

06.07.2021

Petitioner in person and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

This Execution Petition has been filed for implementation of judgment dated 24.04.2019 at credit of the petitioner. According to operative part, direction was given to the department to reconsider the case of the appellant/petitioner for promotion and confirmation etc. however, the judgment is silent about grant of back benefits. As per admission of the petitioner referred in order dated 28.12.2020, the judgment has been implemented to the extent of relief granted in the operative part. As far as the question of back benefit is concerned, the judgment at credit of the petitioner is silent to this extent, however, if there is any independent course available to the petitioner for seeking such relief, this order shall not affect his such right. There is no need to further pursue instant execution petition and the same be filed and consigned to the record room.


Chairman

24.03.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

As per preceding order sheet, the petitioner has already been allowed requisite seniority in the respective seniority list, however, learned counsel for petitioner made request for adjournment in order to assist this Tribunal in respect of arrears/back benefits consequent upon allowing him promotion to the rank of Inspector. Last chance is given. Case is adjourned to 06 / 07 /2021 for hearing before S.B.

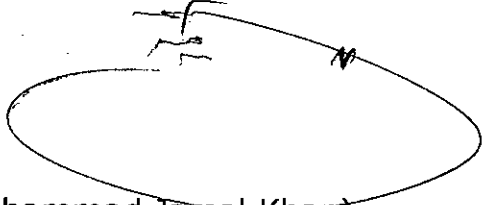


Rozina Rehman
Member (J)

09.11.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Implementation report not submitted. Learned Additional Advocate General is seeking further adjournment. File to come up for further proceedings on 28.12.2020 in light of order sheet dated 08.09.2020 before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

28.12.2020

Petitioner is present in person. Mr. Asif Ali Shah, Deputy District Attorney and Mr. Aziz Shah, Head Constable, for the respondents are also present.

Representative of respondent submitted notification bearing No. CPO/E-II/2020/Revised Seniority/474 dated 11.12.2020 by virtue of which the judgment passed by this Tribunal in Service Appeal No. 951/2014 dated 24.04.2019 has reportedly been implemented and the petitioner has been assigned the seniority in the revised seniority list in the rank of S.I with his colleagues with effect from 28.09.2013 and accordingly his name has been entered therein above the name of Inspector Tika Khan and below the name of Inspector Maroof Khan in the seniority list of Inspectors and Sub-Inspectors issued on 09.05.2014. Notification is placed on record.

Petitioner admitted that he has been allowed the requisite seniority in the respective seniority list maintained for the purpose, he contends to be entitled to receive arrears/benefits consequent upon allowing him promotion to the rank of Inspector.

Respondents are directed to look into the matter and submit their opinion in this regard on 24.03.2021 or before next date of hearing. In the meanwhile petitioner is also directed to render assistance in the matter on the date already fixed.


(MUHAMMAD JAMAL KHAN)
MEMBER

08.09.2020

Petitioner alongwith counsel and Addl. AG alongwith Muhammad Raziq, H.C for the respondents present.

The representative of respondents has provided copy of communication dated 18.08.2020, wherein, the CCPO Peshawar has requested the Provincial Police Officer Khyber Pakhtunkhwa to conditionally implement the order of this Tribunal dated 09.07.2020. He states that the exercise will take another two weeks; therefore, adjournment of the proceedings is solicited.

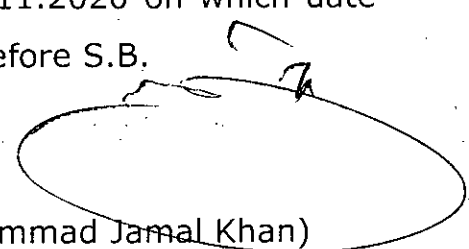
As a last chance, the proceedings are adjourned to 21.10.2020. The respondents are expected to complete the requisite implementation before next date of hearing failing which the officer(s) responsible for delay shall be proceeded against in accordance with law.


Chairman

21.10.2020

Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Sajid, Superintendent, are present.

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, the case is adjourned to 09.11.2020 on which date to come up for implementation report before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

15.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 09.07.2020 for the same. To come up for the same as before S.B.


Reader

09.07.2020

Petitioner with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Aziz Shah Reader for the respondents present.

It was submitted by the learned counsel for petitioner that despite strict directions of this Tribunal, orders were not implemented properly. On the other hand, it was submitted that as per notification which was produced in court, the present petitioner was recommended for promotion to the rank of Officiating Inspector on regular basis and that his name is very much available at Serial No.33 of the notification. So far as his inclusion in the seniority list and other benefits are concerned, the same were stated to be subject to the decision by the August Supreme Court of Pakistan. The respondents are directed to submit conditional order in respect of the promotion of the petitioner on the next date and similarly, the petitioner to submit undertaking in respect of his attending duty as per orders of the concerned authority. Both the parties are directed to do the needful and to submit reports on 08.09.2020 before S.B.


Member (J)

EP 332/2019

20.01.2020

Petitioner in person and Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

Representative of respondents requests for further time to furnish reply to application submitted by the petitioner on 18.11.2020. To come up for reply and arguments on before S.B. on 17/02/2020.


Chairman

17.02.2020

Petitioner alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Aziz Shah, Head Constable for the respondents present. Representative of the department requests for further time to furnish reply to application submitted by the petitioner on 18.11.2019. To come up for reply and arguments on 12.03.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

12.03.2020

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for of the respondents present. Representative of the department submitted reply of execution application. The same is placed on record. To come up for objection petition and arguments on the same on 15.04.2020 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

16.10.2019 Petitioner in person and Addl. AG for the respondents present.

Mr. Muhammad Raziq, Reader present before the Tribunal in connection with other cases except notice of instant proceedings on behalf of respondent No. 3 and requests for an adjournment to submit the implementation report.

Adjourned to 18.11.2019 before S.B.

18.11.2019

Petitioner alongwith counsel and Addl. AG alongwith Aziz Shah, Reader for the respondents present.

Petitioner has submitted an application for stay of transfer/posting order dated 15.11.2019. Notice of application is taken by learned AAG and the representative of respondents. To come up for reply and arguments on 09.12.2019 before S.B.

Chairman




09.12.2019 Petitioner in person and Mr. Muhammad Riaz Khan Painsakhel, Asstt. AG for the respondents present.

Petitioner requests for adjournment due to general strike of the Bar today. Adjourned to 20.01.2020 before S.B.

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 332/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2.	3.
1	03.09.2019	<p>The execution petition of Qazi Aslam submitted today by Mr. Riaz Ahmad Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 3/9/19</p>
2-	04/09/19.	<p>This execution petition be put up before S. Bench on <u>20/09/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	20.09.2019	<p>Petitioner alongwith counsel present.</p> <p>Notices be issued to the respondents for submission of implementation report on 16.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Application No. 332 /2019

Qazi Aslam f

..... Applicant

VERSUS

1. Inspector General of Police/ Provincial Police Officer, Khyber
Pakhtoonkhwa, Peshawar and another Respondents

INDEX


S.No.	Description of documents	Annexure	Pages
1.	Execution application		1-2
2.	Affidavit		3
3.	Memo of addresses		4
5.	Copy of XXXXXX Judgment	A	5-13
6.	Copy of XXXXXX Appeal	B	14-21
7.	Copy of minutes	C	22-23
8.	Wakalat namah		

Dated 09 / 09 / 2019

Applicant


Qazi Aslam

Through


Riaz Ahmad
(Advocate High Court)

Cell No. 0303 8238839

(1)

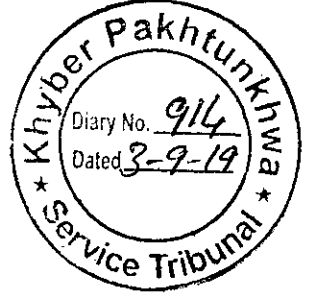
BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Application No. 332 /2019

Qazi Aslam S/O Sarfaraz Khan R/O Malakano Kalay Tehsil Tangi, District
Charsadda (Sub Inspector Police, No. P/34, CCPO, Peshawar)

..... Applicant

VERSUS



1. Inspector General of Police/ Provincial Police Officer, Khyber
Pakhtoonkhwa, Peshawar.

2. Capital City Police Officer, Peshawar. Respondents

Application for execution / implementation of the judgment
dated 24/04/2019 whereby this Hon'ble Tribunal had granted
the prayer of the applicant / appellant for confirmation
/promotion and seniority in service appeal No.951 of 2014.

