rules, 1934 Chapter 13-10(2) it is mandatory that prerequisite qualification shall be fulfilled before appointing an incumbent as Inspector?
6. Whether the respondents No.1 was not entitled to seniority as claimed by him being not confirmed Inspector?
7. Whether the respondent No.1 was out of his cadre and remained on deputation therefore he was not entitled to seniority as claimed by him?
8. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad has properly and legally interpreted/applied the law in the subject case and special law i.e. police rule 1934 r/w police Act, 2017 are applicable to respondent case and the civil Servant Act/Appointment, Promotion, and Transfer Rules are not applicable to respondent case?

- (4)
9. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad has correctly construed the record and material in its true perspective?
 10. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad has correctly dealt with the question of seniority of respondent No.1 by giving him antedate seniority without fulfilling the criteria?
 11. Whether the respondent case was rightly dealt by the departmental promotion committee and was rightly refused the promotion from the date of officiating promotion being not eligible and qualified?
 12. Whether promotions are usually granted with immediate effect and not retrospectively and that too to a person who was not eligible and qualified at the time of officiating promotion?
 13. Whether the appeal of respondent was bared by time and the Hon'ble Service Tribunal has not adverted to this important and legal aspect of the matter?

FACTS

II- Facts relevant to the above points of law, inter alia, are as under:-

1. That the respondent No.1 is serving in Police Department and presently posted in the Investigation Wing of Lower Kohistan District Kohistan.
2. That the respondent No.1 was granted promotion on 22/4/2015 due to lack of prerequisite qualification as the respondent No.1 did not fulfill the required criteria.
3. That the respondent No.1 on fulfilling the required criteria for promotion was promoted on 22/04/2015 which was impugned before the departmental authority in appeal but was not considered.
4. That the respondent No.1 filed service appeal No.197/2016 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad wherein comments were called from the petitioners which was filed accordingly.
5. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad allowed and accepted the service appeal of respondent vide order dated 28/6/2018.

5

6. That the petitioners being aggrieved from the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad dated 28/06/2018 in service appeal No.197/2016 prefer this CPLA before this august Court.
7. That the petitioners seek leave to appeal against the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad dated 28/06/2018 in Service Appeal No.197/2016.

It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad dated 28/06/2018 in Service Appeal No.197/2016 may graciously be granted.

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

NOTE:

Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

ADDRESS

Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

CERTIFICATE Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

Advocate-On-Record

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 197/2015 ^{19/11/16}

Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar.
2. DIG Police, Hazara Division, Abbottabad.
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14. SI Ibrar Khan, No. 08/H, Posted at Kohistan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT
ABBOTTABAD.

Service Appeal No. 197/2016.

Date of Institution 10.11.2015.

Date of decision..... 28.06.2018

Razeem Khan, Inspector No. H-01, District Abbottabad, Presently Investigation Wing, Lower Kohistan District Kohistan.

.....(Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Home, Peshawar and others.(Respondents)

present:-

M/S Muhammad Aslam Khan Tanoli and
Abdul Rahim Khan, Advocates for appellant.

Mr. ZIAULLAH,
Deputy District Attorney for respondents.

MR. SUBHAN SHER, CHAIRMAN.
MR. AHMAD HASSAN, MEMBER.

JUDMENT.

SUBHAN SHER, CHAIRMAN

Arguments heard and record perused.

2. The short facts relevant for the disposal of the present appeal are stated here that the appellant joined the Police Department as Constable in the year 1984 and got promotion to the rank of Sub-Inspector. However, in the meanwhile a meeting of DPC was held on 16.06.2010 wherein he was dropped from confirmation and his colleagues junior to him were confirmed. The same order was assailed in departmental appeal and then before this Tribunal. However, during pendency of the appeal, his services were confirmed as S.I but with

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immediate effect. So his appeal was disposed off and appellant preferred departmental appeal which was not responded. So he came in appeal again before this Tribunal for redressal of grievances.

3. M/S Muhammad Aslam Tanoli, advocate, and Abdur Rahim, advocate, the learned counsels for the appellant contended that the similar cases of similar facts and circumstances of other colleagues of the appellant were given benefits of confirmation from 16.06.2010. In support of their contentions, they produced two judgment of this Tribunal passed in service appeal No. 736/2016 titled "*Amjad Ali-vs-Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs Department Peshawar and others*" decided on 21.02.2018 and service appeal No. 182/2017 titled *Zahidur Rehman vs Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others* decided on 19.02.2018 and requested the Tribunal to direct the respondents that back benefits from the above mentioned date be given to the appellant.

4. Mr. Ziaullah, learned Deputy District Attorney for respondents could not controvert the judgments of this Tribunal, however, he raised the question of limitation and requested this Tribunal to dismiss the appeal being time barred.

5. Without discussing the merits of the case, this Tribunal would place reliance on the previous judgments of this Tribunal passed in similar appeals in which not only the facts and circumstances were discussed but even the question of limitation was also resolved. As such, following the previous those judgments of this Tribunal, appeal of the appellant is allowed and the appellant shall be deemed to have been confirmed from the date of officiating S.I i-e 16.06.2010 instead

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of 22.04.2015. In the circumstances of the case, parties shall bear their own costs. File be consigned to the record

(SUBHAN SHER)
Chairman
Camp Court, Abbottabad

(AHMED HASSAN)
Member

ANNOUNCED
28.06.2018

BC (10)

**BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 197 / 13216
2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar.
2. DIG Police, Hazara Division, Abbottabad.
3. IG Police, Khyber Pakhtunkhwa, Peshawar.
4. Habib ur Rehman, No. H/257, Posted at Mansehra.
5. Aurangzeb, No. H/258, Posted at Mansehra.
6. Sajjad Haider, No. H/261, Posted at Kohistan.
7. Muhammad Altaf, No. H/185, Posted at Mansehra.
8. Shah Nazam, No. H/191, Posted at CCP, Haripur.
9. Muhammad Khurshid, No. H/201, Posted at Mansehra.
10. Ghulam Mustafa, No. H/202, Posted at Kohistan.
11. Hazrat Nabi, No. H/206, Posted at Inv: Mardan.
12. Muhammad Iqbal, No. H/211, Posted at EAC, Peshawar.
13. Altaf, No. H/31, Posted at Inv: Kohistan.
14. SI Ibrar Khan, No. 08/H, Posted at Kohistan.

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15. SI Muhammad Yaseen, No. 09/H.F.R.P.
16. SI Iftikhar Ahmed, No. 10/H, posted at Mansehra.
17. SI Zakir Hussain, No. 13/H, posted at Mansehra.
18. SI Muhammad Riaz, No. 14/H, posted at Haripur.
19. SI Muhammad Amjad, No. 15/H posted at Investigation Wing, Battagram.
20. Lady SI Samina Zaffar, No. 16/H posted at Haripur.
21. SI Bashir Ahmed, No. 17/H posted at Khanpur.
22. SI Mehboob, No. 18/H posted at Abbottabad.
23. SI Matloob Shah, No. 19/H, posted at Mansehra.
24. SI Muhammad Hamayun, No. 20/H posted at Operation Wing, Abbottabad.
25. SI Farman Akhtar, No. 21/H posted at Islamabad Frontier House.
26. SI Ashiq Hussain, No. 22/H posted at Operation Wing, Abbottabad.
27. SI Mukhtiar Ahmed, No. 23/H posted at Operation Wing, Battagram.
28. SI Adalat Khan, No. 24/H posted at Operation Wing, Abbottabad.
29. SI Ghulam Muhammad, No. 25/H posted at Operation Wing, Battagram.
30. SI Muhammad Javed, No. 26/H posted at Operation Wing, Mansehra.
31. SI Muhammad Iqrar, No. 29/H posted at Hangu.
32. SI Farhad Ali, No. 30/H posted at Special Branch.
33. SI Azam Ali Shah, No. 32/H posted at Abbottabad.
34. SI Arshad Hussain, No. 33/H posted at PTC Hangu.
35. SI Shad Muhammad, No. 36/H posted at Torghar District.
36. SI Fazal Wahab, No. 37/H posted at Special Branch.

