

ORDER


1st Feb, 2023 1. Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present. Syed Noman Ali Bukhari, Advocate for private respondents present.

2. Vide our detailed judgment of today separately placed on file of service appeal No. 4956/2021 titled "Hameed Ullah Versus AIG Establishment, for Inspector General of Police Khyber Pakhtunkhwa, Central Police Officer, (CPO) Peshawar and others", we also allow the appeal and set aside the impugned order being not maintainable supported by any legal backing. Costs shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of this Tribunal on this 1st day of February, 2023.*



(Kalim Arshad Khan)
Chairman



(Muhammad Akbar Khan)
Member (E)

31st Jan, 2023

Learned counsel for the appellant present. Mr. Muhammad Adeel


Butt, Additional Advocate General for official respondents present.

Syed Noman Ali Bukhari, Advocate for private respondents present.

Arguments heard. To come up for order on 01.02.2023 before

D.B.

(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

26.08.2022

Learned counsel for the appellant present. Mr. Atta Ur Rehman Inspector alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 05.09.2022 before the D.B.


(Salah-Ud-Din)
Member(J)

05.09.2022

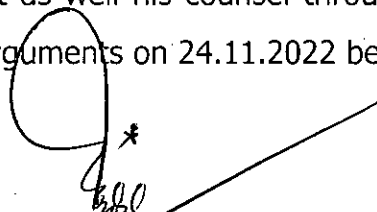
Due to leave of the Worthy Chairman, the Bench is incomplete. Case to come up for the same on 22.09.2022 before the D.B.



Reader

22.09.2022

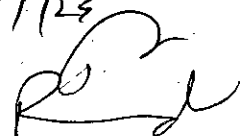
Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondent No. 1 present. Learned counsel for private respondents No. 2 to 4 present.

Notice for prosecution of the appeal be issued to the appellant as well his counsel through registered post and to come up for arguments on 24.11.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)

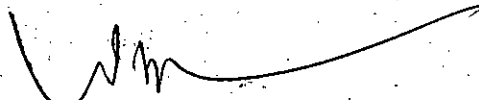
*Due to deletion of the
case to come up on 31/1/23*



05.01.2022

Learned counsel for the petitioner present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present. Mr. Taimur Ali Khan, Advocate for applicants present.

File to come up alongwith connected appeal No. 4956/2021 titled Hameed Ullah Vs. Police Department, before the D.B on 17.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

17.01.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Noor Daraz Khan, SI (Legal) for the official respondents present. Mr. Taimur Ali, Advocate for private respondents present.

File to come up alongwith connected appeal No. 4956/2021 titled "Hamedullah Vs. Police Department Khyber Pakhtunkhwa" on 11.05.2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

11-5-2022

The case is adjourned due to non availability of DB so come up for the same on 8-6-2022

8.6.22

proper DB is on tour, therefore
the case is adjourned to 26.8.22 for same.
Reader



12.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman


Stipulated period passed reply not submitted.

24.09.2021

Counsel for appellat present.

Javid Ullah learned A.A.G alongwith Khyal Roz Inspector for respondents present.

Reply on behalf of respondents is still awaited. Request for adjournment was made on behalf of respondents in order to submit reply/comments. Request is accorded with direction to furnish the same within 10 days positively in office. To come up for arguments on 14.10.2021 before D.B.


(Rozina Rehman)
Member (J)



Chairman

14.10.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Khyal Roz Inspector for respondents present.

File to come up alongwith connected service appeal No.4956/2021 titled Hameed Ullah Vs. Police Department, on 05.01.2022 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

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

Service Appeal No. 4957/2021

Danish Sarwar HC Belt No. 2268/ Mardan **Appellant**

VERSUS

AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central
Police Office, (CPO) Peshawar

..... **Respondents**

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Respondent through



(TARIQ UMAR)
DSP/ Legal, CPO
17301-4997553-7
0333-8878882

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 4957/2021

Danish Sarwar, HC Belt No.2268 Police Department Khyber Pakhtunkhwa presently serving at District Mardan**appellants**

VERSUS

AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, (CPO) Peshawar**Respondents**

