

12.12.2022

Learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Last opportunity is granted.

To come up for arguments on 09.02.2023 before the D.B.



(FAREEHA PAUL)
Member(E)




(ROZINA REHMAN)
Member (J)

09.02.2023

Counsel for the appellant present. Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Mrs. Rozina Rehman, Learned Member (Judicial) is on leave today, therefore, case is adjourned to 16.05.2023 for arguments before D.B.



(Fareeha Paul)
Member (E)

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

20.05.2022

Learned counsel for appellant present.

Mr. Muhammad Rasheed learned Deputy District Attorney for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that she has not made preparation of the instant appeal. Adjourned. To come up for arguments on 19.07.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

19.07.2022

Counsel for appellant present.

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

Former requested for adjournment as she has not prepared the brief. Adjourned. To come up for arguments on 22.09.2022 before D.B.



(Fareeha Paul)
Member(E)

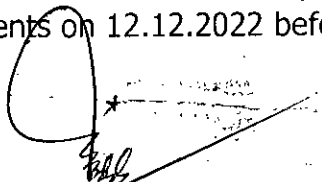


(Rozina Rehman)
Member (J)

22.09.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground to further prepare the brief. Adjourned. To come up for arguments on 12.12.2022 before the D.B.



(Mian Muhammad)
Member.(E)

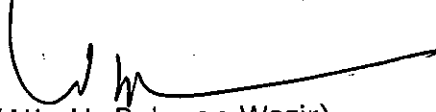


(Salah-Ud-Din)
Member (J)

20.01.2022

Appellant present in person. Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Due to general strike of the Bar, counsel for the appellant is not in attendance. Case to come up for arguments on 13.05.2022 before the D.B.


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


Chairman


13.05.2022

Counsel for appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former seeks adjournment. Adjourned. To come up for arguments on 20.05.2022 before D.B.

(Fareeha Paul)
Member(E)

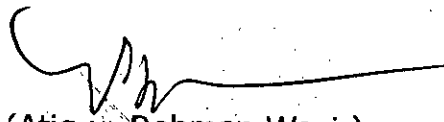

(Rozina Rehman)
Member (J)

27.05.2021

Appellant present through counsel.

Muhammad Adeel Butt Additional Advocate General alongwith Tariq Umer Inspector for respondents present.

Partial arguments heard but certain relevant documents are not available, therefore, counsel for appellant was directed to make sure the availability of relevant documents i.e. Seniority List and Minutes of DPC meeting before date. To come up for arguments on 28.06.2021 before D.B.



(Atiq U. Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

28.06.2021

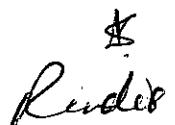
Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the Bench is incomplete. To come up for arguments on 29.09.2021 before the D.B.


(Rozina Rehman)
Member(J)

29-9-21

DB is on leave case to come up
For the same on Dated. 20-1-22

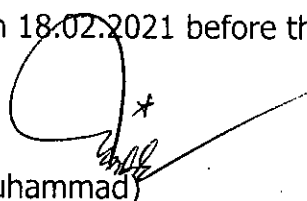

Rindia

26.11.2020

Counsel for the appellant and Zara Tajwar, DDA alongwith Wisal H.C for the respondents present.

Learned counsel for the appellant has produced copy of notification dated 24.08.2020, whereby, the appellant, amongst other, has been promoted to the rank of Deputy Superintendent of Police (B.S-17) with immediate effect. It is the contention of learned counsel that to the extent of prayer for promotion the appeal in hand has become infructuous, however, in the second part of the prayer promotion w.e.f. 29.11.2018 has been solicited. This part of the grievance of appellant is yet to be decided by the Tribunal.

The memorandum of appeal clearly suggests that the appellant has prayed for consideration of his name for promotion but from the date when his other colleagues were promoted i.e. 29.11.2018. Instant appeal to that extent requires decision, therefore, the parties are required to address their respective arguments regarding the proposition on 18.02.2021 before the D.B.