37. SI Jehanzeb Khan, No. 39/H posted at Investigation Wing, Mansehra.
38. SI Muhammad Amin, No. 42/H posted at Traffic Khyber Pakhtunkhwa.
39. SI Ehsan Shah, No. 44/H posted at Kohistan.
40. SI Muhammad Yousaf, No. 46/H posted at Kohistan.
41. SI Muhammad Sajjad, No. 47/H posted at Investigation Wing, Mansehra.
42. SI Fida Muhammad, No. 48/H posted at Operational Wing, Abbottabad.
43. SI Muhammad Rafi, No. 05/H posted at Police School of Intelligence, Abbottabad.
44. SI Muhammad Ishaq, No. 06/H posted at Ithar.
45. SI Nisar Ahmed, No. 38/H posted at Operational Wing, Battagram.
46. SI Chanwaiz Khan, No. 40/H posted at Investigation Wing, Abbottabad.
47. SI Akhtar Zaman, No. 59/H posted at Operational Wing, Lower Kohistan.
48. SI Daraz Khan, No. 78/H posted at Special Branch, Battagram.
49. SI Saleem Rashid, No. 79/H posted at Operational Wing, Haripur.
50. SI Sarwaiz Khan, No. 82/H posted at Region Office, Abbottabad.
51. SI Fazal ur Rehman, No. 83/H posted at Kohistan.
52. SI Muhammad Hayat, No. 84/H posted at Operational Wing, Upper Kohistan.
53. SI Muhammad Zakir, No. 85/H posted at Operational Wing, Upper Kohistan.
54. SI Gul Khatab, No. 87/H posted at Kohistan.
55. SI Zubair Shah, No. 88/H posted at Elite Force, Peshawar.

56. SI Muhammad Fahim, No. 89/H posted at Investigation Wing, Lower Kohistan.
57. SI Amir Khatam, No. 90/H posted at Investigation Wing, Haripur.
58. SI Umar Zada, No. 91/H posted at Investigation Wing, Battagram.
59. SI Muhammad Resaan, No. 92/H posted at PTC Hangu.
60. SI Muhammad Khushal, No. 93/H posted Investigation Wing, Torghar.
61. SI Riasat Khan, No. 94/H posted at Investigation Wing, Abbottabad.
62. SI Abdul Ghafoor, No. 95/H posted at Elite Force, Hazara.
63. SI Abdul Sattar, No. 96/H posted at Elite Force, Hazara.
64. SI Zulfiqar Ali, No. 97/H posted at Police Training School, Swabi.
65. SI Muhammad Uzair, No. 98/H posted at Hattar, Haripur.
66. SI Tufai Muhammad, No. 99/H posted at Operational Wing, Battagram.
67. SI Muhammad Munir, No. 100/H posted at City, Haripur.
68. SI Muhammad Arif, No. 101/H posted at Operational Wing, Abbottabad.
69. Sadaqat Nisar, No. 102/H posted at Operational Wing, Mansehra.
70. Muhammad Arshad, No. 103/H posted at Operational Wing, Battagram.
71. Muhammad Asad Yousaf, No. 104/H posted at Elite Force, Hazara.
72. SI Mudassar Zia, No. 105/H posted at Investigation Wing, Abbottabad.
73. SI Muhammad Farooq, No. 106/H posted at Operational Wing, Mansehra.
74. SI Muhammad Asif, No. No. 107/H posted at CTD, Hazara.
75. SI Abdul Rauf, No. 108/H posted at Operational Wing, Lower Kohistan.
76. SI Muhammad Riaz, No. 109/H posted at Operational Wing, Abbottabad.

....RESPONDENTS

Be (14)

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER, DATED 22/04/2015, OF RESPONDENT NO. 2, VIDE WHICH THE APPELLANT, INSTEAD OF HAVING BEEN PROMOTED WITH EFFECT FROM 16/06/2010 I.E, THE DATE ON WHICH OTHER EMPLOYEES BELONGING TO THE SAME BATCH, CADRE AND SENIORITY ALONGWITH THOSE BEING JUNIORS TO THE APPELLANT HAVE BEEN PROMOTED, HAS BEEN PROMOTED WITH EFFECT FROM 22/04/2015.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER, DATED 22/04/2015, MAY GRACIOUSLY BE SO AMENDED AS TO MAKE THE APPELLANT ENTITLED TO seniority and PROMOTION WITH EFFECT FROM 16/06/2010 instead of 22/04/2015 WITH ALL BACK BENEFITS.

Respectfully Sheweth;-

1. That appellant was appointed as Police Constable on 15/02/1984, had undergone lower class course in 1990, inter class course in 1994 and upper class course in 2007 from his respective District.
2. That appellant was confirmed as Assistant Sub-Inspector (ASI) and placed on promotion list "E" on 06/04/2006. Copy of promotion order is annexed as Annexure "A".
3. That on the basis of the above mentioned seniority list, the appellant and his other co-servants, having same criteria, were promoted as SI with effect from 25/03/2008. Copy of promotion order is annexed as Annexure "B".
4. That the appellant remained on deputation to ITP from 13/10/2008 to 10/11/2013 and thereafter he was repatriated to his parent department.
5. That appellant's above mentioned deputation was not having any effect on his seniority and promotion and his seniority was reckonable as per the seniority list as mentioned above.

6. That it is however, unfortunate that the Departmental Promotion Board, while considering the cases of confirmation of all S.Is including the appellant, refused to accord him the date of his seniority as mentioned in the "E" list merely on the ground that the appellant had not served as SHO out of his home district and therefore, was not entitled to the benefit of seniority under Police Rule 13.18 for promotion and consequently was not confirmed at par with other similarly placed police officers. Copy of the order dated 16/06/2010 is annexed as Annexure "C".

7. That being aggrieved against the above mentioned order dated 16/06/2010, the appellant filed departmental appeal, as provided under the law and, also, review petition thereafter, but his aforementioned representations were rejected thus compelling the appellant to approach the Honourable Service Tribunal by filing service appeal No. 343/2011. Copies of departmental appeal dated 12/07/2010, review application dated 24/12/2010 and Service Tribunal appeal No.

343/2011 are annexed as Annexure "D", "E" & "F".

8. That it is pertinent to submit that respondents Nos. 4 to 76, despite being junior to the appellant in respect of their seniority have also been given precedence to the appellant and were also promoted vide the above mentioned order dated 16/06/2010.

9. That during the pendency of the above mentioned appeal No. 343/2011, another batch of employees, all the promotees as mentioned in the order dated 16/06/2010, including respondents Nos. 4 to 76 who were also junior to the appellant therein order of their seniority, were further promoted vide the order dated 16/06/2010 and the appellant once again, was not considered for the promotion. likewise series of annual promotion orders, in the year, 2011, 2012, 2013 and 2014 were made by the respondent authority but the appellant was not considered apparently for the reason that his service appeal No. 343/2011 was still pending decision.

