Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 161/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.03.2023	The execution petition of Mr. Muhammad Zubair received today by post through Mr. Muhammad Abdullah Baloch Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on - _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed. By the order of Chairman REGISTRAR

BEFORE THE HONOURABLE KP SERVICES TRIBUNAL, CAMP COURT, D.I.KHAN.

Execution No._____/2023
In Appeal No. 1090/2016

E.P No.169/2023

Muhammad Zubair (**Appellant**) Versus Commandant Frontier Reserve Police, etc (**Respondents**)

SERVICE APPEAL
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4)	Copy of letter No.4937-43 dated 10/06/2022. letter No.6789/ SI Legal dated 24/08/2022	**C & C/1**	17-21
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Date 10/03/2023

Humble Petitioner

Muhammad Zubair
Through Counsel

Muhammad Abdullah Baloch
Advocate High Court

(1)

BEFORE THE HONOURABLE KP SERVICES TRIBUNAL
CAMP COURT, DERA ISMAIL KHAN.

Execution No._____/2023
In Appeal No. 1090/2016

Muhammad Zubair Constable No.9132/FRP, FRP Dera Ismail Khan.

.....(**APPELLANT**)

VERSUS

1. Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police FRP D.I.Khan Range, Dera Ismail Khan.

..... (**RESPONDENTS**)

Execution/Implementation Petition of the judgment delivered by the Honourable KP Service Tribunal Camp Court Dera Ismail Khan in Service Appeal No. 1090/2016 Dated 25/11/2021.

That the brief fact of case are as under

1. That the petitioner serving Frontier Reserve Police Department and deputed in FRP D.I.Khan range as a Constable since 2006.

2. That petitioner ,moved an application requesting his promotion which was accepted and petitioner was promoted to the rank of Head Constable with immediate fact on 28/03/2016 by Respondent No.2

3. That after promotion order the appellant took the charge which was dually entered in his service book and appellant received the pay of head constable.

4. That respondent No.1 without giving any notice and conducting an inquiry, issue Letter dated 28/06/2016 in the absence of appellant by cancelling his promotion as head constable with retrospective effect.

5. That after filling Departmental Appeal, the Petitioner filled the service Appeal No.1090/2016 before the Honourable KP Service Tribunal Camp Court D.I.Khan, which was decided vide judgment dated 25/11/2021. That although the Service Appeal of the Petitioner/Appellant was dismissed. However, in Para No.8 of the Judgment Dated 25/11/2021 the Honourable Service Tribunal held that;

"For what has gone above, the above stated appeal as well as connected appeal enumerated herein above are dismissed. However, in order to prevent the multiplicity of proceedings and abuse of process of Tribunal it is apt to exercise Jurisdiction under Rule.27 of The Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to direct the Respondents to process the case of promotion of Police officers posted in FRP, in accordance with law, without delay..." Copy of the Judgment Dated25/11/2021 is annexed as **Annexure-A.**

6. That, thereafter, Commandant FRP sent a Letter No.3687-88/SI Legal dated 15/04/2022 to the Worthy General; Inspector of Police Khyber Pakhtunkhwa and in response office of the Inspector General of Police vide Letter No.2119 Dated 22/04/2022 directed the Commandant FRP that case of appellant for promotion may be processed in accordance with Law and Rules. Copies are annexed as **Annexure-B & B/1.**

7. That, thereafter, office of the Commandant FRP sent a detailed case of the promotion of appellant to the worthy Inspector General of Police referring therein all the rules applicable vide his letter No.4937-43 dated 10/06/2022. That after that in the month of August Commandant FRP again sent a letter No.6789/ SI Legal dated 24/08/2022 requesting therein for implementation of the judgment of honourable Tribunal Dated 25/11/2021. Copies are annexed as **Annexure-C & C/1.**

8. That pertinent to note that inspite of clear directions issued by the office of Inspector General of Police vide Order No.8834-40 Dated 22/09/2022, the Commandant FRP is

not implementing the judgment of honourable KP Service Tribnal. Copies are annexed as **Annexure-D.** Copy of letter No.1782 dated 24 09/2020 is annexed as **Annexure-E.**

9. That the appellant is the senior most Constable in FRP D.I.Khan Range and since many years has been waiting for this promotion. That appellant had become eligible for promotion since 2014 and his entitled for promotion antedated.