(Mian Muhammad)
Member(E)


Chairman

*Due to pandemic of Covid-19,
the case is adjourned to 27-05-21*


Reader

19.06.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 09.09.2020 before D.B.

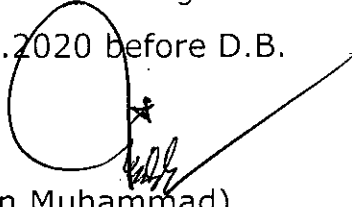


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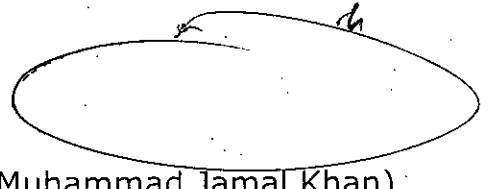
09.09.2020

Miss. Roheeda Khan, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Wisal, Head Constable are also present.

According to the learned counsel appellant is not in contact with her, therefore, she requested for adjournment so that she could contact her client. Request is plausible. Adjournment is granted. File to come up for arguments on 26.11.2020 before D.B.



(Mian Muhammad)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

A- No- 211/2019

09.10.2019

Counsel for the appellant and Addl. AG alongwith Suleman H C for the respondents present.

Representative of respondents has furnished Parawise comments of the respondents. Placed on record. The appeal is assigned to D.B for arguments on 18.12.2019. The appellant may submit rejoinder, within a fortnight, if so advised.


Chairman

18.12.2019

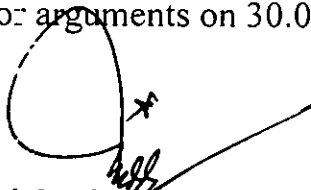
Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Wisal H.C present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.02.2020 before D.B.

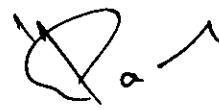

Member


Member

19.02.2020

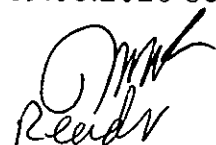
Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Wisal, H.C for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.03.2020 before D.B.


Member


Member

30.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 19.06.2020 before D.B.


Reader

26.06.2019

Appellant in person present. Written reply not submitted. Sulaiman H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 19.08.2019 before S.B.


Member

19.08.2019

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Naeem Hussain Inspector for the respondents present.

Representative of respondents requests for further time for submission of written reply. Adjourned to 17.09.2019 on which date the requisite reply shall positively be submitted.


Chairman

17.09.2019

Counsel for the appellant present. Nemo for the respondents.

Fresh notices be issued to the respondents by way of last chance for submission of written reply/comments on 09.10.2019 before S.B.


Chairman

22.03.2019 Learned counsel for the appellant present. Preliminary arguments heard.

Appeal U/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 29.11.2018 whereby the name of the appellant was not consider for promotion to the rank of DSP while his colleagues were promoted vide same order. Being aggrieved the appellant submitted departmental appeal on 30.11.2018 which was rejected on 15.01.2019. Rejection order was conveyed to the appellant on 25.01.2019

The learned counsel for the appellant argued that the reason for not granting the promotion was his five (05) months service in the investigation branch CTD, Special Branch as one year service is required.

The learned counsel further argued that it was the responsibility of the department not to post him in the CTD, Investigation Branch at due time. As such the appellant has been victimized for not of his own fault.

Points raised need consideration. The appeal is admitted for regular hearing. Subject to all legal objections. The appellant is directed to deposit security and process fee within ten (10) days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 06.05.2019 before S.B.


Appellant Deposited
Security & Process Fee


Member

06.05.2019



Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned to 26.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 211/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/2/2019	<p>The appeal of Mr. Ali Khan presented today by Roeda Khan 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 15/2/19</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

SCANNED
KPST
Peshawar

1
2

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 211 /2019

Ali Khan Inspector

VERSUS

Provincial Police officer Khyber Pakhtunkhwa and Others

INDEX

S#	Description of Documents	Annex	Pages
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4.	Copy of applications	"A & A-5"	
5.	Copy of promotion order	"B"	
6.	Copy of departmental appeal and order dated 15/01/2019	"C & D"	
7.	Wakalat Nama		

APPELLANT

Through

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 15/02/2019

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2019

Ali Khan Inspector P/174 Malakand Region-III Dir
Lower.