10. That, since the appeal in which the appellant had claimed his right of promotion/ seniority from the date of order dated 16/06/2010, the appellant, due to pendency of his appeal, had not considered it necessary to challenge the above mentioned intervening promotion order as he was confident that his appeal would restore to him his due right.

11. That the appellant service appeal No. 343/2011 was still pending before the Honourable Service Tribunal when the respondent authority vide impugned order dated 22/04/2015, promoted the appellant with effect from 10/04/2015. Copy of the impugned order dated 22/04/2015 is attached as Annexure "G".

12. That as the impugned order, dated 22/04/2015, provided a fresh cause of action, the appellant was compelled by circumstances to withdraw his appeal No. 343/2011, with the permission to approach departmental authority for correction of the date of his original seniority as was recorded in

the above mentioned list "E". The appellant's request for withdrawal of his appeal No. 343/2011 with the permission as was sought therein, was allowed and consequently the same was withdrawn. Copy of the order of this Honourable Tribunal dated 03/07/2015 is attached as Annexure "H".

13. That, on 06/07/2015, after three days of the above mentioned withdrawal order, the appellant challenged the impugned order dated 22/04/2015 by filing the departmental appeal to respondent No. 3. Copy of the departmental appeal is attached as Annexure "I".
14. That the appellant, since the date of decision of his departmental appeal, continued to wait for decision thereon, but appellate authority has not yet decided the same and, therefore, in order to avoid the bar of limitation the instant appeal is being filed against the impugned order of the competent authority.
15. That the impugned order, on account of having not been made in accordance with law and rules

governing seniority of the appellant, is liable to be set aside or so amended or modified as to make the appellant's promotion as to be effective from the date of 16/06/2010, inter-alia, on the following grounds:-

GROUNDS:-

- a. That the impugned order is violative of the law regulatory seniority as contemplated under the Civil Service act, because the seniority of the appellant, under the law, was to be reckoned from the date when other servants belonging to same service and cadre, whether serving in the same department or office or not were promoted. The impugned order, therefore is not maintainable and as such is liable to be corrected accordingly.

- b. That, seniority of the appellant was to be considered from the date of his regular appointment and in accordance with the "E" list as made and approved by the competent

authority. Having failed to consider the relevant rules governing senior of civil servants, the impugned order is illegal and without jurisdiction and as such is liable to correct.

c. That it is, also a settled principle of the law governing seniority of Civil Servant that civil servants, on their promotion to higher post, would retain their inter-se seniority as in the lower post. Having not followed the above mentioned principle, the impugned order as well as all other orders of promotion whereby the appellant has been deprived of his due seniority, are illegal and without jurisdiction.

d. That Police Rule 13.18, as far as the promotion of civil servant is concerned, is ultra vires of the statute and therefore, has no binding force as to deprive the appellant of the promotion to which he, otherwise, is competent and entitled. The appellant, on the basis of the above mentioned Police

Rules, could not be deprived or allowed to be superseded by his juniors in the matter of his promotion. The impugned order, having its history linked back to the reasons as mentioned in the promotion order dated 16/06/2010, is illegal and without jurisdiction.

e. That the condition for promotion or denial of promotion, merely on the ground that the appellant has not served as SHO, is absolutely unwarranted as the matter of appointment of SHO is entirely dependent upon the discretion of the competent authority and it is not always necessary that each and every SI be so appointed.

f. That the appointment of appellant as SHO was within the competence and discretion of competent authority. The SHO is not appointed by selection on the basis of specific examination, test, interview or selection, but is purely a matter within the discretionary power of the competent

authority and, therefore, the appellant, who otherwise was fit and competent having no adverse remarks of any kind on his service record, could not be deprived of his right of seniority for promotion on such a flimsy ground such as completed under Police Rules 13.18.

g. That though the reference of Police Rules 13.18 has not be made in the impugned order dated 22/04/2015, yet the reason for non according the benefit of the appellant's actual date of seniority, traces back its history to the order dated 16/06/2010 hence the impugned order is illegal, void and without jurisdiction.

h. That by promoting the juniors respondents and ignoring the appellant despite being senior to them and having no stigma on his previous record of his service, is an act of discrimination and as such is violative of fundamental rights of the appellant.

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- i. That instant of appeal is within the time as prescribed under the law.

It is, therefore, humbly prayed that, on acceptance of the instant appeal, all the orders since 16/06/2010, depriving the appellant of his right of promotion may graciously be set aside and or the same, including the impugned order dated 22/04/2015, be so amended or modified as to restore to the appellant his due right of seniority and promotion with effect from 16/06/2010 with all back benefits or any other relief as this Honourable Tribunal may deem proper, just and lawful also be granted.

...APPELLANT

Dated: 05/11/2015

Through;


 (Abdul Raheem Khan)

&


 (Altaf Hussain Shah)
 Advocates High Court, Abbottabad
VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court

...APPELLANT



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BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.

Service Appeal No. 197/2016.

Razeem khan.....(Appellant)

VERSUS

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

COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

Preliminary objections.

- a. The appellant has no cause of action to file the appeal.
- b. The appeal is not maintainable in present form.
- c. The appeal is bad for non-joining and mis-joining of necessary parties.
- d. The appellant is estopped to file the appeal.
- e. The appellant has not come to the Honourable Tribunal with clean hands, hence, appeal is liable to be dismissed.
- f. The appellant has suppressed the original facts from this Honourable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
- g. The appeal is time barred hence liable to be dismissed.
- h. The order dated 22.04.2015 was issued by the authority after fulfilling all the codel formalities, hence, appeal is liable to be dismissed.

FACTS:-

1. Correct to the extent of enlistment of appellant as constable and qualifying the promotion courses.
2. Correct to the extent of confirmation of appellant in the rank of ASI.
3. Correct to the extent of officiating promotion of appellant to the rank of SI on 08.04.2008.
4. Correct to the extent of transfer of appellant on deputation to Islamabad Police, however he voluntarily managed his transfer on deputation to Islamabad Police.
5. Incorrect, seniority of junior rank of Police officer is governed by Police Rules. Promotion from one rank to another rank is subject to qualifying the promotion courses and fulfilling the prescribed criteria.

- 136 (26)
6. Incorrect, fulfilling the criteria provided in Police Rule 13-10(2) and standing orders issued from time to time is pre-condition for confirmation in the rank of sub-Inspector.
 7. Incorrect, appellant was not fulfilling the prescribed criteria for confirmation in the rank of Sub-Inspector therefore, his departmental appeal were correctly turned down. Further stated that the authority has done all the proceeding as per prescribed law & rules.
 8. Incorrect, Respondents No. 4 to 76 fulfilled the prescribed criteria long before the appellant therefore, they stand senior to appellant.
 9. Incorrect, seniority and confirmation of junior Police officer is governed by Police Rules i-e special law and not by Civil Servant Rules. Moreover the appellant had not fulfilled the laid down criteria which is pre requisite for confirmation of sub inspector under the rule.
 10. Incorrect, as explained in above paras.
 11. Correct to the extent that appellant was confirmed in the rank of Sub-Inspector on fulfilling the prescribed criteria as evident from the order of confirmation enclosed as Annexure -G with original appeal.
 12. Needs no comments as it pertains to the order of this Honourable Tribunal.
 13. Appellant was confirmed in the rank of Sub -Inspector from the date when he fulfilled the prescribed criteria therefore, there was no force in his departmental appeal. Therefore, the same was filed vide letter dated 24.11.2015. Copy of the letter is enclosed as Annexure-A.
 14. That after the prescribed criteria the appellant was confirmed in the rank of Sub-Inspector and was promoted to the rank of officiating Inspector, in accordance with law and rules therefore his prayer for antedating confirmation and promotion was not sustainable in the eye of law.
 15. Incorrect, the order dated 22.04.2015 of competent authority/ respondent No. 2 was in accordance with law & rules and is liable to be maintained in the eye of law and present appeal is not tenable on the given grounds.