It is therefore humbly prayed that in Judgment of the Honourable KP Service Tribunal delivered in Service Appeal No.1090/2016 dated 25/11/2021 (para.8) may kindly be implemented/executed in letter and spirit. Consequently, petitioner may kindly be promoted as Head Constable being Senior most in FRP DIKhan range.

Dated: 10/03/2023

Humble Petitioner

Muhammad Zubair
Through Counsel

Muhammad Abdullah Baloch
Advocate High Court

AFFIDAVIT

I, **Muhammad Zubair** Constable No.9132/FRP, FRP Dera Ismail Khan appellant herein, do hereby solemnly affirm on oath that all parawise contents of the accompanying appeal are true and correct to the best of my knowledge, belief and information; that nothing has been concealed or kept secret from this worthy Tribunal, nor anything contained therein is based on exaggeration or distortion of facts.

Dated: 10/03/2023

Deponent

(4)

BEFORE THE HONOURABLE KP SERVICES TRIBUNAL, CAMP COURT, D.I.KHAN.

Execution No._____/2023
In Appeal No. 1090/2016

Muhammad Zubair	Versus	Commandant Frontier Reserve Police, etc
(Appellant)		**(Respondents)**

ADDRESSES OF PARTIES

APPELLANT

Muhammad Zubair Constable No.9132/FRP, FRP Dera Ismail Khan.

RESPONDENTS

1. Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar.
2. Superintendent Of Police FRP D.I.Khan Range, Dera Ismail Khan.

Humble Petitioner

Muhammad Zubair
Through Counsel

Muhammad Abdullah Baloch
Advocate High Court

(5) "Annex-A"

E THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT D.I.KHAN.

Appeal no. 1090 of 2016.

Muhammad Zubair No.768/FRP, FRP D.I.Khan.

Khyber Pakhtunkhwa Service Tribunal
Diary No. 1119
Dated 25-10-2016

VERSUS

1. Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police FRP D.I.Khan Range D.I.Khan.
3. Government of KPK through Secretary Interior Khyber Pakhtunkhwa Peshawar.

ATTESTED

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT AGAINST ILLEGAL CANCELLATION ORDER DATED: 28.06.2016 ON THE BACK OF APPELLANT.

That the brief facts of the case are as under:

1. That the petitioner is serving in the Frontier Reserve Police Department and deputed in FRP D.I.Khan Range as a constable since 2006.

2. That petitioner moved an application requesting his promotion which was accepted and petitioner was shoulder promotion to the rank of head constable with immediate effect on 28.03.2016 by respondent no.02. Copy of application and order dated: 28.03.2016 are annexure A & B.

3. That after promotion order the appellant took the charge and which was dually entered in his service book and appellant received the pay of head constable. Copy of service book and pay roll are annexure C & D.

4. That respondent no.01 without given any notice and conducting and inquiry, issued letter dated: 28.06.2016 in the absence of appellant by cancelling his promotion as head constable with retrospective effect. Copy of order is annexure E.

25/10/16

(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR.

Appeal No. 1090 of 2016

Date of Institution ... 25/10/2016

Date of Decision ... 25/11/2021

Muhammad Zubair No. 768/FRP, FRP D.I Khan
... (Appellant)

VERSUS

Commandant Frontier Reserve Police, Khyber Pakhtunkhwa others
...(Respondents)

Present.

Mr. Abdullah Baloch, Advocate ... For appellant.

Mr. Noor Zaman Khattak, District Attorney, ... For Respondents.

