

Service Appeal No 4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN** ...CHAIRMAN  
**MUHAMMAD AKBAR KHAN**...MEMBER (Executive)

*Service Appeal No.4956/2021*

**Hameed Ullah**, HC Belt No. 662 Police Department Khyber Pakhtunkhwa Presently serving at District Mardan.

.....(*Appellant*)

Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashfaq**, LHC Police Training Center, Hangu on deputation basis.
4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.

.....(*Respondents*)

Present:

**Mr. IRFAN ALI**,  
Advocate..... For appellant

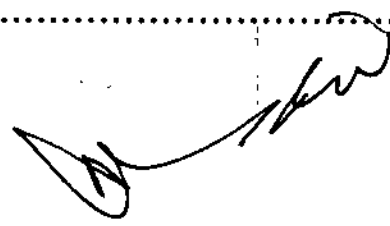
**MUHAMMAD ADEEL BUTT**,  
Additional Advocate General.....For official respondents

**SYED NOMAN ALI BUKHARI**,  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021

Dates of Hearing.....31.01.2023

Date of Decision.....01.02.2023



Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others", service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

### Service Appeal No.4957/2021

**Danish Sarwar**, HC Belt No. 2268 Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

#### Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashafq**, LHC Police Training Center, Hangu on deputation basis.
4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.  
.....(**Respondents**)

Present:

Mr. IRFAN ALI,  
Advocate.....For appellant

MUHAMMAD ADEEL BUTT,  
Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021

Dates of Hearing.....31.01.2023

Date of Decision.....01.02.2023

### Service Appeal No.4958/2021

**Imtiaz**, HC Belt No. 08 Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

#### Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashafq**, LHC Police Training Center, Hangu on deputation basis.

Service Appeal No 4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled " Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar

4. **Sher Alam, LHC Police Station Takht Bhai Mardan.**  
 .....(Respondents)

Present:

Mr. IRFAN ALI,  
 Advocate.....For appellant

MUHAMMAD ADEEL BUTT,  
 Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
 Advocate.....For private respondents

-----  
 Date of Institution.....06.04.2021  
 Dates of Hearing.....31.01.2023  
 Date of Decision.....01.02.2023

**Service Appeal No.4959/2021**

**Waheed-Ur-Rehman, HC Belt No. 18Mardan Police Department**  
**Khyber Pakhtunkhwa, Presently Serving at District**  
**Mardan.....(Appellant)**

Versus

1. **AIG Establishment, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.**
2. **Sajjad Khan, LHC Motorway Police on Deputation Basis.**
3. **Kashif Ashafq, LHC Police Training Center, Hangu on deputation basis.**
4. **Sher Alam, LHC Police Station Takht Bhai Mardan.**  
 .....(Respondents)

Present:

Mr. IRFAN ALI,  
 Advocate.....For appellant

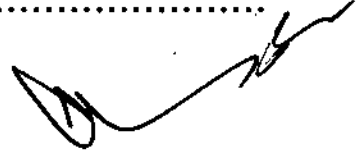
MUHAMMAD ADEEL BUTT,  
 Additional Advocate General.....For respondents

Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zam Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**SYED NOMAN ALI BUKHARI,**  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021  
Dates of Hearing.....31.01.2023  
Date of Decision.....01.02.2023

***Service Appeal No.4960/2021***



**Rehmat Ullah,** HC Belt No. 49Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(***Appellant***)

Versus

1. **AIG Establishment,** for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashafq,** LHC Police Training Center, Hangu on deputation basis.
4. **Sher Alam,** LHC Police Station Takht Bhai Mardan.  
.....(***Respondents***)

Present:

Mr. IRFAN ALI,  
Advocate.....For appellant

MUHAMMAD ADEEL BUTT,  
Additional Advocate General.....For respondents

**SYED NOMAN ALI BUKHARI,**  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021  
Dates of Hearing.....31.01.2023  
Date of Decision.....01.02.2023

***Service Appeal No.4961/2021***

**Ibrahim,** HC Belt No. 2473Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(***Appellant***)

Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Sajf Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
  2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
  3. **Kashif Ashafq**, LHC Police Training Center, Hangu on deputation basis.
  4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.
- .....(**Respondents**)

Present:

Mr. IRFAN ALI,  
Advocate.....For appellant.