Appellant

VERSUS

1. Provincial Police officer Khyber Pakhtunkhwa
Peshawar
2. Inspector General of Police Khyber Pakhtunkhwa
Peshawar.
3. Capital City Police Officer Peshawar

Respondents

APPEAL U/S-4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT
1974 AGAINST THE IMPUGNED ORDER
DATED 29/11/2018 WHEREBY THE NAME OF
THE APPELLANT HAS NOT BEEN
CONSIDERED FOR PROMOTION TO THE
RANK OF DSP AS HIS OTHER COLLEAGUE
HAS BEEN PROMOTED AND WHEREBY THE
DEPARTMENTAL APPEAL OF THE
APPELLANT DATED 30/11/2018 HAS BEEN
REJECTED ON 15/01/2019 COMMUNICATED TO
THE APPELLANT ON 25/01/2019 ON NO GOOD
GROUND.

Prayer:-

ON ACCEPTANCE OF THIS APPEAL
THE IMPUGNED ORDER DATED
29/11/2018 MAY KINDLY BE SET ASIDE
AND THE RESPONDENT DEPARTMENT
MAY KINDLY BE DIRECTED TO
CONSIDER THE NAME OF THE
APPELLANT TO THE RANK OF DSP
W.E.F 29/11/2018 AS HIS OTHER
COLLEAGUE HAS BEEN PROMOTED TO
THE RANK OF DSP FROM THE DATE OF
HIS ELIGIBILITY ALONGWITH ALL
BACK BENEFITS.

Respectfully Sheweth,

1. That the Appellant is a peaceful and law abiding citizen of Pakistan.
2. That the appellant was initially appointed as constable in the police department on year 1988, during the course of his service he gained promotion to the rank of inspector.
3. That appellant has at his credit clean and exemplary service record, his services were always appreciated.
4. That the appellant has not been considered for promotion to the rank of DSP because the appellant has not spent period in

counter terrorism department special branch, investigation wing and CTD.

5. That the appellant submitted application to the Respondent Department for transfer to investigation branch, CTD, Special Branch, but no response has been given to the appellant by the Respondent department. (Copy of applications are attached as annexure "A to A-5")
6. That the Respondent department not considered the name of the appellant has been promoted other colleagues of the appellant on 29/11/2018 to the rank of DSP. (Copy of promotion order is annexed as annexure "B")
7. That the appellant submitted a departmental appeal on 30/11/2018 for the said promotion to Respondent Department which has been rejected on 15/01/2019 communicated to the appellant on 25/01/2019. (Copy of departmental appeal and order dated 15/01/2019 is annexed as annexure "C & D")
8. That feeling aggrieved the Appellant prefers the instant service appeal before

this Hon'ble Tribunal on the following grounds inter alia:-

GROUND:-

- A. That the appellant has not been treated in accordance with law and hence his rights secured and guaranteed under the Constitution of 1973 were badly violated.
- B. That in accordance with law the Respondents were required to have processed the case of promotion of the appellant also, however it was refused, thus the appellant has been deprived of his vested right of consideration for promotion.
- C. That the appellant was initially appointed as constable in the police department on year 1988, during the course of his service he gained promotion to the rank of Inspector.
- D. That the name of appellant was not considered for promotion to the rank of DSP on very flimsy ground, reflecting from the impugned final order decision dated 15/01/2019

"The DPC examined his case and recommended him to be deferred from promotion to the rank of DSP because he was served only 5 months in investigation wing and not completed one year mandatory tenure as specified in police rules 13/16-A".

E. That standing order and the above rules is not attracted into the case of appellant as he has neither refused to perform duties whenever and wherever the competent authority transferred him, even otherwise in all postings/transfers cases, the employee has nothing to do rather the employee is helpless at all and it is the competent authority which makes the suitable transfers of all the employees.

