

**ORDER**

1<sup>st</sup> 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 1<sup>st</sup> day of February, 2023.*



**(Kalim Arshad Khan)**  
**Chairman**



**(Muhammad Akbar Khan)**  
**Member (E)**


31<sup>st</sup> 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.

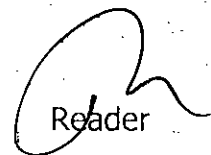
Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 05.09.2022 before the D.B.



(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.

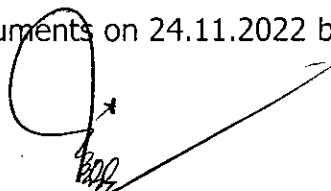


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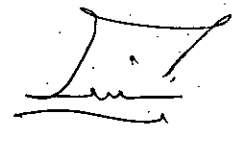
22.09.2022

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.



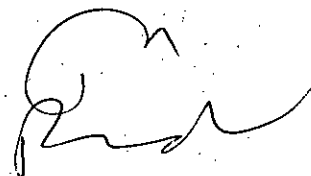
(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

24/11/22

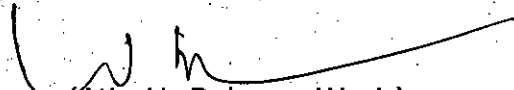
Due to deletion of the call  
to come up on 31/11/2023



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.

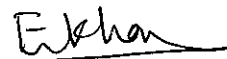
File to come up alongwith connected appeal No. 4956/2021 titled "Hamedullah Vs. Police Department Khyber Pakhtunkhwa" on 11.05.2022 before the D.B.

  
(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

  
Etkhan

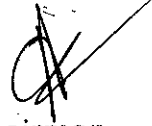
8-6-22

profer DA Waqar Tahir, Deputy Reader  
The case is adjourned to 26.8.22 for same.



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.

14.10.2021

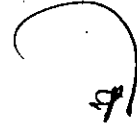
Appellant present through counsel.

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. 4991/2021**

Khalil Ur Rehman HC Belt No. 65/ Mardan .....**Appellant**

**VERSUS**

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

.....**Respondents**

**INDEX**

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1.	Para-wise comments		1-3
2.	Affidavit		4

Respondent through



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

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

**Service Appeal No. 4991/2021**

Khalil Ur Rehman HC Belt No. 65 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:-**

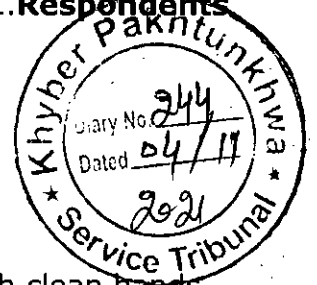
**Respectfully Sheweth,**

**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. 4991/2021**

Khalil Ur Rehman HC Belt No. 65/ 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

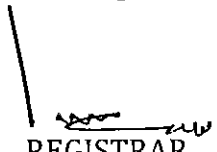

Alongwith the appeal, the appellant has also filed an application for interim relief. Notice of application be also given to the respondents.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

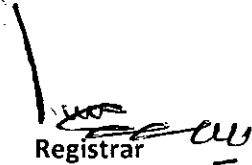
Case No.- 4991 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	05/05/2021	<p>The appeal of Mr. Khalil-ur-Rehman 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> <p>2-</p>	27/05/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/06/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The present appeal was submitted on 06.04.2020 without annexing the impugned order which was referred to in the memo of appeal the same was returned to the counsel for the appellant for completion and resubmission. Today i. e on 14.04.2021 the counsel for the appellant placing on file the impugned order 20.01.2021 resubmitted the same which is returned again to the counsel for the appellant with the remarks that the impugned order was passed on 20.1.2021 and departmental appeal was made/preferred on 06/01/2021 much before passing the impugned order meaning thereby that no departmental appeal has been preferred by the appellant moreover the impugned order dated 20.01.2021 has not been challenged in the present service appeal.

No. 736 /S.T,

DT. 16/04/2021

  
Registrar  
Service Tribunal  
Khyber Pakhtunkhwa  
Peshawar.

Mr. Irfan Ali Yousafzai Adv. Pesh.


Note -

Resubmitted after  
needed requirements.

Devi Jaffer

04-05-2021  
Re-submit

that we have made certain change  
in the appeal which were requested  
and that requirement was made.  
now we re-submit the instant  
appeal.



