FORM OF ORDER SHEET

Court of	
Case No	287/ 2023

	CdSi	8 NO
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/02/2023	The appeal of Mr. Sajid Ullah presented today by Mr. Farhan Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 10-2-23. Parcha Pesh is given to appellant/counsel.
		By the torder of Chairman
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BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT PESHAWAR.

Service Appeal No. 287 / of 2023

Sajid Ullah		ppellant.
VERSUS		ppenant.
Inspector General Police & other.	Doo	
	ĸes	pondents.

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Sr. No.	Description of Documents	Annexure	Page No.
1)	Memo of Appeal Along with Affidavit and Addresses of the Parties		1-8
2)	Copy of advertisement dated: 11-07-2017	Α	9
. 3)	Copy of merit list & appointment orders of other colleague under the same advisement	B & C	10-19
4)	Copy of the Finance Deptt. Notification, dated: 03-01-2018	D),0
5)	Copy of the appointment order dated: 23-11-2018 of the appellant	E	21
6)	Copy of application/Departmental representation of the appellant dated: 30-04-2021 to respondent No.01	F	22
7)	Copy of the Writ petition No.4278-P/2021 & Order dated: 23-06-2022	·G	23-2 8
8)	Copy of the COC petition No.411-P/2022 & Order dated: 31-01-2023	Н	29-31
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Dated; <u>0</u>/02/2023

APPELLANT

Through:-

(Farhan Ullah Shahbanzai)

Advocate High Court, PESHAWAR

Cell No.0321-9171522

Office- F.F :30, 5th Floor, Bilour Plaza Peshawar Cantt,

Email: <u>farhanullah190@gmail.com</u> CNIC: 17301-7190015-9, BC-11-3153

BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT PESHAWAR,

Service Appeal No. 287 / of 2023

•	Sajid Ullah S/O Muhammad Umar R/O Ghari Afsar Khan, Post Office
	Urmer Mera Tehsil & District Peshawar.
•	Appellant.
	VERSUS
1)	The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2).	The Superintendent Police, at Police Head Quarter Peshawar.
3).	The capital city police Officer, at Police line, Peshawar.
4)	Government of Khyber Pakhtunkhwa Finance Department, through its
	Secretary, Civil Secretariat Peshawar.

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST IMPUGNED OFFICER ORDER DATED:03-11-2022 (copy of the impugned order handed over ON 31-01-2023 During COC No.411-P/2022), WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR UP-GRADATION TO BPS-07 (Constable driver), WAS DISMISSED BY RESPONDENT NO.01.

PRAYER

On acceptance of the instant service appeal the impugned order date: 03-11-2022 of respondent No.01 (communicated to the appellant on 31-01-2023), may graciously be set aside, and the appellant may graciously be up-grated to post of Constable Driver (BPS-07) with all back benefits etc and treating the appellant along with other colleagues appointed under one & same advertisment and also extending the benefit of Finance Department Notification No. SO(FR)/FD//7-8/2015-16/CPO/3305 to the appellant, with any other orders deem proper may also be passed in the matter.

(2)

Respectfully Sheweth:-

- That the appellant is law abiding and bonafide citizen of Pakistan and residing at his respective address mentioned above.
- 2. That consequent upon advertisement No. INF (P) 3887 dated 11-07-2017 by respondents, through Education Testing and Evaluation Agency (ETEA) applications were invited from suitable candidates for the post of Driver/constable (BPS-05), the appellant being fit and eligible applied for the said post.

(Copy of the advertisement is annexed as "A")

 That after passing the respective physical and written tests, and fulfillment of other codal formalities, the appellant along with 26 others were appointed as driver/constable.

(Copy of merit list & appointment orders of other colleague under the same advisement are annexed as "B & C")

4. That it is pertinent to mention that the as the posts of Driver/Constable has been upgraded from BPS-05 to BPS-07, as per Finance Department Notification <u>No. SO(FR)/FD//7-8/2015-16/CPO/3305</u> dated 03-01-2018, therefore all the successful candidates for the post of driver/constable approximately 24 in numbers were issued appointment order in BPS-07 except the present appellant & two others.

(Copy of the Finance Deptt. Notification, dated: 03-01-2018 is annexed as "D")

5. That on dated 23-11-2018, when the appellant received his appointment order he was shocked that a glaring discrimination has been meted out with his as unlike similarly placed colleagues, petitioner were appointed in BPS-06 instead of BPS-07 without any cogent and legal justifications which is evident from the appointments orders of other colleagues.

(Copy of the appointment order dated: 23-11-2018 of the appellant is annexed as "E")

6. That feeling highly aggrieved from the said discrimination, and not extending the benefits of Finance Department Notification dated" 03-01-2018 to the appellant, he file representation to

respondent no.01 i.e IGP KPK in shape of application dated: 30-04-2021 for granting of BPS-07 instead of BPS-06.

(Copy of application/Departmental representation of the appellant dated: 30-04-2021 is annexed as "F")

- That the petitioner paid countless visits to the respondents for the redressal of his grievances but the respondents paid no heed to the issue of the appellant.
- 8. That to claim the up-gradation under the notification dated: 03-01-2018, as well as discriminatory treatment with the appellant by not extending the same benefits as granted to the others colleagues under the same advertisment, the appellant along with two other colleagues (Saif Ullah & Shoaib Khan) file Writ Petition No. 4278-P/2021, before the August Peshawar High Court, Peshawar, whereby the said Writ Petition was decided on 23-06-2022 by issuing directions to respondent No.01 to decided the departmental representations of the appellant within a period of 30 days.