Respectfully submitted:-

1. That the applicant had filed a service appeal No.951 of 2014 seeking
promotion, confirmation and due seniority as against his juniors who had
been confirmed, promoted and placed in a senior position to the
applicant/appellant.
(Copy of the ~~copy~~ is enclosed herewith as Annex-A)
2. That this Hon'ble Tribunal accepted the appeal vide the judgment / order
dated 24/04/2019, as prayed for by the applicant / appellant.
(Copy of the ~~copy~~ is enclosed herewith as Annex-B)
3. That the judgment / order was delivered to the competent authority of the
police department for implementation of the relief granted to the applicant
/ appellant as his legal and just right of which he had been deprived.
4. That the competent authority has not so far implemented the said
judgment / order depriving the applicant / appellant of his legal and
constitutional rights.

(2)

5. That the concerned authority is not inclined to implement the judgment as a CPLA before the August Supreme Court, being time barred according to the opinion of the committee members sit for considering an appeal from the judgment, has still been ~~sanctioned~~ sanctioned.
(Copy of the minutes is enclosed as Annex-C)

6. That it is against the spirit of justice to deprive the applicant / appellant of his due legal right.

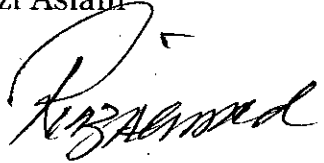
It is, therefore, humbly requested that the said judgment may very graciously be executed so that the applicant / appellant is given his due legal rights. Any other order deemed appropriate in the circumstances of the case in favour of the applicant may also very kindly be made, please.

Dated ___/08/2019

Applicant


Qazi Aslam

Through


Riaz Ahmad
(Advocate High Court)

(3)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWASERVICE TRIBUNAL,
PESHAWAR

Execution Application No. _____/2019

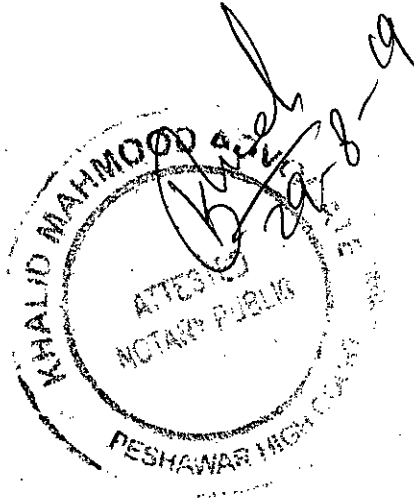
Qazi Aslam Applicant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar and another Respondents

AFFIDAVIT

I, Qazi Aslam, the applicant do hereby solemnly affirm and declare on oath that contents of the instant application are true and correct and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

Qazi Aslam

(4)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Application No. _____/2019

Qazi Aslam Applicant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar and another Respondents

MEMO OF ADDRESSES

APPLICANT

Qazi Aslam S/O *سرفراز خان* R/O *ملفا التوحید* Tehsil Tangi, District Charsadda (Sub
Inspector Police, No. Peshawar Range)

RESPONDENTS

1. Inspector General of Police/ Provincial Police Officer, Khyber
Pakhtoonkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.

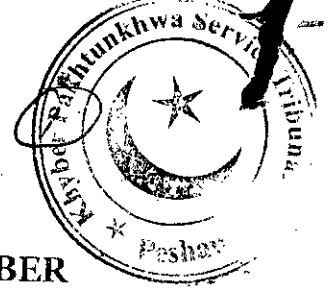
Applicant

Qazi Aslam
Qazi Aslam

Through

Riaz Ahmad
Riaz Ahmad
(Advocate High Court)

(Signature)
Annex - A



**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTOON KHWA, PESHAWAR**

Service Appeal No. 951 / 2014

931
01-7-2014

Qazi Aslam S/O Sarfaraz Khan, Sub Inspector No. 817-P, Capital City Police, Peshawar, Presently SHO Anti-Corruption Police Station, Charsadda, Anti Corruption Establishment, Khyber Pakhtoon Khwa, Peshawar.

..... **Appellant**

VERSUS

1. Provincial Police Officer/ Inspector General of Police Khyber Pakhtoon Khwa, Peshawar
2. The Capital City Police Officer, Peshawar
3. The Director, Anti-Corruption Establishment, Khyber Pakhtoon Khwa, Peshawar.
4. Shafiqur Rahman SI, No. K/17, C/O District Police Officer, Kohat.
5. Faqir Hussain SI, No.p/214, c/o Capital City Police Officer, Peshawar
6. Javed Khan, SI, No.P/215, c/o Capital City Police Officer, Peshawar
7. Mohammad Hanif, SI, No. p/216, c/o Capital City Police Officer, Peshawar.
8. Saif Ali No. SI p/217, C/O Range Police Office, Mardan.
9. Jehan Akbar SI No. p/218, C/O Range Police Office, Mardan
10. Mohammad Zaman SI No. p/219, C/O Range Police Office, Mardan
11. Sultan Badshah No. SI p/220, C/O Range Police Office, Mardan
12. Saif Ullah SI No. p/221, C/O Range Police Office, Mardan
13. Abdul Nazir SI No. p/222 C/O Capital city police office, Peshawar.
14. Bashir Ahmad SI No. p/24 C/O Range Police Office, Mardan.
15. Atta Mohammad SI No. MR/93 Range Police Office, Mardan.
16. Maroof Khan SI No. p/220, C/O Range Police Office, Mardan.
17. Tika Khan SI No. 289/M, Range Police Office Malakand Region.
18. Ahmad Essa SI No.290/M, Range Police Office Malakand.
19. Qazi Asmat Ullah SI No. MR/96. Range Police Office, Mardan
20. Shahan Shah SI No. MR/97. Range Police Office, Mardan
21. Saadat Khan SI No. MR/98. Range-Police Office, Mardan.
22. Zarwali SI No. p/225; C/O Capital City Police Office, Peshawar.
23. Hastam Khan SI No. p/226, Capital city police Peshawar.
24. Kiramat Shah SI No. p/227, capital police Peshawar.
25. Riaz Khan SI No. p/228, capital police, Peshawar.
26. Dost Mohammad SI No. p/229, capital city police, Peshawar.
27. Sardar Gul SI No. p/230, capital city police, Peshawar.
28. Sher Afzal SI No. p/.231, Capital city police, Peshawar.
29. Syed Muzzafar Shah SI No. p/232. Capital city police, Peshawar.
30. Mohammad Shabbir SI No. p/233, Capital city police, Peshawar.
31. Shamsur Rahman SI No. p/234, capital city police, Peshawar.
32. Sajjad Hussain SI No. p/235, capital city police, Peshawar.

ER parte
Res No 19
2610-15

(Signature)
11/7/14

submitted to

filed
(Signature)
11/7/14

ATTESTED

EXAMINER

Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

(6)

(2)

EF-16-16

- 33. Shafqat Hussain SI No. p/236, capital city police, Peshawar.
- 34. Tahir Shah SI No. p/237, capital city police, Peshawar.
- 35. Ihsan Shah SI No. p/07, capital city police, Peshawar.
- 36. sabz Ali SI No. p/238 , capital city police, Peshawar.
- 37. Sanobar Shah SI No. p/239, capital city police, Peshawar.
- 38. Zewar Shah SI No. p/241, capital city police, Peshawar.
- 39. Saz wali SI No. p/242, capital city police, Peshawar.
- 40. Mudasir Shah SI No. p/243, capital city, Peshawar.
- 41. Fazal Rehman SI No. p/244, capital police, Peshawar.
- 42. Bashir gul, SI No. p/245, capital city police, Peshawar.
- 43. Ghani Ur Rhamn SI No. p/2246, capital city police, Peshawar.
- 44. Latif Ullah SI No. k/134, District Police Officer, Kohat.
- 45. Farid Shah SI No. 247, Capital city police, Peshawar
- 46. Wilayat Shah SI No. p/240, capital city police, Peshawar.
- 47. Mukhtiar Ali, SI No. p/250, capital city police, Peshawar.
- 48. Gahffar Ali, SI No. p/251, capital city police, Peshawar.

Respondents

Appeal under section 4 of the Khyber Pakhtoon Khwa Service Tribunal, Act 1974 from Notification No. 4141 E-II, dated 11/2/2014 whereby sub inspectors, most junior to the petitioner, have been brought on list "F" and promoted to the rank of officiating Inspectors BPS-16, and the subsequent seniority list of the promotees wherein the junior most to the appellant have been made senior to him and letter bearing No. 8289 dated 2/06/2014 whereby the appeal of the appellant was dismissed; and the impugned orders may kindly be declared ineffective upon the legal and the constitutional rights of the appellant, who may very graciously be granted promotion being entitled.