GROUND.

- a. Incorrect, seniority, confirmation and promotion of junior rank Police officers is governed by Police Rules i-e Special Law and civil Servant Law is not applicable to junior rank Police officers.
- b. Incorrect, the seniority of Police officer is reckoned from the date of confirmation in the rank and not from the date of appointment and promotion. The seniority of appellant was correctly fixed from the date of his confirmation in the rank of Sub Inspector.

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- c. Incorrect, Civil Servant Laws are not applicable to Police Officer of junior ranks. The seniority of Police officer is reckoned from the date of confirmation in the rank and the officer will fulfill the prescribed criteria before promotion to next rank and confirmation in the same rank.
- d. Incorrect, Police Rules are Statutory Rules and Honourable Supreme Court of Pakistan has observed in reported judgments that special law will prevail over the general law. Therefore, the Police Rules framed under Police Act and saved under Police Ordinance, 2016 will prevail over the Civil Servant Rules.
- e. Incorrect, appellant voluntarily transferred on deputation to Islamabad Police and remained posted in traffic Police. Therefore the appellant is wrongly holding the authorities for not posting him as SHO. On repatriation from deputation he fulfilled the criteria and was confirmed and promoted to next rank.
- f. Incorrect, appellant was posted on deputation at Islamabad therefore, his posting as SHO was beyond the jurisdiction of answering respondents.
- g. Incorrect, appellant did not fulfill the criteria required for confirmation in the rank of Sub-Inspector as provided in Police Rules 13-10(2) and standing order therefore, he was not confirmed with colleague officer.
- h. Incorrect, appellant was not confirmed in the rank of Sub-Inspector as he was not fulfilling the prescribed criteria.
- i. Incorrect, the appeal of appellant is barred by law and limitation.

It is therefore, prayed that the appeal of appellant may be dismissed with costs.

Secretary Home & Tribal Affairs Department,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)

Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.2)

Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 3)

PROCEEDING OF PROMOTION BOARD

A departmental promotion board was convened in the office of undersigned on 06/04/2006 for confirmation of the ASIs of this Region on two years probation.

The Departmental Promotion Board consisted of the following officers:-

1. Mr. Attaullah Wazir, Deputy Inspector General of Police, Hazara = Chairman.
2. Mr. Iftikhar Khan District Police Officer, Abbottabad = Member
3. Raja Naseer Ahmed, Superintendent of Police, Investigation Abbottabad = Member

Officiating ASIs of Hazara Region were considered as per their seniority. The following divisions were taken, keeping in view the latest policy of the Government giving proper weight-age of integrity and reputation of the officers at the time of making their substantive confirmation on 02 years probation with effect from 06/04/2006.

S.#	Name & Number	Decision of the departmental promotion board
1.	ASI Sarfraz Khan No.72	Found suitable for confirmation in the substantive Rank of ASI
2.	ASI Abdul Hamid No.637	Deferred due to the chequered record.
3.	Saeed ur Rehman No.280	Found suitable for confirmation in the substantive Rank of ASI
4.	ASI Muhammad Daud No.76	do
5.	ASI Mushtaq Ahmed Shah No.78	do
6.	ASI Khalid Pervez No.163	do
7.	ASI Hakim Khan No.237	do
8.	ASI Ajmal No.311	do
9.	ASI Ali Akbar No.185	do
10.	ASI Fazal Dad No.525	do
11.	ASI Zarbat Khan No.70	do
12.	ASI Hamid No.1007	do
13.	ASI Muhammad Altaf No. 22	do
14.	ASI Sultan No.280	do
15.	ASI Muhammad Bashir No. 171	do
16.	ASI Muhammad Iqbal No.332	do
17.	ASI Muhammad Tariq No.411	do
18.	ASI Khalil ur Rehman No.406	do
19.	ASI Shah Nawaz No.610	do
20.	ASI Murad Khan No.29	do
21.	ASI Muhammad Khurshid No.58	do
22.	ASI Fazal ur Rehman No.690	do
23.	ASI Abdul Razaq No.407	do
24.	ASI Fakhar uz Zaman No.304	do
25.	ASI Sawal Khan No.577	do
26.	ASI Muhammad Sadique No.21	do
27.	ASI Mir Afzal No.36	do
28.	ASI Muhammad Khursheed No.112	do
29.	ASI Ghulam Mustafa No.106	do
30.	ASI Razeen Khan No.43	do
31.	ASI Aurangzeb No.409/356	do
32.	ASI Sagheer Hussain Shah No.1062	Found suitable but substantive information will be considered authenticated on the production of ACRs 2004-05
33.	ASI Hazrat Nabi No.21	Found suitable for confirmation in the substantive rank of ASIs
34.	ASI Shabbir Hussain No.74	do
35.	ASI Muhammad Afzal No.28	do
36.	ASI Muhammad Khalid No.436	do
37.	ASI Zareen Khan No.442	Found suitable but substantive information will be considered authenticated on the production of ACRs 2004-05
38.	ASI Iqbal No.565	do
39.	ASI Khalil ur Rehman No.365	Found suitable for confirmation in the substantive rank of ASIs
40.	ASI Abdul Rashid No.821	do
41.	ASI Dildar Ahmed No.155	do
42.	ASI Muhammad Farid No.481	do

Sd/-

(MR. ATTAULLAH WAZIR)
Deputy Inspector General of Police,
Hazara (Abbottabad)

Sd/-

(MR. IFTIKHAR KHAN)
District Police Officer
Abbottabad

Sd/-

(RAJA NASEER AHMED)
Superintendent of Police, Investigation
Abbottabad

ORDER

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Consequence upon the recommendation of promotion board held in this office on 25/03/2008. The following ASIs (On Promotion List "E") were found fit for promotion and as such they are hereby promoted to the rank of Offg: Sub Inspectors.

There promotion will be take effect from the date of taking over the charge of higher responsibilities.