(Copy of the Writ petition No.4278-P/2021 & Order dated: 23-06-2022 are annexed as "G")

- That despite of court directions the same were not compiled as such appellant file COC No.411-P/2022 before the Hon'able Peshawar High Court, which was disposed off on 31-01-2023.
 (Copy of the COC petition No.411-P/2022 & Order dated: 31-01-2023 are annexed as "H")
- 10. That during the hearing of COC petition No.411-P/2022, the impugned order dated: 03-11-2022 was handed over to the appellant, as for the first time the impugned order was communicated to the appellant on 31-01-2023, as such appellant plea for up-gradation to BPS-07 was not considered/turn down by respondent No.01.

(Copy of impugned departmental order dated: 03-11-2022, communicated to the appellant on 31-01-2023 is annexed as "!")

(4)

11. That being aggrieved from the impugned order dated: 03-11-2022 the appellant now approaches this Hon'able Tribunal for setting aside the impugned orders through the instant service appeal on the following grounds amongst others.

GROUNDS:

- A. That the appellant has not been treated in accordance with law, and has been deprived from the rights protected under the provisions of the constitution of Islamic republic of Pakistan 1973.
- B. That it is noteworthy that the appellant along with others applied for the posts having same BPS and same nomenclature as driver/constable but astonishingly all the successful candidates (colleagues) were appointed in BPS-07 while the appellant along with two colleague appointed under the one appointment order, were discriminated by appointing them in BPS-06 for the same post hence they were not treated according to law and their valuable rights protected under the constitution of Pakistan 1973 were violated.
- C. That the acts of respondents is arbitrary, dictatorial, and clear violation of the law and prescribed rules policy and procedure, provided under the service laws.
- D. The respondents are bound by law to treat the appellant even handily on the basis of merit, qualification and rules on the subject, and they have no choice to act according to their own whim and wishes.
- E. That when the appellant possess relevant qualifications/experience and perfectly eligible for holding the said post, even in merit prepared for appointment appellant are on higher merits but despite of this fact lower candidates in merit has been given BPS-07 while appellant has been given BPS-06 which is obvious case of discrimination and amounting to deprivation the appellant from their due rights.

- F. That as per impugned order dated: 03-11-2022, the analogy of civil driver & constable driver has been put forward, but the advertisment, the appointment orders of other colleagues and notification dated: 03-01-2018 are not supporting any such analogy, hence the impugned order is totally incorrect, against law & facts, accordingly the same is not sustainable.
- G. That such act of respondents is not a onetime violation or any trivial matter which can be ignored rather this is the matter of the entire career of the appellant and if the same has not been rectified timely at this stage, it will be a permanent lynchpin during his entire service.
- H. That no such like example/precedent can be find that employees with same nomenclature of the posts and BPS are issued with different BPS, as such missing the rightful plea of the appellant with change of cadre is totally irrelevant, rather such act of the respondents will pave way for non-observance of rules and law on the subjects in future.
- I. That the appellant full filled all the codal formalities from applying for the post till their appointment and during such process he did not commit any error or mistake, it is indeed the respondents who commits such blunder either willfully or otherwise but the appellant is not supposed to be suffered for the error or omission committed by the respondents.
- J. That as per the provision of Article 10-A of the Constitution of Islamic republic of Pakistan all Persons are entitled for fair trail and due process which has not been extended to the appellant, similarly mandatory provisions of article 25 and 4 of the constitution are also been violated.

- K. That firstly claim of higher BPS is a recurring cause of action, and such benefit increase in salaries and other privileges, hence no limitation run against such action, secondly the impugned order was handed over the appellant on 31-01-2023 decided on merits, hence the appeal of the appellant is well within time.
- L. That on permission of this Honorable Court the appellant may urged other additional grounds if any, at the time of arguments.

It is therefore most humbly prayed that On acceptance of the instant service appeal the impugned respondent 03-11-2022 of date: order (communicated to the appellant on 31-01-2023), may graciously be set aside, and the appellant may graciously be up-grated to post of Constable Driver (BPS-07) with all back benefits etc and treating the appellant along with other colleagues appointed under one & same advertisment and also extending the benefit of Finance No. SO(FR)/FD//7-8/2015-Notification Department 16/CPO/3305 to the appellant, with any other orders deem proper may also be passed in the matter

APPELLANT

Dated; 🔌 /02/2023

Through:-

(Rafi Ullah KHAN Wazir)
Advocate Peshawar,
PESHAWAR

(Farham Ullah shabanzai) Advocate High Court, PESHAWAR (7)

BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT PESHAWAR.

	Service Appeal No	/ of 2023	
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Sajid Ullah	•	• :	
•••••	***************************************	***************************************	Appellant.
•	VERSU	S	
Inspector Ge	neral Police & other.	-	:
	************************************	***************************************	Respondents.
>	•		

AFFIDAVIT

I, Sajid Ullah S/O Muhammad Umar R/O Ghari Afsar Khan, Post Office Urmer Mera Tehsil & District Peshawar, "Constable driver" (appellant) do hereby solemnly affirm and states on oath that the contents of accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Court/Tribunal.

FIRE SELLY

(Deponent)

. CNIC No#17301-9920726-5

Mobile No. 0300-9089667

BEFORE THE HON'ABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT PESHAWAR.