Para-wise reply by respondents:-

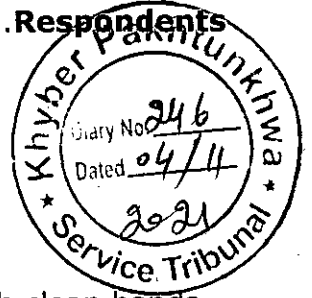
Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Para to the extent of respectable and law abiding citizen a Pakistan is not related as the same pertains to the person of appellant. While rest of the para is legal because constitutional rights of every person is protected.
2. Correct to the extent that the appellant was serving as Head Constable in Police department. While rest of the para is not plausible because every Police Officer is duty bound to perform his duties to the best of his ability.
3. Correct to the extent that the appellant was transferred along with lien to District Mardan and he was placed in the bottom of seniority list.
4. Para to the extent of transfer to District Mardan is correct while completion of requisite period and subsequent promotion on the basis of completion of requisite period is not plausible. As when any constable qualifies Lower School Course and vacancies fall vacant, then he will be promoted as Officiating Head Constable on the basis of seniority cum fitness by Departmental Promotion Committee (DPC).
5. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is duty bound to perform his duties to the best of his ability. Moreover,



lack of red entry in the record does not exonerate any of the Police Officer from lawful orders.

6. Incorrect. Stance of the appellant is totally devoid of merit in terms of completion of prescribed period of service because neither the Police Rules nor the Police Act prescribe any period of service as alleged by the appellant. Moreover, the appellant though hails from District Karak and transferred his lien to District Mardan, therefore, he was transferred alongwith lien to his parent District and his seniority with his colleagues will remain intact in his parent District. Since most of the Lower School Course qualified Constables of District Mardan were aggrieved as Head Constables hailing from other Districts were promoted on the vacancies of District Mardan and those whose parent District is Mardan, are waiting for their turn for promotion to the rank of Head Constables, therefore, they submitted application as result of which the lien of appellant was detached from District Mardan and attached to his District of domicile. Besides, seniority of appellant is kept intact with his colleagues of Lower School Course in his District.
7. Para pertains to record needs no comments.
8. Correct to the extent that the then Regional Police Officer, Mardan addressed a letter to Central Police Office Peshawar for seeking legal guidance.
9. Correct to the extent that in response to the aforementioned letter, the Assistant Inspector General of Police Legal Khyber Pakhtunkhwa opined that Civil Servant can retain lien for three years at permanent post when civil servant join other post in any other department. But it is worthwhile that the appellant has neither joined other department nor other post rather remained in Police Department. Moreover, para 2 of the ibid letter is also worth perusal.
10. Correct to the extent that the appellant is serving in Police Department and his lien has been transferred to his parent District where his seniority will remain intact with his colleagues there in his parent District. However, rest of the para is bereft of any legal footing.
11. Incorrect. Stance taken by the appellant is totally devoid of merit because it is pertinent to mention here that the appellant after his transfer to District Mardan was promoted to the rank of Head Constable on the vacancy of District Mardan much before his colleagues of his District of Domicile and till date enjoyed all the facilities extended to the promoted officers. However, when the constables of District Mardan qualified Lower School Course and brought on promotion list C-I, are waiting for their turn for promotion to officiating Head Constables, have submitted applications that Police Officers of other Districts have occupied their vacancies as result of which they have suffered irreparable loss in terms of their due promotion. Resultantly lien of all those Head Constables including the appellant was detached who though hail from other Districts were promoted against the vacancies of District Mardan.


12. That the appeal of the appellant being not maintainable is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. Plea taken by the appellant is not plausible because order passed by the competent authority is legal, lawful and according to norms of natural justice. Hence, liable to be maintained.
- B. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is duty bound to perform his duties to the best of his ability. As in this department no room lies for lethargy. Besides, transfer of lien of the appellant to his parent district is legal and lawful hence required to be maintained.
- C. Incorrect. Stance of the appellant is totally ill based, hence, liable to be set at naught.
- D. Para already explained needs no comments.
- E. Incorrect. The appellant has been treated according to the norms of natural justice and law/ rules.
- F. Incorrect. Stance of the appellant is not maintainable as order passed by the competent authority is in accordance with law/ rules hence needs no interference.
- G. That Respondent also seeks permission of this Honorable Tribunal to seek additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above stated facts it is most humbly prayed that the appeal of the appellant being not maintainable, may very kindly be dismissed, with costs please.


**AIG Establishment,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent)**

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 4957/2021

Danish Sarwar HC Belt No. 2268/ Mardan **Appellant**

VERSUS

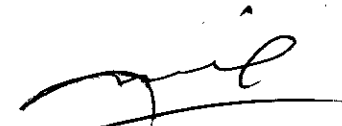
AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central
Police Office, (CPO) Peshawar
..... **Respondents**

AFFIDAVIT

I, Tariq Umar DSP/ Legal, CPO do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondent is correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.



Respondent through


(TARIQ UMAR)
DSP/ Legal, CPO
17301-4997553-7
0333-8878882

04.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 14.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee

Alongwith the appeal, the appellant has also filed an application for interim relief. Notice of application be also given to the respondents.