MUHAMMAD ADEEL BUTT,  
Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021  
Dates of Hearing.....31.01.2023  
Date of Decision.....01.02.2023

.....  
**Service Appeal No.4962/2021**

**Nasir Mehmood**, HC Belt No. 1173Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
  2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
  3. **Kashif Ashafq**, LHC Police Training Center, Hangu on deputation basis.
  4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.
- .....(**Respondents**)

Present:

Mr. IRFAN ALI,  
Advocate.....For appellant.

Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rahman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zuin Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01/02/2023 by Division Bench comprising Kalim Arshad Khen, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar

MUHAMMAD ADEEL BUTT,  
Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021  
Dates of Hearing.....31.01.2023  
Date of Decision.....01.02.2023

.....  
**Service Appeal No.4991/2021**

**Khalil-Ur-Rehman**, HC Belt No. 65Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashfaq**, LHC Police Training Center, Hangu on deputation basis.
4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.  
.....(**Respondents**)

Present:

Mr. IRFAN ALI,  
Advocate.....For appellant.

MUHAMMAD ADEEL BUTT,  
Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
Advocate.....For private respondents

-----  
Date of Institution.....06.04.2021  
Dates of Hearing.....31.01.2023  
Date of Decision.....01.02.2023

Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zam Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Sajf Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

### **Service Appeal No.4803/2021**

**Zain Ullah**, HC Belt No. 1279Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

#### Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashafq**, LHC Police Training Center, Hangu on deputation basis.
4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.  
.....(**Respondents**)

Present:

Mr. IRFAN ALI,  
Advocate.....For appellant

MUHAMMAD ADEEL BUTT,  
Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
Advocate.....For private respondents

----  
Date of Institution.....06.04.2021  
Dates of Hearing.....31.01.2023  
Date of Decision.....01.02.2023

### **Service Appeal No.4804/2021**

**Amir Aman**, HC Belt No. 185Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

#### Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
3. **Kashif Ashafq**, LHC Police Training Center, Hangu on deputation basis.

Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar and others" service appeal No 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar

4. **Sher Alam, LHC Police Station Takh Bhai Mardan.**  
 .....(Respondents)

Present:

Mr. IRFAN ALI,  
 Advocate.....For appellant.

MUHAMMAD ADEEL BUTT,  
 Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
 Advocate.....For private respondents

-----  
 Date of Institution.....06.04.2021  
 Dates of Hearing.....31.01.2023  
 Date of Decision.....01.02.2023

.....  
**Service Appeal No.4805/2021**

**Waheed Ullah, HC Belt No. 22Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(Appellant)**

Versus

1. **AIG Establishment, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.**
2. **Sajjad Khan LHC Motorway Police on Deputation Basis.**
3. **Kashif Ashafq, LHC Police Training Center, Hangu on deputation basis.**
4. **Sher Alam, LHC Police Station Takht Bhai Mardan.**  
 .....(Respondents)

Present:

Mr. IRFAN ALI,  
 Advocate.....For appellant

MUHAMMAD ADEEL BUTT,  
 Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
 Advocate.....For private respondents



Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No 4958/2021 titled "Intiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar

-----  
 Date of Institution.....06.04.2021  
 Dates of Hearing.....31.01.2023  
 Date of Decision.....01.02.2023

.....  
**Service Appeal No.4806/2021**

**Saif Ullah**, HC Belt No. 1237Mardan Police Department Khyber Pakhtunkhwa, Presently Serving at District Mardan.....(**Appellant**)

Versus

1. **AIG Establishment**, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar.
  2. **Sajjad Khan** LHC Motorway Police on Deputation Basis.
  3. **Kashif Ashfaq**, LHC Police Training Center, Hangu on deputation basis.
  4. **Sher Alam**, LHC Police Station Takht Bhai Mardan.
- .....(**Respondents**)

Present:

Mr. IRFAN ALI,  
 Advocate.....For appellant.

MUHAMMAD ADEEL BUTT,  
 Additional Advocate General.....For respondents

SYED NOMAN ALI BUKHARI,  
 Advocate.....For private respondents

-----  
 Date of Institution.....06.04.2021  
 Dates of Hearing.....31.01.2023  
 Date of Decision.....01.02.2023

.....  
**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.01.2021 WHEREBY THE RESPONDENT TRANSFERRED THE APELANT TO THEIR PARENT DISTRICT ACCORDING TO HIS DOMICILE WHICH IS ILLEGAL, UNLAWFUL AND DECLARE NULL AND VOID IN THE EYE OF LAW.**

Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Intiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zam Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

## **CONSOLIDATED JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Through this single judgment the instant appeal and connected service appeals detailed above are decided as all the eleven are against the same departmental proceedings and involve similar question.