S.#	Name & No.	District / Units	Remarks
1.	Muhammad Iqar 188/H	Inv: Mansehra	Conditionally promoted in the rank of Offg:SI subject to the availability of ACRs for the year 2004 being satisfactory.
2.	Muhammad Tariq 189/H	Inv: Abbottabad	
3.	Khalil ur Rehman 190/H	Mansehra	
4.	Shah Nawaz 191/H	Kohistan on deputation to CID Peshawar	
5.	Muhammad Khursheed 193/H	Inv: Abbottabad	
6.	Fazal ur Rehman 194/H	Mansehra	
7.	Abdul Razaq 195/H	Haripur	
8.	Fakhr uz Zaman 196/H	Kohistan	
9.	Sawal Khan 197/H	Inv: Mansehra	
10.	Muhammad Khursheed 201/H	Kohistan	
11.	Ghulam Mustafa 202/H	Abbottabad	Conditionally promoted to the rank of SI subject to the availability of ACR for the year 2005 being satisfactory.
12.	Razeem Khan 203/H	Abbottabad	
13.	Aurangzeb 204/H	Kohistan on deputation in motorway	
14.	Hazrat Nabi 206/H	Haripur	
15.	Shabbir Hussain Shah 207/H	Inv: Haripur	
16.	Muhammad Afzal 208/H	Mansehra	
17.	Muhammad Khalid 209/H	Inv: Mansehra	
18.	Zareen Khan 201/H	Battagram	Conditionally promoted to the rank of SI subject to the availability of ACR for the year 2006 being satisfactory
19.	Muhammad Iqbal 211/H	Battagram	Conditionally promoted to the rank of SI subject to the availability of ACR for the year 2005 being satisfactory
20.	Khalil ur Rehman 212/H	Abbottabad	
21.	Dildar Ahmed 214/H	Haripur	
22.	Muhammad Farid 205/H	Abbottabad	
23.	Muhammad Iltaf 31/H	Haripur	

Sd/-

(ATTAULLAH WAZIR)

Deputy Inspector General of Police
Hazara (Abbottabad)

No.4581-92/E, Dated Abbottabad the 08/09/2008

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

1. DIG of police, N-5 (North) National Highway and Motorway Police Rawalpindi.
2. AIG, CID NWFP, Peshawar.
3. All DPOs/Incharge, Investigation in Hazara Region.
4. OS/AS Region Office Abbottabad.

Necessary gazette notification regarding their promotion may be issue accordingly

ANNEXURE "C" ①

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ORDER

A Promotion Board to considered the cases of Offg: SIs for substantive promotion/confirmation under P.R 13.18 was held on 16-06-2010 in the Office of the undersigned which was attended by the following Officers:-

1. Muhammad Suleman, DIG, Hazara (Abbottabad) = Chairman
2. Mr. Imran Shahid, DPO, Abbottabad = Member
3. Dr. Waqar-ud-Din Syed, DPO Mansehra = Member

Each candidate was considered strictly on merit. The board has decided that their 2 years Offg: service is counted towards their probation-period under P.R 13-18 in the light of their integrity and reputation. They are confirmed in their substantive Rank of SIs with effect from 16-06-2010.

S #	Name & No.	Present posting	New Region No	Remarks
1.	Habib-ur-Rehman	Kohistan	H/257	
2.	Aurangzeb	Mansehra	H/258	Conditionally confirmed subject to the availability of ACR for the years 2005, 2006 & 2007 being satisfactory.
3.	Sajjad Haider	Kohistan	H/261	Conditionally confirmed subject to the availability of ACR for the year 2007 being satisfactory.
4.	Muhammad Altaf	Mansehra	H/185	--
5.	Shah Nawaz	CCP, Peshawar	H/191	--
6.	Muhammad Khurshid	Kohistan	H/201	--
7.	Ghulam Mustafa	Kohistan	H/202	--
8.	Hazrat Nabi	Inv: Haripur	H/206	--
9.	Muhammad Iqbal	EAC Peshawar	H/211	--
10.	Altaf	Inv: Haripur	H/31	--


(MUHAMMAD SULEMAN)
Deputy Inspector General of Police
Hazara (Abbottabad)

78/0-16 IE, dated Abbot

23/6/2010.

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

1. DG, Anti Corruption, K.P.K, Peshawar.
2. District Police Officers, Haripur, Abbottabad, Mansehra and Kohistan.
3. Senior Superintendent of Police, Investigation, Haripur.
4. OS/ AS Region Office Abbottabad.

BEFORE THE PROVISIONAL POLICE OFFICER KPK PESHAWAR

31

Through:- PROPER CHANNEL.Subject:- APPEAL AGAINST THE ORDER OF DIG OF POLICE HAZARA REGION ABBOTTABAD VIDE ENDST. NO. 7810-16 DATED 23/06/2010 WHEREBY THE APPELLANT WAS IGNORED FROM CONFIRMATION IN THE RANK OF SUB INSPECTOR.

Respected Sir,

With due the deference it is submitted that I was enlisted as Constable in 1984 in Abbottabad District Police, I had undergone Lower Class Course in 1989, Inter Class Course in 1994 and Upper Class Course in 2007 from my respective District.

2. That I was confirmed as ASI and brought on promotion list E with effect from 06/04/2006 (copy of order attached at Annex-A). According to my original seniority I was promoted as Offg. Sub Inspector with effect from 25/03/2008 with my other colleagues correctly in order of merit (copy of order attached at Ann-B upto promotion as Offg. SI my seniority and promotion remained in tact/
3. That I transferred on deputation to: (IT) Police where I am serving till date and my lien according to service rule and laid down. Critical/ Condition my lien for further promotion and confirmation will be continue to my home District/ Region.
4. That my service record and suitability reports requisitioned form by borrowed Department for confirmation in the rank of SI as my lien for further promotion is required to be made in my home District/Region and it cannot be considered by the barrowed Department. Accordingly my suitability Report and Service record with excellent/OK reports were sent from my borrowed Department to the DIG of Police Hazara Region Abbottabad. My ACRs are also satisfactory and there is nothing adverse against me. According to my original seniority as Offg. SI vide App-B I am at S. No.12 in order of merity. I have undergone the Upper Class Course a pre-condition for confirmation as SI and further promotion to list F.
5. That on 16/06/2010 a promotion Board was constituted to consider the cases of confirmation of all the Offg. Sis of Hazara Region including those promoted as Offg: SIs vide App-A. I alongwith my other colleagues were called for the appear before the promotion Board. That vide App. C, 10 Offg. SIs were considered including SIs from serial No.14 to 23 in the list shown in Appendix-B junior to me in all respect and I was ignored for unknown reasons. No written grounds were recorded and only verbally I was told that since I am on deputation in ITP my case for confirmation will be considered on my return to my parent District/Region. On my further enquiry from the Establishment Section

I was told that I was ignored for the second reason that I have not served as SHO in out of home District as required by the Police Rule.

6. That in this connection I may submit that most of the SIs who have been confirmed have not served as SHO out of their home District. There are clear standing instructions of the I.G.P off and on that those SIs who are serving in other Agencies such as crime branch, CID, Special Branch, Anti Corruption, Intelligence, Training Centers and Traffic etc. There condition of period of one year SHO shall be waved off and their period on deputation will be counted towards posting as SHO and accordingly they will be confirmed in the rank of SI in their parent District/Region if otherwise they are qualified upper class course and there is nothing adverse against them against the permanent vacancies available in their respective Region.
7. That recently under the direction of PPO KPK Peshawar more then 50 SIs who have even not qualified upper class course which is the pre-condition for confirmation as SI and promotion to list "F" were confirmed, brought on promotion list "F" and subsequently promoted as Offg. Inspector due to frequent vacancies on account of increase in the police strength in large scale. It is also worth mentioning that in Punjab, Sindh and Balochistan the condition of one year SHO ship period is never cared off and they are immediately confirmed after Inter Class Course and Offg. Promotion as SI no one can himself made order of his posting as SHO and his posting as such is being made by his supervising officers.

In view of the above facts and circumstances it is most earnestly prayed that my case may kindly be given your kind and sympathetic consideration and I may kindly be confirmed as SI with my other colleagues with effect from 16/06/2010 in order to save me from irreparable loss and thrashing back unwontedly in my seniority I had maneuvered during my long and excellent services.