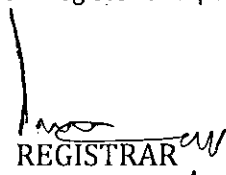


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 4957 /2021


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 23/04/2021 | <p>The appeal of Mr. Danish Sarwar resubmitted today by Mr. Irfan Ali Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> |
| 2- | 27/05/21 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

This is an appeal filed by Mr. Danish Sarwar today on 06.04.2021 against the order dated 04.01.2021 against which he preferred/made departmential appeal/ representation on 20.01.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action.

No. 665 /ST,

Dt. 06/04/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Irfan Ali Yousafzai Adv. Pesh.

Note.

*Resubmitted after
office objection.*

Perri Jagan

23-04-21

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

Service Appeal No. _____/2021

Danish Sarwer.....**Appellant**

V E R S U S

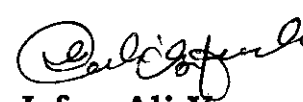
DIG Establishment.....**Respondent**

I N D E X

| S.No | Description of Documents | Annex | Pages |
|-------------|---|--------------|--------------|
| 1. | Memo of Appeal | * | 1-6 |
| 2. | Application for interim relief | * | 7-8 |
| 3. | Copy of order dated 23/02/2016 | A | 9 |
| 4. | Copy of order dated 24/05/2016 | B | 10-11 |
| 5. | Copy of impugned order dated 04/01/2021 | C | 12-13 |
| 6. | Copy of application | D | 14 |
| 7. | Copy of letter dated 11/02/2021 | E | 15 |
| 8. | Copy of letter dated 03/03/2021 | F | 16 |
| 9. | Wakalat Nama | * | 17 |


Appellant

Through


Irfan Ali Yousafzai
Advocate, High Court,
Peshawar
Cell# 0314-9070658

Date: 26/03/2021

impleaded vider
order dated 5/1/2022

1

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

Service Appeal No. 4957/2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4571

Dated 06/4/2021

Danish Sarwar, HC (Belt No. 2268)

Police Department Khyber Pakhtunkhwa

Presently serving at District Mardan **Appellant**

V E R S U S

AIG Establishment for Inspector General of Police
Khyber Pakhtunkhwa, Central Police Office, (CPO),
Peshawar **Respondent**

**APPEAL UNDER SECTION 4 OF
THE SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED
ORDER DATED 04/01/2021
WHEREBY THE RESPONDENT
TRANSFERRED THE APPELLANT
TO THEIR PARENT DISTRICT
ACCORDING TO HIS DOMICILE
WHICH IS ILLEGAL, UNLAWFUL
AND DECLARE NULL AND VOID
IN THE EYE OF LAW.**

Filed to-day

ew.
Registrar

06/4/2021

Re-submitted to -day
and filed.

ew.
Registrar

23/4/21

Prayer in Appeal:

On acceptance of this appeal, the impugned
order dated 04/01/2021 may very graciously be

set aside and appellant may kindly be retain in the present District i.e. District Mardan where the appellant got promotion and completed the considerable length of his service in District Mardan.

Respectfully Sheweth:

1. That the appellant is respectable and law abiding citizen of Pakistan has every legal and constitutional right duly protected under the law and constitution of Islamic Republic of Pakistan 1973.
2. That appellant was serving as Head Constable (BPS-07) in the respondent department and presently serving the department at his best of ability.
3. That the respondent earlier transfer the appellant from the District Karak to District Mardan vide order dated 23/02/2016 on lien base in which the appellant accept bottom seniority. **(Copy of order dated 23/02/2016 is attached as Annexure-A)**
4. That the appellant after transfer to district Mardan completed his requisite period of service

and the District Police Officer Mardan conducted DPC on 19/05/2016 and promoted the appellant from (BPS-05) to (BPS-07) on 24/05/2016. **(Copy of order dated 24/05/2016 is attached as Annexure-B)**

5. That the appellant performing his duty with his best ability at District Mardan and no objection raised by the respondent upon the service carrier of the appellant and there is no red entry in the record of the appellant.
6. That after completion prescribed period of service the respondent issued impugned order No. 59-79/E-IV dated 04/01/2021 vide which the appellant transferred from District Mardan to his parent district and intact his seniority with his colleagues in his parent district. **(Copy of impugned order dated 04/01/2021 is attached as Annexure-C)**
7. That appellant addressed an application to the respondent for review the impugned order dated 04/01/2021 but no fruitful result till date. **(Copy of application is attached as Annexure-D)**
8. That the Regional Police Officer, Mardan also sent a letter No. 807/ES, dated 11/02/2021 for seeking legal guidance of the attachment and detachment of lien period of the appellant. **(Copy**

of letter dated 11/02/2021 is attached Annexure-E)

9. That the respondent also admitted vide letter No. 1307/Legal dated 03/03/2021 that the "Civil Servant can retain lien for 3 years at permanent post when civil Servant joint other post in any other department and the civil servant lien cannot be detached or attached. **(Copy of letter dated 03/03/2021 is attached as Annexure-F)**

10. That beside the above mentioned facts and appellant completed lien period of 3 years and did not join any other department and still serving in his department but the respondent issued transfer order in which the seniority of the appellant will remain intact with the colleague of his parent district instead of present district, which is illegal, unlawful and liable to be withdrawn.