Respectfully Sheweth: -

1. That the petitioner is a sub-inspector in the police Department, Khyber Pakhtoon Khwa at the strength of the Capital City Police Officer, Peshawar at serial No. 9, and presently performing duties on deputation in the Anti-Corruption Establishment, Khyber Pakhtoon Khwa, posted at Anti Corruption Police Station, Charsadda. (Copies of notification of posting and order of deputation are enclosed as Annex-A)
2. That on 11/02/2014 the Police Department Khyber Pakhtoon Khwa notified the promotion of sub-inspectors to the rank of officiating Inspectors BPS-16 whereas the petitioner being senior most amongst the promotees was deprived of his legal and constitutional right to promotion and the seniority list of the promotees has also been circulated on 09/05/2014. (Copy of the notification and seniority list are enclosed herewith as Annex-B)

ATTESTED

EXAMINER
 Khyber Pakhtoon Khwa
 Service Tribunal

(7)

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	24.04.2019	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Appeal No. 951/2014</p> <p>Date of Institution ... 01.07.2014 Date of Decision ... 24.04.2019</p> <p>Qazi Aslam S/O Sarfaraz Khan, Sub Inspector No.817, Capital City Police, Peshawar, Presently SHO Anti-Corruption Police Station, Charsadda, Anti Corruption Establishment, Khyber Pakhtunkhwa, Peshawar.</p> <p align="right">-----Appellant</p> <p>Provincial Police Officer/ Inspector General of Police Khyber Pakhtunkhwa, Peshawar and Forty Eight (48) others</p> <p align="right">-----Respondents</p> <p>Mr. Hamid Farooq Durani.....Chairman Mr. Hussain Shah.....Member(E)</p> <p><u>JUDGMENT</u> <u>HUSSAIN SHAH, MEMBER (E):</u> - Learned counsel for the appellant and Mr. Muhammad Zia Ullah learned Deputy District Attorney for the respondents present.</p> <p>2. The appellant feeling aggrieved by the promotion of Sub Inspectors to the rank of officiating Inspector (BPS-16) by the Police Department Khyber Pakhtunkhwa notified on 11.02.2014. The appellant preferred a presentation which was disposed off on 02.06.2014 on the ground that the period of service in the Anti Corruption Khyber Pakhtunkhwa is not counted for the criteria of granting confirmation hence the appellant preferred the instant service appeal on 01.07.2014. According to the facts noted in the memo of appeal and the documents annex to it the appellant was</p>

ATTESTED

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Peshawar

employed in the Police department on 21.04.1983 and has rendered service more than three decades in the department. On 27.09.2011 the appellant was notified alongwith his other colleagues as confirmed Sub Inspector and his name was at serial No.9 on promotion list "E" of the said notification. On 01.10.2011 the appellant along with his other colleagues was selected for the Upper College Course in Hangu and were directed to report to PTC Hangu on 02.10.2011 positively. As per the correspondence No. 8943/ACE dated 28.09.2012 of the Director Anti Corruption Establishment Khyber Pakhtunkhwa the appellant successfully completed the training course in Hangu. On 14.05.2009 the appellant was posted on deputation in the Anti Corruption Establishment as Sub Inspector but interestingly his name was excluded from the departmental seniority list, as stood on 09.05.2014, on the ground of his deputation to Anti Corruption Establishment. The private respondents have been confirmed on 02.08.2013 as SI whereas the appellant was entitled to confirmation in the same list w.e.f 27.09.2011 viz the date of promotion on acting/officiating charge basis.

3. The learned counsel for the appellant argued that the senior most respondents at serial No. 4 had joined service in the Police department on 02.10.1986. He was confirmed as SI on 06.02.2013 while date of admission to list "F" is 11.02.2014. While private respondents No.5 from Peshawar Division joined police service on 04.11.1985 and was confirmed as SI on 02.08.2013 and he was

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EXAMINER
Khyber Pakhtunkhwa
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admitted to list "F" on 11.02.2014. While the appellant joined the Police service on 21.04.1983 and was included in list "E" on 27.09.2011. The learned counsel for the appellant further stated that on successful completion of the requisite training course for entry into list "F" the appellant had due rights to be promoted along with the private respondents who are junior to him. According to the Police training order No. 11/2010 read with notification No. SO (P-I)HD/3-105/73(16.12.1990) the Anti Corruption Police Station Charsada has been treated as Police Station. Despite having due right for promotion and confirmation as SI w.e.f 27.09.2011, i.e. from the date of promotion on acting/officiating charge basis in view of the judgment of August Supreme Court of Pakistan and the judgment of this Tribunal in case title Anjid Ali Vs Government of Khyber Pakhtunkhwa dated 21.02.2018 in service Appeal No.736/2016 the appellant was deprived the benefits for service and the private respondents were confirmed on 02.08.2013 as SI, hence the "Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 from Notification No.4141 E-II, dated 11/02/2014 whereby Sub Inspector, most junior to the petitioner, have been brought on list "F" and promoted to the rank of officiating Inspector BPS-16, and the subsequent seniority list of the promote wherein the junior most to the appellant have been made senior to him and letter bearing No.8280 dated 02/06/2014 whereby the appeal of the appellant was dismissed; and the impugned orders may be kindly be declared ineffective upon the

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

legal and the constitutional rights of the appellant, who may very graciously be granted promotion being entitled".

4. The reply of official respondents No. 1 & 2, 3 and for the private respondent No.3, 8, 14; through Deputy District Attorney and respective private learned counsel were submitted. However during trial of the case private respondents no 8 and 14 were placed ex-parte on 10.01.2018. The learned Deputy District Attorney confronted the facts and the grounds presented in the memo of appeal and the arguments of the counsel for the appellant on various points. For Instance the appellant was not a confirmed SI and his posting on deputation in Anti Corruption Establishment is not countable for confirmation of Sub Inspector. The learned Deputy District Attorney further argued that the private respondents/officer who were promoted to the rank of Inspector were confirmed Sub Inspector hence they were senior to the appellant. He further argued that according to police Rules No,13-10 (1) only an ASI can be brought on list "E" and not the Sub Inspector which proves that the appellant was at that time having temporary promotion to the rank of Sub Inspector as compared to the private respondents. He further contested the arguments of the learned council for the appellant that the private respondents were promoted in violation of seniority list and the principal of the seniority as envisaged in Civil Servant Act, 1973, on the ground that the seniority and subsequent promotion is being regulated under the Police order being a special law. It is worth mentioning

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here that the official respondents No. 1 & 2 have stated in their Para wise comments that the allegation leveled against the replying respondents are totally false and baseless, however the appellant will be promoted on his own turn only.

5. Arguments heard. File Perused.

6. The Tribunal perused the facts mentioned in the memo of the appeal and the documents annexed alongwith the Para wise comments of the answering Department, the rejoinders and additional documents presented at bar during the arguments and heard the arguments of both the parties. The answering respondents have contested the fact that the list "E" issued on 27.09.2011 contains only the name of ASI's. The reading of the Notification No. 15184-203/EC-I dated 27.09.2011 reveals that the officiating ASI/SI on acting charge basis of Capital City Police Peshawar were confirmed in their respective ranks and their names were also brought on promotion list "E" with immediate effect. The list in the notification contains 298 officers and the appellant at serial No. 9 with the rank as SI ACB with present posting in ACE Charsada. At the end of this list there is a foot-note wherein the serial no of the appellant alongwith others have been noted with remarks that the SIs & ASIs on acting charge basis have been confirmed in their ranks and their names were brought on promotion list "E" with the condition that they should complete their ACR within thirty day (30) otherwise they will be reverted to their substantive ranks. As there is no mention of non completion of

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

the ACR of the appellant in the stipulated time period viz, thirty days (30) in any documents presented by the respondent department before us as such the Tribunal considered the appellant as confirmed SI.

7. Furthermore the standing police order read with notification No. SO (P-I)HD/3-105/73(16.12.1990) and the documents annexed with the Para wise comments of respondent No. 3 the appellant was posted on deputation to Anti Corruption Establishment by the respondent No.1 vide order endorsement No.12220-23/E-II dated 13.05.2009 and remained posted a circle officer (SHO)/Investigation of various police station of Anti Corruption in the province till the date of filing of the comments. His performance during his deputation were found satisfactory and reported to respondent No.2 through specific pro-forma vide letter No. 7614/DACE-Admin/Upper/2016 dated 01.06.2016 in response to respondent No.2 letter No. 9073-86/EC-I dated 16.05.2016 wherein the experience in investigation of the crime covering under the Anti Corruption Law has been given the status of an SHO of the police station of Anti Corruption Establishment.