MR AHMAD SULTAN TAREEN ... CHAIRMAN
MR. SALAH-UD-DIN, ... MEMBER(J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Through the above titled appeal described in the heading and seven other appeals as enclosed in brackets-(Appeals No. 1092/2016, 1093/2016, 1094/2016, 1095/2016, 1096/2016, 1097/2016 and 1098/2016) the jurisdiction of this Tribunal has been invoked by the appellants with the prayer as copied below:-

ATTESTED

"ON ACCEPTANCE THIS APPEAL THIS HONORABLE COURT MAY PLEASE TO DECLARE THE ORDER DATED: 28.06.2016 BEING ILLEGAL, VOID AND WITHOUT LAWFUL AUTHORITY AND HAS NO LEGAL EFFECT AND APPELLANT MAY KINDLY BE REINSTATED AT THE POST OF THE HEAD CONSTABLE WITH ALL BACK BENEFITS"

2. The factual account as given in the Memo. of Appeal and deducible from copies of the supporting documents annexed therewith is precisely that the appellant is serving in the Frontier Reserve Police and deputed in FRP D.I.Khan Range as a constable since 2006; that appellant moved an application requesting his promotion which was accepted and appellant was granted shoulder promotion to the rank of head constable with immediate effect on 28.03.2016 by respondent No.02; that after promotion order, the appellant took the charge which was duly entered in his service book and appellant received the pay of head constable, that respondent No.01 without giving any show cause notice to the appellant and conducting any inquiry, issued letter dated 28.06.2016 in the absence of appellant by cancelling his promotion as head constable with retrospective effect; that feeling aggrieved after communication of above said illegal order, appellant filed departmental appeal which was also rejected and communicated to him on 06.10.2016, hence the present appeal

3. We have heard the arguments and perused the record

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. Learned counsel for the appellant has argued that the appellants are not treated in accordance with law and the actions of the respondents are malafide besides being discriminatory and harsh; that respondent No.02 promoted the appellants and according to rules after considering application for promotion; that the appellants were appointed as constables and during their service they passed five courses of civil defense and also pass A-1 course he become senior most constable in FRP D.I.Khan range; that the promotion orders of appellants were in accordance with law and rules framed by the government which were duly implemented and respondent No.01 has no authority to cancel the same without giving any notice or opportunity of hearing to the appellants; that Standing Order No.2 of 2014 does not restrict respondent No.02 to not promote the appellants and any irregularity committed by authority does not harm the appellant in any manner; that appellants are being penalized without giving them any opportunity of hearing nor had given any show cause notice by the department, which is against the principal of natural justice.

5. Learned District Attorney while rebutting the arguments of learned counsel for the appellants has argued that the appellants are concerned to FRP establishment and according to Standing Order No. 2/2104 issued by CPO Peshawar, all promotions were restricted in FRP. The promotion of officers posted in FRP shall be done by DPO/RPOs in accordance with Chapter No. 13 of Police Rules 1934. In

ATTESTED

the light of Standing Order mentioned above the promotion order of the appellants have been cancelled as per law; that the promotion of the appellants as Head constable were found against the rules and in violation of Standing order No 2/2014; that Departmental appeal of the appellant was thoroughly examined and rejected on sound grounds that as the promotion order of the appellant was passed in hasty manner, thus the action of the respondents are legally justified and in accordance to law; that after issuance of Standing Order No.2/2014, no criteria exits for promotion in FRP Establishment; that according to Standing Order No. 2/2014, the promotion lists shall no more be maintained in FRP Unit and the promotion of officers posted in FRP shall be done by DPO/RPOs in accordance with Chapter No. 13 of Police Rules 1934; that clause 11, 12, 12.1 & 12.2 of Standing Order No. 2/2014 provide that all kinds of promotions to the next higher ranks of the of FRP personnel shall be maintained by DPO/RPOs, thus respondent No. 2 is not competent to pass promotion order of a Police Officers posted in FRP. He requested that the appeals may be dismissed with costs.