11. That it is pertinent to mention here that due to above mention transfer order, the seniority and service carrier of the appellant will be at risk and the promotion of the appellant will also disturbed.

12. That appellant is aggrieved from the order of respondent dated 04/01/2021 and his other action in inaction (Impugned herein) with no

other remedy hence approached this Honourable Tribunal on the following amongst other grounds:

GROUND S:

- A. That on impugned order dated 04/01/2021 is against the law, unwarranted and illegal.
- B. That the appellant has served the department at the best of his ability but even that respondent attached the lien of the appellant and transferred to his parent district, which is illegal and liable to be rectified.
- C. That the impugned order of the respondent is not sustainable in the eye of law.
- D. That the department is violating all the basic fundamental rights and protections given the constitution of Islamic Republic of Pakistan, 1973.
- E. That the conduct of respondent is offending the principle of natural justice, equity and fair play.
- F. That in the peculiar facts and circumstances of the case, the interference of this Hon'ble Tribunal is warranted under the law.

G. That the appellant be allowed to add/rely upon other grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of this appeal, the impugned order dated 04/01/2021 may very graciously be set aside and appellant may kindly be retain in the present District Mardan.

Any other remedy which deem fit appropriate may also be granted in favour of appellant.

Danish
Appellant

Through

Irfan Ali Yousfzai
Irfan Ali Yousfzai
Advocate, High Court,
Peshawar

Date: 26/03/2021

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

CM No. _____/2021
IN
Service Appeal No. _____/2021

Danish Sarwer.....**Appellant**

V E R S U S

DIG Establishment.....**Respondent**

**APPLICATION FOR SUSPENSION
OF IMPUGNED ORDER DATED
04/01/2021, TILL THE FINAL
DISPOSAL OF THE MAIN APPEAL**

Respectfully Sheweth:


1. That the captioned Appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the grounds of Appeal may be read as integral part of this application.
3. That on the face of it, the applicant has got strong arguable case and is sanguine about its success.

4. That the balance of convenience also lies in favour of applicant for grant of interim relief.
5. That if the transfer order dated 04/01/2021 is not suspended, than applicant would sustain irreparable loss, which is not redeemable in terms of money.

It is, therefore, most humbly prayed that on acceptance of this application, the impugned transfer order dated 04/01/2021 may kindly be suspended, till the final decision of the case.


Appellant

Through


Irfan Ali Yousafzai
Advocate, High Court,
Peshawar

Date: 26/03/2021

9

A

4



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

ORDER

The lien of LHC Danish Sarwar No. 2268 of District Police Karak (presently serving in Elite Force KPK) is hereby detached from district Police Karak and attached with District Police Mardan with immediate effect.

He will accept bottom seniority.

(Handwritten signature)

(NAJEEB-UR-REHMAN BUGTI) -
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. 2226-29 /E-IV, dated Peshawar the 23 /02 /2016

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

- ✓ 1. Addl: IGP/Elite Force KPK, Peshawar w/r to his Memo No. 930 /E-IV dated 18.01.2016.
2. Deputy Inspectors General of Police, Mardan Region and Kohat Region.
3. District Police Officer Mardan w/r to his Memo No. 706/EC dated 17.01.2016
4. District Police Officer, Karak w/r to his letter no. 1492/02 dated 04.02.2016

(Handwritten notes)
23/2/16
R.K.S.

NI. E.C. a-ASI, Keshli.
For N/ACTION

DEPUTY COMMANDANT,
Elite Force Khyber Pakhtunkhwa
Peshawar

ATTESTED
(Signature)
to be true copy
Advocate



9A

BETTER COPY OF THE PAGE NO.
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR

ORDER

The lien of LHC Danish Sarwar no 226⁸ of District Police Karak (Presenting serving in Elite Force KPK) is hereby detached from district Police Karak and attached with District Police Mardan with immediate effect.

He will accept bottom Seniority.

AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa Peshawar

No. 222-6-29/E-IV, dated Peshawar the 23/2/2016

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

1. Addl: IGP/Elite Force KPK, Peshawar w/r to his Memo No. _____ dated _____.
2. Deputy Inspector General of Police, Mardan Region and _____ Region.
3. District Police Officer _____ w/r to his Memo No. _____ dated _____.
4. District Police Officer _____ w/r to his letter No. _____ dated _____.