Irfan Ali Yousafzai  
Advocate

05-05-2021

The appeal of Mr. Khalil-ur-Rehman HC Belt No. 65 Police Department Khyber Pakhtunkhwa received today i.e. on 06/04/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of impugned order dated 4.1.2021 in respect of appellant mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 660 /S.T,

Dt. 06/04 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Irfan Ali Yousafzai Adv. Pesh.

Note -

Resubmitted after  
office objection.

*Qari Irfan*

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

Service Appeal No. 4991 /2021

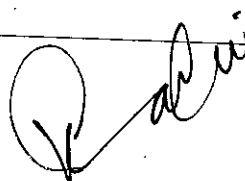
Khalil ur Rehman.....Appellant

**V E R S U S**

DIG Establishment.....Respondent

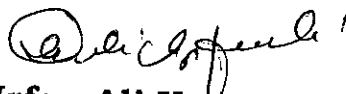
**I N D E X**

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 27/01/2016	A	9
4.	Copy of order dated 31/01/2019	B	10-11
5.	Copy of impugned order dated <del>20/01/2021</del> <del>02/02/2021</del> <del>20/01/2021</del>	C	12-13
6.	Copy of application	D	13
7.	Copy of letter dated 11/02/2021	E	14
8.	Copy of letter dated 03/03/2021	F	15
9.	Wakalat Nama	*	16



Appellant

Through



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

Date: 26/03/2021

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES**

**TRIBUNAL, PESHAWAR**

Service Appeal No. 4991 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4570

Dated 06/4/2021

**Khalil Ur Rehman, HC (Belt No. 65)**

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 20/01/2021**  
**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

Registrar  
6/4/2021

**Prayer in Appeal:**

Re-submitted to -day  
and filed.

On acceptance of this appeal, the impugned  
order dated 20/01/2021 may very graciously be

Registrar  
5/5/2021



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 Kohat to District Mardan vide order dated 27/01/2016 on lien base in which the appellant accept bottom seniority. **(Copy of order dated 27/01/2016 is attached as Annexure-A)**
4. That the appellant after transfer to district Mardan completed his requisite period of service

and the Regional Police Officer Mardan promoted the appellant to list "D" on 31/01/2019. **(Copy of order dated 31/01/2019 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. 835-38/E-IV dated 20/01/2021 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 20/01/2021 is attached as Annexure-C)**
7. That appellant addressed an application to the respondent for review the impugned order dated 20/01/2021 but no fruitful result till date. **(Copy of application is attached has 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 20/01/2021 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 20/01/2021 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 20/01/2021 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.



Appellant

Through



**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

Khalil ur Rehman.....**Appellant**

**V E R S U S**

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

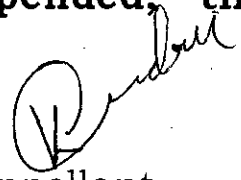
**APPLICATION FOR SUSPENSION**  
**OF IMPUGNED ORDER DATED**  
**20/01/2021, TILL THE FINAL**  
**DISPOSAL OF THE MAIN APPEAL**

**Respectfully Sheweth:**

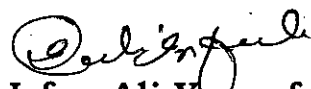
1. That the captioned Appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the grounds of Appeal may be read as integral part of this application.
3. That on the face of it, the applicant has got strong arguable case and is sanguine about its 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 20/01/2021 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 20/01/2021 may kindly be suspended, till the final decision of the case.**

  
Appellant

Through

  
**Irfan Ali Yousafzai**  
Advocate, High Court,  
Peshawar

Date: 26/03/2021



(E)

(9)

A

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

ORDER

The lien of LHC Khalil-ur-Rehman No. 65 of District Police Kohat presently serving at PTC Hangu as Drill Instructor is hereby detached from District Police Kohat and attached with District Police Mardan with immediate effect.

He will accept bottom seniority.

*Naheeb*

(NAJEEB-UR-REHMAN BUGVI)PSP  
AIG/Establishment  
For Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar. 28/1/16

No. 1113 - 17 /E-II dated Peshawar the 27/01/2016

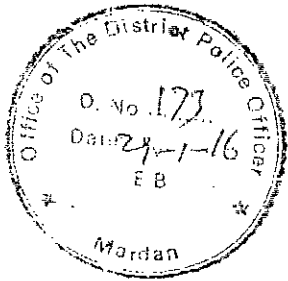
Copy of above is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, Kohat Region
2. Deputy Inspector General of Police, Mardan Region
3. Commandant PTC Hangu w/r to his Memo No. 39/EC dated: 12.01.2016
4. District Police Officer, Kohat w/r to his Memo NO. 1404/SRC dated: 21.01.2015.
- ✓ 5. District Police Officer, Mardan w/r to his Memo No. 222/EC dated: 19.01.2016.