8. In view of the above discussion this Tribunal reaches to the conclusion that the police officer/officials posted on deputation in the Anti Corruption Establishment need to be treated equivalent to their colleagues working in the investigation branch of the police department in the light of the standing police order and notification of the Home Department mentioned above and debarring them

ATTESTED

SECRETARY
ANTI-CORRUPTION ESTABLISHMENT
KATHMANDU

(13)

from promotion on this account is not justifiable hence the appeal is accepted with the direction to respondent department to reconsidered the case of the appellant for promotion and confirmation for treating his name as included in the notification dated 11.02.2014 for promotion to the rank of officiating Inspector BPS-16 and his name be included in the seniority list circulated on 09.05.2014 at appropriate place accordingly without violating the legal rights of seniority of his colleagues senior to him. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROOQ DURRANI)
CHAIRMAN



(HUSSAIN SHAH)
MEMBER

ANNOUNCED

24.04.2019

Date of Presentation of Application	03-5-2019
Number of Words	3600
Copying Fee	20
Urgent	2-
Total	22-
Name of Copyiest	Su
Date of Completion of Copy	02-7-2019
Date of Delivery of Copy	02-7-2019

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKIWA, PESHAWAR

Service Appeal No. 951 /2014

Qazi Aslam S/o Sarfaraz Khan, Sub Inspector Appellant

VERSUS


Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa,
Peshawar & others..... Respondents

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Date: ___/06/2014

Through Appellant


Riaz Ahmad
Advocate, Peshawar
Cell: 0303-8238839

15

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTOON KHWA, PESHAWAR**

Service Appeal No. _____ / 2014

Qazi Aslam S/O Sarfaraz Khan, Sub Inspector No. 817-P, Capital City Police, Peshawar, Presently SHO Anti-Corruption Police Station, Charsadda, Anti Corruption Establishment, Khyber Pakhtoon Khwa, Peshawar.

..... **Appellant**

VERSUS

1. Provincial Police Officer/ Inspector General of Police Khyber Pakhtoon Khwa, Peshawar
2. The Capital City Police Officer, Peshawar
3. The Director, Anti-Corruption Establishment, Khyber Pakhtoon Khwa, Peshawar.
4. Shafiqur Rahman SI, No. K/17, C/O District Police Officer, Kohat.
5. Faqir Hussain SI, No.p/214, c/o Capital City Police Officer, Peshawar
6. Javed Khan, SI, No. P/215, c/o Capital City Police Officer, Peshawar
7. Mohammad Hanif, SI, No. p/216, c/o Capital City Police Officer, Peshawar.
8. Saif Ali No. SI p/217, C/O Range Police Office, Mardan.
9. Jehan Akbar SI No. p/218, C/O Range Police Office, Mardan
10. Mohammad Zaman SI No. p/219, C/O Range Police Office, Mardan
11. Sultan Badshah No. SI p/220, C/O Range Police Office, Mardan
12. Saif Ullah SI No. p/221, C/O Range Police Office, Mardan
13. Abdul Nazir SI No. p/222 C/O Capital city police office, Peshawar.
14. Bashir Ahmad SI No. p/24 C/O Range Police Office, Mardan.
15. Atta Mohammad SI No. MR/93 Range Police Office, Mardan.
16. Maroof Khan SI No. p/220, C/O Range Police Office, Mardan.
17. Tika Khan SI No. 289/M, Range Police Office Malakand Region.
18. Ahmad Essa SI No.290/M, Range Police Office Malakand.
19. Qazi Asmat Ullah SI No. MR/96. Range Police Office, Mardan
20. Shahen Shah SI No. MR/97. Range Police Office, Mardan
21. Saadat Khan SI No. MR/98. Range Police Office, Mardan.
22. Zarwali SI No. p/225, C/O Capital City Police Office, Peshawar.
23. Hastam Khan SI No. p/226, Capital city police Peshawar.
24. Kirammat Shah SI No. p/227, capital police Peshawar.
25. Riaz Khan SI No. p/228, capital police, Peshawar.
26. Dost Mohammad SI No. p/229, capital city police, Peshawar.
27. Sardar Gul SI No. p/230, capital city police, Peshawar.
28. Sher Afzal SI No. p/.231, Capital city police, Peshawar.
29. Syed Muzzafar Shah SI No. p/232. Capital city police, Peshawar.
30. Mohammad Shabbir SI No. p/233, Capital city police, Peshawar.
31. Shamsur Rahman SI No. p/234, capital city police, Peshawar.
32. Sajjad Hussain SI No. p/235, capital city police, Peshawar.

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33. Shafiqat Hussain SI No. p/236, capital city police, Peshawar.
34. Tahir Shah SI No. p/237, capital city police, Peshawar.
35. Ihsan Shah SI No. p/07, capital city police, Peshawar.
36. Sabz Ali SI No. p/238, capital city police, Peshawar.
37. Sanobar Shah SI No. p/239, capital city police, Peshawar.
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39. Saz wali SI No. p/242, capital city police, Peshawar.
40. Mudasar Shah SI No. p/243, capital city, Peshawar.
41. Fazal Rehman SI No. p/244, capital police, Peshawar.
42. Bashir gul, SI No. p/245, capital city police, Peshawar.
43. Ghani Ur Rhamn SI No. p/2246, capital city police, Peshawar.
44. Latif Ullah SI No. k/134, District Police Officer, Kohat.
45. Farid Shah SI No. 247, Capital city police, Peshawar
46. Wilayat Shah SI No. p/240, capital city police, Peshawar.
47. Mukhtiar Ali, SI No. p/250, capital city police, Peshawar.
48. Gahffar Ali, SI No. p/251, capital city police, Peshawar.

..... Respondents

Appeal under section 4 of the Khyber Pakhtoon Khwa Service Tribunal, Act 1974 from Notification No. 4141 E-II, dated 11/2/2014 whereby sub inspectors, most junior to the petitioner, have been brought on list "F" and promoted to the rank of officiating Inspectors BPS-16, and the subsequent seniority list of the promotees wherein the junior most to the appellants have been made senior to him and letter bearing No. 8289 dated 2/06/2014 whereby the appeal of the appellants was dismissed; and the impugned orders may kindly be declared ineffective upon the legal and the constitutional rights of the appellants, who may very graciously be granted promotion being entitled.

.....

Respectfully Sheweth: -

1. That the petitioner is a sub-inspector in the police Department, Khyber Pakhtoon Khwa at the strength of the Capital City Police Officer, Peshawar at serial No. 9, and presently performing duties on deputation in the Anti-Corruption Establishment, Khyber Pakhtoon Khwa, posted at Anti Corruption Police Station, Charsadda.
(Copies of notification of posting and order of deputation are enclosed as Annex-A)
2. That on 11/02/2014 the Police Department Khyber Pakhtoon Khwa notified the promotion of sub-inspectors to the rank of officiating Inspectors BPS-16 whereas the petitioner being senior most amongst the promotees was deprived of his legal and constitutional right to promotion and the seniority list of the promotees has also been circulated on 09/05/2014.
(Copy of the notification and seniority list are enclosed herewith as Annex-B)

That the petitioner is senior most amongst the promotees but he has been deprived of his legal and constitutional rights on the ground that he is performing duties on deputation in the Anti-Corruption Establishment Khyber Pakhtoon Khwa, and thus all rules and regulations of promotion, deputation and seniority have been flagrantly violated, as even for promotion out District posting is a precondition, which is fulfilled by the deputation of the petitioner.
(Copy of the order of deputation, standing order and notification are enclosed herewith as Annex- C)

4. That the petitioner has undergone successfully the prescribed training courses at police training centre Hangu.
(Copy of performance report is enclosed as Annex-D)
5. That the petitioner approached the competent authority for his promotion but his application was disposed of on the ground that in the police rules, service on deputation is not mentioned in the criteria for promotion, which itself is against the provisions of the police standing order.
(Copy of application, disposal order are enclosed herewith as Annex-E)
6. The petitioner, being seriously aggrieved, files the instant appeal before this Hon'ble Tribunal inter alia on the following

GROUNDS:

- A. That the notification, seniority list and the letter dismissing the appeal are against the law, justice and legal position of the appellant.
- B. That the provisions of the civil servants Act 1973 have been flagrantly violated.
- C. That the civil servants' rules of deputation have not been followed.
- D. That the rules of seniority and fitness of the civil servants for promotion have not been upheld.
- E. That notifications regarding service on deputation by the police department itself have not been invoked.
- F. That the job and responsibilities assigned to the employees by the police department have been disregarded by the department.
- G. That any other document / ground may kindly also be allowed to be presented at the time of arguments.

