

02.12.2022


①

Learned counsel for the petitioners present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments on restoration application heard and record perused.

The Service Appeal bearing No. 136/2018 titled "Muhammad Yousaf Khan Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 01 other", was dismissed in default vide order dated 31.10.2019. According to learned counsel for the petitioners, that the petitioners noted wrong date, therefore, they could not appear before the Tribunal on the said date. The petitioner has submitted application for restoration of appeal on 07.11.2019, which is well within time. Learned District Attorney is also having no objection on acceptance of restoration application. The application for restoration of service appeal is supported by duly sworn affidavit. Moreover, law also favours adjudication on merit by avoiding technicalities.

The application in hand is, therefore, accepted and Service Appeal bearing 136/2018 titled "Muhammad Yousaf Khan Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and 01 other" stands restored on its original number. To come up for arguments on 27.01.2023 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)

27-1-23

Proper DB is not available  
therefore case is adjourned to

4-5-23

  
Reader

SCANNED  
KPST  
Peshawar

26.09.2022

Petitioner alongwith counsel present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Reportedly, petitioner is dead. As per order sheet dated 13.10.2020 the impleadment of legal heirs was required for which proper procedure was to be adopted but till today, neither that procedure was adopted nor arguments were advanced on the application seeking restoration of appeal which was dismissed in default on 31.10.2019. Learned counsel was not in the knowledge that the restoration application is still pending, therefore, she was strictly directed to comply with the directions mentioned above and argue the restoration application.

She submitted an application in respect of the impleadment of the legal heirs of the appellant. List of legal heirs was submitted. This application was not objected to, hence, allowed. All the legal heirs stand impleaded in the panel of appellants. Office is directed to make necessary correction in the relevant record. She again failed to argue the application seeking restoration of appeal, therefore, very last chance is given to the lady lawyer to argue the same on the next date, failing which, case will be decided in view of the available record. To come up for arguments on 02.12.2022 before D.B.



(Fareeha Paul)  
Member (E)



(Rozina Rehman)  
Member (J)

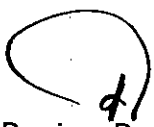
20.07.2022

Petitioner present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former made a request for adjournment as she has not prepared the brief of the case. Adjourned. To come up for further proceedings on 26.09.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)


D

D

03.01.2022

Counsel for the deceased appellant and Mr. Kabirullah Khattak, AAG for the respondents present.

Former seeks time to furnish the list of legal heirs of the appellant and argue the matter for their impleadment. Request accorded. To come up for further proceedings on 13.04.2022 before the D.B.

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

  
Chairman

13.04.2022

None for the appellant. Mr. Kabirullah Khattak, Addl. AG for the respondents present. Notices be issued to the appellant/his counsel for further proceedings on ~~20.5~~ 2022 before D.B.

  
(Rozina Rehman)  
Member(J)


  
Chairman

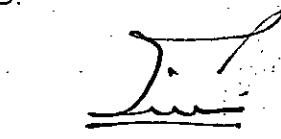
20.05.2022

Petitioner present through counsel.

Mr. Kabir Ullah Khattak, learned Additional Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for further proceedings on 20.07.2022 before the D.B.

  
(Rozina Rehman)  
Member (J)

  
(Salah-Ud-Din)  
Member (J)

03.03.2021


Due to COVID-19, the case is adjourned for the same on 04.06.2021 before D.B

  
**READER**

04.06.2021

Mr. Rooeda Khan, Advocate, for the petitioner present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the petitioner requested that as the petitioner has died, therefore, time may be granted for arguments on the point for impleadment of legal heirs of the petitioner. Adjourned. To come up for arguments on the point of impleadment of legal heirs of the petitioner before the D.B on 04.10.2021.

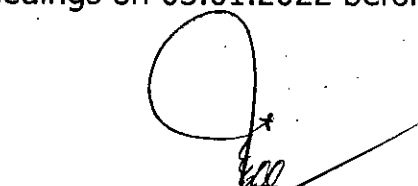
  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

04.10.2021

Abdullah Son of deceased appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

The former has been directed to furnish the list of legal heirs of the deceased appellant on the next date for further proceedings on 03.01.2022 before the D.B.

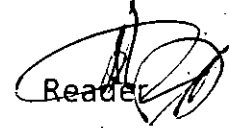
  
(Mian Muhammad)  
Member(E)

  
Chairman

19-5.2020

10/8/2020

Due to COVID19, the case is adjourned to for the same as before.

  
Reader

10.08.2020

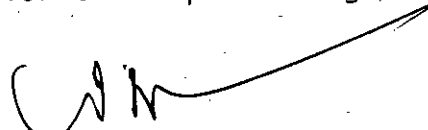
Due to summer vacations case to come up for the same on 13.10.2020 before D.B.

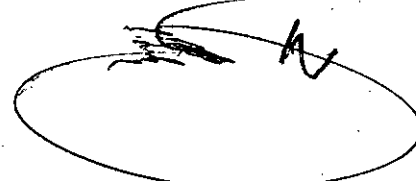
  
Reader

13.10.2020

Mr. Abdullah, son of the deceased appellant and Mr. Muhammad Inam, Advocate are present. Zara Tajwar, Deputy District Attorney for the respondents is also present.

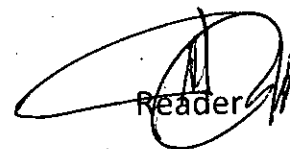
The progeny of the deceased appellant who is present today submitted that his father has died. The impleadment of the legal heirs in the circumstances is required for which proper procedure has to be adopted. The appeal is adjourned to 07.12.2020 on which to come up for further proceedings/arguments before D.B.

  
(Atiq-ur-Rehman Wazir)  
Member (Executive)

  
(Muhammad Jamal Khan)  
Member (Judicial)

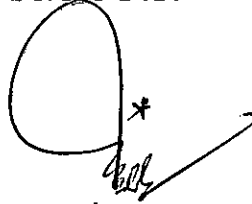
07.12.2020

Due to pandemic of Covid-19, the case is adjourned to 03.03.2021 for the same as before.