6. It is an undisputed fact that the appellants are on the roll of Police Department in Frontier Reserve Police (FRP). They were recruited in FRP as Constables. During their service, they were granted shoulder promotion to the rank of C/2 Head Constables vide order OB No. 312 dated 28.03.2016 issued by the Superintendent of Police FRP D.I.Khan Range, D.I.Khan. However, the said order of the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

shoulder promotion among other was cancelled by the Commandant, FRP Khyber Pakhtunkhwa Peshawar vide order dated 28.06.2016, being in violation of Standing Order No. 2/2016. Obviously, said order has been impugned through the present appeals with the submission that the said order was passed in absence of the appellants without taking any enquiry and giving notice; and that the order of promotion of respondent No. 2 was in accordance with rules. The appellants during service had passed several courses. The order of promotion having been passed in accordance with law and rules was duly implemented and the respondent No. 1 had got no authority to cancel the same without giving any notice or opportunity of hearing. The respondents in their written reply came up with the submissions that according to Standing Order No. 2/2014 issued by the CPO Peshawar, promotion of officers posted in FRP come within the domain of DPOs/RPOs in accordance with Chapter No. 13 of Police Rules, 1934. In light of the said Standing Order, promotion order of appellant was cancelled as per law, as the same was found in violation of Standing Order No. 2/2014. According to copy of the aforementioned Standing Order as produced before us and available on file, Para-11 of the said Standing Order deals with promotion of FRP personnel. The same for the purpose of relevancy is reproduced herein below:-

> "11. **Promotion of FRP Personnel:-** FRP is neither a Police District nor a Police Range. Therefore, promotion lists A, B, C, D and E shall no more be maintained in FRP.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Instead, promotion of officers posted in FRP, as is the case of other units, shall be done by District Heads of Police or the RPOs, as the case may be, against the available vacancies in accordance with Chapter 13 of Police Rules, 1934. The District Heads of Police or the RPOs, as the case may be, shall maintain consolidated lists of all officers, whether posted in the District/Range or in any other unit, including FRP."

7. Needless to say that the promotion order of the appellant was passed by Superintendent of Police FRP D.I.Khan who was not competent to grant promotion in light of the above noted provision of Standing Order No. 2/2014. The respondent No. 1 being higher authority had cancelled the said order having noticed the illegality. Moreover, the promotion order was not a regular promotion but it was meant for shoulder promotion which could not be equated with a promotion governed by relevant police rules on the subject of promotion. Thus, the promotion order as passed in favour of the appellants was not workable to decorate them with any legal right to defend the promotion, which otherwise were *void ab-initio,* being result of exercise of his authority not vested in respondent No. 2. Therefore, the appeal on the ground advanced against the impugned order has got no force and is liable to be dismissed. However, it may be observed before parting that we after hearing the arguments and

ATTESTED

before pronouncement of the judgment record order as copied below:-

"Appellant in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Muhammad Hafeez, Clerk for the respondents present.

We have heard the arguments. During the course of arguments reference was made to Standing Order No. 2/2014 wherein vide para-11 it is provided that FRP is neither a Police District nor a Police Range. Therefore, promotion lists A, B, C, D and E shall no more be maintained in FRP. Instead, promotion of officers posted in FRP, as is the case of other units, shall be done by District Heads of Police or the RPOs, as the case may be, against the available vacancies in accordance with Chapter 13 of Police Rules 1934. The District Heads of Police or the RPOs, as the case may be, shall maintain consolidated lists of all officers, whether posted in the District/Range or in any other unit, including FRP. according to the said provision in Standing Order No. 2 of 2014. Before we proceed to announce the order, it is deemed appropriate that District Police Officer D.I.Khan be required to attend this Tribunal for our assistance personally or through a well conversant representative whether the list as required vide para-11 of the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Standing Order No. 2 of 2014 has been maintained or not. Mr. Muhammad Khalil, Sub-Inspector (Legal) is present before us in connection with other Appeals on behalf of the District Police Officer D.I.Khan, and he is directed to obtain copy of this order and convey the same forthwith to District Police Officer for compliance today without fail."