*OB/EC/ORDR*  
*For action*

*OB 270*  
*27-1-16*

*DP/Mardan*  
*at 28/1/16*



**ATTESTED**  
*Beeli*  
**to be true copy**  
**Advocate**



(10)

"B"

56 خلیل الرحمن

130  
Date: 6/2/2019  
MARDAN REGION

**POLICE DEPARTMENT**

**FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II.  
ORDER BY THE DEPUTY INSPECTOR GENERAL OF POLICE MARDAN REGION-T. MARDAN.**

**NOTIFICATION**

Dated. 31/01/2019.

No. 961 /ES, **PROMOTION TO LIST D.** The following Head Constables of Mardan Region who have qualified Intermediate College Course at Police Training College, Hangu vide Notification No.201/S/Result dated 09.01.2018 for the term ending 20.12.2018 are hereby brought on promotion list "D" according to their order of merit with effect from 20.12.2018.

S. No.	Name of HC	Order of merit PTC Hangu	Distt.	S. No.	Name of HC	Order of merit PTC Hangu	Distt.
1	Atiq Ur Rehman No. 3217	06	Mardan	28	Sher Rehman No. 2305	118	Mardan
2	Tariq Ali No. 33	07	Swabi	29	Abdul Wahid No. 1708	121	Mardan
3	Farhan Shehzad No. 2551	12	Mardan	30	Muhammad Zakaria No. 16/114/123	124	Nowshera
4	Riaz Hussain No. 24	14	Swabi	31	Abdul Rashid No. 308	126	Swabi
5	Imran No. 146	16	Swabi	32	Lugman Shah No. 1725	130	Mardan
6	Khalil Ur Rehman No. 56	17	Mardan	33	Sher Ali No. 1143	130	Mardan
7	Waqas Khan No. 909	18	Swabi	34	Muhammad Usman No. 991	132	Nowshera
8	Nowaz Ali No. 578	29	Swabi	35	Muhammad Fayaz Khan No. 1059	136	Charsadda
9	Falaz Ahmed No. 2973	31	Mardan	36	Raz Muhammad No. 349	143	Nowshera
10	Imran No. 1828	33	Mardan	37	Khalid Khan No. 2972	149	Mardan
11	Ramzan Ali No. 1730/05	36	Mardan	38	Maveed Gul No. 284/561	156	Nowshera
12	Musa Khan No. 1092	39	Nowshera	39	Imrad Ali No. 1146	158	Mardan
13	Muhammad Sadiq No. 1024	40	Mardan	40	Mufarq Shah No. 978	171	Swabi
14	Fazal Amin No. 457	42	Swabi	41	Muhammad Alam No. 1746	175	Mardan
15	Noor Ul Islam No. 1845	42	Mardan	42	Mirza Ali Shah No. 958	176	Charsadda
16	Naeem Khan No. 2860	44	Mardan	43	Inam Ullah Shah No. 537	185	Nowshera
17	Umeed Khan No. 248	48	Mardan	44	Sali Uddin No. 1024	186	Charsadda
18	Qamar Zaman No. 1789	55	Mardan	45	Jan Wali No. 64	195	Nowshera
19	Naz Wali No. 1081	66	Swabi	46	Irfan Muhammad No. 1291	199	Mardan
20	Irshad Ali No. 2962	85	Mardan	47	Alamzeb No. 430	222	Charsadda
21	Muhammad Fawad No. 2435	86	Mardan	48	Asghar Shah No. 1211	226	Charsadda
22	Wahid Khan No. 3297	87	Mardan	49	Shams Ullah No. 1030	228	Charsadda
23	Khalifa No. 517	88	Mardan	50	Ashraf Khan No. 357	243	Nowshera
24	Asim Khan No. 1086	95	Charsadda	51	Khalid Khan No. 3274	250	Mardan
25	Gulzar Khan No. 847	99	Charsadda	52	Alam Zeb No. 585	252	Charsadda
26	Shah Wali No. 985/37	103	Charsadda	53	Wahid Shah No. 136	258	Charsadda
27	Sher Bahadar No. 497	111	Nowshera				

*(Signature)*

**(MUHAMMAD ALI KHAN) PSR**  
Regional Police Officer,  
Mardan.

No. \_\_\_\_\_ /ES,

Copy forwarded to the:-

- 1) Additional Inspector General of Police, Investigation Khyber Pakhtunkhwa

**ATTESTED**

to be free copy  
Advocate

Annex "B" 1 (10)

Promotion of Ales

ORDER.