2. According to the facts gathered from the record, the appellant is presently serving in the Police department as Head constable in District Mardan; that the respondent department earlier transferred the appellant from the District Kohat to District Mardan vide order dated 12.02.2016 on lien basis and the appellant was at the bottom of seniority list; that after transfer to District Mardan, the appellant completed the requisite period of service in the respondent department, District Police Officer Mardan conducted Departmental Promotion Committee on 19.05.2016, the appellant was promoted from the post of Constable (BPS-5) to Head Constable (BPS-7) vide dated 24.05.2016; that after completion of the prescribed period of service, the respondents issued impugned order dated 04.01.2021 whereby the appellant was transferred from District Mardan to his parent District i.e. District Kohat against which, the appellants filed departmental appeal which was not responded within the stipulated statutory period, hence, the instant service appeal.

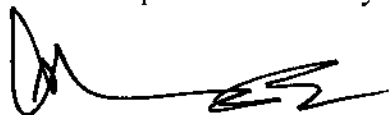
*Service Appeal No 4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office. (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar*

3. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeals by filing written replies raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellants.
4. We have heard learned counsel for the appellants and learned Additional Advocate General for the respondents.
5. Learned counsel for the appellant contended that the appellant is presently serving in the Police Department as Head constable in District Mardan; that the appellant was transferred from District Kohat to District Mardan vide order dated 23.02.2016 on lien bases and placed at the bottom of the seniority against those who were already serving in the District Mardan. The appellant after transfer and completion of his requisite period in the respondent department, District Police Officer Mardan conducted DPC wherein the appellant alongwith his other colleagues were promoted from the post of Constable (BPS-5) to Head Constable (BPS-7) vide order dated 24.05.2016; that the respondent department issued the impugned order dated 04.01.2021 and the appellant was transferred to his parent district keeping his seniority at equal footing with his colleagues of the same district; that the issue of lien the respondents sought advice from legal section vide dated 11.02.2021, and legal section admittedly, advised vide office order dated 03.03.2021 that civil

*Service Appeal No. 4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khatil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01/02/2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar*

servants can have right of lien for the period of three years if they join another department and the right of lien cannot be disturbed in this period; that the said transfer will affect seniority and promotion of the appellant if transfer is given effect and is not retained in the present District i.e District Mardan at his current post as Head Constable (BPS-7) which is against the Constitution of Islamic Republic of Pakistan. Moreover, the impugned order dated 04.01.2021 is not sustainable in the eye of law.

6. Learned Additional Advocate General controverted the arguments of learned counsel for the appellant and contended that the transfer of the appellant from District Mardan to his parent District i.e. District Kohat is sole prerogative of the department which is lawful and in accordance with law. The detachment of the appellant from District Mardan was because as the Constables of District Mardan have completed lower school course and complained about the promotion on their reserved seats of Head Constable, as a result of which the lien of appellant was detached from District Mardan and attached to his parent District of domicile and his seniority is kept intact alongwith his colleagues of his parent District; that stance taken by the appellant is devoid of merit in terms of completion of prescribed period of service because neither the Police Rules nor the Police Act prescribed any period of service; that the impugned order passed by the competent authority is in accordance with law and rules, he concluded.



*Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No.4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Sajf Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.*

7. The appellants are aggrieved of the order No.59-79/E-IV dated 04.01.2021 whereby the lien of the appellants, attached with District Mardan was transferred to their parent District. Their seniority was to remain intact with their colleagues in their parent Districts of domicile. So the question involved in these appeals appears to be basically regarding lien. It appears that word lien is used in the initial order with some misconception because the lien is a right/title of the government servant to hold a permanent post in substantive capacity in the parent department. Here the appellants have not gone to any other department rather remained in the Police but in a way transferred from various Districts to Mardan, therefore, it cannot be said that they had gone to some other department from their parent department with lien at their parent department. Admittedly the appellants are in the Police department and have been deputed to Mardan, where not only their seniority was fixed amongst the colleagues serving at that district but were also promoted. Therefore, the usage of words transfer of lien was not appropriate either in the order of 2016 or in the impugned order nor the learned law officer could point out any provision in the civil servants laws or the police laws to justify usage of these words. On the other hand usage of these words has not only created anomalies but has led to filing of these appeals.
8. The Rules of the Government of Khyber Pakhtunkhwa in this respect state as under:



Service Appeal No 4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4991/2021 titled "Khalif-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled "Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Sajf Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalan Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**"Lien:** Means the title of a Government servant to hold a permanent post in a substantive capacity.