  
Reader

06.03.2020

Counsel for the petitioner present. Addl: AG for respondents present. Learned counsel for the petitioner seeks adjournment. Office is directed to requisition original file from the record room. Adjourned. To come up for arguments on restoration application on 17.03.2020 before D.B.



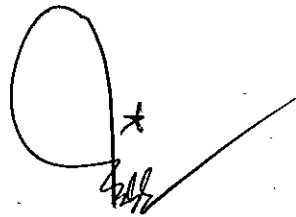
Member



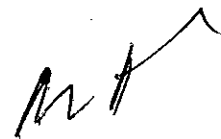
Member

17.03.2020

None for the petitioner present. Addl: AG alongwith Mr. Gul Zad, ASI for respondents present. Due to general strike on the call of Peshawar Bar Council, the instant case is adjourned. To come up for arguments on 19.05.2020 before D.B.



(MAIN MUHAMMAD)  
MEMBER



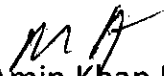
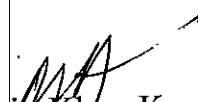
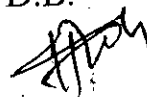


(M.AMIN KHAN KUNDI)  
MEMBER

Form-A  
FORM OF ORDER SHEET

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

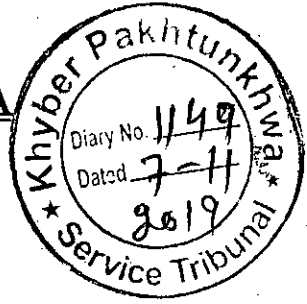
Appeal's Restoration Application No. 416/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.11.2019	<p>The application for restoration of appeal No. 136/2018 submitted by Roeda Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 7/11/19</p>
2	14.11.2019	<p>This restoration application is entrusted to D. Bench to be put up there on <u>14-1-2020</u></p>
14.01.2020		<p>Applicant in person present. Notices issued to the respondents for reply and arguments on restoration application for 24.01.2020 before D.B.</p> <p style="text-align: center;">               (Ahmad Hassan)              Member         </p> <p style="text-align: center;">               (M. Amin Khan Kundi)              Member         </p>
24.01.2020		<p>Due to general strike on the call of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Adjourned to 06.03.2020 for reply and arguments on restoration application before D.B.</p> <p style="text-align: center;">               (M. Amin Khan Kundi)              Member         </p> <p style="text-align: center;">               (Hussain Shah)              Member         </p>

SCANNED  
KPST  
Peshawar



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**



Restoration Application No

Muhammad Yousaf Khan Driver Constable No:  
264, (BPS-07) S/o Haji Sahar Gul R/o Surezai  
Payan, Naray Kalay, Bilal Abad, Peshawar.

.....Petitioner

**VERSUS**

1. Inspector General of Police, KPK, Peshawar.
2. Additional Inspector General, CTD/ Special  
Branch of Police, KPK, Peshawar.

.....Respondents

**APPLICATION FOR THE**  
**RESTORATION OF ABOVE**  
**MENTION SERVICE APPEAL**  
**WHICH WAS DISMISSED IN**  
**DEFAULT ON DATED 31/10/2019.**

**Respectfully Sheweth:**

1. That the above mention service appeal No:  
136/18 was fixed in this Hon'ble Tribunal  
for 31/10/2019.
2. That the petitioners noted wrong date i.e.  
05/11/2019 instead of 31/10/2019.

3. That this Hon'ble Court has dismissed the case in default on 31/10/2019 on the ground of absence of the appellant/ petitioner. (Copy of Order is annexed)
4. That the instant application is well within time.
5. That there is no legal bar in accepting this application.

*It is, therefore, humbly prayed that on acceptance of the instant application, the case may graciously be restored.*

Dated: 07/11/2019.

محمد يوسف

**Petitioner**

Through

*Rozeda Khan*

Advocate, High Court  
Peshawar.

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 136 /2018

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 146  
Dated 25/1/2018

MUHAMMAD YOUSAF KHAN DRIVER CONSTABLE NO. 264, (BPS-07)  
S/O HAJI SAHAR GUL R/O SURIZAI PAYAN, NARAY KALAY, BILAL  
ABAD, PESHAWAR.  
(EX-DRIVER INSPECTOR BPS-16 NO.3)

... APPELLANT

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General, CTD/Special Branch of Police,  
Khyber Pakhtunkhwa, Peshawar.

... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 08/12/2016 PASSED BY  
THE RESPONDENT NO.2, WHEREBY THE APPELLANT  
WAS AWARDED PENALTY OF REVERSION FROM THE  
RANK OF DRIVER INSPECTOR TO THE RANK OF  
DRIVER CONSTABLE AND AGAINST THE ORDER  
DATED 19/01/2018 OF RESPONDENT NO. 1 VIDE  
WHICH THE DEPARTMENTAL REPRESENTATION OF  
PETITIONER WAS DISMISSED.

Filed on day

Registrar

25/1/18

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Appeal No. 136/2018  
Muhammad Yousof vs Govt



31.10.2019

None for the appellant present. Asst. AG, along with  
Mr. Gul Zad Khan, ASI for respondents present. Called for  
several times but no one appeared on behalf of the appellant,  
therefore, the instant appeal in hand is hereby dismissed in  
default. File be consigned to the record room.