F. That any other ground not raised here may graciously be allowed to be raised at the time full of arguments on the instant service appeal.

It is therefore, most humbly prayed that on acceptance of this appeal the impugned order dated 29/11/2018 may kindly be set aside and the respondent department may kindly be directed to consider the name of the appellant to the rank of DSP w.e.f 29/11/2018 as his other colleague has been promoted to

*the rank of DSP from the date of his eligibility
alongwith all back benefits*

*Any other relief not specifically asked for
may also graciously be extended in favour of
the Appellant in the circumstances of the case.*

APPELLANT

Through

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 15/02/2019

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

Advocate.

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2019

Ali Khan Inspector

VERSUS

Provincial Police officer Khyber Pakhtunkhwa and Others

ADDRESSES OF PARTIES

PETITIONER.

Ali Khan Inspector P/174 Malakand Region-III
Dir Lower.

ADDRESSES OF RESPONDENTS

1. Provincial Police officer Khyber Pakhtunkhwa
Peshawar
2. Inspector General of Police Khyber Pakhtunkhwa
Peshawar.
3. Capital City Police Officer Peshawar.

APPELLANT

Through

Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 15/02/2019

کراچی میں سیکرٹری جنرل کی سربراہی میں منعقد کی گئی تھی۔
ایمانداری اور خوش اسلوبی سے ڈیوٹی انجام دینا ہوا۔

2013

الحمد اور ان کا بابر بھٹائی رولز - مندرجہ سروروش کی حفاظت صوبہ
پاکستان کی سرینٹ انسٹیٹیوٹ میں ایک سال کی ترقی پانچ ماہ آزمی

13.16A

CTD

قرارداد کے تحت سیکرٹری جنرل کی سربراہی میں ایک سال کی ترقی پانچ ماہ آزمی
1 - مگر ایک سال کی عمر جو جو ایک سال کی عمر میں ہے

رہنوش سے شروع ہونے کا قوی امکان ہے۔ لیکن قبل ازین
عمل سے خواہت تبادلہ شعبہ تفتیش کی قومی ترقی حاصل در خواہت
کا عمل درآمد ہو سکا۔

الذمہ سیکرٹری جنرل کے ذریعہ فراہم کیے گئے مستقبل کو مدنظر رکھتے ہوئے
سیکرٹری جنرل کے شعبہ تفتیش کو فراہم کیے گئے

العارضہ

مستقل

08/06/2018

فائزہ دار علی خان انڈیا 174 174 174
17

جانب عالی

1988ء میں قومی سیکرٹریٹ
 کے ناموں کے تحت سال 2013ء میں ایکٹ پر ایکٹ کے
 تحت حکم افسران کے لئے سیکرٹریٹ کے ایکٹ کے
 تحت تفتیش - CTD بارڈر لوٹ میں زارا لاء اور
 الٹرا سونڈ کے تحت سال CTD کو ٹوٹی ہوئی
 جانچا گیا ہے۔ لیکچر سال کو CTD کو ٹوٹی ہوئی
 العارفین " 14/5/2018
 وفا سید دار علی خان P/174 ایکٹ کے لئے سیکرٹریٹ

دفعہ

forwarded please

DSP/Hors
 14.05.018

"A" 2

جناب عالی!

گزارش ہیکہ سائل محکمہ پولیس میں بحیثیت کنسٹیبل بھرتی ہو کر خوش اسلوبی سے ڈیوٹی سرانجام دیتا ہوا ترقیاب ہوتا ہوا انسپکٹر کے عہدہ پر ترقیاب ہے، چونکہ مزید ترقی پانے کی خاطر حسب الحکم آفسران بالا، جاری شدہ سینڈنگ آرڈر کے مطابق شعبہ تفتیش، سکول اور CTE وغیرہ میں ایک سال گزارنا لازمی قرار دیا گیا ہے۔ چونکہ سائل بخوشی خود شعبہ تفتیش میں تبادلے کا خواہاں ہے۔
ہذا استدعا ہیکہ سائل کا شعبہ تفتیش میں تبادلے کے احکامات صادر فرما کر مشکور فرمائیں۔

العارض

Calvin

فرمان بردار انسپکٹر علی خان P174 متعینہ پولیس لائن تیرگرہ ضلع دیر لور۔

EC

OR

Dir,

forwarded please

S. Khan
District Police Officer,
Dir Lower at Timergara

DSP Hous.