**General Principles:-** \* Two or more Government servants cannot be appointed substantively to the same permanent post at the same time. \* A Government servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time. \* If a Government servant holds a lien on a certain post, no other Govt. servant can be appointed substantively to that post. \* There is only one substantive holder of a given permanent post. \* When a Government servant is going to be confirmed in a certain post, he should exercise option that he agrees to the termination of his lien on any other permanent post held by him in a substantive capacity.

**Retention of Lien:-** Substantive holder of a permanent post retains lien in the following cases: - \* While performing the duties of that post. \* While on Foreign Service, or holding a temporary post, or officiating in another post. \* During joining time on transfer to another post. \* During suspension. \* During leave.

**Suspension of Lien:-** a (Compulsory) : A competent authority shall suspend the lien of a government servant holding a permanent post substantively whenever he is appointed in a substantive capacity to a tenure post or to a permanent post outside the cadre or if he is appointed provisionally against a post on which another Government servant holds a lien.

b (Optional): The competent authority may also, at his option, suspend the lien of a Govt. servant holding a permanent post substantively if he is deputed out of Pakistan or goes on foreign service, or is transferred in a substantive or officiating capacity to a post in another cadre, provided that in all the above cases, the period is not less than 3 years.

**Revival of Lien:** - The Suspended lien will revive as soon as the Government servant ceases to hold a lien against any of the posts in (a) or (b).

**Termination of Lien:-** \*A substantive holder of a permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post. \*If appointed to a permanent post, his lien on tenure post must be tenanted. \*On appointment to the posts of Chief Engineer or Governor, their



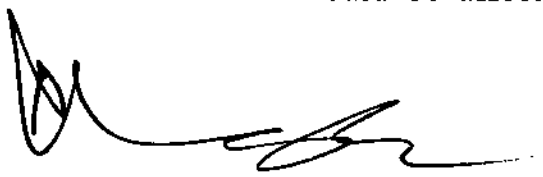
Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4803/2021 titled " Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01/02/2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar

*lien on permanent posts must be tenanted. \*When Chief Engineer takes leave immediately on vacating his office or post, he shall be left without lien on any other permanent post. \*When appointed to a permanent post outside the cadre on which he is borne, his lien or suspended lien on his previous post can be terminated on the written request of the Government servant concerned and not otherwise."*

9. None of the above situations appear to have been covered in these appeals.

There is no explanation by the department whether the appellant was newly appointed at Mardan District so that his lien matter could be looked into that way or what was the reason or rule allowing the respondent to pass order for detachment of lien of the appellants. If the department intended that it was a transfer of the appellants made in 2016 and that transfer was either cancelled or the impugned order was in a way fresh transfer of the appellants, the department ought to have made a clear order in that respect. Construction of the impugned order in the manner it has been constructed in no way can be termed to be a transfer order.

10. Coming to the private respondents we find that they had never challenged the stay of the appellants at Mardan since 2016 till filing of these appeals. Besides they did not file any reply, therefore, it could not be ascertained how any of the terms and conditions of service would be affected by setting aside the impugned order.



Service Appeal No.4956/2021 titled "Hameed Ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4957/2021 titled "Danish Sarwar-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No 4958/2021 titled "Imtiaz -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4959/2021 titled "Waheed-ur-Rehman -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4960/2021 titled "Rehmat ullah-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and other" service appeal No. 4961/2021 titled "Ibrahim -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4962/2021 titled "Nasir Mehmood -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4991/2021 titled "Khalil-ur-Rehman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4803/2021 titled " Zain Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No 4804/2021 titled "Amir Aman-vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" service appeal No. 4805/2021 titled "Waheed Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" and service appeal No. 4806/2021 titled "Saif Ullah -vs-AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO), Peshawar and others" decided on 01.02.2023 by Division Bench comprising Kalim Arshad Khan, Chairman, and Muhammad Akbar Khan, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

11. Therefore, we allow these appeals and set aside the impugned order being not supported by any legal backing. Costs shall follow the event. Consign.
12. ***Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 1<sup>st</sup> day of February, 2023.***



**KALIM ARSHAD KHAN**  
Chairman

**MUHAMMAD AKBAR KHAN**  
Member (Executive)