Announced:  
31.10.2019

Date of Presentation of Appeal: 07-11-19  
Number of Words: 8000  
Copying Fee: 10-00  
Urgent: 4-00  
Total: 14-00  
Name of Counsel: [Signature]  
Date of Completion of Copy: 07-11-19  
Date of Delivery of Copy: 07-11-19

(Ahmad Hassan)  
Member

Muhammad Amin  
(M Amin Khan Kundi)  
Member

Kh  
Peshawar  
Service Tribunal,  
Peshawar

## وکالت نامہ

عدالت جناب  
محمد یوسف صاحب  
نام  
محمد یوسف صاحب  
تاریخ 7/11/14

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام کے لیے ہے۔

## روئیدہ خان ایڈوکیٹ ہائی کورٹ

کو بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروئے عدالت حاضر ہوتا ہوں گا اور ہونگی اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے کسی اور جگہ سماعت ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہو گا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد نشانی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہو گا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختیار نامہ پیروی کا اختیار ہو گا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہو گا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں نیز ایسے مشیر قانون کو ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا۔ لہذا یہ مختیار نامہ لکھ دیتا کہ سند ہے۔ مورخہ: 7/11/14۔ مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED



روئیدہ خان ایڈوکیٹ پشاور ہائی کورٹ پشاور

محمد یوسف

محمد یوسف خان

26.07.2019 Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 27.09.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

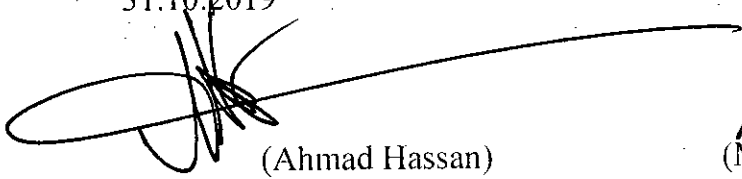
27.09.2019 Appellant with counsel for the appellant present. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Gul Zad ASI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 31.10.2019 before D.B.

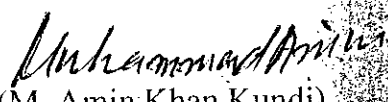
  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

31.10.2019 None for the appellant present. Asst: AG alongwith Mr. Gul Zad Khan, ASI for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the instant appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:  
31.10.2019

  
(Ahmad Hassan)  
Member

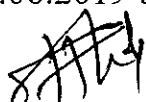
  
(M. Amin Khan Kundi)  
Member


07.03.2019 Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Wajid SI present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.04.2019 before D.B

  
Member

  
Member

18.04.2019 Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Gul Zad ASI for the respondents present. Due to general strike of the bar council learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 13.06.2019 before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member


13.06.2019 Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Gulzar Khan, ASI for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 26.07.2019 for arguments before D.B.


  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

11.10.2018

Counsel for the appellant present. Mr. Gulzad, ASI alongwith Mr.Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 23.11.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

23.11.2018

Miss Roecda Advocate submitted Wakalat nama in favour of appellant. Mr. Kabirullah Khattak leaned Additional Advocate General for the respondents present. Being freshly engaged, learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 14.01.2019 before D.B.


  
Member

  
Member

14.01.2019

Counsel for the appellant present. Mr. Zardad Khan, ASI,CTD alongwith Mr. Kabirullah Khattak, Additional Advocate General for respondents present. Counsel for the appellant seeks time to submit rejoinder. Granted. To come up for rejoinder and arguments on 07.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member



Service Appeal No. 136/2018

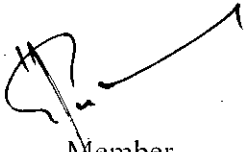
11.06.2018

Counsel for the appellant present. Mr. Gul Zad, ASI alongwith Mr. Kabirullah Khattak, Additional AG for the respondents also present. Written reply not submitted. Representative of the department requested for further time. Granted. To come up for written reply/comments on 17.07.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

17.07.2018

Appellant in person and learned Additional Advocate General alongwith Gulzar Khan S.I present. Written reply not submitted. Representative of the respondent department seeks time to file written reply/comments. Granted. To come up for written reply/comments on 31.08.2018 before S.B.

  
Member

31.08.2018

Counsel for the appellant and Mr. Kabirullah Khattak AAG, alongwith Gul Zad, ASI for the respondents present. written reply submitted by the respondents. To come up for rejoinder and arguments on 11.10.2018 before D.B.

  
(Ahmed Hassan)  
Member

05.03.2018

Learned counsel for the appellant present. Preliminary arguments heard and case file perused.

Learned counsel for the appellant argued that the appellant joined the service of Police Department as Vehicle Mechanic on 01.01.1976. That the appellant was subsequently transferred on 01.06.1978 as VM Helper to District Police Workshop and was later promoted as OSI Driver. That vide order dated 02.11.2006 the appellant was promoted on the basis of Departmental Promotion Committee (DPC) to the post of Driver Inspector BPS-16. That the appellant was demoted back to BPS-05 (now BPS-07) as Driver Constable for the reason that the appellant was promoted out of turn and without the courses. That the appellant preferred departmental appeal before respondent no. 1, but the same was dismissed vide order 19.01.2018.

Points raised need consideration. Admitted for regular hearing subject to all legal objections including limitation. The appellant is also directed to deposit security and process within (10) days, whereafter notice be issued to the respondents department for written reply/comments on 23.04.2018 before S.B.

  
(Gul Zeb Khan)  
Member

23.04.2018

None present on behalf of appellant and his counsel. Learned Additional AG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven(7) days, thereafter notices be issued to the appellant and his counsel to attend the Court positively. To come up for 11.06.2018 before S.B.




Appellant Deposited  
Security & Process Fee

  
Member

**Form-A**  
**FORM OF ORDERSHEET**

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

Case No. 136/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25/1/2018	<p>The appeal of Mr. Muhammad Yousaf Khan presented today by Mr. Muhammad Inam Khan Yousafzai Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	06/02/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	12.02.2018	<p>Clerk of the counsel for appellant present and requested for adjournment on the ground that learned counsel for the appellant is not in attendance today due to strike of the Bar. Adjourned. To come up for preliminary hearing on 05.03.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kund) Member (J)</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

Services Appeal No. 136 /2018

**MUHAMMAD YOUSAF KHAN**  
(EX-DRIVER INSPECTOR BPS-16 NO.3)

**VERSUS**

*Inspector General of Police etc*

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6.	Copy of order dated <del>31/07/1989</del>	C	10
7.	Copy of promotion order to OSI 5-1-95.	D	11
8.	Copy order no. 20828/E.II dated <del>08/12/2001</del>	E	12
9.	Copy of order dated 08/12/2016 No. 13222/EC-CTD	F	13-14
10.	Copy of application and impugned order dated 19/01/2018	G /G1.	15-16
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Dated: 22/01/2018

