

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.

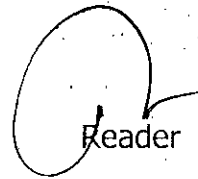
Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 05.09.2022 before the D.B.



(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.

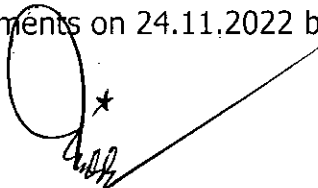


Reader

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)

24/11/22

due to deletion of the case
to come up on 31/11/23



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

Service Appeal No. 4806/2021

Saif Ullah HC Belt No. 1237/ 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. 4806/2021

Saif Ullah, HC Belt No.1237 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:-

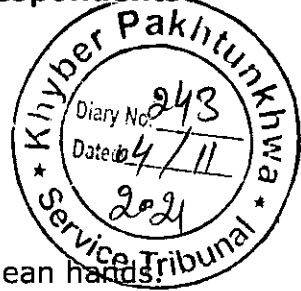
Respectfully Sheweth,

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. 4806/2021

Saif Ullah HC Belt No. 1237/ Mardan **Appellant**

VERSUS

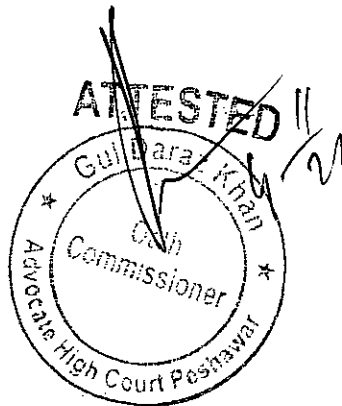
AIG Establishment for Inspector General of Police Khyber Pakhtunkhwa, Central
Police Office, (CPO) Peshawar


..... **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

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.

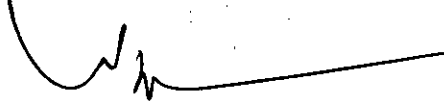
File to come up alongwith connected appeal No. 4956/2021 titled Hameed Ullah Vs. Police Department, before the D.B on 17.01.2022.


(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.



Reader

8-6-22

proper D.B is on leave, therefore 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

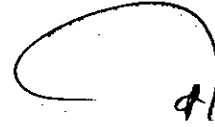
Appellant present through counsel.

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)

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

14/6/21

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

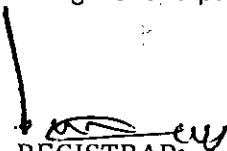


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 4806 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/04/2021	<p>The appeal of Mr. Saif Ullah presented 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-	27/05/2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/6/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>



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

Service Appeal No. _____/2021

Saif Ullah **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 12/02/2016	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 vide
order dated 5/1/2011

①

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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 4806/2021

Diary No. 4567

Dated 06/4/2021

Saif Ullah, HC (Belt No. 1237)

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

[Signature]
Registrar
06/4/2021

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 Karak to District Mardan vide order dated 12/02/2016 on lien base in which the appellant accept bottom seniority. **(Copy of order dated 12/02/2016 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 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**

(4)

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

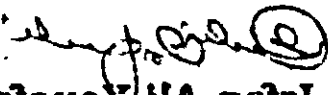
2

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


Iftan Ali Younsai
Advocate, High Court,
Peshawar

Through

Date: 26/03/2021

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

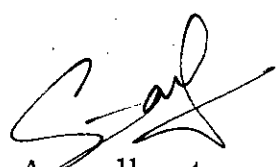
GROUND S:

- 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

Saif Ullah**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.

Said
Appellant

Through

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

Date: 26/03/2021



606
16-2-16

(9) 3 'A'

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

ORDER

The lien of HC Saif Ullah No. 1237 of FRP Kohat Range is hereby detached from Karak District and attached with Mardan District with immediate effect.

He will accept bottom seniority.