In pursuance of the above order a report was submitted on behalf of District Police Officer through Establishment Clerk of DPO office D.I.Khan which is copied below:-

"It is submitted today on 25.11.2021 that after taking the charge of Establishment Clerk DPO office D.I.Khan, this office has requested the W/RPO D.I.Khan to constitute a Selection Board in the light of Para-4 of the Standing Order No. 06/2014, wherein the Selection Board has been constituted by the RPO D.I.Khan vide Endst. No. 3964-67/ES dated 16.09.2021 for preparation of said list for the current year.

The list for the current year is under process for annual inspection in accordance with Standing No. 06/2014 and Para 13.8 of the Police Rules, 1934 please."

8. For what has gone above, the above stated appeal as well as connected appeals enumerated herein above are dismissed. However, in order to prevent the multiplicity of proceedings and abuse of

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

process of Tribunal it is apt to exercise jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to direct the respondents to process the case of promotion of police officers posted in FRP, in accordance with law, without delay. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD SULTAN TAREEN)
Chairman
(Camp Court, D.I.Khan)

(SALAH-UD-DIN)
Member(J)
(Camp Court D.I.Khan)

ANNOUNCED
25/11/2021

Certified to be ture copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 30-11-2021
Number of Words 4000
Copying Fee 42/-
Urgent —
Total 42/-
Name of Copyist —
Date of Completion of Copy 21-3-22
Date of Delivery of Copy 21-3-22

(15) "Anx-B"

OFFICE OF THE COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Ph: No. 091-9214114 Fax No. 091-9212602

OFFICE SUPDT FRP KPK 588 24-04-22

No. 3687-88/SI Legal, dated 15/4/2022.

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

Subject: LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 1090/2016, FILED BY CONSTABLE MUHAMMAD ZUBAIR NO. 768 FRP DI KHAN RANGE ALONGWITH 07 OTHERS.

Memo:

It is submitted that Constable Muhammad Zubair No. 768 alongwith 07 others of FRP DI Khan, Range were promoted to the rank of Head constable on 28.03.2016. Later on their promotion order has been withdrawn by the competent authority vide order dated 28.06.2016 as the promotion system in FRP has already been withdrawn vide standing order No. 2/2014 issued by CPO Peshawar.

Feeling aggrieved they filed the subject service appeals before the Khyber Pakhtunkhwa, Service Tribunal Peshawar, against the withdrawal order of their promotion.

The Khyber Pakhtunkhwa, Service Tribunal have dismissed their appeals vide judgment dated 25.11.2021. However, the Honorable Tribunal has directed the respondents to process the case of promotion of police officers posted in FRP, in accordance with law without delay.

The copy of the judgment sent herewith for perusal and kind order please.

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

No. & date Even:-

Copy of above is forwarded to the SP FRP DI Khan Range DI Khan for information.

Court Clerk

SP/FRP, DIK
22/4

Attested to be true copy.

Advocate
10/03

(16) "Annex B/1"

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

2119 /Legal, dated Peshawar, the 22/4/2022.

To: - The Commandant,
FRP, Khyber Pakhtunkhwa,
Peshawar.

Diary No. 3666
Date 28-4-22

Subject:- **LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 1090/2016 FILED BY CONSTABLE MUHAMMAD ZUBAIR NO. 768 FRP D.I.KHAN RANGE ALONGWITH 07 OTHERS.**

Memo:-

Please refer to your Office Letter No. 3687-88/SI Legal, dated 15.04.2022 on the subject cited above.

The Competent Authority has directed that the case of appellant for promotion may be processed in accordance with law and rules.

SI/Legal

AIG/LEGAL
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
20.04.2022

Attested to be true COPY.

(17)

Annx- C

OFFICE OF THE COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Ph: No. 091-9214114 Fax No. 091-9212602

No. 4932-43/SI Legal, dated 16/6/2022.

To The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: **LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 1090/2016, FILED BY CONSTABLE MUHAMMAD ZUBAIR NO. 768 FRP DI KHAN RANGE ALONGWITH 07 OTHERS.**

Memo:

Kindly refer to this office Memo No. 3687-88/SI Legal, dated 15.4.2022 & CPO Memo No. 2119/Legal, dated 22.04.2022.