Through **APPELLANT**

*Muhammad Inam Khan*  
*Yousafzai*  
Advocate High Court

**MUHAMMAD INAM KHAN YOUSAFZAI**  
ADVOCATE, HIGH COURT PESHAWAR  
CONTACT NO. 0300 5836040

CLERK: GULZAR  
CONTACT NO. 0313 9912129  
OFFICE ADDRESS: 209, AL-MUMTAZ HOTEL, G.T.  
ROAD, HASHTNAGRI, PESHAWAR

BEFORE THE HONOURABLE CHAIRMAN KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 136 /2018

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 146  
Dated 25/1/2018

MUHAMMAD YOUSAF KHAN DRIVER CONSTABLE NO. 264, (BPS-07)  
S/O HAJI SAHAR GUL R/O SURIZAI PAYAN, NARAY KALAY, BILAL  
ABAD, PESHAWAR.  
(EX-DRIVER INSPECTOR BPS-16 NO.3)

... APPELLANT

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General, CTD/Special Branch of Police,  
Khyber Pakhtunkhwa, Peshawar.

... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 08/12/2016 PASSED BY  
THE RESPONDENT NO.2, WHEREBY THE APPELLANT  
WAS AWARDED PENALTY OF REVERSION FROM THE  
RANK OF DRIVER INSPECTOR TO THE RANK OF  
DRIVER CONSTABLE AND AGAINST THE ORDER  
DATED 19/01/2018 OF RESPONDENT NO. 1 VIDE  
WHICH THE DEPARTMENTAL REPRESENTATION OF  
PETITIONER WAS DISMISSED.

Filed to-day  
Registrar  
25/1/18

PRAYER IN APPEAL:

2

BY ACCEPTING THE INSTANT APPEAL BOTH THE  
IMPUGNED ORDERS OF LEARNED RESPONDENTS  
MAY KINDLY BE SET ASIDE AND THE APPELLANT  
BE RESTORED AS DRIVER INSPECTOR BPS-16

RESPECTFULLY SHEWETH,

Short facts giving rise to the present appeal are as under:

1. That the appellant joined the service of police department as Vehicle Mechanic (VM Helper Telecommunication) on dated 01/01/1976 and the applicant has qualification upto class 6<sup>th</sup>.
2. That thereafter the appellant was transferred on 01/06/1978 as VM Helper to District Police Workshop and the applicant tasks were to repair the government vehicles and worked as a mechanic. (Copy of order dated 01/06/1978 is attached as annexure A).
3. That thereafter according to Service Roll / Foji Misal the promotion of the appellant was made from VM-FC to VM-HC and this entire details are present on the service record of the appellant. (Copy of order dated 09/08/1986 is attached as annexure B)
4. That thereafter on dated 31/07/1989 vide English Chit No. 6175-E, the applicant was promoted as Officiating OASI-

(3)

BPS-09. (Copy of order dated ~~31/07/1989~~ is attached as annexure C).

5. That thereafter some time was promoted as OSI Driver and was later on confirmed. (Copy of promotion order to OSI is attached as annexure D). *dated 5-1-95*)

6. That on dated 02/11/2006 vide order no. 20828/E.II, the appellant was promoted on the basis of Departmental Promotion Committee (DPC) to the post of Driver Inspector BPS-16. (Copy order no. 20829/E.II dated 08/12/2006 is annexure E)

7. That on dated 08/12/2016 vide Letter No. 13222/EC-CTD, as per order of learned respondent no.2 the appellant was demoted back to BPS-05 (now BPS-07) as Driver Constable stating that the appellant promoted out of turn and without the course, and hence be demoted back. (Copy of order dated 08/12/2016 No. 13222/EC-CTD is annexure F).

8. That the appellant filed a departmental appeal before respondent no.1, but the same was dismissed vide order dated 19/01/2018. (Copy of application and impugned order dated 19/01/2018 are attached as annexure *Grand G-1.*)

9. That now the appellant feeling aggrieved from both the impugned orders of learned respondents approaches this Honorable court with the instant appeal on the following grounds inter alia: -

GROUNDS:

- A. That the respondents have not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan 1973, therefore, impugned order is not sustainable in the eyes of law.
  
- B. That the post of the appellant was technical one and not hit by the decision of August Supreme Court of Pakistan.
  
- C. That the appellant has been treated wrongly as the appellant has completed technical courses required for his post, but has been wrongly demoted.
  
- D. That the respondent no.1 was legally bound to have decided the departmental appeal of the appellant after application of mind on merits and not on technical grounds.
  
- E. That the respondents have passed the impugned order in mechanical manner and the same is perfunctory as well as non speaking and also against the basic principle of administration of justice. Therefore, the impugned order has not sanctity under the law.



F. That the impugned orders are based on conjectures and surmises. Hence, the same is against the legal norms of justice.

G. That the appellant would like to seek the permission of this Honorable Tribunal to advance some more grounds at the time of arguments.

In view of the above narrated facts and grounds  
BY ACCEPTING THE INSTANT APPEAL BOTH THE  
IMPUGNED ORDERS OF LEARNED RESPONDENTS  
MAY KINDLY BE SET ASIDE AND THE APPELLANT  
BE RESTORED AS DRIVER INSPECTOR BPS-16.

Any other relief deemed proper and just in the  
circumstance of the case, may also be granted.

Dated: 09/11/2017



Appellant

Mohammed Inam Khan  
Yousafzai  
Advocate High Court

Through

MUHAMMAD INAM KHAN YOUSAFZAI,  
Advocate, High Court Peshawar

**Certificate:**

Certified that as per instruction of my client no such like  
appeal has earlier been filed.