Najeeb
(NAJEEB-UR-REHMAN BUGVI)PSP
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar. 07/1/16

No. 1769-72 /E-IV dated Peshawar the 12/02/2016

- 1. To be forwarded for information and necessary action to the Deputy Inspector General of Police, Kohat Region, Kohat.
- 2. Deputy Inspector General of Police, Mardan Region w/r to his Memo No. 1385/ES dated 16/2/16.
- 3. District Police Officer, Karak w/r to his Memo No. 1387/OHC dated: 02.02.2016.
- 4. District Police Officer, Mardan

EC/DP Mardan
for information
Mardan
DP Mardan
12/2

NO. 1385/ES
16/2/16

Director
for info

409
17-02-16

www.khyberpakhtunkhwa.gov.pk/INFORMERS/2016.docx

ATTESTED
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 HC Saifullah No 1237 of District Police Kohat (Presenting serving in Elite Force KPK) is hereby detached from district Police Kohat 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. 1769-72 /E-IV, dated Peshawar the 12/2/2015

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 _____.

ATTESTED

to be true copy
Advocate

Promotion
order

Annex "B" (10)

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-
15-19940) 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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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.

[Handwritten Signature]

District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN.

No. 3737-44 /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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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 Rahmat 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 Iftikhar No. 3431	Charsadda
25.	HC Amjid Muhammad	Charsadda
26.	HC Shah Faisal No. 118/SB	CCP, Peshawar

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

27.	LHC Tahir Amir 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.

2/2.

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گزشتہ سال کی حالیہ سیشن میں 2024 میں لوہے کے لیے درخواستیں
 P.T.C. سے پاس کی گئی ہیں۔ اس سیشن نے ضلعی ٹریک سے مندرجہ ذیل
 سے اپنا لیٹین ڈرائسٹو پاس کیا ہے۔ اس سیشن نے سال 2016 میں
 انٹرنیٹ پر تصاویر حکم سے 2016 سے 2016 کے درمیان میں ترقی
 یاب ہو کر اس سیشن P.P.P. سے ان ڈیویویشن میں ڈیوٹی سٹیج
 کے بارے میں حورم 21-01-04 کو حجاب A.I.G. صحت اسٹیشن
 اور نئے سیشن کو لیٹین مندرجہ ذیل سے ضلعی ٹریک ڈرائسٹو
 کے حل سے سیشن کو دوبارہ تبادلہ عمل کو ختم ہو گیا
 ہے۔ مزید یہ کہ ترقی میں اس سیشن سے اسٹیشن پر 2016 میں مندرجہ
 ذیل ڈیوٹی سٹیج سے 58-78 withdraw کرنے کے ساتھ ساتھ

1/06

اللہ تعالیٰ سے دعا ہے کہ
 سیشن کی ترقی میں اسٹیشن پر
 1237
 P.P.P. سے اسٹیشن پر

Di جناب والا شان جناب P 9 امہد KPIK لاہور

(14) A

(14) جناب عالی!

جو دباہ گذر شرفیک مسائل جوالم بھی انگریزی نری H/C 1237

موضع 04/05/2014 جاری جناب AIG مہب اسٹینٹس لاہور معروفیت ہوں کہ مسائل نے اپنا in علاج کر کے سے علاج مردان باقاعدہ طور پر NOC لیکر افسران بالا صاحبان کے حکم پر تبدیل کر دیا ہے۔ مسائل سال 2014 سے علاج مردان میں اپنے ڈیوٹی کے فرالغ سرانجام دے رہا ہے۔ مسائل نے علاج مردان میں BOTTOM سناری میں LHC عدیہ سے HC عدیہ پر افسران بالا صاحبان کے حکم پر DPC میں ترقی حاصل کی ہے۔ مسائل نے گزشتہ 5 سال KPIK پولیس علاج مردان کی خدمت کی ہے اور مسلسل اپنے ڈیوٹی کے فرالغ سرانجام دے رہا ہے اور علاج مردان کا حق ادا کر رہا ہے۔

جناب والا!