It is submitted that Constable Muhammad Zubair No. 768 alongwith 07 others of FRP DI Khan, Range were promoted to the rank of Head constable on 28.03.2016. without fulfillment of codal formalities. Later on their promotion order has been withdrawn by the competent authority vide order dated 28.06.2016.

Feeling aggrieved they filed the subject Service Appeal before the Khyber Pakhtunkhwa, Service Tribunal Peshawar, against the withdrawal order of their promotions.

The Khyber Pakhtunkhwa, Service Tribunal has dismissed their appeal vide judgment dated 25.11.2021. **However, the Honorable Tribunal has directed the respondents to process the case of promotion of police officers posted in FRP, in accordance with law without delay.** (Copy of the judgment attached herewith).

The instant case was forwarded to CPO Peshawar for further necessary action vide this office Memo No. 3687-88/SI Legal, dated 15.04.2022. The same was returned by CPO vide memo No. 2119/Legal, dated 22.04.2022, with the directions that the promotion case of the appellants may be processed in accordance with law and rules.

In this regard it is submitted for kind information that Standing Order No. 06/2014 provided that:-

Those constables who have crossed the age limit prescribed for A-1/B-1 exams without qualifying the same may be considered for placement on promotion List C-II.

A Selection Board at the District level, constituted by CCPO or RPO as the case may be, and consisting of the DPO concerned and two other officers not less than the rank of SP, may be consider the constables for placement on C-II list on the basis of outstanding performance and good general reputation.

Attested to be true Copy.

16/06

NOTE SHEET (18)

Sir,

It is submitted that Constable Muhammad Zubair No. 768 alongwith 07 others of FRP DI Khan, Range were promoted to the rank of Head constable on 28.03.2016, without fulfillment of codal formalities. Later on their promotion order has been withdrawn by the competent authority vide order dated 28.06.2016 as the promotion system in FRP has already been withdrawn vide standing order No. 02/2014 issued by CPO Peshawar.

Feeling aggrieved they filed the Service Appeal No. 1090/2016 before the Khyber Pakhtunkhwa, Service Tribunal Peshawar, against the withdrawal order of their promotions.

The Khyber Pakhtunkhwa, Service Tribunal have dismissed their appeal vide judgment dated 25.11.2021., **However, the Honorable Tribunal has directed the respondents to process the case of promotion of police officers posted in FRP, in accordance with law without delay.** (Copy of the judgment attached herewith).

The case was forwarded to CPO Peshawar for further necessary actions vide this office Memo No. 3687-88/SI Legal, dated 15.04.2022. The same was returned by CPO vide memo No. 2119/Legal, dated 22.04.2022, with the directions that the promotion case of the appellants may be processed in accordance with law and rules.

In this regard Standing Order No. 06/2014 Provided that:-

- Those constables who have crossed the age limit prescribed for A-1/B-1 exams without qualifying the same may be considered for placement on promotion List C-II.
- A Selection Board at the District level, constituted by CCPO or RPO as the case may be, and consisting of the DPO concerned and two other officers not less than the rank of SP, may be consider the constables for placement on C-II list on the basis of outstanding performance and good general reputation.
- The Selection Board discussed above may recommended to CCPO or RPO, as the case may be, constables placed on C-II List for promotion as Head constables.
- After approval of CCPO or RPO the DPO (SSP Operation in case District Peshawar) shall promote such constables as C-II Head constables.

Besides, according to amended Police Rules 1934 of 2017 Rules 13-8

- Each District shall maintain list "C-II" of all those constables for promotion to Head constables, who have not passed the lower school

Attested to be true copy
19/05

course at the Police Training School and have exceeded upper age limit for the lower school course and are otherwise considered suitable for promotion.