Promotion
order

ORDER.

Annex = B (10)

The following Constables on promotion list C-I of this District Police are hereby promoted to the rank of Offg: Head Constable in BPS.7 (7490-15-18940) from the date of DPC held on 19.05.2016 with immediate effect.

| S.No | Name & Number | Remarks |
|-------|-----------------------------|----------|
| 1. | Muhammad Khalid No. 5838 | Promoted |
| 2. | Waheed Ullah No. 22 | Promoted |
| 3. | Jan Alam No. 23/151 | Promoted |
| 4. | Imtiaz No. 2375 | Promoted |
| 5. | Khalil Ur Rahman No. 65 | Promoted |
| 6. | Zain Ullah No. 1279 | Promoted |
| 7. | Muhammad Shahid No. 3634/20 | Promoted |
| 8. | Saif Ullah No. 1237 | Promoted |
| ✓ 9. | Hameed-ullah No. 66 ✓ | Promoted |
| ✓ 10. | Danish Sarwar No. 2268 | Promoted |
| ✓ 11. | Waheed Ur Rahman No. 18 ✓ | Promoted |
| ✓ 12. | Hameed Khan No. 4794 | Promoted |
| 13. | Jawad Hussain No. 2119 | Promoted |
| 14. | Sajjad Ali No. 318 | Promoted |
| 15. | Zahoor Khan No. 2640 | Promoted |
| 16. | Niaz Ali No. 2959 | Promoted |
| 17. | Ashfaq Khan No. 2046 | Promoted |
| 18. | Raza Ullah No. 4343 | Promoted |
| 19. | Haji Akbar No. 83 | Promoted |
| 20. | Iqbal Hussain No. 1706 | Promoted |
| 21. | Meer Aman No. 185 | Promoted |
| 22. | Waqas Khan No. 33 | Promoted |
| 23. | Shehzad Ahmad No. 1824 | Promoted |
| 24. | Wajid Khan No. 1841 | Promoted |
| 25. | Faiz Muhammad No. 3900 | Promoted |
| ✓ 26. | Nasir Mahmood No. 1173 ✓ | Promoted |
| 27. | Nehad Ali No. 2942 | Promoted |
| 28. | Manzar Ali No. 2642 | Promoted |
| 29. | Gohar Ali No. 2902 | Promoted |
| 30. | Zaid Ullah No. 2384 | Promoted |
| 31. | Iftikhar Ali No. 319 | Promoted |
| 32. | Syed Sulaiman Shah 214 | Promoted |
| 33. | Zawar Hussain No. 2989 | Promoted |
| 34. | Nehad Ali No. 1829 | Promoted |
| 35. | Said Kareem No. 5263 | Promoted |
| 36. | Muhammad Ishfaq No. 15 | Promoted |
| 37. | Khalid No. 2232 | Promoted |
| 38. | Adnan No. 3173 | Promoted |
| 39. | Azam Shah No. 5192 | Promoted |
| 40. | Suhrab Shakir No. 2249 | Promoted |
| 41. | Mukhtiar Said No. 5167 | Promoted |
| 42. | Rahmat Ullah No. 49 | Promoted |

ATTESTED
ATTESTED
To be true copy
Advocate

11

| | | |
|-----|--------------------------|----------|
| 43. | Munsif Dad No. 1860 | Promoted |
| 44. | Muhammad Ayaz No. 3169 | Promoted |
| 45. | Aurangzeb No. 2651 | Promoted |
| 46. | Riaz Gul No. 4355 | Promoted |
| 47. | Muhammad Ibrahim No. 598 | Promoted |
| 48. | Kareem Ullah No. 5176 | Promoted |
| 49. | Nabi Haris No. 2893 | Promoted |
| 50. | Ibrahim No. 2473 | Promoted |
| 51. | Muhammad Shakir No. 2844 | Promoted |

OB No. 1304

Dated 23-5-16.

District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 3787-44 /EC, dated Mardan the, 24-5-2016.

Copy submitted to the:

1. Addl: IGP/ Commandant Elite Force Khyber Pakhtunkhwa Peshawar for favour of information Please.
2. DIG, Special Branch KPK Peshawar.
3. Deputy Inspector General of Police, CTD Peshawar.
4. Commandant PTC Hangu.
5. SP FRP Kohat.
6. SP Elite Force Kohat.
7. Principal RTW Kohat.
8. OSI.