مسائل عدیہ گھرانے سے لعل کلفا کے مسائل اپنے مستقبل کی خاطر اپنے گھرانے والوں کو غم خوشی اور دیگر سسٹنہ دوران سے دور اپنے فرالغ کی انجام دہی میں دن رات ایک کسٹھ مردان پولیس میں اپنے ڈیوٹی اور نوکری کر رہا ہے۔ مسائل بزرگوں کو عزت و احترام سے جناب AIG مہب لاہور کے جاری کردہ حکم نمبر 1237/2014 کو WITHDRAW کر کے مسائل اور اہلیان مسائل پر دم کس مسائل پر مردان کا گورنری کا

خونڈکی مسٹرز لاہور میں ہوگی

الائن

مقرر 20/01/2014

HC 1237 ایچ ایم ایچ حکم سید اللہ پولیس ایجنٹ مردان

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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.

[Signature]
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.

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Advocate

DPO, Mardan.
11/2/21

Anx "F" (16)



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

No. 1307 /Legal dated Peshawar, the 3 / 3 / 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 on deputation from concerned Districts and Regions and their lien will be in the District/Regions.

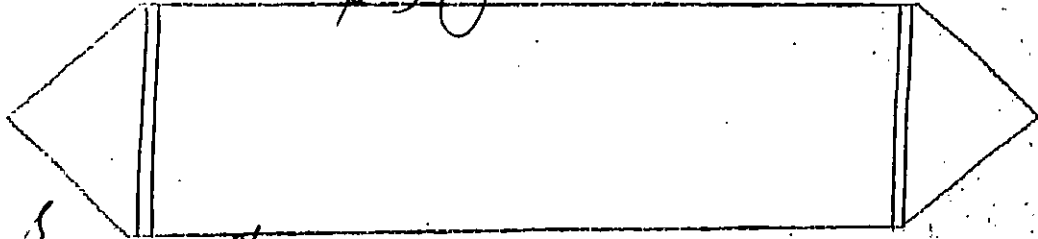
Besides above, Civil Servant can retain lien for 03 years at permanent post when Civil Servant join other post in any other department.

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

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

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Advocate

یعدا الیہ سروس ٹرنوفنل لیسٹنر



2021ء پنجاب سائیکل
سیف اللہ بنام DIG
روشنی

Service Appeal

دور
مقدمہ
دعوی
حکم

باعث تحریر آنگہ

مقدمہ مشرح عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام سیف اللہ کیلئے حرفان علی لوسفر ٹرنوفنل
مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیہا بر حلاف دیئے جواب دہی اور اقبال دعوی اور
بصورت دعوی کرنے اجراء اور وصولی چیک و روپیہ ارضی دعوی اور درخواست ہر قسم کی تسدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور مشروخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ فاکر
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 جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
پروا خیر منظور قبول ہوگا۔ دوران مقدمہ میں جو چیز چاہے جانے التوائے مقدمہ کے سبب سے وادگا۔
کوئی تاریخی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
کو کر کے اس لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 26 ماہ مارچ 2021

بمقام ایسٹ و
وہ الب

0314-9070656
SC-09-1766

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Advocate

سیف اللہ 1237
سیف اللہ

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SERVICE APPEAL NO. 4806 /2021

Saif Ullah

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.

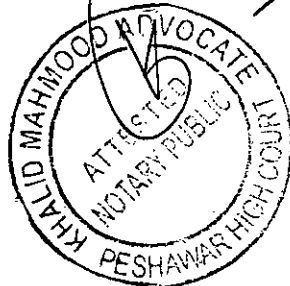
THROUGH:


(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

Saif Allah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt & others (Respondent)
(Defendant)

I/We, Sayad Khan, Kdshif Akhbar, - 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)

Am Saif, ACCEPTED

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

(Signature)
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

(ASAD MEHMOOD)
ADVOCATE HIGH COURT,

S. Khan
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR.

OFFICE:

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