For the purpose of sub-rule (3), a Selection Board consisting of District Head of Police of the district concerned and two other officers not below than the rank of Superintendent of Police shall be constituted by the Capital City Police Officer or Regional Police Officer, as the case may be, to consider on the basis of outstanding performance and good reputation of constables for placement on list C-II; provided that in district Peshawar, Senior Superintendent of Police Operation shall be member of Board in place of District Head of Police.

Furthermore, the CPO has already issue directions regarding exercise of powers of Superintendent of Police vide memo No. CPO/E-I/1782, dated 24.09.2020, which is reproduced as below:-

"All Superintendent of Police working in Police Specialized Units, Reserve Force and filed units are authorized to exercise all the powers conferred upon them under Police Rules, 1934". (Copy of CPO memo attached herewith).

On the analogy of above and in the light of directions of CPO Peshawar the judgment of Service Tribunal may be implemented and the promotion case of the personnel of FRP may be processed under Standing order No. 06/2014 vis-à-vis amended Police Rules 12-8 as per the content of the judgment of Service Tribunal Peshawar to avoid any botheration.

It is requested that if approved the instant case may be forwarded to CPO Peshawar for favor of approval please.

Submitted for kind order please.

SI Legal FRP

Deputy Commandant FRP KP, Peshawar. Sir, Forwarded Plzs

7-6-22.

COMMANDANT FRP KP, PESHAWAR/

Attested to be true copy.

The Selection Board discussed above may recommend to CCPO or RPO, as the case may be, constables placed on C-II List for promotion as Head constables. After approval of CCPO or RPO the DPO (SSP Operation in case District Peshawar) shall promote such constables as C-II Head constables.

Besides, according to amended Police Rules 1934 of 2017 Rules 13-8:-

Each District shall maintain list "C-II" of all those constables for promotion to Head constables, who have not passed the lower school course at the Police Training School and have exceeded upper age limit for the lower school course and are otherwise considered suitable for promotion.

For the purpose of above a Selection Board consisting of District Head of Police of the district concerned and two other officers not below than the rank of Superintendent of Police shall be constituted by the Capital City Police Officer or Regional Police Officer, as the case may be, to consider on the basis of outstanding performance and good reputation of constables for placement on list C-II; provided that in district Peshawar, Senior Superintendent of Police Operation shall be member of Board in place of District Head of Police.

Above all, it is important to mention hear that the CPO has already issued/circulated necessary directions, regarding to exercise of powers of Superintendent of Police vide memo No. CPO/E-I/1782, dated 24.09.2020, which is reproduced as below:-

> **"All Superintendents of Police working in Police Specialized Units, Reserve Force and filed units are authorized to exercise all the powers conferred upon them under Police Rules, 1934". (Copy of CPO memo attached herewith).**

On the analogy of above and in the light of directions of CPO Peshawar quoted above it is therefore, requested that the judgment of Service Tribunal may be implemented and the promotion case of the personnel of FRP may be processed as per the content of the judgment of Service Tribunal, under Standing Order No. 06/2014 vis-à-vis amended Police Rules 12-8, to avoid any botheration please.

Commandant
O/C Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

No. & date Even:-

Copy of above is forwarded to all SPs of FRP Khyber Pakhtunkhwa, Peshawar for information.

Attested to be true Copy
10.03

(21) Annx- C/1

OFFICE OF THE COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Ph: No. 091-9214114 Fax No. 091-9212602

No.6789 /SI Legal, dated 9/11/8/2022.

To The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 1090/2016, FILED BY CONSTABLE MUHAMMAD ZUBAIR NO. 768 FRP DI KHAN RANGE ALONGWITH 07 OTHERS.

Memo:

Kindly refer to CPO Memo No. 2119/Legal, dated 22.04.2022 & this office Memo No. 4937-43/SI Legal, dated 10.06.2022.

It is submitted that this office has been requested for the implementation of the Honorable Tribunal judgment dated 25.11.2021 in the subject quoted above.

It is once again requested that this office may kindly be permitted to implement the said judgment as requested vide this office Memo quoted above to avoid any legal botheration please.

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

Attested to be true Copy.