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It is, therefore, in view of the above most humbly prayed that on acceptance of this appeal the appellant may very kindly be promoted as prayed for in the heading of the appeal please.

Dated ___/06/2014



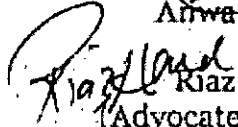
Appellant

Through



Anwar Ul Habib

and



Kiaz Ahmad

(Advocates Peshawar)

15/19

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTOON KHWA, PESHAWAR**

Service appeal No. _____/2014.

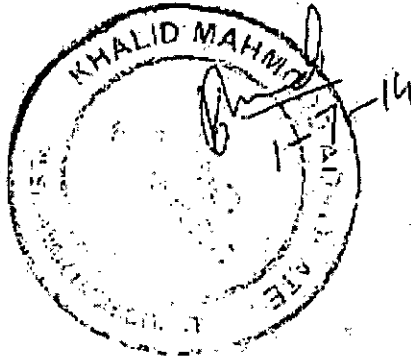
Qazi Aslam S/O Sarfaraz Khan, Sub Inspector **Petitioner**

VERSUS

Provincial Police Officer/ Inspector General of Police Khyber Pakhtoon
Khwa, Peshawar and others **Respondents**

AFFIDAVIT

I, Riaz Ahmad, Advocate Peshawar, do hereby solemnly affirm and declare on oath that as per instructions and information of my client the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble tribunal.



DEPONENT
Riaz Ahmad
Riaz Ahmad
Advocate Peshawar

**BEFORE THE HON'BLE SERVICE TRIBUNAL, KHYBER
PAKHTOON KHWA, PESHAWAR**

Service appeal No. _____/2014

Qazi Aslam S/O Sarfaraz Khan, Sub Inspector **Petitioner**

VERSUS

Provincial Police Officer/ Inspector General of Police Khyber Pakhtoon
Khwa, Peshawar and others **Respondents**

MEMO OF ADDRESSES

APPELLANT

Qazi Aslam S/O Sarfaraz Khan, Sub Inspector No. 817-P, Peshawar
Range, Presently SHO Anti Corruption Police Station, Charsadda, Anti
Corruption Establishment, Khyber Pakhtoon Khwa, Peshawar.

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police Khyber
Pakhtoon Khwa, Peshawar
2. The Capital City Police Officer, Peshawar
3. The Director, Anti-Corruption Establishment, Khyber Pakhtoon
Khwa, Peshawar.
4. Shafiqur Rahman SI, No. K/17, C/O District Police Officer, Kohat.
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13. Abdul Nazir SI No. p/222 C/O Capital city police office, Peshawar.
14. Bashir Ahmad SI No. p/24 C/O Range Police Office, Mardan.
15. Atta Mohammad SI No. MR/93 Range Police Office, Mardan.
16. Maroof Khan SI No. p/220, C/O Range Police Office, Mardan.
17. Tika Khan SI No. 289/M, Range Police Office Malakand Region.
18. Ahmad Essa SI No.290/M, Range Police Office Malakand.
19. Qazi Asmat Ullah SI No. MR/96. Range Police Office, Mardan
20. Shahen Shah SI No. MR/97. Range Police Office, Mardan
21. Saadat Khan SI No. MR/98. Range Police Office, Mardan.
22. Zarwali SI No. p/225, C/O Capital City Police Office, Peshawar.

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25. Hastam Khan SI No. p/226, Capital city police Peshawar.
26. Kiramat Shah SI No. p/227, capital police Peshawar.
27. Riaz Khan SI No. p/228, capital police, Peshawar.
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49. Mukhtiar Ali, SI No. p/250, capital city police, Peshawar.
50. Gahffar Ali, SI No. p/251, capital city police, Peshawar.

Dated ____/06/2014

Appellant

Through

Anwar Ul Habib
and

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Riaz Ahmad

(Advocates Peshawar)

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Annex - C

OFFICE OF THE INSPECTOR GENERAL OF POLICE KPK, PESHAWAR.

No. 4158 /Legal Dated Peshawar the, 26 / 08 /2019.

Copy of the letter received from Law Department and decision of the Scrutiny Committee is endorsed to Capital City Police Officer, Peshawar. The Scrutiny Committee approved the case for lodging CPLA. The relevant record may be produced before the Advocate on record Supreme Court of Pakistan at the office of the Advocate General, Khyber Pakhtunkwa Peshawar. The matter may be treated urgent as time limit is involved.

Agenda Item No 05.

11/10/19



For/SP Court & Litigation
CPO Peshawar.

25.08.2019



(23)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT**

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 5)

**APPEAL NO. 951/2014 QAZI ASLAM VS PROVINCIAL POLICE
OFFICER/INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA,
PESHAWAR AND FORTY EIGHT (48) OTHERS.**

A meeting of the Scrutiny Committee was held on 07.08.2019 at 12:00 hours in the office of Additional Secretary (Opinion), Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. AAG (Mr. Muhammad Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The Chairman of the Committee invited the representatives of Home/Police Department Mr. Imtiaz Ali, AIG (Legal) to apprise the Committee about the background of the case which he did accordingly and stated that the appellant filed the subject service appeal against Notification dated: 11.02.2014 wherein colleagues of the appellant were brought on list "F" and promoted to the rank of officiating Inspectors while the appellant was not recommended for list "F". The Khyber Pakhtunkhwa Service Tribunal accepted the appeal and directed the respondent Department to reconsider the case of the appellant for promotion and confirmation for treating his name as included in the Notification dated: 11.02.2014 for promotion to the rank of Officiating Inspector BPS-16 and his name be included in the seniority list circulated on 09.05.2014 at appropriate place accordingly, without violating the legal rights of seniority of his colleagues senior to him vide order dated: 24.04.2019. Now, the Department intended to file CPLA against the judgment on the following grounds:

GROUND/DISCUSSIONS:

3. The grounds as proffered by the representative of the Department were that the Court has ignored the record and material facts placed before it. He further added that the appellant has not fulfilled the qualifying criteria as the appellant has not conducted the relevant course/training necessary for the said promotion. He further added that in the year, 2017, new rules have been framed which cannot be applied to the year, 2014. The Scrutiny Committee observed that the case in hand is time barred. The Scrutiny Committee asked the Departmental Representative to conduct inquiry against the delinquent officers/officials on fault of whom the subject case became time barred. The Departmental representative requested to declare the case fit for filing of Appeal/CPLA in the Supreme Court of Pakistan.

DECISION:

4. Hence in view of above it was decided with consensus by the Scrutiny Committee that the subject case was a fit case for filing of Appeal/CPLA in the Supreme Court of Pakistan subject to inquiry against the delinquent officers/officials on fault of whom the subject case became time barred.

5. The representative of Home/Police Department was advised to approach the office of Advocate General along with complete record of the case for doing the needful within the period of limitation under intimation to this Department.


**WASIMA JAMIL
SOLICITOR**

قیمت
50 روپے

25224



ایڈویکیٹ: Raza Ahmed
بار کونسل / ایسوسی ایشن نمبر: BC 11-1440
رابطہ نمبر: 0303 8238833

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Honble Service Tribunal Pk

مخانب: <u>Applicant</u>	دعویٰ: <u>Evictions</u>
<u>Qazi Aslam</u>	علت نمبر: <u>Applications</u>
بنام	مورخہ
<u>P.S. Police & constables</u>	جرم:
	تھانہ

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام Raza Ahmed Adv. / Advocate کیلئے Raza Ahmed Adv. / Advocate کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 28/08/2019

الع بد گواہ شد الع بد

مقام Qazi Aslam کے لیے منظور ہے۔

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Application for stay No. ____/2019

in

Execution Application No. 323/2019

Qazi Aslam S/O Sarfraz Khan, R/O Malakano Kaley, Tehsil Tangi, District
Charsadda (Sub Inspector Police, No. Peshawar Range) Applicant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar & Others

..... Respondents

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Dated ___/11/2019

Qazi Aslam

Through:



Riaz Ahmad
(Advocate High Court)

①

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR.