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Advocate

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

No. 59-79 /E-IV, dated Peshawar, the 04/10/2021

ORDER

The lien of the following Lower Subordinates of various Districts presently attached with District Police Mardan are hereby transfer to their parent District of domicile with immediate effect.

Their seniority shall remain intact with their colleagues in their parent Districts of domicile:-

| S.No. | NAME & BELT NO. | DISTRICTS |
|-------|---------------------------------|---------------|
| 1. | HC Inam Ullah No. 1234 | Nowshera |
| 2. | HC Muhammad Shakir No. 2844 | Abbottabad |
| 3. | HC Abdul Raziq No. 1235 | Nowshera |
| 4. | HC Kifayat Ullah No. 1674 | Karak |
| 5. | HC Ikram Ullah No. 133/102 | DIKhan |
| 6. | HC Hizar Ali No. 7175/499 | Swabi |
| 7. | HC Imtiaz No. 08 | Karak |
| 8. | HC Muhammad Khalid No. 5838 | Karak |
| 9. | HC Waheed Ullah No. 22 | Tank |
| 10. | HC Jan Alam No. 23/151 | Mansehra |
| 11. | HC Imtiaz No. 2374 | Mansehra |
| 12. | HC Nasir Mehmood No. 1173/2071 | Karak |
| 13. | HC Mir Aman No. 185 | Karak |
| 14. | HC Zain Ullah No. 1279 | Karak |
| 15. | HC Muhammad Shahid No. 734/720 | Mansehra |
| 16. | HC Saif Ullah No. 1237 | Karak |
| 17. | HC Rahmah Ullah No. 49 | Karak |
| 18. | HC Farooq Anwar | Nowshera |
| 19. | HC Hamd Ullah No. 66/1932 | Karak |
| 20. | HC Danish Sarwar No. 2268 | Karak |
| 21. | HC Waheed Ur Rehman No. 18/2579 | Karak |
| 22. | HC Fiaz Muhammad No. 3900/597 | Swabi |
| 23. | HC Ibrahim No. 2473 | Nowshera |
| 24. | HC Ifikhar No. 3431 | Charsadda |
| 25. | HC Amjid Muhammad | Charsadda |
| 26. | HC Shah Faisal No. 118/SB | CCP, Peshawar |

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Advocate Advocate

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

| | | |
|-----|----------------------------|--------------|
| 27. | LHC Tahir Amin No. 2632 | Mardan |
| 28. | LHC Abdur Rasheed No. 476 | Lakki Marwat |
| 29. | LHC Asif No. 6456 | Lakki Marwat |
| 30. | LHC M. Haleem No. 541 | Dir Lower |
| 31. | LHC Younas No. 6480 | Lakki Marwat |
| 32. | LHC Shamsheer Ali No. 6106 | Nowshera |

(ZAHOOR BABAR AFRIDI) PSP
AIG/Establishment.
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & dated even:-

Copy forwarded to the:-

1. Capital City Police Officer, Peshawar.
2. Regional Police Officers, Mardan, Hazara, Bannu, DIKhan & Malakand Region Swat.
3. Commandant FRP Khyber Pakhtunkhwa, Peshawar.
4. Commandant PTC / Hangu.
5. Deputy Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
6. District Police Officer, Mardan with reference to his office letter Nos. 6578/OSI, dated 26.11.2020 & No. 8899/OSI, dated 24.12.2020.
7. District Police Officers, Nowshera, Abbottabad, Karak, DIKhan, Swabi, Tank, Manshra, Charsadda, Lakki Marwat & Dir Lower.

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Advocate

D. جناب والا شان جناب P. احمد CPIC لاہور

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2268 جو باہر گزارش کے مسائل جو الیم انگریزی نریکا

موضوع 04/01/21 جناب AIG مہب اسٹینٹس لاہور سے خدمت ہوں کہ مسائل نے اپنا Ein ضلع کرک سے ضلع مردان باقاعدہ طور پر NOC لیکر افسران باہر صائبان کے حکم پر تبدیل کر دیا ہے۔ مسائل سال 2020 سے ضلع مردان میں اپنے ڈیوٹی کے فرائض سر انجام دے رہا ہے۔ مسائل نے ضلع مردان میں BOTTOM سٹیج میں LHC عہدہ سے H.C عہدہ پر افسران باہر صائبان کے حکم پر DPC میں ترقی حاصل کی ہے۔ مسائل نے گذشتہ 5 سال CPIC پولیس ضلع مردان کی خدمت کی ہے اور مسلسل اپنے ڈیوٹی کے فرائض سر انجام دے رہا ہے اور ضلع مردان کا حق ادا کر رہا ہے۔

جناب والا!