Mohammad Inam Khan  
Yousafzai  
Advocate High Court  
Advocate

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

6

Services Appeal No. \_\_\_\_\_ /2018

**MUHAMMAD YOUSAF KHAN**  
(EX-DRIVER INSPECTOR BPS-16 NO.3)

**VERSUS**

*Inspector General of Police etc*

**ADDRESSES OF PARTIES**

**ADDRESS OF APPELLANT:**

**MUHAMMAD YOUSAF KHAN DRIVER CONSTABLE NO. 264, (BPS-07)**  
**S/O HAJI SAHAR GUL R/O SURIZAI PAYAN, NARAY KALAY, BILAL**  
**ABAD, PESHAWAR.**

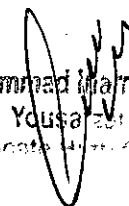
**(EX-DRIVER INSPECTOR BPS-16 NO.3)**

**ADDRESSES OF RESPONDENTS: -**

- 1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.*
- 2. Additional Inspector General, CTD/Special Branch of Police, Khyber Pakhtunkhwa, Peshawar.*

Dated: 22/01/2018

  
Appellant

  
Mohammad Inam Khan  
Yousafzai  
Advocate

Through

**MUHAMMAD INAM KHAN YOUSAFZAI**  
Advocate,  
High Court, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR

7

Services Appeal No. \_\_\_\_\_/2018

MUHAMMAD YOUSAF KHAN  
(EX-DRIVER INSPECTOR BPS-16 NO.3)

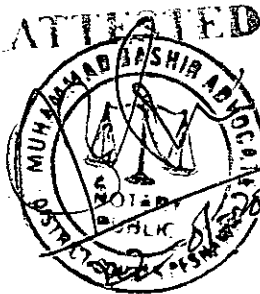
VERSUS

Inspector General of Police etc

AFFIDAVIT

I, MUHAMMAD YOUSAF KHAN DRIVER CONSTABLE NO. 264, (BPS-07)  
S/O HAJI SAHAR GUL R/O SURIZAI PAYAN, NARAY KALAY, BILAL  
ABAD, PESHAWAR, (EX-DRIVER INSPECTOR BPS-16 NO.3) do hereby  
solemnly affirm and declare on oath that the contents of the instant  
appeal are true and correct to the best of my knowledge and nothing has  
been concealed from this Honourable Tribunal.

  
DEPONENT



Mohammed Inam Khan  
Yousafzai  
Identified by: Advocate High Court

17301-1446906-1

MUHAMMAD INAM KHAN YOUSAFZAI,  
Advocate, High Court Peshawar

Mohammad Inayat Khan  
Yousaf Ali  
Advocate High Court 2

AM  
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8

CHARACTER ROLL OF

6. APPOINTMENTS, PROMOTIONS; REDUCTIONS, DISCHARGES, ETC.

cont

1 Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	2 To what grade and pay, appointed, promoted or reduced	3 Date	4 No. of District Order	5 Full Signature of Superintendent of Police
<p>Appointed as (temp) constable V.I.I in pay scale Rs. 110-3-15244-160 U.E.F -</p> <p>Pi @ Rs 31-22107-221131 - P.M. 12/76</p> <p>Pi @ Rs 61- Raising pay Rs 260/- to Rs 260/12/76</p> <p>Sanctioned allowance equal to 1/2 pay (133) -</p>	<p>1-1-76 P.M.</p> <p>1588/76</p> <p>1781/77</p>	<p>27/76</p> <p>1588/76</p> <p>1781/77</p>	<p>1588/76</p> <p>1781/77</p>	<p>h. Hanyal</p> <p>11/1/78</p> <p>1331</p> <p>1052-15612</p>

REVISED IN THE REVISED PAY RULES 1972  
260-1532/2-65  
M. W. P. 1.5.1977  
OFFICE OF THE ACCOUNTS OFFICER,  
OFFICE OF THE ACCOUNTANT GENERAL,  
N.W.F.P. PESHAWAR

Asstt. Inspector General  
of Police, Tele. Comm. Secy  
N.W.F.P. Peshawar

7. TRANSFERS BEYOND THE DISTRICT.

1 Date	2 From	3 To	4 Authority for transfer
<p>1-6-78</p>	<p>Tele. comm. secy section N.W.F.P. Peshawar</p>	<p>Peshawar Distt. on permanent basis</p>	<p>12.5.78</p> <p>Order No 357-74/E-11 dated 8/78</p> <p>AND NO 2369-97/E-11 dated 6-8-78.</p> <p>OB. 8/1/78</p> <p>30/7/78</p>

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✓ 1986

Ray P/king con in  
at B. 578/14

7-8. 11-12  
N P S 1983  
1-7-1983

P.I. as H.C/Const: at Rs: 592/P.M.  
w. e. from 1. 12. 1983

*[Signature]*  
S. Supdt. of Police  
PESHAWAR

*[Signature]*  
for S.S.P. Peshawar

✓ #  
P.I. as H.C/Const: at Rs: 606/P.M.  
w. e. from 1. 12. 1984

*[Signature]*  
for S.S.P. Peshawar

✓ #  
P.I. as H.C/Const: at Rs: 620/P.M.  
w. e. from 1. 12. 1985

*[Signature]*  
for S.S.P. Peshawar

✓  
copied in head estimate made  
in Misc No 4417, dt 9.8.1986

✓ #  
Pias H.C. @ Rs. 634/- PM. dt 1.12.86.

*[Signature]*  
S. Supdt. of Police  
PESHAWAR

✓  
1987-88

*[Signature]*

✓  
House Building Second Cycle  
Advance-19-87

Drawn Rs 21810/- Ten Se  
✓ Payment Register No 44  
Cheque No 8264 Dated 16/9/87

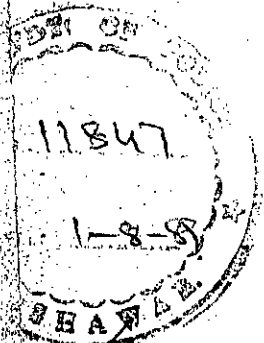
Mohammad Iqbal Khan  
Yousa  
Advocate High Court

*[Signature]*  
Assistant Account Officer  
Assistant Account General  
North West Frontier Province  
Peshawar

*[Signature]*  
16/9 16/9

Am A 1  
"E" (10)

9-10



ORDER.

H.C. (Driver) Mohammad Yousaf No. 581 of Peshawar District is hereby promoted to officiate as A.S.I. purely on temporary basis till further order. He will, however, claim no seniority over his seniors.