(22) "Annx- D"

OFFIC

INSPECTOR GE | POLICE
CENTRAL PO..... ICE,
KHYBER PAKHTUNKHWA,
PESHAWAR

No. 8234-40 /E-IV dated Peshawar the 22/9/2022

To : The Commandant,
Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar

Subject: **LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 1090/2016, FILED BY CONSTABLE MUHAMMAD ZUBAIR NO. 768 FRP DIKHAN RANGE ALONGWITH 07 OTHERS.**

Memo,

Please refer to your office letter No. 6789/SI/Legal, dated: 26.08.2022 on the subject noted above.

As opined by AIG/Legal CPO Peshawar that Judgment of Peshawar Service Tribunal may be implemented in accordance with Standing Order No. 06/2014 read Police Rules 12-8.

22/09/22

7400
26-09-22

(AFSAR JAN)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: & Even dated No.

Copy of above is forwarded for information and similar action to the All Regional Police Officers, in Khyber Pakhtunkhwa please.

SI/Legal

(AFSAR JAN)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Attested to be true copy.
Advocate
20/03

(23) Annx- E

Office of the Addl. IGP/Commandant
F R P KPK, Peshawar
Diary No. 6241 Dated 25/09/2020

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

No.CPO/E-II/ 1782 Dated Peshawar 24 September, 2020

To : All Head of Police Offices in Khyber Pakhtunkhwa.

Subject:- **EXERCISE OF POWERS**
Memo:

I am directed by the Competent Authority and to state that all Superintendents o Police working in Police Specialized Units, Reserve Force and field units are authorized to exercise all the powers conferred upon them under Police Rules, 1934.

This issues with the approval of the Inspector General of Police Khyber Pakhtunkhwa.

KASHIF ZULFIQAR, PSP
Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa

Endst: No. & date even.
A copy forwarded to the:-
Additional Inspector General of Police HQrs: Khyber Pakhtunkhwa.
Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa.
Deputy Inspector General of Police Operations, Khyber Pakhtunkhwa.

Office of the Commandant FRP
Khyber Pakhtunkhwa Peshawar
No 8813-24/EC Dated 30/09/20
Copy of above is sent for further necessary action to the.
SP FRP Peshawar ☑ SP FRP Kohat ☑ SP FRP DIK ☑
SP FRP Bannu ☑ SP FRP Hazara ☑ SP FRP MKD ☑
Acctt: ☐ SRC ☐ PC ☐ I/C Sig ☐ FRP H/Q.
PAs Comdt ☑ Dy: Comdt ☑ QASI ☑ FRP H/
DSP H/Q ☑ DSP Admn ☑ ☐ ☐ FRP H/Q

For Addl: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

Attested to be true Copy.

KHYBER PAKHTUNKHWA
BAR COUNCIL

ADVOCATE HIGH COURT

MUHAMMAD ABDULLAH
Advocate
bc-09-0944
Date of issue: June 2021
Valid upto: June 2024

Secretary
KP Bar Council

(24)

وکالت نامہ

کورٹ فیس

Before the Honorable KP Service Tribunal Peshawar

منجانب _____

بنام _____

دعوی یا جرم _____

تفصیل دعوی یا جرم Implementation petition

باعث تحریر آنکہ D.I. Khan کیلئے

مقدمہ مندرجہ بالاعنوان میں اپنی طرف واسطے پیروی وجواب دہی برائے پیشی یا تصفیہ مقدمہ بنام

Muhammad Abdullah Baloch Adv.

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ وکیل ہر دو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ یا کچہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر کچہری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسائے ڈگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر ثالثی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از کچہری صدر پیروی مقدمہ مزکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ڈگری یک طرفہ یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ مختانہ پیروی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیرسٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے 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 ہوگا

لہٰذا وکالت نامہ لکھ دیا ہے تا کہ سند رہے

مورخہ 26 ماہ 10 2023

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted
Muhammad Abdullah
16/03/023

Muhammad Zubair

0314 6932557

D.I. Khan