	Se	rvice Appeal No.	·	/ of 2023	
-	Sajid Ullah	•	-		:,
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مخت پایس خیبر پختینخوا کو برائے بمرتی ذرائیوری مسئلان بذراید فیبر پخوخو ایج بیشنل نیسنگ ایند ایولیش ایمینی (ETEA) در خواتیس مطلوب تین بخوابیشند و موزان امرو امید دارای جودری فرلی شرافظ بر پوراتر کے دو کو بذرایدا شیمار مطلع محیاجات ہے کہ

(a) این دونواشن بر درستاه بزمان (قرنی شاختی محروز میرزون LTV و دائیری ایسنس تغییل استاد و نیروز) میچودید مصطریقه میری ستان اینا (ETEA) بینا و این درخواشن و نیزون دادن و نیروز این درخواشن و نیزون دادن و نیروز این درخواشن و نیزون دادن و نیروز در این درخواشن و نیروز در این و نیروز در این درخواشن و نیروز در این درخواشن و نیروز در نیروز در این درخواشن و نیروز در نیروز در این درخواشن و نیروز در نیروز نیروز در نیروز نیر

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(12) مسلس 30 سال تھ۔ تھے پایس میں سنتی بنیاد ہے بطور کار زور ، ب تاصد نوٹون کرنے والے اور سلس 03 سال تھ سان ستری نوکون کرنے والے بیش پیاس فورس نے جوان جو مطلوب تلکی اور جسمانی معیار ہے جو والترت ہے ہو تو میرے والتے ہوئے ہوئے اس کے جوان جو مطلوب تلکی اور جسمانی معیار ہے جو الترت میں کے مطابق مور الترت ہے ہوئے ہوئے کہ اس کے مطابق مور الترت ہوئے ہوئے کہ اس کے مطابق مور الترت ہوئے کہ اس کے مطابق مور الترت ہوئے کہ اس کے مطابق مور الترت ہوئے کہ الترک ہوئے کہ اس کے مطابق مور الترک ہوئے کہ بھوئے کہ الترک ہوئے کہ الترک ہوئے کہ بھوئے کہ الترک ہوئے کہ الترک ہوئے کہ بھوئے کے کہ بھوئے کہ بھوئے کہ بھوئے کہ بھوئے کہ بھوئے کہ بھوئے کہ بھوئے

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The following Candidates have qualified Physical and Written test for recruitment as Driver able in police Department through Education Testing Evaluation Agency (ETEA). After Psychological Table and Physical Measurement and Special Branch verifications they are hereby appointed as Driver Stice (8PS-D7) in CCP, Pestiawar with immediate effect from Merit list as per instruction vide W/PPC No 6129-59/E-IV, dated 09.08.2018 subject to the Medical fitness and local verification.

Their services are purely on temporary basis, and liable for termination at any time without any

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01 Noor Zanim 02 Muhammad Riaz Mamoor Khan Afridi Road PO Badaber Mera Masho Gagar 03 Mohib Gul Harneish Gul Daudzai Niyami 04 Suleman Shah Mehir Qand Buniyadi Nahaqi 05 Zaka Ullah Bashir Ahmad Zubair Street Itinad Road House No.07 Mehallah Itihad Colony Cha 06 Shah Faisal Eisa Khan Nasir Garhi Mera Kachori Cha	
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L CITY POLICE OFFICER, PESHAMAR.

/2018.

W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for information please.

Addl: Inspector General of Police, HQRS: KPK, Peshawar

Dy: Inspector General of Police, HQRS: KPK, Peshawar.

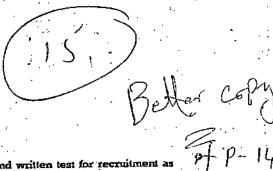
Capital City Police, Officer, Peshawar.

AIG/Establishment KPK, Peshawar.

Dy: Superintendent of Police, HQRS: Peshav

Pay Öfficer, GCP, Peshawar.

CRC/FMC/ Director IT, CCP, Peshawar.



ENLISTMENT ORDER

The following candidates have qualified physical and written test for recruitment as Driver Constable in Police Department through Education testing Evaluation Agency (ETEA). After Psychological examination and physical measurement and Special branch verifications they are hereby appointed as Driver Constables (BPS-07) in CCP, Peshawar with immediate effect from Mexit list as per instruction vide WPPO No.6129-59/E-IV, dated 09.08.2018 subject to the medical fitness and local verification. Their services are purely on temporary basis and liable for termination t any time without any

ETEA Merit	Name	Father Name	Address	Home PS
01	Noor Zamin	Khan Jameen	Mera Masho Khel	Badaber
02	Muhammad riaz	Mamoor. Khan	Afridi Road PO Badaber Mera masho gagar	Badaber
03	Mohib Gul	Hamosh Gul	Daudzai Niyami	Daudzai
04	Suleman Shah	Mehir Qand	Buniyadi Nahaqi	Daudzai
06	Zaka Ullah	Bashir Ahmad	Zubair Street ittihad road Hosus No.07 Mohallah itihad Colony	Facirabad
OS.	Shah faisal	Fisa Khan	Nasir garhi Mera kachori	Chamkani
07	Aamir Shahzad	Sahib Khan	GT road Budhai	Chamkani
08	Mubarak Shah	Mubasar Shah	Mohallah Ghar Anda tehkal Payan	Tehkal
09	Obaidullah	Zarsher	Moballah Mirakzai Gulozai	Chamkani
10	Muhammad Atif Ali	Imdad Ali	Charsadda Road Kochiyan Gulbela	Daudzai
11, .	Waseem Khan	Sanobar Khan	Mohallah Sheikhan Muhammadzai Gulozai	Chamkani

SP/HORs:

For Capital City Police Officer,

Peshawar.