مسائل نے گزشتہ سالوں کے مسائل اپنے مستقبل کی خاطر اپنے گھر بار والہین غم خوشی اور دیگر مسئلہ دران سے دور اپنے فرائض کی انجام دہی میں دن رات ایک کر کے مردان پولیس میں اپنے ڈیوٹی اور نوکری کر رہا ہے۔ مسائل نے زور و طاقت ختمی اسٹریٹنگ کے جناب AIG مہب لاہور کے جاری کردہ حکم نمبری E12 کو WITHDRAW کر کے مسائل اور اہلکاروں کے مسائل پر دم کس مسائل پر مردان کا گورنمنٹ کا

خود کی مسز انوار شہزادہ

الائن

تقریر 20/01/21

LHC 2268 ایچ اے اے اے حکم دانش سوری پولیس ایسٹن مردان

ATTESTED to be true copy Advocate

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Government of Khyber Pakhtunkhwa
Office of the Regional Police Officer,
Mardan
Phone No. 0937-9230113, Fax No. 0937-9230115.
Email Address: - esrpomardan@gmail.com

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

No. 807 /ES, dated Mardan Region, the 11 / 02 /2021.

Subject: REQUEST FOR SEEKING LEGAL GUIDANCE.

Memo:

Reference to the above noted subject.

The District Police Officer, Mardan vide his office letter No. 319/OSI dated 14.01.2021 has requested for detachment of lien of those Lower Subordinates who though hail from other Districts and their lien was attached with District Mardan after seeking proper concurrence from the District Police Officers, concerned by this office on different occasions (copy enclosed).

It is pertinent to mention here that the Central Police Office, Peshawar vide Orders Memo: Nos. 59-79/E-IV dated 04.01.2021 and 835-38/E-IV dated 20.01.2021 has also detached the lien of those Lower Subordinates whose lien was attached with District Mardan by the Central Police Office, Peshawar.

It is also worth to add here that these lower subordinates had accepted bottom seniority and are performing their duties in District Mardan since their transfer. In order to avoid any injustice/illegality by detaching their lien in a mechanical manner, this office may be provided legal guidance on the issue of attachment and subsequent detachment of lien of Police Officers.

Regional Police Officer,
Mardan.

. CC.

- To the District Police Officer, Mardan for information w/r to his office Memo: No. quoted above.
- Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa, Peshawar,

OSI
For information.

DPO, Mardan.
11/2/21

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Advocate



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

No. 1307 /Legal dated Peshawar, the 3 13 /2021

To: The Regional Police Officer,
Mardan.

Subject:- **REQUEST FOR SEEKING LEGAL GUIDANCE.**

Memo:-

Please refer to your Office Letter No. 807/ES, dated 11.02 the subject cited above.

KP Police act 2017 Section 13 (8) provides that every Officers shall be liable for Posting to any Branch, Division, Bureau and so anywhere in or outside the Police unless otherwise provided under the ibid act.

Further more in Standing Order No. 02/2016, the lien is Constable to Sub-inspector is very clear. All personnel serving in Central Unit v deputation from concerned Districts and Regions and their lien will be in the District/Regions.

Besides above, Civil Servant can retain lien for 03 years at permanent post when Civil Servant join other post in any other department.

In view of the above quoted Law/Rules a Police Officer transferred to anywhere but his lien cannot be detached or attached w district/Unit.

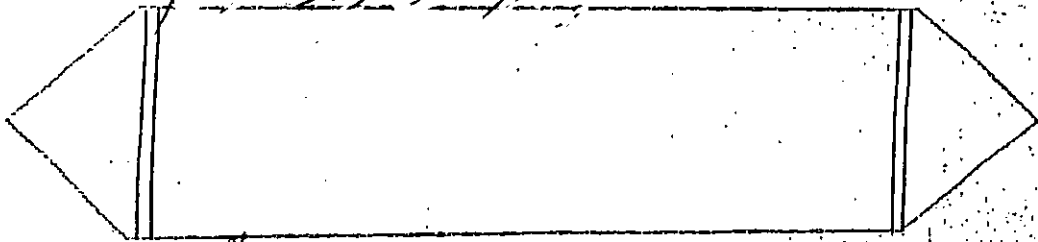
[Signature]
AIG/LEGAL
For Inspector General
Khyber Pakhtunkhwa
17/02/2021

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Advocate

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Advocate

سروس ٹریڈیونل کسٹما

بعد المثل: البتہ...