E.C.  
XZ  
11/2/89

*Israr*

(ISRAR MOHAMMAD KHAN)  
Dy. Inspector General of Police,  
Peshawar Range, Peshawar.

.....  
No. 6175/E. Dated 31/7/1989.

Copy of above is forwarded to the Senior Superintendent of Police, Peshawar, for information and necessary action.

.....  
Seen.

*SSP.*

Mohammed Yousaf  
Yousaf  
Advocate High Court

10 2729  
3/8/89

E.C.

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19-20

ASI Driver Yousaf Khan of CPO Peshawar is hereby promoted as Offgr: SI Driver with effect from 16.1.95.

(11)

Sd/-SIKANDAR MUHAMMAD ZAI  
DIG/HQRS:  
FOR INSPECTOR GENERAL OF POLICE,  
N.W.F.P., PESHAWAR.

No. 554-58 /E-II, Dated Peshawar the 5-1-1995.

Copy forwarded for information and necessary action to the :-

1. DIG of Police Peshawar Range Peshawar.
2. Senior Supt: of Police Peshawar.
3. Supt: Establishment.
4. Acctt: CPO Peshawar.
5. RI CPO Peshawar.

.....

original filed in the  
notification file for 96-97

*[Signature]*

Mohammad Yousaf Khan  
Yousaf Khan  
Advocate High Court

ORDER.

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E

12

No. 20828 /E-II, ATTACHMENT for the purpose of pay. Inspector Mawaz Alan Acting DSP of C.P.O Peshawar presently on U.N.Mission to Bosnia is hereby attached for the purpose of pay with F.R.P NWFP in his own rank, pay & scale with immediate effect.

✓ No. 20829 /E-II:- PROMOTION. Sub Inspector Driver Yousaf Khan of C.P.O., Peshawar is hereby promoted as Offg: Inspector in BFS-16 (2535-197-5990) against the post of Inspector C.P.O., Peshawar for the period of two years.

On promotion he is remained posted to C.P.O/Peshawar.

MUHAMMAD SAIED KHAN  
INSPECTOR GENERAL OF POLICE,  
N.W.F.P., PESHAWAR.

No. 20830-34 /E-II, dated Peshawar, the 08/12 /2001.

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

1. Commandant, F.R.P NWFP Peshawar.
2. Dy:Inspector General of Police, HQRS: NWFP Peshawar.
3. Accountant, CPO Peshawar.
4. PSO to IGP NWFP CPO Peshawar.
5. Asstt:Secret, CPO Peshawar.



( HAJI QUDRAT SHAH )  
REGISTRAR,  
FOR INSPECTOR GENERAL OF POLICE,  
N.W.F.P., PESHAWAR.





**ORDER**

A (E)

13

In compliance with the direction of Honorable Supreme Court, and Worthy Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide Memo No S/6601-02/16 dated 10.10.2016, One Step out of turn promotions to the following Officers / Officials of CTD Khyber Pakhtunkhwa from their substantive ranks are also hereby withdrawn / cancelled and brought to their original / substantive ranks with immediate effect.

S.No	Name Rank & No	District	S No	Name Rank & No	District
1.	SI Yasin Khan	Nowshera	49	HC Muhammad Zubair No 245	Tank FRP
2.	ASI Riaz Ali Khan	Mardan	50	HC Bakhtiar Khan No 346	Bannu
3.	ASI Hakim Khan	Charsadda	51	HC Syed Mudassir Shah No 84	Bannu
4.	ASI Ridad Gul	Mardan	52	HC Abdullah Akbar No 344	Bannu
5.	HC Ahmed Jan No 06	Peshawar	53	HC Shada Ullah No 365	Bannu
6.	HC Gul Mat Khan No 18	Peshawar	54	HC Nawaz No 368	Bannu
7.	HC Nafees Ud Din No 24	Peshawar	55	HC Arif Ullah No 446	Bannu
8.	HC Abdul Malik No 28	Peshawar	56	HC Sad Ullah No 477	Bannu
9.	HC Khiyal Mir No 96	Peshawar	57	HC Muhammad Arif No 153	Swabi
10.	HC Naimat Khan No 72	Peshawar	58	HC Gul Shed No 142	Nowshera
11.	HC Siyal No 113	Peshawar	59	HC Misri Khan No 643	Abbottabad
12.	HC Nasir Ud Din No 156	Peshawar	60	HC Aziz Ur Rehman No 07	Mansehra
13.	HC Kaleem Ullah No 167	Peshawar	61	HC Siraj Ud Din No 301	Kohistan
14.	HC Muhammad Ibrahim No 319	Peshawar	62	HC Sana Ullah No 621	Kohat
15.	HC Mohammad Siyal No 384	Peshawar	63	HC Zahid Ullah No 682	Kohat
16.	HC Sajid Ali No 572	Peshawar	64	HC Gul Saeed No 582	Kohat
17.	HC Asim Ullah No 747	Peshawar	65	HC Shahbaz No 345	Tank
18.	HC Shezad Gul No 406	Special Case	66	HC Muhammad Ayaz No 175	Lakki Marwat
19.	HC Hameesh Khan No 04	Mardan	67	HC Sharif Ullah No 336	Lakki Marwat
20.	HC Amjad Khan No 82	Mardan	68	HC Noor Ul Amin No 473	Lakki Marwat FRP
21.	HC Aurangzeb No 87	Mardan	69	HC Sajjad Hussain Shah No 48	DI Khan
22.	HC Bakht Zada Khan No 97	Mardan	70	HC Ghazi Gul No 68	DI Khan
23.	HC Gul Umer No 119	Mardan	71	HC Muhammad Tahir No 137	Tank FRP
24.	HC Lal Zada No 134	Mardan	72	HC Ikram Ullah No 181	Tank FRP
25.	HC Mazid Khan No 57	Mardan	73	HC Waheed Ullah No 186	Nowshera
26.	HC Kajeer Dad Shah No 152	Mardan	74	HC Abbas Khan No 114	Charsadda
27.	HC Fayaz Ali No 699	Mardan	75	HC Munib Shah NO 149	Charsadda
28.	HC Nadeem Hassan No 787	Mardan	76	HC Javed No 161	Charsadda
29.	HC Hashmat Ali No 104	Swabi	77	HC Masood Khan No 189	Charsadda
30.	HC Gul Shed No 142	Nowshera	78	HC Sajid Ullah No 180	Charsadda
31.	HC Javeed Ahmad No 1370	Chitral	79	HC Sheda Muhammad No 120	Charsadda
32.	HC Nadeem Shah No 618	Kohat	80	HC Sadid Ullah No 148	Swat
33.	HC Ikram Shah No 499	Abbottabad FRP	81	HC Amir Zada No 791	Swat
34.	HC Darwish Khan No 1110	Kohat	82	HC Abdullah No 769	Swat