Application for stay No. ____/2019

in

Execution Application No. 323/2019

Qazi Aslam S/O Sarfaraz Khan, R/O Malakano Kaley, Tehsil Tangi, District
Charsadda (Sub Inspector Police, No. Peshawar Range) Applicant

VERSUS

1. Inspector General of Police/ Provincial Police Officer, Khyber
Pakhtoonkhwa, Peshawar.
2. Capital City Police Officer, Peshawar. Respondents

Application for stay of transfer/ posting order dated

Respectfully Sheweth: -

1. That the above titled petition is pending hearing before this Hon'ble Tribunal which is fixed for today i.e. 18/11/2019.
2. That the applicant's promotion was due on 11-2-14 and the same has been granted to him by this Hon'ble Tribunal in its judgment on 24.4.18 and the applicant, therefore, can not be transferred/ posted in consequence of the postdated promotion order.
3. That instead of implementation of the judgment / order of this Hon'ble Tribunal, the respondent authorities have promoted the applicant with effect from 22/10/19 and have posted/ transferred the applicant to DI Khan in wake of the same promotion order.
4. That in the transfer / posting order it is mentioned that the promotees are being transferred to their parent departments, whereas the parent

(3)

department of the applicant is CCPO, Peshawar but instead of posting him in the CCPO, Peshawar, he has been transferred to DI Khan.

dt 15/11/2019

5. That the said order of transfer / posting is illegal, and being made during execution proceedings, is in violation of the judgment as well as the execution proceedings in the relevant judgment.

In view of the above submissions it is, therefore, respectfully prayed that the operation of the said order may very kindly be stayed till the final disposal of the execution petition please.

Dated ___/11/2019

Qazi Aslam

Through:



Riaz Ahmad
(Advocate High Court)

(3)

**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION

No. 2644 /E-III, **PROMOTION AS OFFG: INSPECTORS (BPS-16)** Dated: 22/10/2019

As per recommendations made by the Departmental Promotion Committee in its meeting held on 12.09.2019, the following confirmed Sub-Inspectors on List "F" are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Akhtar Ali No. 50/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
2.	SI Muhammad Nawaz No. D/41	D.I. Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
3.	SI Ismail Shah No. P/378	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) in compliance of the judgment of Service Tribunal Peshawar No. 800/2018, over which the CPLA has been put-up. Therefore, the promotion is recommended subject to decision of the CPLA on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
4.	SI Gul Shed No. P/386	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
5.	SI Muhammad Sadiq Shah No. H/149	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
6.	SI Salih Muhammad Khan No. MR/122	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 01.07.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
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8.	SI Sultan Mehmood No. MR/130	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
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10.	SI Said Marjan No. D/43	D.I Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 15.04.2016 to 16.09.2016 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
11.	SI Naimat Ullah No. K/96	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

(4)

12.	SI Shah Jabbar No. 414/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
13.	SI Fazal Karim No. 32/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
14.	SI Zewar Khan No. 66/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
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19.	SI Faiz. Mohammad No. 500/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
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21.	SI Noor Baz Khan No. 540/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
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24.	SI Gul Zamin No. 159/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
25.	SI Muhammad Tawheed No. 111/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>

(5)

26.	SI Imran Khan No. 113/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
27.	SI Bakht Zada No. 94/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
28.	SI Hayat Ali Shah No. 153/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
29.	SI Mian Said Jamal No. 53/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2015 to 31.12.2015 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
30.	SI Gohar Rehman No. H/45	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 04.10.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
31.	SI Muhammad Saeed No. H/156	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
32.	SI Tariq Umar No. P/21	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
33.	SI Qazi Aslam No. P/34	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
34.	SI Wilayat Khan No. P/46	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
35.	SI Zardad Ali No. P/53	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 24.08.2016 to 31.12.2016 and 01.01.2018 to 24.04.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
36.	SI Shakir Ullah No. P/57	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
37.	Lady SI Saira Saleh No. P/15	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
38.	SI Waqar Ali No. H/184	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
39.	SI Ghulam Kazim No. D/8	D.I Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 04.05.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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40.	SI Faqir Muhammad No. P/100	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. <u>According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.</u>
41.	SI Sajid Farooq No. H/213	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to <u>Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.</u>
42.	SI Anees ul Hassan No. D/55	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to <u>Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.</u>

According to Rule 13-18 of Police Rules 1934, the officers will be on probation for 02 years.

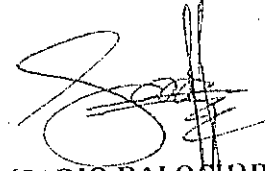
Sd/-

Muhammad Nacem Khan. Dr, PSP
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. 2645-60 /E-III: Dated Peshawar, the 22 / 10 /2019.

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

1. Addl: IsGP in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Commandant PTC Hangu.
4. Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar.
6. Capital City Police Officer, Peshawar.
7. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret CPO, Peshawar.
9. Office Supdt: E-II CPO/Peshawar.
10. U.O.P files.



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

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

Execution Petition No.323/2019.

Qazi Islam SI Police Line PeshawarPetitioner.

Versus

- 1) Inspector General of Police KPK Peshawar.
- 2) Capital City Police Officer, Peshawar.....Respondents.


Written reply on behalf of respondents in Execution proceeding is as under:-

Respectfully Sheweth:-

1. Para No.01 relates to record, hence needs no comments.
2. Para No.02 is incorrect. Petitioner alongwith other eligible candidates were promoted as officiating Inspector in BPS.16 vide notification No.2644/E-II dated 22.10.2019 without any discrimination. So far as issue of transfer of the petitioner is concerned, as per section 13 (8) of Police Act ,2017 "every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police unless otherwise provided under this Act."(copy is annexure as A)
3. Para No.03 is incorrect. Promotion in the rank of Inspector is made on Provincial level and the officers so promoted are reshuffled and their posting being made where their services are required. Therefore, on promotion his transfer to D.I Khan was made on the basis of suitability and in the best interest of the department as well as general public.
4. Para No.04 is totally incorrect. Appellant cannot be given choice posting in the disciplined force rather he is duty bound to carry out lawful orders of the competent authority. **Transfer** from one Distt: to another is not punishment.
5. Para is incorrect and based on misleading materials. As explained above transfer from one Distt: to another is not a punishment and being member of the disciplined force, he is duty bound to obey lawful orders of the competent authority.

Prayer:-

Keeping in view of the submission, it is humbly prayed that the instant Execution Petition No.323/2019 may kindly be filed with heavy cost.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**


**Capital City Police Officer,
Peshawar.**

(2) The Police Policy Board shall give input and advice on major issues relating to the Police referred to it by Provincial Police Officer.

11. Administration of the Police.---Administration of Police in the Province shall vest in the Provincial Police Officer, who shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Act and any other law for the time being in force.

12. Administration of Police in a district and Unit.---(1) Subject to this Act, the administration of Police in a Capital City District, shall vest in Capital City Police Officer and in a District shall vest in the District Police Officer:

(2) The Capital City Police Officer or District Police Officer may delegate any of his powers and functions conferred on him to a Superintendent of Police, Assistant or Deputy Superintendent of Police.

(3) The administration of police in a Unit shall vest in the Head of Unit.

13. Police Establishment to be organized on functional basis.---

(1) The Police Establishment constituted under section 7 of this Act shall, as far as practicable, be organized on functional or territorial basis into branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in sub-section (1) may include but not limited to, Investigation, Intelligence, Operation, Watch and Ward, Reserve Police, Training and Development, Human Resource Management, Traffic Planning and Management, Information Technology, Transport, Bomb Disposal Unit, Canine, Mounted Police, Research and Development, Estate Management, Telecommunication, Criminal Record Office and Forensic Science Laboratory and shall be headed by such police officers as the Provincial Police Officer may determine.

(viii) Police School of Telecommunication; and

(ix) Elite Police Training Centre.

Provided that the Provincial Police Officer may establish other specialized schools of training with prior approval of Government.

(5) A police officer up to the rank of Deputy Superintendent of Police shall be promoted to a higher rank after getting requisite training in the specialized schools as provided in subsection (4) and qualifying promotion courses in a manner to be determined by Provincial Police Officer.

(6) A Deputy Superintendent of Police shall not be promoted to the next higher rank unless he undergoes junior command course in a manner determined by the Provincial Police Officer.

(7) There shall be a Directorate of Training in the Police to be headed by an officer not below the rank of Deputy Inspector General of Police and consisting of three sections each headed by an officer not below the rank of Superintendent of Police to deal with pre-service training, in-service training and specialized training respectively to assist the Provincial Police Officer in formulation of training policy and modules, and evaluation of schools and courses.

(8) Every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police unless otherwise provided under this Act.

(9) Posting to any specialized branch, division, bureau or section shall be subject to necessary training and experience.

14. Constitution of regions and divisions etc.---(1) The Provincial Police Officer may with the approval of Government constitute police regions in the Province.

Explanation: For the purpose of this section, Region means two or more Districts to be headed by a Regional Police Officer.