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 (7490-17-19940) 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. 3634/720	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

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B2 (4)

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.

*[Handwritten Signature]*

District Police Officer,  
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 3137-44 /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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*[Signature]*

to be true copy  
Advocate

Advocate



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

No. 835-38 /E-IV, dated Peshawar, the 20 / 01 / 2021


**ORDER**

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

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

S/No.	Name & Relt No.	Home Distt:	Present posting district / unit
01	NIC KHAN Ur Rehman 65	Kohat	National Police Academy Islamabad
02	Head Constable Imran 415/330	Dir Upper	Mardan
03	Head Constable Shahid 662/3174	Dir Upper	Mardan

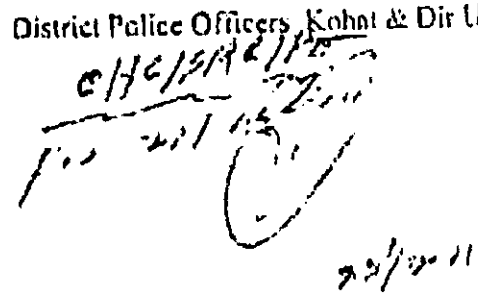
609  
25/1/2021

  
ZAHOOR BABAR AFRIDI (SP)  
A/C Establishment.  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar.  
20/01/2021

Encls: No. & dated even:-

Copy forwarded to the:-

1. Regional Police Officer, Mardan Region Mardan
2. District Police Officer, Mardan with reference to his office letter No. 318/OSI, dated 14.01.2021.
3. District Police Officers, Kohat & Dir Upper

  
22/1/21

2

ضابطہ اولیٰ نشان باب 167 آئی جی ایف سے لیکر ایک سے

ضابطہ - عالی

معدوبانہ گزارش ہے کہ سائل کو الٹا صحیح ڈیٹا فراہم کرنا ہے۔ 65

معدوبانہ 20/2021 جی ڈی بی - آئی جی ایف سے لیکر نشانہ معروفین

فہرست سے لیکر سائل نے اپنا Lamin ضلع کر کے سے ضلع سردان بنانا شروع کر دیا

NOC لیکر افسران بالا کے پاس لے گیا تاکہ وہ سائل کے سائل سے بدل کر دیا ہے سائل سال 2016

سے ضلع سردان میں اپنے ڈیوٹی کے فرائض سر انجام دے رہا ہے سائل نے

ضلع سردان میں Bottom بنانا شروع کیا ہے LHC عدلیہ سے HC عدلیہ

پر افسران بالا کے پاس لے گیا تاکہ وہ سائل کے سائل سے بدل کر دیا ہے سائل

نے گزشتہ 3 سال لکھا ہے سائل نے ضلع سردان کی طرف سے لکھا ہے اور مسلسل

اپنے ڈیوٹی کے فرائض سر انجام دے رہا ہے اور ضلع سردان کا حق ادا کر رہا ہے

ضابطہ - اولیٰ !

سائل کو یہ گورانے سے نقلی رکھنا ہے سائل نے مستقبل کی خاطر اپنے

گھریلو اور دیگر غیر فونشی اور دیگر نشاندہ داران سے دور رہنے کے فرائض کو انجام دے رہے ہیں

وہ ایک برائے سردان پولیس میں اپنے ڈیوٹی اور نوکری کر رہا ہے سائل نے یہ

درخواست ترمیمی شدہ کرنا ہے ضابطہ - آئی جی ایف سے لیکر نشانہ جاری کر

کلیں ہری 65 کو withdraw کر کے سائل اور اہلیان سائل مرتجع کر کے سائل

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to be true copy Advocate

26/01/2021

تہ

LHC جی ڈی بی ضلع حلیل الرحمان

65

پولیس لائن سردان

Anze "E"

(14)

(14)

Government of Khyber Pakhtunkhwa  
Office of the Regional Police Officer,  
Mardan

Phone No. 0937-9230113, Fax No. 0937-9230115.  
Email Address: - [esrpomardan@gmail.com](mailto: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.