Mohammed Yousaf  
Yousaf  
Advocate High Court

35.	HC Lais Khan No 151	Karak	83	HC Tasneem Ul Haq No 1526	Buner
36.	HC Noor Rahim No 171	Karak	84	HC Bakht Munir No 501	Dir Lower
37.	HC Taj Malook No 641	Hangu	85	HC Khadim Ullah No 827	Dir Upper
38.	HC Muhammad Zaman No 174	Lakki Marwat	86	HC Muhammad Latif No 1304	Dir Upper
39.	HC Ali Ahmad No 1440	Chitral	87	HC Zakir Hussain No 1317	Chitral
40.	DHC Muhammad Yousaf No 264	Peshawar	88	DHC Aman Ullah No 64	Peshawar
41.	DHC Habib Khan No 92	Peshawar	89	DHC Gul Wahab No 123	Peshawar
42.	DHC Asad Zia No 599	Mardan	90	DHC Abdul Ghayas No 202	Swabi
43.	DHC Altaf Hussain No 172	Nowshera	91	DHC Waris Khan No 164	Nowshera
44.	DHC Tilawat Khan No 165	Charsadda	92	DHC Rehman Said No 837	Swat
45.	DHC Abdur Rashid No 838	Swat	93	DHC Muhammad Hassan No 872	Chitral
46.	DHC Rehmat Nabi No 880	Chitral	94	DHC Abdul Wadod No 1003	Bannu
47.	DHC Akhtar Faraz No 1060	Lakki Marwat	95	DHC Abdul Latif No 470	DI Khan
48.	DHC Asmat Ullah No 391	Lakki Marwat			

Due to non availability of the vacancies of Constables in this Unit, there pay will be drawn against the vacant post of Head Constables till further orders.

OB NO: 343/CTD  
Dated: 08/12/2016

  
Additional Inspector General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

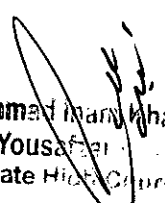
No 13222-30-1/EC/CTD

Dated Peshawar the

08/12/2016

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

- i. Worthy Inspector General of Police, Khyber Pakhtunkhwa w/r to his office Memo No S/6601-02/16 dated 10.10.2016.
- ii. All Regional SSsP, CTD Khyber Pakhtunkhwa.
- iii. Superintendent of Police, CTD HQrs; Peshawar.
- iv. SRC, CTD HQrs: Peshawar to check & make necessary entries in the service records of all those Police Officers / Officials of this Unit who have been promoted as out of turn.
- v. PA / PSO to Worthy Addl: IGP, CTD Khyber Pakhtunkhwa.
- vi. Acctt: CTD HQrs: Peshawar.
- vii. OASI, CTD HQrs: Peshawar.
- viii. MTO / MHC CTD HQrs: Peshawar.

  
Mohammad Inayat Khan  
Yousaf  
Advocate High Court

6- انٹرنیشنل ایف ایف پولیس خیریت خان قذافی

درخواست بمبارد بجالی دوبارہ سنیشنل پولیس ڈیپارٹمنٹ انٹیکر = BPS = 16

فہم علی

سائل جسٹس ذیل طرف سے ارسال ہے۔

1- سائل محمد پولیس میں صوفیہ 1/1976 کو بطور ڈیپنشنل وکیل کے VM بلایا گیا تھا جو بھارت سے تعلق رکھتا ہے۔

2- سائل 6/78 کو ٹیکس ایڈمنسٹریشن کے تحت سے VM Help پر منسلک پولیس تیار کیا گیا اور اس کے ساتھ ساتھ اس کی کاپی بھی سرکاری کارروائی کے تحت لے لی گئی ہے۔

3- لیدر ازاں بمطابق کروڑوں روپے ملنے والی رقموں کی VM-FC سے VM-HC کی طرف منتقلی کے حکم افصاحات کے لئے ایسا کر کے موجود ہے۔

4- سائل صوفیہ 7/89 جسے انٹرنیٹ پر 6/175-FC تحت افیشیلٹی OASi = BPS سے ترقی پاتا ہوا ہے۔ اس کی ترقی کے بعد بمطابق سیکرٹری ایسا کر کے فونل منسل OASi سے سرکس رکھ کر ایسا کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے حکم افصاحات

5- صوفیہ 06-11-2011 حکم جناب آئی جی ہا۔ DPC طور پر ایسا کر کے لیا گیا اور اس کے ذریعے ایسا کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔

6- سائل 8-12/16 نمبر 13222 EC-CTD ایسا کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔

حکم افصاحات تحت سنیشنل ڈیپارٹمنٹ انٹیکر = BPS = 16 درست ہے اور اس کے تحت سرکس کر کے لیا گیا اور اس کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔

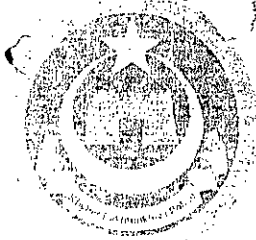
ڈیپارٹمنٹ کے مطابق ہے۔ تیار شدہ درخواست استدعا کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔

سرکس کر کے لیا گیا اور اس کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔

Office of the PPO KPK, Peshawar (Secret Branch) Dy. No. of 100/18

Mohammad Iqbal Khan Advocate High Court

محمد یوسف خان ڈیپارٹمنٹ منسج CTD ایسا کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔ لیدر ازاں کے لئے ایسا کر کے کر کے لیا گیا۔



Am G-1

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

No. S/ 362 /18, dated Peshawar the 19/01/2018.