OASI, dated Peshawar the

Copy to the:-

2018

- 1. Inspector General of Police, Khyber Pakhtunkwha, Peshawar for information
- 2. Addl: inspector general fo Police, HQRS: KPK, Peshawar.
- 3. Dy: Inspector General fo Pokicie, HORs: KPK, Peshawar.
- Capital City Police, Officer, Peshawar.
- 5. AIG/ Establishment KPK, Pezhawar.
- 6. Dy: Siperintendent of Police, HQrs: Peshawar.
- 7. Pay officer, CCP, Peshawar.
- CRC/ FMC Director IT, CCP, Peshawar.



The following Candidates have qualified Physical and Written test for recruitment as [Constable in Police Department through Education Testing Evaluation Agency (ETEA). After Psychological Constable in Police Department through Education Testing Evaluation Agency (ETEA). Evaluation and Physical Measurement and Special Branch verifications they are hereby appointed as D Constables against Counter Terrorism Department (CTD), Peshawar share vacancies (BPS-07) immediate effect from Merit list as per instruction vide W/PPO letter No.6129-59/E-IV, dated 09.08 subject to the Medical fitness and local verification.

Their services are purely on temporary basis, and liable for termination at any time withou

notice.			- 		Home
SNO	ETEA	Name	FatherName	Address	Bhanai
	Merit	Salman Khan	Fareed Ullah	Hassan Khel Deh Bahadar	
1.	12		Musafar Khan	Karim Tube Well Malakandher	Nasirt
2.	. 13	Ayyub Khan			Bada
3,	1 14	Jawad Aslam Khan	Aslam Khan	Garhi Mali Khel	Matt
•			Fazal ur Rehman	Mohallah Fazal Abad Passani	lytati
4.	15	Zia ur Rehman			Matt
· 5.	16	Taj Wali	Sher Wali Khan	Passani	Phar
	17	ljoz Ali	Amin Jan	Sikandar Pura Mohallah Kachi Mohallah Andaroon Lahori Gate	
		Akhtar Hussain	Meer Zaman	Namman Charsadda Road	Dauc
7.	18,	AKIII II II II II	·	Nahaqi Mohallah Baharistan	

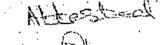
SP/HQRS: FOR CAPITAL CITY POLICE OFFICER, PESHAWAR.

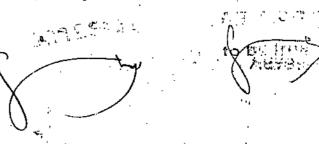
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- 1. W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for information ple
- 2. Addl: Inspector General of Police, HQRS: KPK, Peshawar.
- 3. Dy: Inspector General of Police, HQRS: KPK, Peshawar.

4. Dy: Inspector General of Police, CTD, KPK, Peshawar.





chone No. 051-9230989 phone No. 091-9292597

The Grepastor General of Files

KTHEE PERSONNING FEELS

RECRUTIMENT OF DRIVER CONSTABLE IN KR. POLICE THROUGH ETEA

स्रोद्धीर स्थित १३ एकः उर्ज़र्ज वर्णिकः स्वराहर स्वतः वर्णेत्रः ५९/६-१५. dated

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Services Wide, FTC Signa, Ac. 1977-39-70 Transpires 08-2018, Copy of

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FOR CAPITAL CITY POLICE OFFICER,

WOASI-Pesh deted Peshawar the

Commission collections Center (PTC) Harry, with the request that Service in opinition the above mentioned receives divers are sent to you collice

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OFFICE OF THE of P-1-

Office of the Epital City Police Officer,

PESHAWAR

Phone No. 091-9210989 Phone No. 091-9212597

No. 22426/OASI Pesh dated Peshawar the 23.11.2018.

To

The Inspector General of Police Khyber pakhtunkwha, Peshawar

Subject: Recruitment of Driver Constable In KP Police through ETEA Memo:

Kindly refer to your good office letter No.6129-59/E-IV, dated 09.08.2018.

It is submitted that in compliance to the directions of your good office the following successful candidates have been recruited as Driver constable against PTC Hangu share vacancies vide PTC Signal No.1012-35/GC dated 25.09.2018. Copy of enlistment order is enclosed for ready reference.

S.No	ETEA Merit	Name	Father Name	Address	Home PS
1	22	Bakht Sher	Zigar Sher	Miskeen Abad nahaqi	Daudzai
2	23	Fazal Amin	Gul hameed	Mohallah hasra Khel Urmar Miana	Urmar
3	-24	Habib Ullah	Shakir ullah	Mama Khel Bala Horizai	Badaber

Submitted please.

For Capital City Police Officer,

Peshawar.

No.22427/OASI, Peshawar, dated Peshawar the _______
Copy to the:

 Commandant Police, Training Center (TPC_) Hangu with the request that Service Roll and documents of the above mentioned recruits drivers are sent to your office for further necessary action, please.

> For Capital City Police Officer, Peshawar.



to be full to

ORDER!

The following candidates have qualified physical and written test for recruitment as Driver... Constable in Police Department through ETEA. After psychological Evaluation and physical measurement and special Branch verification they are appointed as Driver Constable against Telecommunication CANTERN, Peshawar share vacancies (BPS-07) vide CCP Peshawar Enlistment order No.22448-51/OASI, dated 23:11.2018.

			N	Address.	Home PS
Γ	S/No.	Name -	Father Names	- Vhal Corizai	Inqilab
t	1.	Amjad Ullah		Payan Peshawar	
Ì	•	<u> </u>		Muhallah New Qada Khel,	Chamkani
Ì	2.	Jehan Zeb Khan	Shams ul Haq	Peshawar	<u> </u>
- [~		<u> </u>	<u> </u>	

The above named Drivers have reported at Police Telecommunication Lines HQrs: Peshawar on 26.11.2018 allotted Belt Numbers and posted at Line HQrs: Peshawar under the supervision of MTO/Tele, Peshawar.