09.03.018 11

جناب عالی

"A" 3

گزارش ہیکہ سائل محکمہ پولیس میں سال 1988ء میں بحیثیت کانٹریبل بھرتی ہو کر اپنی ذمہ داریوں کو خوش اسلوبی سے سرانجام دیتا ہوا ترقی کرتا ہوا انسپکٹر کے عہدے پر ترقی یاب ہوا ہے۔ چونکہ حسب الحکم افسران بالا پروموشن کیلئے کم از کم ایک سال CTD، سپیشل برانچ، FRP، انوسٹی گیشن وغیرہ میں گزارنا ضروری ہے۔

لہذا استدعا ہیکہ سائل کے مستقبل کو مد نظر رکھ کر سائل کا ٹرانسفر بالا شعبہ جات میں سے ایک شعبہ میں کرنے کا حکم صادر فرمادیں

العارض 14/05/2017
Callan

فرمانبردار، علی خان انسپکٹر متعینہ ASHO تھانہ چارباغ، سوات

Forwarded M

SHO/Charbagh
14/05/2017

Respected Sir
Forwarded P1



SOP/Callan
15-5-2017

'A' 5

درخواست برائے میچول ٹرانسفر

جناب عالی!

گزارش ہے کہ سائیل ڈسٹرکٹ پولیس ضلع چترال میں تعینات ہوں۔ سائیل بحوالہ P.P.B آرڈر نمبر 42/14 کے تحت سی۔ ٹی۔ ڈی پولیس میں ایک سال کا پیر ڈگزارنے کا خواہشمند ہے۔ سی۔ ٹی۔ ڈی دیرلویئر سے انسپکٹر بہادر خان نمبر 457/M بخوشی خود ڈسٹرکٹ پولیس ضلع چترال میں تبدیل ہونا چاہتا ہے۔

لہذا استدعا ہے۔ سائیل کامیچول ٹرانسفر ڈسٹرکٹ پولیس ضلع چترال سے سی۔ ٹی۔ ڈی میں کرنے کا احکامات

عین نوازش ہوگی

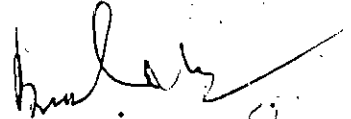
صادر فرمایا جائے۔

العارض



انسپکٹر علی خان نمبر 174/P

متعینہ ڈسٹرکٹ پولیس ضلع چترال۔



انسپکٹر بہادر خان نمبر 457/M

متعینہ سی۔ ٹی۔ ڈی دیرلویئر

Amn (C)

To

The provincial police officer kpk
(through proper channel)

Subject :-Departmental appeal/Representation for promotion to the
rank of Dsp w.e.f 29/11/2018

Respected sir,

With humble submission it is requested that i was promoted as
inspector and confirmed on 19/10/2015.
as per rule "13-16a" one year mandatory tenure for promotion to Deputy
superintendent of police , so for this purpose
i again and again requested for transfer to investigation ,Counter Terrorism
Department, Special branch etc by written application but the competent authority
never given a chance as per Rule 13-16A therefore it is no deficiency on the part
of applicant, but it was the responsibility of the authority to consider my position
to the subject unit.

Now my colleague were promoted to the rank of Deputy superintendent of police
on 29/11/2018 and i was differed from promotion.