To : The Dy: Inspector General of Police,  
CTD Khyber Pakhtunkhwa,  
Peshawar.

16

Subject: APPEAL (DFC MUHAMMAD YOUSAF NO. 264)

Memo :

Driver Constable Muhammad Yousaf Khan No. 264 of CTD Police Khyber Pakhtunkhwa had submitted appeal to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for restoration of his original i-e Inspector. His appeal was processed / examined at Central Police Office, Peshawar.

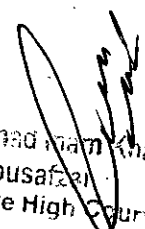
His appeal is hereby filed/ rejected being out of turn promoted.

The applicant may kindly be informed accordingly.



  
(SYED ZIA ALI SHAH),  
Registrar,

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

S  
19/1

  
Muhammad Yousaf Khan  
Yousaf Khan  
Advocate High Court

17

قیمت 50 روپے	 	24462
MICHAEL KHALIL KHAN Yousafzai Advocate High Court	ایڈووکیٹ:	
بار کونسل ایسوسی ایشن نمبر: 7939-10-10 رابطہ نمبر: 03005836040		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حضرت صاحب سروس ٹریڈنگ کمپنی پشاور

مخاطب: سس	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
محمد یوسف خان بنام انسٹیٹوٹ جنرل آف نیوس و فیئر	
<b>بابت تحریر آئکہ</b>	

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

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

المرقوم: 25-01-2018

العواہ شد

مقام

نوٹ: اس وکالت نامہ کی نوٹو کاپی ناقابل قبول ہوگی۔

مخاطب: سس = محمد یوسف خان ولد صاحب گھر محل سندھ ٹریڈنگ کمپنی پشاور

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 136/2018.

Muhammad Yousaf .....(Appellant)

Versus

1. Inspector General of Police, KPK Peshawar.
2. Addl: Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar  
.....(Respondents)

**PARAWISE COMMENTS BY RESPONDENTS No. 1 & 2 :-**

**Preliminary Objections**

1. That the appeal has not been based on facts.
2. That the appeal is not maintainable in its present form.
3. That the appellant has got no cause of action.
4. That the appellant is estopped to file the present appeal.
5. That the appellant has not come to this Honorable Tribunal with clean hands
6. That the appeal is bad for misjoinder and non-joinder of necessary parties.
7. That the appeal is barred by law.

**Facts**

**Respectfully Sheweth**

1. Pertains to record hence needs no comments.
2. Pertains to record hence needs no comments.
3. Pertains to record hence needs no comments.
4. Needs no comments as it pertain to record of the appellant. Moreover seniority of the Police Officer is maintained in the respective district. and regions. Furthermore, the appellant has not qualified the promotions courses.
5. Needs no comments as it has already discussed in the earlier para.
6. Needs no comments as it has already discussed in the earlier para.
7. Correct, to the extent that the Honorable Supreme Court of Pakistan declared out of turn promotion as illegal and unconstitutional, therefore the respondent in order to comply with the orders of the Honorable Supreme Court of Pakistan issued withdrawal orders of out of turn and irregular promotions earned by the appellant.
8. Correct, to extent that the respondent has filed the departmental appeal of appellant in compliance of the order issued by Honorable Court of Pakistan.

9. Incorrect, the appellant was treated in accordance with law and rules and the respondents have lawfully issued the reversion order with sole aim of complying with the orders of the honourable Supreme Court of Pakistan.

**GROUND:**

- A. Incorrect, the appellant was treated in accordance with law and rules and the respondents have lawfully issued the reversion order with sole aim of complying with the orders of the honourable Supreme Court of Pakistan.
- B. Incorrect, the appellant has not qualified the promotions courses as required per rules.
- C. Incorrect, the technical courses are not required for promotion from one rank to another higher rank as per Police rules.
- D. Incorrect, the respondent No.1 has rejected his departmental appeal in compliance of directions of the Honourable Supreme Court of Pakistan in out of turn promotions cases.
- E. Incorrect, the appellant was treated in accordance with law and rules and the respondents have lawfully issued the reversion order with sole aim of complying with the orders of the honourable Supreme Court of Pakistan.
- F. Needs no comments as already discussed in previous para.
- G. That the respondents also seek permission of Honorable Tribunal to raise additional grounds at the time of arguments.

**Prayer**

In view of the above, it is submitted that the appeal is devoid of merit, law/rules and prayed that the appeal may kindly be dismissed.



**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar,  
(Respondent No.1)**



**Deputy Inspector General of Police, CTD  
Khyber Pakhtunkhwa, Peshawar,  
(Respondent No. 2)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 136/2018.

Muhammad Yousaf .....(Appellant)

Versus

1. Inspector General of Police, KPK, Peshawar.
2. Addl: Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar  
.....(Respondents)

**AFFIDAVIT**

We the deponents in the above titled service appeal, do hereby solemnly affirm and declare on oath that the contents of Para wise comments/reply are correct and true to the best of our knowledge and belief and nothing have been kept concealed from this honorable tribunal.

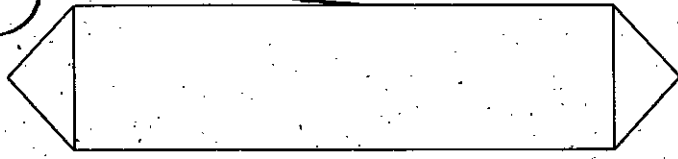


**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar,  
(Respondent No.1)**



**Deputy Inspector General of Police, CTD  
Khyber Pakhtunkhwa, Peshawar,  
(Respondent No. 2)**





املازمت

2018ء منجانب

مورخہ

محمد یوسف بنام

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

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

آن مقام کے لیے روسہ خانہ لٹریٹوریا

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

2018ء

لغیر

ماہ

23

المرقوم

الع د گ واہ الع

کے لئے منظور ہے۔

مقام

Acceptance  
By  
[Signature]

محمد یوسف