Driver Constable Amjad Ullah

Belt NO.712

Driver Constable Jehan Zeb Khan

Belt NO.569

Deputy Inspector General of Police, Telecommunications, Khyber Pakhtunkhwa, Peshawar.

Copies forwarded to the following:-

Accountant General of Khyber Pakhtunkhwa Peshawar.

2. Capital City Police Officer Peshawar w/r to his order No.22448-51/OASI, dated 23,11,2018.

SP Motor Transport, KP, Peshawar.

DSP/Telecomm: Peshawar.

- Office superintendent Tele.
- Office superintendent MT.
- Accountant Tele Peshawar.
- SRC/Tele Peshawar.
- GASI/Telecomm; Peshawar.
- 10. Line officer Tele Peshawar.

11/MTO/Tele, Peshawar. 12. OB No. 43/ /20

Deputy inspector General of Police, Telecommunications, Khyber Pakhtunkhwa,

Peshawar.



GOVERNMENT OF KHYBER PÅKHTUNKHWA FINANCE DEPARTMENT (REGULATION WING) >

Dated Peshawar, the 03-01-2018

NOTIFICATION

No. SO(FR)/FD/7-8/2015-16/CPO/3305 The Competent Authority has been pleased to accord sanction to upgradation of pay scales of the following posts of Police Department Khyber Pakhtunkhwa, with immediate effect:-

S.No.	Nomenclature of the post	Existing Scale	Upgraded Scale
1	Constable	BPS-05	BPS-07
2	Head Constable	BPS-07	BPS-09
3	Assistant Sub-Inspector	BPS-09	BPS-11

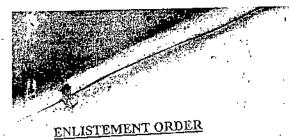
The pay of the existing incumbents of the posts shall be fixed in higher pay scales at a stage next above the pay in the lower pay scale.

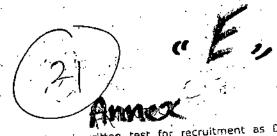
SECRETARY TO GOVT: OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT

Endst No. & Date even.

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

- PS to Additional Chief Secretary, PATA.
 All Administrative Secretaries Government of Khyber Pakhtunkhwa.
- Accountant General, Khyber Pakhtunkhwa, Peshawar,
- Secretary to Governor, Khyber Pakhtunkhwa, Peshawar
- Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 7. Secretary Provincial Assembly, Khyber Pakhtunkhwa...
- 8. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- Registrar, Peshawar High Court, Peshawar,
- All Deputy Commissioners, Political Agents, District & Sessions Judges / Executive District Officers in Khyber Pakhunkhwa.
- 11. Chairman, Khyber Pakhtunkhwa, Public Service Commission, Peshawar,
- 12. Registrar, Service Tribunal Khyber Pakhtunkhwa.
- 13. All the Autonomous and Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 14, Secretary to Govt; of Punjab, Sindh and Baluchistan, Finance Department, Lahore, Karachi and Quetta,
- 15. The District Comptroller of Accounts, Peshawar, Mardan, Koliat, Bannu, Abbottabad, Swat and D.I. Khan.
- 16. The Senior District Accounts Officer Nowshera, Swabi, Charsadda, Haripur, Mansehra and Dir Lower.
- 17. The Treasury Officer, Peshawar.
- 18. All District/Agency Accounts Officers in Khyber-Pakhtunkhwe / FATA
- 19. PSO to Senior Minister for Finance, Khyber Pakhtunkhwa.
- 20. PSO to Chief Secretary, Khyber Pakhtunkhwa.
- 21. Director Local Fund Audit, Khyber Pakhtunkhwa Peshawar
- 22. PS to Finance Secretary.
- 23. PAs to All Additional Secretaries/ Deputy Secretaries in Finance Department.
- 24. All Section Officers/Budget Officers in Finance Department.





The following candidates have qualified Physical and written test for recruitment as Driver through Education Testing Evaluation Agency (ETEA). After Psychological Evaluation and Physical Measurement and Special Branch Verifications they are hereby appointed as Driver (Civil) BPS-06 at Rs. (10260-560-27420) against the existing vacancy of Forensic Science Laboratory (FSL) Khyber Rakhtunkhwa, Peshawar purely on temporary basis subject to the medical fitness and verification of character from merit list as per instruction vide W/PPO letter No.6129-59/E-IV, dated 09.08.2018. Their services are liable to termination on 14

days notice without assigning any reasons. The appointment will take effect the date they actually reports for duty.

On appointment they will be posted to Forensic Science Laboratory Khyber Pakhtunkhwa,

		<i>•</i> ,, •,,,	·.			Home PS	
e: ۲	shawar.	ETEA		FatherName	Address	Michani	
1	s NO.	Merit	Name		Hassan Garhi Shami Road	Gate	
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•		27	Saif Ullah	Muhammad Sabir	Mushtarzai Mohallah Sultan Khel	<u> </u>	
	3	<u> </u>		110	1/3	·	

SP/HQRS: FOR CAPITAL CITY POLICE OFFICER, PESHAWAR.

OASI, dated Peshawar the

23/11

/2018.

1. W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for information please.

- 2. Addl: Inspector General of Police, Investigation KPK, Peshawar.
- 3: DIsG, Investigations, KPK, Peshawar.
- 4. EC, İnvestigation, CPO, KPK, Peshawar.
- 5. Director Forensic Science Laboratory (FSL) Peshawar.