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

OSI

For information.

DPO Mardan.  
11/2/21

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to be true copy  
Advocate

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to be true copy  
Advocate



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

Anx E<sup>v</sup> (16)  
(15)

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 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.

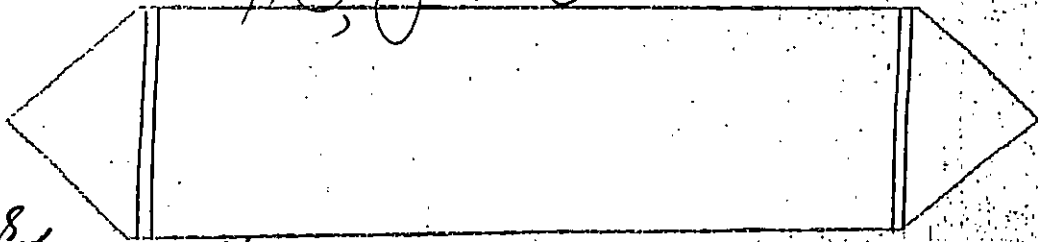
In view of the above quoted Law/Rules a Police Officer transferred to anywhere but his lien cannot be detached or attached w District/Unit.

*[Signature]*  
AIG/LEGAL  
For Inspector General  
Khyber Pakhtunkhwa  
17.02.2021

**ATTESTED**  
*[Signature]*  
to be true copy  
Advocate

**ATTESTED**  
*[Signature]*  
to be true copy  
Advocate

بعد الٹ سروس ٹریبونل ان 19



2021 پنجاب سبک  
بنام DIG  
خلیل الرحمن  
استغاثہ

Service Appeal

مقدمہ  
دعویٰ  
جرم

باعث تحریر آئیکہ

مقدمہ میں راجہ عثمان بالائیں اپنی طرف سے واسطے پیروی و جواب دہی رکن کارروائی استغاثہ  
آن مقام کشمیر کیلئے غیر فنان عملی سے منسوخ کر کے  
مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کہ مقدمہ کی کل کارروائی کا کابل اختیار ہوگا۔ نیز  
وکیل صاحب کو راجہ نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تقدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادری اور مندرجہ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ نہ کر  
کے کل یا پیروی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ نالینے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پروا ختم منظور قبول ہوگا۔ دوران مقدمہ میں جو چیز جدید بر جائہ التوائے مقدمہ کے سبب سے رہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا چاہے باہر ہو تو وکیل صاحب پابند ہوں گے کہ پیروی  
ذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

البرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 2021

کے لئے منظور ہے۔

بنام استغاثہ

314-90705 SR  
bc-09-1766

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Advocate  
[Signature]

خلیل الرحمن  
65  
مجلس بولیں اندر ہی اسلام آباد  
کلکتہ



(1)

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

Khyber Pakhtukhwa  
Service Tribunal

Service Appeal No. \_\_\_\_\_/2021

Diary No. 4570

Dated 06/04/2021

**Khalil Ur Rehman, HC (Belt No. 65)**

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

  
Registrar

06/04/2021

**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 Kohat to District Mardan vide order dated 27/01/2016 on lien base in which the appellant accept bottom seniority. **(Copy of order dated 27/01/2016 is attached as Annexure-A)**
4. That the appellant after transfer to district Mardan completed his requisite period of service

and the Regional Police Officer Mardan promoted the appellant to list "D" on 31/01/2019. **(Copy of order dated 31/01/2019 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 has 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.



Appellant

Through



**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

Khalil ur Rehman.....**Appellant**

**V E R S U S**

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

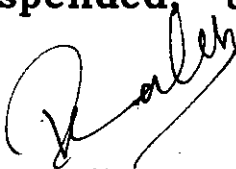
**APPLICATION FOR SUSPENSION  
OF IMPUGNED ORDER DATED  
04/01/2021, TILL THE FINAL  
DISPOSAL OF THE MAIN APPEAL**

**Respectfully Sheweth:**

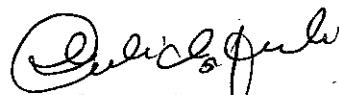
1. That the captioned Appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the grounds of Appeal may be read as integral part of this application.
3. That on the face of it, the applicant has got strong arguable case and is sanguine about its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