I shall be thankful for this act of kindness and pray for your long life and prosperity.

Yours obediently

Sd/-

(RAZEEN KHAN) NO.203/H
ISLAMABAD TRAFFIC POLICE

BEFORE THE PROVINCIAL POLICE OFFICER KPK, PESHAWAR

33

Through; PROPER CHANNEL.Subject: REVIEW APPEAL FOR CONFIRMATION AS SUB INSPECTOR.

Respected Sir,

With due respect it is submitted that I had submitted a self contained appeal (copy alongwith enclosures attached for ready reference).

That the same appeal was not considered vide CPO Memo No.2116/E-1 Dated 09/09/2010 (copy attached). Reasons advanced were that the learned DIG of Police Hazara Region has intimated that the appellant was not confirmed as he had not served as SHO for one year which is necessary or confirmation of SI according to Police Rules 13.18.

That in this connection I may kindly refer a circular under your kind signature at the capacity of SHO for one year for confirmation under the police has been condoned in the presence of police order 2002 which was existing at the time of our confirmation case and as many as about 80 SIs of all the District in the province who were not upper passed or remained as SHO in out District for one year according to police rule were confirmed as SI, brought on promotion list "F" and promoted to the rank of Inspector.

In view of the above and the solid grounds indicated in my previous detail appeal it is most earnestly prayed that my case may very kindly be reviewed and given you personal kind and sympathetic consideration, and be confirmed with my other colleagues of Hazara Region with effect from 16/06/2010 in order to safeguard my future service carrier.

I may also kindly be allowed personal hearing.

I shall be thankful for this act of kindness.

Yours Obediently,

Dated:24/12/2010

(RAZEEM KHAN) No.203
Islamabad Traffic Police

(34)

ORDER

As approved by the Department Promotion Committee held on 10/04/2015 in the office of the undersigned the following officiating Sub Inspectors who have completed their two years officiating/ probation period and fulfilled the laid down criteria for substantive rank under Police Rules. 13-1, 13-10 (2) and 13-18 and standing order No. 21/2014 are hereby confirmed as Sub Inspectors with effect from 10/04/2015.

They are allotted new Region numbers as noted against each their names:-

S.#	NAME AND NO	PRESENT POSTING	REGION NUMBER
1.	SI Razeem Khan No. 203/H	Investigation Wing Lower Kohistan	H/01
2.	SI Muhammad Rafi No. 29/H	Police School of Intelligence Abbottabad	H/05
3.	SI Muhammad Ishaq No. 233/H	Investigation Wing Haripur	H/06
4.	SI Nisar Ahmed No. 241/H	Operational Wing Battagram	H/38
5.	SI Chanwaiz Khan No. 262/H	Investigation Wing Abbottabad	H/40
6.	SI Akhtar Zaman No. 264/H	Operational Wing Lower Kohistan	H/59
7.	SI Daraz Khan No. 246/H	Special Branch Battagram	H/78
8.	SI Saleem Rashid No. 253/H	Operational Wing Haripur	H/79
9.	SI Sarwaiz Khan No. 255/H	Region office Abbottabad	H/82
10.	SI Fazaul ur Rehman No. 285/H	Operational Wing Upper Kohistan	H/83
11.	SI Muhammad Hayat No. 290/H	Operational Wing Upper Kohistan	H/84
12.	SI Muhammad Zakir No. 77/H	Operational Wing Upper Kohistan	H/85
13.	SI Gul Khatab No. 126/H	Elite Force Peshawar	H/87
14.	SI Zubair Shah No. 133/H	Elite Force Peshawar	H/88
15.	SI Muhammad Fahim No. 135/H	Investigation Wing Lower Kohistan	H/89
16.	SI Amir Khatam No. 265/H	Investigation Wing Haripur	H/90
17.	SI Umar Zada No. 6/H	Investigation Wing Battagram	H/91
18.	SI Muhammad Resaan No. 16/H	PTC Hangu	H/92
19.	SI Muhammad Khushal No. 18/H	Investigation Wing Torghar	H/93
20.	SI Riasat Khan No. 20/H	Investigation Wing Abbottabad	H/94
21.	SI Abdul Ghafoor No. 89/H	Elite Force Hazara	H/95
22.	SI Abdul Sattar No. 100/H	Elite Force Hazara	H/96
23.	SI Zulfiqar Ali No. 68/H	Police Training School Swabi	H/97
24.	SI Muhammad Uzair No. 75/H	Operational Wing Haripur	H/98
25.	SI Tufail Muhammad No. 87/H	Operational Wing Battagram	H/99
26.	SI Muhammad Munir No. 35/H	Operational Wing Haripur	H/100
27.	SI Muhammad Arif No. 39/H	Operational Wing Abbottabad	H/101
28.	SI Sadaqat Nisar No. 44/H	Operational Wing Mansehra	H/102
29.	SI Muhammad Arshad No. 109/H	Operational Wing Battagram	H/103
30.	SI Muhammad Asad Yousaf No. 108/H	Elite Force Hazara	H/104
31.	SI Mudassar Zai No. 115/H	Investigation Wing Abbottabad	H/105

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BETTER COPY

32.	SI Muhammad Farooq No. 46/H	Operational Wing Mansehra	H/106
33.	SI Muhammad Asif No. 59/H	CTD Hazara	H/107
34.	SI Abdul Rauf No. 65/H	Operational Wing Lower Kohistan	H/108
35.	SI Muhammad Riaz No. 201/H	Operational Wing Abbottabad	H/109

Sd/-
Regional Police Officer
Hazara Region Abbottabad
(AEC Dilawar)

No. 6581-6604/E dated Abbottabad the 22/04/2015.

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

1. Addl: Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Training Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police CTD Khyber Pakhtunkhwa Peshawar.
4. Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
5. Commandant Police Training College Hangu.
6. All District Police Officers in Hazara Region.
7. All Superintendents of Police Investigation in Hazara Region.
8. Superintendent of Police Elite Force Hazara Abbottabad
9. Superintendent of Police CTD Hazara Abbottabad.
10. Director, Police School of Intelligence Police Lines Abbottabad.
11. Principal, Police Training School Swabi.
12. OS/AS Region Office Abbottabad
(Necessary Gazette Notification may be issued accordingly)

BETTER COPY

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

From The Regional Police Officer
Hazara Region, Abbottabad

To The Provincial Police Officer
Khyber Pakhtunkhwa Peshawar.

No. /E Dated Abbottabad the, 07/08/2015.

Subject: **DEPARTMENTAL APPEAL**

Memorandum:

Enclosed kindly find herewith an appeal alongwith other documents in respect of SI Razeem Khan No. H/01 of Investigation Wing Kohistan for further action please.

**Regional Police Officer
Hazara Region, Abbottabad**

No. 12 49/E

Copy of above is forwarded to Superintendent of Police Investigation Kohistan for information w/r to his office Memo: No. 873/R dated 07/07/2015

**Regional Police Office
Hazara Region, Abbottabad
(AEC Dilawar)**

BETTER COPY

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Phone: 0998-407023
Fax: 0998407139

OFFICE OF THE HEAD OF INVESTIGATION,
KOHISTAN

NO. 873/R Inv: dated Kohistan the 07/07/2015

To

The Regional Police Officer
Hazara Region Abbottabad.

Subject: **DEPARTMENTAL APPEAL**

Memo:

In-closed kindly find herewith departmental appeal in respect of Mr. Razeem Khan Sub Inspector No. H/01, Investigation Wing District Lower Kohistan alongwith annexure A to D (08 Pages) for you kind perusal and consideration please.