268/CaB الحمالة عنوان المرابع
گذارش خدمت انوریہ سیکہ سائل نے محکمہ پولیس میں اشتہارروز نامہ آج مورخہ 11 اگست 2017 (برائے ڈرائیورکنٹیل 7-BPS) ایٹا ٹمیسٹ وانٹرویو پاس کیاکل 30 درخواست گذارمیرٹ پر نتخب ہوئے میڈیکل اور دیگر کاغذی کاروائی پوری کرنے کے بعد 7 و درخواست گذاروں کو اشتہار کے مطابق سکیل 7 دیا گیا اور مجھے جو آرڈرنمبر 24428-32/0AS۱ مورخہ 2018-11-23 دیا گیاوہ ڈرائیورسول سیکیل 6 کا ہے جو کہ سائل کے ساتھ سراس ناانسافی ہے۔

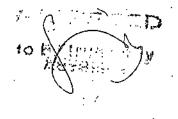
لہذابذر بعہ درخواست استدعا ہے کہ سائل کو دیگر ملاز مین کی طرح سکیل 7 دیا جائے تا کہ سائل کے ساتھ انساف کے تقاضے پورے کئے جاسکے اور سائل کی دادری کی جائے ، سائل ہمیشہ دُعا گور ہے گا۔ تمام کاغذات ہمرہ لف ہیں۔

الغارض

المرد (3009087667 هميز الفي اليس الي بيثاور (BPS-06) متعينه اليف اليس الي بيثاور

07/05/2011





Anne

BEFORE THE HON'ABLE PESHAWAR HIGH COURT PESHAW

V	rit Petition No		/ of	2021.		
	: : :	, ,			,	
l. Salf Ullah S	/O Muhammad	Shabir R/	Ö Mus	htarzal	Mohallah	: Sultan
Khel Tehsil 8	District Peshaw	ar.	٠, .		7	:
2. Sajid Ullah S	5/O Muhammad	Umar R/	O Garhi	Afsar	Khan R/O	Urmer
Mera Tehsii	; & District Peshav	war. ·				
3. Shoalb Khan	S/O Zarbat Kha	n R/O Ha	ssan Ga	rhi Sha	mi road T	ehsil &
District Pesh	: awar			,		
*******************	*************				Petitic	oners.
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VERSUS

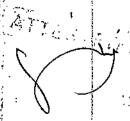
- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary Civil Secretariat Peshawar.
- 2- Government of Khyber Pakhtunkhwa Finance Department, through its Secretary, Civil Secretariat Peshawar.
- 3- The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 4- The Superintendent Police, at Police Head Quarter Peshawar.
- 5- The capital city police Officer, at Police line, Peshawar.

.....Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF

PRAYER

On acceptance of the instant writ petition, the respondents may be directed to treat the petitioners even handedly at par with the similarly placed colleagues who were appointed in BS-07, (Driver/Constable) in wake of Finance Department Notification No. SO(FR)/FD//7-8/2015-16/CPO/3305 but ironically the petitioners were appointed in BS-06 instead of 85-57 for the same post, and such treatment



of the respondents may be declared as illegal, unlawful, and without lawful authority based on sheer discrimination and detrimental to their entire service career, Therefore respondents may be directed to rectify appointment orders of the petitioners by inserting correct BPS as 07 instead of BPS-06 from the date of appointment along with back

benefits, any other remedy not specifically asked for and deem proper in the circumstances of the case may also be

Respectfully Sheweth:-

allowed.

Matrix of the case given rise to the instant writ petition are as under:-

- That the petitioners are law abiding and bonafide citizens of Pakistan and residing at the respective addresses mentioned with their names.
- That consequent upon advertisement No. INF (P) 3887 dated 11-07-2017 by respondents, through Education Testing and Evaluation Agency (ETEA) applications were invited from suitable candidates for the post of Driver/constable (BPS-05), the petitioner being fit and eligible, also applied for the said post.

(Copy of the advertisement is annexed as "A")

3. That after passing the respective physical and written tests, and fulfillment of other codal formalities, the petitioners along with 27 others were appointed as driver/constable.

∴ EXAMINER shawar High Coun

4. That it is pertinent to mention that the as the posts of Driver/Constable has been upgraded from BPS-05 to BPS-07, as per Finance Department Notification No. SO(FR)/FD//7-B/2015-16/CPO/3305 dated 03-01-2018, therefore all the successful candidates for the post of driver/constable approximately 27 in numbers were Issued appointment order in BPS-07 except the present petitioners.

(Copies of the Finance Deptt. Notifications and appointment orders are appointment of the Finance Deptt. Notifications and





- 5. That on dated 23-11-2018, when the petitioners received their appointment orders they were shocked that a glaring discrimination has been meted out with them as unlike similarly placed colleagues, petitioner were appointed in BPS-06 instead of BPS-07 without any cogent and legal justifications which is evident from the appointments order annexed with this petition. (Copy of the appointment order of the petitioners is annexed as "G")
- 6. That feeling highly aggrieved from the said discrimination, the petitioners on dated 30-04-2021, made representation to respondent no.03 i.e IGP KPK in shape of application for correction/rectification in the appointment order for insertion of correct BPS as "07" instead of 06.

(Copies of applications are annexed as "H, I, & 以)

- 7. That the petitioner paid countless visits to the respondent for the redressal of their grievances but till date respondents paid no heed to the issue of the petitioners.
- 8: That having any no other adequate and efficacious remedy is available to the petitioner, the petitioner now approached this Hon, able court in the instant writ petition on the following, grounds amongst others.