Now through this departmental appeal/representation i requested that as " i have
again and again requested by application for transfer to investigation ,counter
terrorism department, special branch etc by written application but having no
change by the competent authority " hence i am deserve to promote as Deputy
superintendent of police on from the date w.e.f 29/11/2018, my departmental
appeal/representation for promotion to the rank of Dsp may be please accepted.

With prayers.

E.C

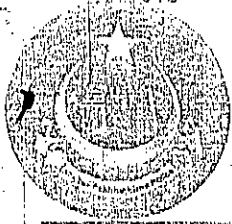
03-12-2018

Alikhan inspector p/174
Malakand Region iii
Investigation wing at Dir lower

30.11.2018

SUBJECT: DEPARTMENTAL APPEAL FOR PROMOTION TO THE RANK OF DEPUTY SUPERINTENDENT OF POLICE
1687
5-12-2018

Am "D"



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

No. 23 dated Peshawar the 15 /01 /2019

To: The Regional Police Officer,
Malakand Region, Swat.

Subject: APPLICATION

Please refer to your office letter No- 12920/E dated- 31.12.2018 on the -
subject noted above.

The promotion case of Inspector Ali Khan was discussed in the
Departmental Selection Committee meeting held on 26.11.2018 and was not considered for
promotion to the rank of DSP because he has served only five months (5) in Investigation Wing
and not completed one year mandatory tenure as specified in amended Police Rules 13.16A.

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Mishtachad

(SADIQ BALOCH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
-Peshawar.

NO 1214-15 /E
DT. 25/01 /019

ee
SP Investigator
Div Lower

E.C N-444 /E
DT: 25-1-2019
Copy to Insp: Ali Khan via P.S
Time expires for information, P.

For information

Regional Police Officer
Malakand Region, Swat
Superintendent of Police
Investigation Div Lower
25/1/19

SUPERINTENDENT OF POLICE,
INVESTIGATION DIV LOWER
DIARY NO: 180
DATE: 25/1/19

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 211 / 2019.

Ali Khan.....(Appellant)

VERSUS

Inspector General of Police and others.....(Respondents)

INDEX

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise Comments		1-3
2.	Affidavit		4
3.	Copy of Notification dated 29.11.2018	A	5
4.	Copy of Police Rules, 13-16(A), 2017	B	6

Respondents through

Inspector/ Legal,
CPO, Peshawar
0333-9594026

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 211 / 2019.

Ali Khan.....(Appellant)

VERSUS

Inspector General of Police and others.....(Respondents)

SUBJECT: **COMMENTS ON BEHALF OF RESPONDENTS**

RESPECTIVELY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) The appeal is not based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for miss-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal by his own conduct.
- e) Appeal is bad by law and limitation.
- f) The appellant has not come to this Honorable Court with clean hands.
- g) The appellant has got no cause of action to file present Service Appeal.

FACTS

1. Para No. 1 is irrelevant hence, no comments.
2. Para No. 2 to the extent of appellant's enlistment pertains to record while the remaining Para is subject to proof.
3. Subject to proof.
4. This Para is incorrect hence, rebutted. The name of appellant was not recommended for promotions to the rank of DSP in the Departmental Selection Committee held on 26.11.2018 vide this office Notification No. 1078/ SE-I dated 29.11.2018. As per Amended Police Rules, 13-16(A) "An Inspector shall be promoted to the post of DSP after successful completion of mandatory training i.e. Advance Course and completion of one year tenure as Inspector in Investigation Branch, or Counter Terrorism Department, or Special Branch, or any Police Training Institution". Appellant has served only five months in Investigation Wing and did not complete one year mandatory tenure as specified in Amended Police Rules, 13-16(A). (Copies of Notification dated 29.11.2018 & Rules are annexed as "A" & "B" respectively).