**Head of Investigation,
Kohistan**

(1) *[Signature]*

ANNEXURE I.

38

**BEFORE THE PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA PESHAWAR**

*Annexure
"I"*

Through; PROPER CHANNEL.

Subject: APPEAL AGAINST THE ORDER OF DIG POLICE HAZARA
REGION, ABBOTTABAD VIDE ENDST. NO. 6581-6604/E DATED
23/04/2015, WHEREBY THE APPELLANT WAS CONFIRMED
FROM 10/04/2015. THE APPELLANT IS ENTITLED TO
CONFIRMATION / PROMOTION FROM 16/06/2010.

Respected Sir,

With due reference it is submitted that I was enlisted as Constable in 1984 in Abbottabad District Police. I had undergone Lower Class Course in 1989, inter Class Course in 1994 and Upper Class Course in 2007 from my respective District.

- 1 That, I was confirmed as ASI and brought on promotion list E with effect from 06/04/2006 (copy of order attached at Annexure "A"). According to my original seniority I was promoted as Offg. Sub Inspector with effect from 25/03/2008 with my other colleagues correctly in order of merit (copy of order is attached as Annexure "B" upto promotion as Offg. SI my seniority and promotion remained in tact.
- 2 That, I was transferred on deputation to (I.T) Police, my lien according to service rule and laid down for further promotion and confirmation was intact with parent department.

6 In November, 2013, I returned to my parent department Hazara Region Abbottabad and was posted as SI investigation District Kohistan. Annexure "C".

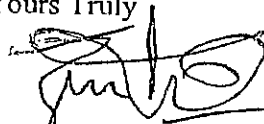
7 That after hard struggle I was able to avail posting as OII PS Palus District Kohistan vide order dated 13/02/2014 and is serving there till date. The requisite one year period is completed and I was confirmed vide Annexure "D" and was verbally communicated by the SRC Kohistan on 18-06-2015.

8. That, I was eligible for confirmation from the date of 1st appearance before the DPC i.e 16/06/2010 but my junior and later on those SIs who do not possess the basic qualification i.e upper course were promoted, but every time my case was not considered for due confirmation / promotion without assigning any reason in discriminatory way.

From all corner I was eligible from the date of 1st appearance before DPC i.e. 16/06/2010, it is therefore requested that I may be confirmed as SI from 16/06/2010 and be placed at original place in the seniority list.

Dated: 06-07/2015

Yours Truly



RAZEEM KHAN
SI No. H-1 Investigation
Wing District Kohistan (lower).

BETTER COPY

From: The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

41

To: The Inspector General of Police,
Islamabad

No 1352/E-II dated Peshawar the 19/01/2011

Subject: APPEAL FOR CONFIRMATION AS SUB INSPECTOR

Memo:

Please refer to your office letter No. 9450/E-I dated 24/12/2010.

Appeal of SI Razeem Khan 203/H of Hazara Region now on deputation to Islamabad. Traffic Police for confirmation as SI has examined and filed as he does not fulfill the required standard for confirmation as SI under Police Rules 13.10. (2).

(MUHAMMAD FAYAZ KHAN)

AIG/Legal,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

BETTER COPY

From: The Provincial Police Officer
NWFP, Peshawar

42

To All Regions DIsG in NWFP.
The Capital City Police Officer, Peshawar.
The Deputy Inspector General of Police,
Special Branch NWFP, Peshawar
The Commandant FRP NWFP, Peshawar
The Assistant Inspector General of Police
Telecommunication, NWFP, Peshawar.
The Assistant Inspector General of Police
Traffic, NWFP, Peshawar.
The Assistant Inspector General of Police
CID, NWFP, Peshawar.

No. 5163-75/E-I dated Peshawar the 03/06/2008

Subject: PROMOTIONS

For the Frontier Police going was never as tough as today. We are passing through the most (difficult times of our history.) We are not working in normal circumstances, numerous challenges are being faced, at various fronts like rising militancy, extremism, terrorism and the rampant increase of crime like kidnapping for ransom, hijacking, suicide bombings, IED's explosion Ambush of LEA's and striking of Government Installations at will.

In such circumstances we need to lead over men from the front, provide them leadership, look after their welfare and try to raise their morale to knit them as a united force. To make a regaining we at the headquarters, at the initiative of the PPO are trying to focus your attention to Article 7 (5) of the Police Order. Where the District cadre goes right upto the DSP level, thus the old Police rules which laid down restrictions on the bringing up of an officer on list F one of them was to serve as an SHO for one year in a District other than his home town. Keeping in view the sprit of Police Order 2002 this restriction is condoned. Thus the officers be recommended for promotion, we have around 30 vacancies in Inspectors to be filed.

All concerned are therefore directed to expedite their recommendations for promotions to "F list. We expect you to be sending these within a fortnight i.e by the middle of June repeat middle of June.

(FIAZ AHMAD KHAN TORU)
ADDL: IGP/HQRs,
For Provincial Police Officer
NWFP, Peshawar

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From: The Provincial Police officer,
Khyber Pakhtunkhwa,
Peshawar

To: The Inspector General of Police,
Islamabad

No. 21116 / E-II dated Peshawar, the 09/09/2010.

Subject: APPEAL OF SI/ RAZEEM KHAN OF KPK POLICE PRESENTLY
ON DEPUTATION WITH ISLAMABAD TRAFFIC POLICE.

Memo:

Please refer to you letter No. 5664/E-I, appellant was not confirmed as SI due to reason that he had not served as SHO for one year, which is necessary for confirmation of SI according to Police Rules 13.18.

(SAJID ALI KHAN)
DIG/HQRS:
FOR PROVENCIAL POLICE OFFICER,
KHYBER PAKHTUNKHAWA,
PESHAWAR

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
ISLAMABAD

44

No. 6959/E-1

Dated: 21/09/2010

Subject: **APPEAL OF SI RAZEEM KHAN OF KPK POLICE FOR CONFIRMATION:**

Please refer to your office letter NO. 4079-PA dated 16/07/2010 on the subject noted above.

2. Enclosed please find a copy of letter No. 21116/E-11, dated 09/09/2010 received from the Provincial Police Officer, KPK Peshawar.
3. It is requested that a copy of above letter received from PPO, Khyber Pakhtunkhwa, Peshawar may please be delivered to concerned Sub-Inspector accordingly.

(ASHRAF ZUBAIR SIDDIQI), PSP
AIG/ Establishment
for Inspector General of Police,
Islamabad

The SSP/Traffic, Islamabad

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

APPLICATION FOR DELETION OF RESPONDENTS
NO. 2 TO 74 BEING UN-NECESSARY PARTIES IN
THE ABOVE NOTED CASE.

Respectfully Sheweth:-

- 1- That the petitioners are filing the instant CPLA before this August Court.
- 2- That the contesting respondent in the instant case is respondent No. 1 while the remaining respondents are proforma respondents whose presence before the court is not necessary.
- 3- That the petitioners seek permission of this August Court for deletion of the respondents No. 2 to 74 from the panel of respondents being unnecessary parties.
- 4- That this August Court have ample power to delete the respondents No. 2 to 74 from the panel of respondents.

It is therefore, prayed that on acceptance of this application the petitioners be allowed to delete the respondents No. 2 to 74 from the panel of respondents.