GROUNDS:

ATTEMENT Peshawar High Court

- A. That the petitioner has not been treated in accordance with law, and has been deprived from the rights protected under the provisions of the constitution of Islamic republic of Pakistan 1973.
- B. That it is noteworthy that the petitioners along with others applied for the posts having same BPS and same nomenclature as driver/constable but astonishingly all the successful candidates were appointed in BPS-07 while the petitioners were discriminated by appointing them in BPS-06 for the same post hence they were not treated according to law and their valuable rights protected under the constitution of Pakistan 1973 were violated.

 WPA-27B-2021 SAIF ULLAH VS GOVT CF. Pdf

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- C. That the acts of respondents is arbitrary, dictatorial, and clear violation of the law and prescribed rules policy and procedure.
- D. The respondents are bound by law to treat the petitioners even handily on the basis of merit, qualification and rules on the subject, and they have no choice to act according to their own whim and wishes.
- E. That when the petitioners possess relevant qualifications/experience and perfectly eligible for holding the said post, even in merit prepared for appointment petitioner are on higher merits but despite of this fact lower candidates in merit has been given BPS-07 while petitioner has been given BPS-06 which is obvious case of discrimination and amounting to deprivation the petitioners from their due rights.
- F. That such act of respondents is not a onetime violation or any trivial matter which can be ignored rather this is the matter of the entire career of the petitioners and if the same has not been rectified timely at this stage, it will be a permanent lynchpin during their entire service.
- G. That no such like example/precedent can be find that employees with same nomenclature of the posts and BPS are issued with different BPS, such an act of the respondents will pave way for nonlobservance of rules and law on the subjects in future.
- H. That the petitioners full filled all the codal formalities from applying for the post till their appointment and during such process they did not commit any error or mistake, it is indeed the respondents who commits such blunder either willfully or otherwise but the petitioners are not supposed to be suffered for the error or omission committed by the respondents.

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WP4278-3021 SAIF ULLAH V8 GOVT CF.pdf

EXAMINER Pashawar High Court



- I. That as per the provision of Article 10-A of the Constitution of Islamic republic of Pakistan all Persons are entitled for fair trail and due process which has not been extended to the petitioners, similarly mandatory provisions of article 25 and 4 of the constitution are also been violated.
- I. That on permission of this Honorable Court the petitioner may urged other additional grounds if any, at the time of arguments.

It is therefore, prayed that on acceptance of this writ petition the respondents may be directed to treat the petitioners even handedly at par with the similarly placed colleagues who were appointed in BS-07, (Driver/Constable) wake of Finance Department Notification SO(FR)/FD//7-8/2015-16/CPO/3305 but ironically petitioners were appointed in BS-06 instead of BS-07 for the same post, and such treatment of the respondents may be declared as illegal, unlawful, and without lawful authority based on sheer discrimination and detrimental to their entire service career, Therefore respondents may be directed to rectify appointment orders of the petitioners by inserting correct BPS as 07 instead of BPS-06 from the date of appointment along with back benefits, any other remedy not specifically asked for and deem proper in the circumstances of the case may also be allowed.

PETITIONERS

Dated; _ 12_/10/2021.

Through:-

(Farhan Ullah Shahbanzai) Advocate High Court

Peshawar

Book Reference

1. Constitution of Islamic Republic of Pakistan 1973.

2. 2. Case Laws, If any.

CERTIFICATE

Certified that No Writ Petition on the subject between the subject parties is pending before this Court.

WP4278-2021 BAIF ULLAH VE GOVT CF.P



PESHAWAR HIGH COURT, PESHAWAR. FORM "A" FORM OF ORDER SHEET.

	TOTAL OF CHEET,
Date of Order of Proceeding	Order or other proceedings with Signature of Judge or of parties or counsel where necessary
1	2
23.06.2022	W.P.No. 4278-P/2021
	<u>Present:-</u> Mr. Farhan Ullah Shahbanzai, Advocate for the petitioners.
	Malik Akhtar Hussain, Advocate for the respondents.

S M ATTIQUE SHAH, J:- Upon his second thought, learned counsel for the petitioner stated at the bar that he would not press this petition provided a direction is issued to respondent No.3 for expeditious disposal of the pending representation of the petitioner.

In view thereof, the instant petition is dismissed as withdrawn. However, the respondent No.3 is directed to decide the representation of the petitioner as early as possible but not later than 30 days after proving him an opportunity of due

168 hearing.

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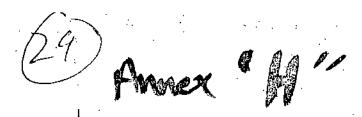
JUDGE 10 BELL

UE SHAH A

24 SEP 2022

(D.D.)

HOMBLE MR. JUSTICE & MATTIQUE SI



BEFORE THE HON'ABLE PESHAWAR HIGH COURT PESHAWAR.

COC No.

In Writ Petition No. 4278-P/2021.



- 1. Saif Ullah S/O Muhammad Shabir R/O Mushtarzai Mohallah Sultan Khel Tehsil & District Peshawar.
- 2. Sajid Ullah S/O Muhammad Umar R/O Garhi Afsar Khan R/O Urmer Mera Tehsil & District Peshawar.
- 3. Shoaib Khan S/O Zarbat Khan R/O Hassan Garhi Shami road Tehsil & District Peshawar.

.....Petitioners/complainant.

VERSUS

- I- Mr. Muazam Jaa Ansari, Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 2- Mr. Zafar Khan (SP Headquarter), Superintendent Police, at Police Head Quarter Peshawar.
- 3- Mr. Ijaz Khan (CCPO), capital city police Officer, at Police line, Peshawar.Respondents.