2021ء

بنام

Service Appeal

مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

مقدمہ مشدود عثمان بالائیں اپنی طرف سے واسطے پیروی و جواب دہی دکل کارروائی مستحق
آن مقام کسٹماہر کیلئے عمرمان علی یوسف زئی ایڈووکیٹ
مقرر کرنے کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
دکل صاحب کو راضی نامہ کرنے و تقرر نہالتہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دکل اور
بصورت دیگر کرنے اجراء اور وصولی چیک دروپیا عرضی دکل اور درخواست ہر قسم کی تسدیق
ذرائع بر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایبل کی برادگی اور مشدودی
نیز دیکر کرنے ایبل مگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
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 کسی دہی حملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
پروا خیر منظور قبول ہوگا۔ دوران مقدمہ میں جو چیز چاہنا التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا چاہے سے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی
رکوز کریں۔ لہذا اذکالت نامہ لکھ دیا کہ مسترد ہے۔

2021 26

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المقوم

کے لئے منظور ہے۔

0314-9070658
5c-09-1766

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Advocate

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دانش سرور 2268 ایڈیٹ کپی C PIC

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BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 4957/2021

Danish Sarwar

V/S

Police Deptt: and others.

.....
**APPLICATION FOR IMPLEADMENT AS
RESPONDENTS IN THE INSTANT APPEAL.**

.....

RESPECTFULLY SHEWETH:


1. That the appellant has filed the instant appeal alongwith suspension application in this Honorable Tribunal against the order dated 04.01.2021 whereby the appellant was transferred to his parent District according to his Domicile.
2. That the instant appeal was admitted for regular hearing on 04.06.2021 and notice of appeal alongwith application was issued to the respondents and fixed for today i.e 24.09.2021.
3. That the applicants are the permanent employee of District Police Mardan and if the instant appeal is decide in the favour of appellant then it will ultimately effect the right of applicants.
4. That since the applicants are necessary party but has not been arrayed as the respondents in the instant appeal. Therefore the applicants wants to file the instant application for impleadment as respondents in the instant appeal. The names and addresses of the applicants are mentioned below:-
 - i. Sajjad Khan, (LHC) Motorway Police on Deputation Basis.
 - ii. Kashif Ashfaq, (LHC) Police Training Centre, Hangu on Deputation Basis.
 - iii. Sher Alam, (LHC) Police Station Takht Bhai Mardan.
5. That as the applicants are necessary party and has been constitutional duly to defend their cause but not arrayed as respondents in the instant appeal.

It is, therefore, most humbly prayed that on acceptance of this application for impleadment the applicants may be impleaded in the panel of respondents in the instant appeal enabling to defend their rights. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in the favour of the applicants.


APPLICANTS

Sajjad Khan etc.

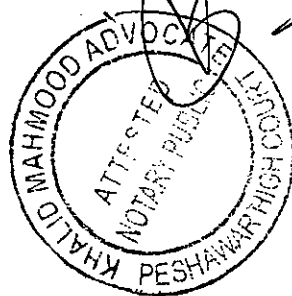
THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.

& 
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT.

AFFIDAVIT

I, do hereby solemnly affirm and declare that the contents of this Application are true and correct to the best of my knowledge and belief.




DEPONENT

Sajjad Khan

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Danish Sarwar (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

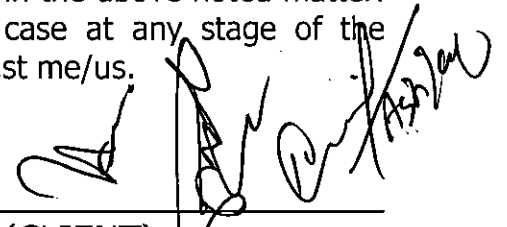
Police Deptt & others (Respondent)
(Defendant)

I/We, Sajjad Khan, Kashif Ashraf, Sher Alam

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court of Pakistan**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.


I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021


(CLIENT)


 ACCEPTED

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

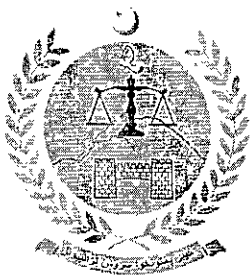

(ASAD MEHMOOD)
ADVOCATE HIGH COURT,

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,


(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawa



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

No. 806 /ST Dated 28/2 /2022

Ph:- 091-9212281
Fax:- 091-9213262


To:

The AIG/Establishment, Khyber Pakhtunkhwa
Peshawar.

Subject: **JUDGMENT IN SERVICE APPEAL NO. 4956 to 4962/2021, 4991/2021, 4803 to 4806/2021 TITLED Mr. HAMEED ULLAH AND 12 OTHERS -VS- AIG ESTABLISHMENT KHYBER PAKHTUNKHWA PESHAWAR.**

I am directed to forward herewith a certified copy of judgment dated 01.02.2023, passed by this Tribunal in the above mentioned appeal for strict compliance.

Encl. As above.


(AAMIR FAROOQ)
ASSITANT REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.