**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION

No. 2644 /E-III, **PROMOTION AS OFFG: INSPECTORS (BPS-16)** Dated: 22/10/2019

As per recommendations made by the Departmental Promotion Committee in its meeting held on 12.09.2019, the following confirmed Sub-Inspectors on List "F" are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Akhtar Ali No. 50/M	Malakand	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
2.	SI Muhammad Nawaz No. D/41	D.I. Khan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
3.	SI Ismail Shah No. P/378	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) in compliance of the judgment of Service Tribunal Peshawar No. 800/2018, over which the CPLA has been put-up. Therefore, the promotion is recommended subject to decision of the CPLA on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
4.	SI Gul Shed No. P/386	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
5.	SI Muhammad Sadiq Shah No. H/149	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
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23.	SI Sherin Zada No. 212/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 01.09.2014 to 31.12.2014 and 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on <u>probation for two (02) years.</u>
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26.	SI Imran Khan No. 113/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
27.	SI Bakht Zada No. 94/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
28.	SI Hayat Ali Shah No. 153/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
29.	SI Mian Said Jamal No. 53/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2015 to 31.12.2015 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
30.	SI Gohar Rehman No. H/45	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 04.10.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
31.	SI Muhammad Saeed No. H/156	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
32.	SI Tariq Umar No. P/21	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
33.	SI Qazi Aslam No. P/34	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
34.	SI Wilayat Khan No. P/46	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
35.	SI Zardad Ali No. P/53	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 24.08.2016 to 31.12.2016 and 01.01.2018 to 24.04.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
36.	SI Shakir Ullah No. P/57	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
37.	Lady SI Saira Saleh No. P/15	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
38.	SI Waqar Ali No. H/184	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
39.	SI Ghulam Kazim No. D/8	D.I Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 04.05.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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40.	SI Faqir Muhammad No. P/100	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. <u>According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.</u>
41.	SI Sajid Farooq No. H/213	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. <u>According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.</u>
42.	SI Anees ul Hassan No. D/55	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. <u>According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.</u>

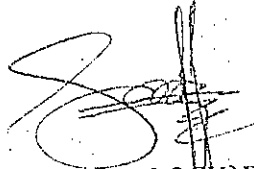
According to Rule 13-18 of Police Rules 1934, the officers will be on probation for 02 years.

Sd/-
Muhammad Naeem Khan, Dr, PSP
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. 2645-60 /E-III. Dated Peshawar, the 22 / 10 /2019.

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

1. Addl: IsGP in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Commandant PTC Hangu.
4. Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar.
6. Capital City Police Officer, Peshawar.
7. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret CPO, Peshawar.
9. Office Supdt: E-II CPO/Peshawar.
10. U.O.P files.


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



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

PH: 091-9210239 Fax: 091-9210927

No. 709 PE-III transfer/posting dated, Peshawar/31.2019

ORDER.

On promotion, the following newly promoted Inspectors are hereby posted with the Offices as noted each against their names, with immediate effect:-

SNO	NAME & NO.	FROM	TO
1	Tunail Shah No. P/378	Nowshera District	CTD Khyber Pakhtunkhwa
2	Gul Shed No. P/386	Swabi District	Malakand Region
3	Tariq Umar No. P/21	PBI Peshawar District	PTC Hangu
4	Qazi Aslam No. P/74	ACE, Khyber Pakhtunkhwa	D.I Khan Region
5	Wakyaat Khan No. P/46	Inv. Charsadda District	CTD Khyber Pakhtunkhwa
6	Zardal Ali No. P/53	Nowshera District	Haram Region
7	Shakir Ullah No. P/57	Charsadda District	Mardan Region
8	Saira Salih No. P/55	Women Police Station Peshawar	CTD Khyber Pakhtunkhwa
9	Faqir Muhammad No. P/100	Inv. Nowshera District	Mardan Region
10	Muhammad Sadiq Shah No. H/149	Domagaru District	CTD Khyber Pakhtunkhwa
11	Gohar Khatun No. H/43	Police Lines Aboitrahad	Hazara Region
12	Muhammad Saeed No. H/126	ACE, Khyber Pakhtunkhwa	Hazara Region
13	Waqar Ali No. H/181	SHO PS Dohar Kohistan	Hazara Region
14	Said Farooq No. H/213	SHO PS Sarag Salih Tarpin	Hazara Region
15	Salih Muhammad Khan No. MR/22	Inv. Charsadda District	Mardan Region
16	Noor ul Haq Khan No. MR/136	SPK, Aboitrahad	IRP Khyber Pakhtunkhwa
17	Sultan Mehmood No. MR/130	PS Kohat Khan (Inv) Swabi District	Mardan Region
18	Nasrullah Khan No. K/103	Police Lines Kohat	Kohat Region
19	Muhammad Nawaz No. H/41	SHO Kulachi D.I Khan	D.I Khan Region
20	Sami Miran No. D/47	SHO PS Wana Waziristan	D.I Khan Region
21	Gulzar Iqbal No. D/08	Police Lines D.I Khan	D.I Khan Region
22	Ames U. Hassan No. D/55	Police Lines D.I Khan	D.I Khan Region
23	Liza Kamran No. 32 M	PS Shahn Kot Upper Dir	Malakand Region
24	Zewar Khan No. 66 M	SI Legal Dir Lower	Malakand Region
25	Riaz Muhammad No. 507 M	Lower Dir District	Kohat Region
26	Sultan Khan No. 37 M	Chitral District	Kohat Region
27	Amir Bahadur No. 370 M	Chitral District	Malakand Region



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

PH: 091-9210239 Fax: 091-9210927

No. ——— T-II transfer/posting dated, Peshawar/15-11-2019

S.NO	NAME & NO.	FROM	TO
28	Jameel Ud Din No. 520 M	Upper Dir District	Malakand Region
29	Noor Haz Khan No. 540 M	Swat District	Malakand Region
30	Muhammad Wab Shah No. 544 M	Police Lines Chitral	Kohat Region
31	Iqbal Ud Din No. 492 M	Lower Dir District	Bannu Region
32	Fazl Muhammad No. 500 M	SHO PS Daroshi Chitral	PTC Hangu
33	Shahen Zada No. 212 M	Swat District	Malakand Region
34	Imtiaz No. 59 M	SHO PS Jagun Dir Upper	CTD Khyber Pakhtunkhwa
35	Muhammad J. Usheed No. 11 M	SHO Talash Lower Dir	Malakand Region
36	M. S. No. 13 M	SHO PS Balamir Dir Lower District	Malakand Region
37	B. M. Z. No. 94 M	SHO PS Mata Swat	Malakand Region
38	Iqbal M. Shah No. 155 M	HO PS Karara Shantal	PTC Hangu
39	M. S. No. 55 M	NO. 1 District	Kohat Region
40	M. S. No. 50 M	PTC Swat	Kohat Region
41	S. G. No. 312 M	Special Branch Khyber Pakhtunkhwa	PTC Hangu
42	Abdul Qayam No. 70 M	Malakand Region	Mardan Region
43	M. S. No. 11 M	Malakand Region	CTD Khyber Pakhtunkhwa
44	M. S. No. 11 M	Malakand Region	PTC Hangu
45	M. S. No. 11 M	Bannu Region	Bannu Region

(DR. ISHFAQ AHMAD) PSP/PPM
Addl. Inspector General of Police HQs
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

Encls: No. & date even.

1. Copy forwarded to the -

1. Addl. Inspector General of Police HQs Khyber Pakhtunkhwa Peshawar.
2. Dy. Inspector General of Police Special Branch & CTD Khyber Pakhtunkhwa Peshawar.
3. Commandant of PTC Hangu, Fire Force & FRP Khyber Pakhtunkhwa Peshawar.
4. All Regional Police Officers in Khyber Pakhtunkhwa.
5. Capital City Police Officer Peshawar.
6. Assistant Inspector General of Police East Khyber Pakhtunkhwa Peshawar.
7. Director ACP Khyber Pakhtunkhwa Peshawar.
8. Office Supdt. Secret Branch & CPB CPO, Peshawar.
9. I O P File.

POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

C.P.L.A. No. /2019

Govt. of Khyber Pakhtunkhwa, and others

PETITIONER(S)

VERSUS

Qazi Aslam and others

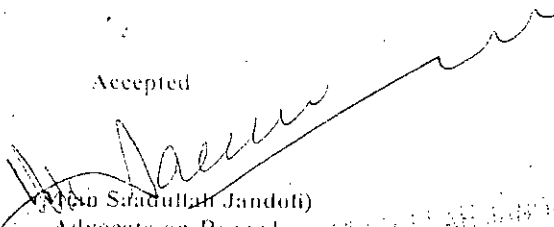
RESPONDENT(S)

I (we) Petitioner/Govt. of KPK in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

Signed with Official seal stamp


Mian Saadullah Jandoli
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119

1- Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

2- Capital City Police Officer,
Peshawar.