5. First portion of this Para with respect to appellant's application to other branch pertains to record however, the remaining Para is incorrect. The respondents did not stop any one from the promotional courses which was due on their parts. The appellant is making lame excuses as he was not interested to complete his mandatory tenure for promotion to the next higher rank.
6. This Para established no malafide on the part of answering respondents. As per contention of appellant that his other colleagues promoted to the rank of DSP in Departmental Selection Committee held on 26.11.2018, so he was also at liberty to qualify the courses mandatory for promotion to the rank of DSP.
7. That the Departmental Appeal filed by the appellant against the Notification No. 1078/ SE-I dated 29.11.2018, was rejected quite legal basis as the appellant did not completed mandatory tenure for the promotion to the rank of DSP mentioned in Amended Police Rules 13-16(A).
8. That the appellant was treated in accordance with prescribed rules and he was not discriminated, therefore, the instant Service Appeal may be dismissed on the following Grounds.

GROUND:-

- A. Incorrect. that the appellant has been treated in accordance with law/ rules and no Article of Constitution of Pakistan 1973, has been violated by the answering respondents.
- B. Incorrect. Appellant has been treated fairly and he was not recommended in the Departmental Selection Committee held on 26.11.2018, due to his incomplete mandatory tenure i.e. one year period in Investigation Wing.
- C. As already explained above.
- D. Incorrect. As already explained in preceding Paras.
- E. Incorrect. As explained in preceding Paras.
- F. That the respondents may also be allowed to raise additional grounds at the time of arguments.

PRAYER:-

In view of the above, it is humbly prayed that on acceptance of Para-wise comments, the instant Service Appeal may kindly be dismissed being meritless.



Capital City Police Officer,
Peshawar
(Respondent No. 3)



Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1 & 2)

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 211 / 2019.

Ali Khan.....(Appellant)

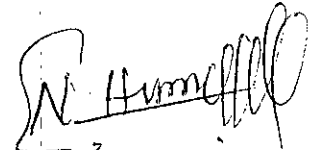
VERSUS

Inspector General of Police and others.....(Respondents)

AFFIDAVIT

I, Naeem Hussain Inspector Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1, 2 & 3 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

DEPONENT



NAEEM HUSSAIN
Inspector/ Legal
CPO, Peshawar.
16101-8646336-1
Mob# 0333-9594026

10. In rule 13.10, for sub rule (2) the following shall be substituted namely:

“(2) No Sub-Inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating Sub-Inspector in independent charge of a Police Station, a notified Police Post, or as in-charge Investigation of a Police Station or in Counter Terrorism Department:

Provided further that he shall also have to spend one year in any other Unit excluding the period spent on long leave, deputation or promotional training course i.e. upper college course”.

11. After rule 13.16, the following new rule shall be added, namely:

“13.16A. **One year mandatory tenure for promotion to Deputy Superintendent of Police.**---An Inspector shall be promoted to the post of Deputy Superintendent of Police after successful completion of mandatory training i.e. Advance Course and completion of one year tenure as Inspector in the Investigation Branch, or Counter Terrorism Department, or Special Branch, or any police training institution.”.

12. After Form No. 13.7, the following new Appendices shall be added, namely:

“Appendix 13.7A (I)
(See sub-rule (1) of rule 13.7A)

S.No	SUBJECTS	MARKS
1.	Approved Syllabus of Recruit Course	200
2.	Basic General Knowledge (General Knowledge regarding Pakistan & Khyber Pakhtunkhwa)	30
3.	English Communication	20

Appendix 13.7B (I)
(See sub-rule (2) of rule 13.7A)

S.No	SUBJECTS	MARKS
1.	<u>LAWS</u> i. Pakistan Penal Code ii. Criminal Procedure Code iii. Local and Special Laws iv. Qanoon-e- Shahdat v. Khyber Pakhtunkhwa Police Act, 2017 vi. Huddood Laws	60
2.	Police Rules, 1934	50
3.	English Translation	30
4.	General Knowledge	30
5.	Police Initiatives	30

Note: The subjects mentioned at serial No. 1 and 2 shall include selected portion of the relevant laws to be approved by the Provincial Police Officer.”.

13. In rule 19.2, after sub-clause (2), the following new sub-rule shall be added, namely:

“(3) Written examination of recruit course shall be conducted through an accredited testing agency approved by the Provincial Police Officer.”.