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Govt. /Petitioners

47

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CMA NO. _____/2018

IN

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

*APPLICATION FOR SUSPENSION OF OPERATION OF THE
IMPUGNED JUDGMENT/ ORDER OF THE LD. SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD PASSED IN SERVICE
APPEAL NO.197/2016 DATED 28/06/2018 AND TO MAINTAIN THE
STATUS QUO TILL THE FINAL DECISION OF THE CASE.*

RESPECTFULLY SHEWETH:-

1. That the respondent No.1 is serving in Police Department and presently posted in the Investigation Wing of Lower Kohistan District Kohistan.
2. That the respondent No.1 was granted promotion on 22/4/2015 due to lack of prerequisite qualification as the respondent No.1 did not fulfill the required criteria.
3. That the respondent No.1 on fulfilling the required criteria for promotion was promoted on 22/04/2015 which was impugned before the departmental authority in appeal but was not considered.
4. That the respondent No.1 filed service appeal No.197/2016 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

AFFIDAVIT OF SERVICE

I, Mian Saadullah Jandoli, Advocate-On-Record for the
Government/petitioners do hereby solemnly affirm and declare as under:-

That I did serve the respondent with Notice Registered A/D
post to the effect that I am filing CPLA, stay application in the
above noted case against the judgment of Hon'ble Khyber
Pakhtunkhwa Service Tribunal, Camp Court Abbottabad in
service appeal No.197/2016 in the Supreme Court of Pakistan in
its Branch Registry at Peshawar.

SWORN
Dated this the day

AT

PESHAWAR

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

47

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CMA NO. _____/2018

IN

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

*APPLICATION FOR SUSPENSION OF OPERATION OF THE
IMPUGNED JUDGMENT/ ORDER OF THE LD. SERVICE
TRIBUNAL, CAMP COURT ABBOTTABAD PASSED IN SERVICE
APPEAL NO.197/2016 DATED 28/06/2018 AND TO MAINTAIN THE
STATUS QUO TILL THE FINAL DECISION OF THE CASE.*

RESPECTFULLY SHEWETH:-

1. That the respondent No.1 is serving in Police Department and presently posted in the Investigation Wing of Lower Kohistan District Kohistan.
2. That the respondent No.1 was granted promotion on 22/4/2015 due to lack of prerequisite qualification as the respondent No.1 did not fulfill the required criteria.
3. That the respondent No.1 on fulfilling the required criteria for promotion was promoted on 22/04/2015 which was impugned before the departmental authority in appeal but was not considered.
4. That the respondent No.1 filed service appeal No.197/2016 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad

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wherein comments were called from the petitioners which was filed accordingly.

5. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad allowed and accepted the service appeal of respondent vide order dated 28/6/2018.
6. That the petitioners being aggrieved from the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad dated 28/06/2018 in service appeal No.197/2016 prefer this CPLA before this august Court.
7. That the impugned judgment of the Honble Service Tribunal is totally illegal against justice and having no backing of law.
8. That the petitioner has a good prima facie case and balance of convenience also lies in maintaining status-quo.
9. That if the impugned judgment and order is not suspended and status-quo is not granted the very purpose of this petition would be lost.

It is, therefore, humbly prayed that the operation of the impugned judgment/order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad in service appeal No.197/2016 Dated 28/06/2018 may graciously be suspended and to maintain status quo till the final decision of the case.

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

AFFIDAVIT OF FACTS

I, Mian Saadullah Jandoli, Advocate-On-Record for the
Government/petitioners do hereby solemnly affirm and declare as under:-

- 1- That the contents of the accompany CPLA of the Petition is true and correct to the best of my knowledge and belief.
- 2- That the facts have been obtained by perusal of the case and information furnished by the petitioners.

SWORN
Dated this the day

AT

PESHAWAR

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

50

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

AFFIDAVIT OF FACTS

I, Mian Saadullah Jandoli, Advocate-On-Record for the
Government/petitioners do hereby solemnly affirm and declare as under:-

- 1- That the contents of the accompany application for deletion of respondents No. 2 to-130 of petition is true and correct to the best of my knowledge and belief.
- 2- That the facts have been obtained by perusal of the case and information furnished by the petitioners.

SWORN
Dated this the day

AT

PESHAWAR

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Government

51

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2018

Government of Khyber Pakhtunkhwa through
Secretary Home, Peshawar & Others

-----PETITIONERS

VERSUS

Razeem Khan & Others

-----RESPONDENTS

AFFIDAVIT OF FACTS

I, Mian Saadullah Jandoli, Advocate-On-Record for the
Government/petitioners do hereby solemnly affirm and declare as under:-

- 1- That the contents of the accompany Stay application of
petition is true and correct to the best of my knowledge and
belief.
- 2- That the facts have been obtained by perusal of the case and
information furnished by the petitioners.

SWORN
Dated this the day

AT

PESHAWAR

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan.
For Government

761P1

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed
Mr. Justice Sajjad Ali Shah
Mr. Justice Munib Akhtar

C.P. No. 303-P of 2018

(On appeal against the Judgment dated 21.02.2018 passed by the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Abbottabad, Ju. Serv. (A) Appeal 755/18

Government of KP through Secretary Home & Tribal Affairs, Peshawar and others.

...Petitioner (s)

Versus

Amjad Ali and others.

...Respondent(s)

For the Petitioner (s) : Barrister Qasim Wadood, Addl. A.G.

For the Respondent(s) : N.R.

Date of Hearing : 16.09.2019

ORDER

GULZAR AHMED, J.— The learned Additional Advocate General contends that the Khyber Pakhtunkhwa Service Tribunal (the Tribunal) has altogether omitted to consider the implication of Rule 13.10(2) of the Police Rules, 1934 rather has made the same Rule redundant by allowing the service appeal of the respondent. He further contends that the two judgments relied upon by the Tribunal reported as Fayyaz Ahmed v. Secretary to the Government of Pakistan, Ministry of Interior, Islamabad & another [1996 SCMR 1] and Haris Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan & others [1996 SCMR 1185] are altogether distinguishable from the case in hand and although the Tribunal has decided some service appeal mentioned in para 3 of its impugned judgment but he will have to ascertain whether such cases were similar to the present one and that the decision of the Tribunal have been challenged before this Court or not.

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

6-C.J.No.303-P of 2018

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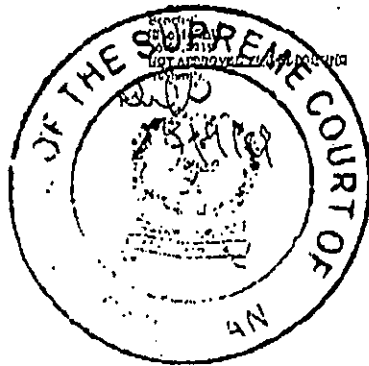
2. Subject to making of such enquiry and putting up further record, leave to appeal is granted to consider, *inter alia*, the submissions of the learned Additional Advocate General. The appeal will be heard on the available record with permission to parties to file additional documents, if any, within a period of one month. As it is a service matter, the office is directed to fix the same immediately after three months.

CMA No. 603-P of 2018

3. (Meanwhile, operation of the impugned judgment dated 21.02.2018 shall remain suspended.)

Sd/-J
Sd/-J
Sd/-J

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Court Associate,
Supreme Court of Pakistan
Islamabad

17/09/19

GR No: _____ Civil/Criminal

Date of Presentation: 16.9.19

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Date of Completion: 20-9-2019