Application under Article 204 of Constitution of Islamic Republic of Pakistan 1973, for initiation of Contempt proceedings respondents for willfully the against violating/not complying and flouting the order dated: 23-06-2022 of this Honorable Court.

Respectfully Sheweth:-

Facts given rise to the instant writ petitions are as under:-

1. That the petitioners filed writ petition number 4278-P/2021 before this Hon'able court whereby following directions were

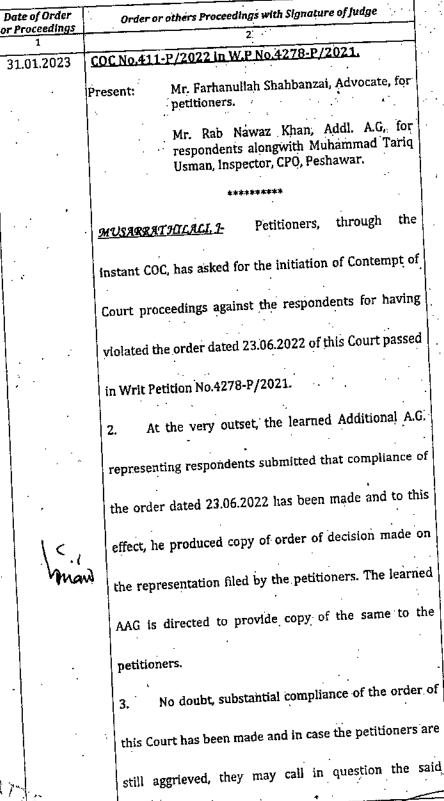
issued to the respondents vide order dated: 23-05-2022;

COC411-2022 SAIF ULLAH VS MUZAM JAN CF PGS21 USB



PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



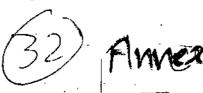
ATTESTED Pashayar Hish Court

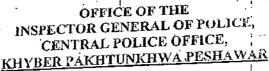
(31)

decision before the appropriate forum. In view of the above, this petition is disposed of accordingly. The notices issued against the respondents are hereby recalled. Announced: 31.01.2023 JUDGE Uste of Presentation of Application Date of Preparation of C

(D.B) (Hon ble Justice Musarrat Hilali and Hon ble Mr. Justice IJaz Anwar)
Mahmood Shah







No. 10584 /EW, dated Peshawar the 03 / 1/ /2022

Subject: -

<u>ORDER</u>

This order is passed in pursuance of direction of Hon'ble Peshawar High Court, Peshawar vide order sheet dated 23.06.2022 passed in Writ Petition No. 4278-P/2021 titled Saif Ullah etc Vs Government of Khyber Pakhtunkhwa, Peshawar wherein the petitioners prayed to treat them at par with the similarly placed colleagues who were appointed in BPS-07.

2. Eventually the case has been placed before the Grievance Redressal Committee (GRC) and after consideration therein, the following points were observed:-

"Total 28-posts of Driver Constables were advertised in the Newspaper in the year 2017 through ETEA but the posts of Civil Drivers were not mentioned in the said advertisement inadvertently (Annex-A).

After due process of recruitment, the ETEA Authorities had forwarded a merit list of 59 candidates, wherein, the top 30 candidates were considered for appointment against the 28-posts of District Peshawar and they were also called for interview. Vacancy distribution for the said appointment is as under:-

u. Investigation	= 13
b. CTD	= 07
c. Telecommunication	= 02
d. PTC Hangu	= 03
e. FSL	= 03 (BPS-04)
•	= 28
Total	

During scrutiny of the vacant posts of Driver Constable, it has been found that amongst the 30 candidates, the Three (3) petitioners were also included at the bottom of the interviewed candidates and were informed that the three posts fall in the cadre of Civil Drivers and not of Driver Constables, hence, above 27candidates would not be considered against the posts of Civil Drivers. After thorough discussion amongst the petitioners, they agreed to accept the offer of appointment as Civil Drivers with the prescribed terms & conditions for the post of Civil Drivers laid down by the Provincial Government. Further a written bond on affidavits from the petitioners were also obtained in this regard(Annex-B).

In the meanwhile, the Finance Department of Khyber Pakhtunkhwa has appreciated all the posts of Constables and Driver Constables from BPS-05 to upgraded all the posts of Constables and Driver Constables from BPS-05 to BPS-07 as well as Civil Drivers from BPS-04 to BPS-06, therefore, the petitioners were appointed as Civil Drivers in BPS-06 vide Order No 224292. 32/OASI-Pesh: dated 23:11.2018 accordingly (Annex-C).

The petitioners have been performing their duties on the posts of Civil Drivers since 23.11.2018 and after lapse of sufficient time, the petitioners have demanded the posts of Driver Constable which is un-justified having no right at all as at time of appointment, they were cognizant that they are going to be appointed against the vacancies of Civil Driver which they accepted in written



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Besides, it is worth to mention here that a Standing Order No. 03/2014 is in field, which bars on change of cadre hence doesn't cover their request in the light of said Standing Order ibid (Annex-D).

Keeping in view of the above facts & figures, the Committee has unanimously decided that the case of the petitioners is not fit for cadre change from the post of Civil Drivers to Constable Drivers as no kind of discrimination was made against them at the time of appointment for the reasons that they were initially appointed as Civil Driver on their own willingness.

The meeting concluded with firm decision that the petitioners have no right to demand the posts of Driver Constables."

AIG/Legal Khyber Pakhtunkhwa CPO, Peshawar