Capital City Police Officer
Peshawar

3- Director Anti-Corruption Establishment,
Khyber Pakhtunkhwa, Peshawar.

Director
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar.

Issued on 03-09-2019

OFFICE OF ADVOCATE GENERAL KHYBER
PAKHTUNKHWA, PESHAWAR

DEMAND

Required a sum of Rs. 5000/- (Rupees Five thousand only) as expenses for filing C.P.L.A (Photo, Stat, binding, Supreme Court tickets and 46 number of notices to the respondents) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with case title Service Appeal No. 951/2014 Qazi Aslam and others Versus Govt. of Khyber Pakhtunkhwa and others

allowed



Call
Fai
04/09/2019



(23)

**GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT**

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 5)

APPEAL NO. 951/2014 QAZI ASLAM VS PROVINCIAL POLICE
OFFICER/INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA,
PESHAWAR AND FORTY EIGHT (48) OTHERS.

A meeting of the Scrutiny Committee was held on 07.08.2019 at 12:00 hours in the office of Additional Secretary (Opinion), Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. AAG (Mr. Muhammad Sohail) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The Chairman of the Committee invited the representatives of Home/Police Department Mr. Imtiaz Ali, AIG (Legal) to apprise the Committee about the background of the case which he did accordingly and stated that the appellant filed the subject service appeal against Notification dated: 11.02.2014 wherein colleagues of the appellant were brought on list "F" and promoted to the rank of officiating Inspectors while the appellant was not recommended for list "F". The Khyber Pakhtunkhwa Service Tribunal accepted the appeal and directed the respondent Department to reconsider the case of the appellant for promotion and confirmation for treating his name as included in the Notification dated: 11.02.2014 for promotion to the rank of Officiating Inspector BPS-16 and his name be included in the seniority list circulated on 09.05.2014 at appropriate place accordingly, without violating the legal rights of seniority of his colleagues senior to him vide order dated: 24.04.2019. Now, the Department intended to file CPLA against the judgment on the following grounds:

GROUND/DISCUSSIONS:

3. The grounds as proffered by the representative of the Department were that the Court has ignored the record and material facts placed before it. He further added that the appellant has not fulfilled the qualifying criteria as the appellant has not conducted the relevant course/training necessary for the said promotion. He further added that in the year, 2017, new rules have been framed which cannot be applied to the year, 2014. The Scrutiny Committee observed that the case in hand is time barred. The Scrutiny Committee asked the Departmental Representative to conduct inquiry against the delinquent officers/officials on fault of whom the subject case became time barred. The Departmental representative requested to declare the case fit for filing of Appeal/CPLA in the Supreme Court of Pakistan.

DECISION:

4. Hence in view of above it was decided with consensus by the Scrutiny Committee that the subject case was a fit case for filing of Appeal/CPLA in the Supreme Court of Pakistan subject to inquiry against the delinquent officers/officials on fault of whom the subject case became time barred.
5. The representative of Home/Police Department was advised to approach the office of Advocate General along with complete record of the case for doing the needful within the period of limitation under intimation to this Department.

WASIMA JAMIL
SOLICITOR

From: The Capital City Police Officer,
Peshawar.

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 1199 /L B dated Peshawar the 18/8 /2020.

SUBJECT: SERVICE APPEAL No.951/2014 & EXECUTION PETITION No.323/2019 FILED BY QAZI ISLAM SUB INSPECTOR OF CCP, PESHAWAR.

It is submitted that Qazi Islam SI No 817/P of CCP, Peshawar has filed Service Appeal No.951/2014 before the Khyber Pakhtunkhwa Service Tribunal Peshawar for promotion to the rank of inspector with his colleagues.

Brief facts of the case are that the appellant filed the above mentioned service appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar against Notification No.4141 E-II dated 11.02.2014 wherein colleagues of the appellant were brought on list "F" and promoted to the rank of officiating inspectors while the appellant was not recommended for list "F".

Feeling aggrieved the appellant then filed Service Appeal No.951/2014 before the Khyber Pakhtunkhwa Service Tribunal Peshawar which was contested through Government Pleader by submitting duly vetted Para-wise comments. The Hon'able Tribunal without taking into consideration plea of the respondents accepted the appeal, with the direction to respondent department to reconsider the case of the appellant for promotion and confirmation for treating his name as included in the notification dated 11.02.2014 for promotion to the rank of officiating Inspector PBS-16 and his name be included in the seniority list circulated on 09.05.2014 at appropriate place accordingly without violating the legal rights of seniority of his colleagues senior to him.(copy of judgment is annexed)

On procurement of judgment order dated 24.04.2019 this office moved request for filing CPLA against the judgment order, which was subsequently filed in the apex court through Law department, which is still subjudice and not yet finalized. Meanwhile the appellant was promoted as Offg: Inspector vide Notification No.2644/E-III dated 22.10.2019 on regular basis.

Appellant has now filed execution petition No. 332/2019 for implementation of the judgment order dated 24.04.2019 passed by the Service Tribunal Peshawar. The execution petition was contested before the Service Tribunal Honorable. The Member of Service Tribunal vide order dated 09.07.2020 issued direction that "so far as his inclusion in the seniority list and other benefits are concerned, the same are stated to be subject to the decision by the August Supreme Court of Pakistan. The respondents are directed to submit conditional order in respect of the promotion of the petitioner on the next date and similarly, the petitioner to submit undertaking in the respect of his attending duty as per orders of the concerned authority. Both the parties are directed to do the needful and to submit report on 08.09.2020."(Copy of order sheet dated 09.07.2020 is annexed)

It is therefore requested, that in compliance with the order sheet dated 09.07.2020, the Judgment of the Service Tribunal may be implemented conditionally as CPLA before the Apex Court has already been filed which is still subjudice. Next date fixed for 08.09.2020.


for Capital City Police Officer,
Peshawar.



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

PH: 091-9210239 Fax: 091-92109

Dated, Peshawar the 11.12.2020.

NOTIFICATION.

No. CPO/E-II/2020/Revised Seniority/ 474, In compliance with the judgment passed by the Honorable Service Tribunal Khyber Pakhtunkhwa in service appeal No.951/2014 dated 24.04.2019 and DPC meeting held on 03.12.2020 at CPO, duly approved by the Addl: IGP Khyber Pakhtunkhwa, Inspector Qazi Aslam No.P/34 is hereby assigned revised seniority in rank of SI with his colleagues w.e.f 28.09.2013 above the name of Inspector Tika Khan No.M/ and below the name of Inspector Maroof Khan No.MR/95 (now SI) in the seniority list of Inspectors and SIs issued on 09.05.2014, subject to the outcome of CPLA.

Sd/-

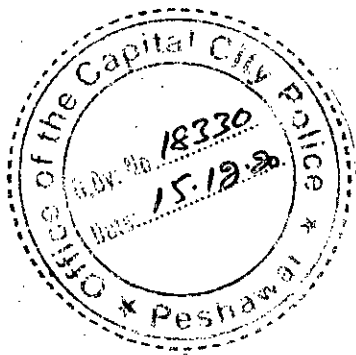
(DR. ISHTIAQ AHMAD) PSP/PPM
Addl: Inspector General of Police HQ
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Capital City Police Officer Peshawar.
2. Dy: Inspector General of Police CTD Khyber Pakhtunkhwa.
3. Assistant Inspector General of Police Legal CPO Peshawar.
4. PA to the Addl: Inspector General of Police HQs Khyber Pakhtunkhwa.
5. Office Supdts., Career Planning Branch & Secret Branch, CPO Peshawar.
6. U.O.P File.

- C.C.P.O.
- SSP/O
- SSP/I
- SP/Cantt
- SP/City
- SP/Rural
- SP/Sec
- SP/HQ
- SP/T.O
- SP/T. HQ
- SP/LOS
- SP/...
- SP/...
- SP/...



ZAHOOR/BABAR AFRIDI PSP
Assistant Inspector General of Police
Establishment, Khyber Pakhtunkhwa.

10/12

Reader. Aziz

For further information please

Dy. Supdt: Police
Legal, CCP/Peshawar

EC-1 15/12/20

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

No. 17816-18/EC-I, dated Peshawar the 21/12/2020

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

1. DSP/Legal, Peshawar.
2. EC-II and AS.


FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

16/12/2020