


4th Nov. 2022

Lawyers are on strike today.

To come up for arguments on 14.12.2022 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

14th Dec. 2022

Due to strike of the Bar and Mrs. Rozina Rehman, learned Member (J) being on leave, this matter is adjourned to 24.02.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member(E)


24.02.2023


Appellant present through counsel.

Muhammad Jan, learned District Attorney alongwith Shah Fahad ASI (Legal) for official respondents No.1 to 3 present. Private respondent No.4 present through counsel.

SCANNED
KPST
Peshawar

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 07.04.2023 before D.B.



(Muhammad Akbar Khan)
Member (E)



(Rozina Rehman)
Member (J)

07.07.2022

Clerk of learned counsel for the appellant present.
Mr. Asif Masood Ali Shah, Deputy District Attorney for
official respondents No. 1 to 3 present.


Clerk of learned counsel for the appellant requested
for adjournment on the ground that learned counsel for
the appellant is not available today due to strike of
lawyers. Adjourned. To come up for arguments on
17.10.2022 before the D.B.



(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

17th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan
Paindakhel, Asstt. AG for the respondents present.

 Learned counsel for the appellant requests for
adjournment in order to further prepare the brief. Last opportunity
is granted. To come up for arguments on 04.11.2022 before D.B.

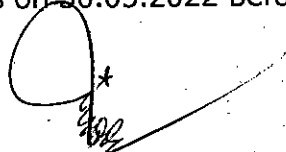

(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

31st March, 2022

Mr. Fazal Shah Mohmand Advocate for appellant present and fresh Wakalatnama submitted which is placed on file. Mr. Muhammad Adeel Butt, Addl. AG for the official respondents and counsel for private respondent No. 4 present.

Learned newly engaged counsel for the appellant seeks adjournment in order to properly assist the Court. Adjourned. Last opportunity is granted. To come up for arguments on 30.05.2022 before the D.B.



(Mian Muhammad)
Member(Executive)

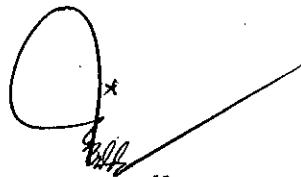


Chairman

30th May, 2022

Learned counsel for the appellant present. Mr. Naseer ud Din Shah, Assistant AG for the respondents present.

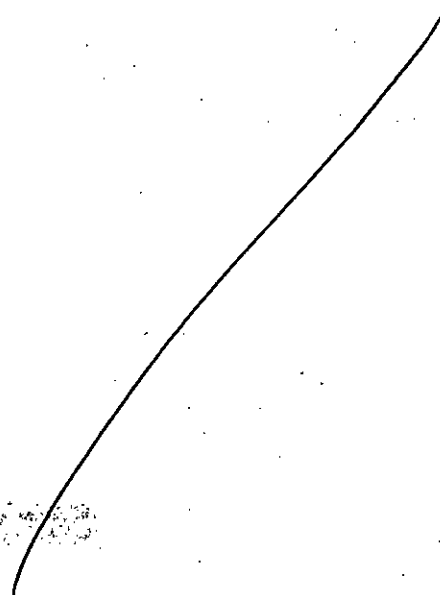
Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Appeal pertains to the year 2018, therefore, last opportunity is granted. To come up for arguments on 07.07.2022 before the D.B.



(Mian Muhammad)
Member(E)



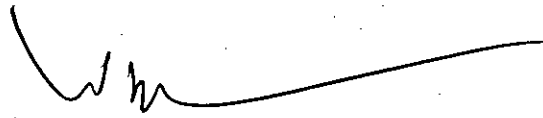
(Kalim Arshad Khan)
Chairman



10.11.2021

Learned counsel for the appellant present. Mr. Tariq Umer DSP (Legal) alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the official respondents No. 1 to 3 present. Clerk of learned counsel for private respondent No. 4 present.

Clerk of learned counsel for the Private respondent No.4 submitted adjournment application on the ground that learned counsel for the private respondent No. 4 is busy before Federal Service Tribunal, Islamabad. Adjourned. To come up for arguments before the D.B on 01.02.2022.



(ATIQU UR REHMAN WAZIR)
MEMBER (E)



(SALAH-UD-DIN)
MEMBER (J)

01.02.2022

Appellant in person present. Mr. Abdul Baseer, Inspector (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 3 present. Private respondent No. 4 alongwith his counsel present.

Appellant requested for adjournment on the ground that his counsel is busy before the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 31.03.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

28.12.2020

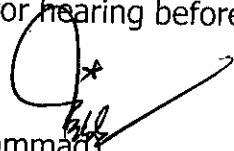
Due to summer vacation, case is adjourned to
15-3 .2021 for the same as before.


Reader

16.03.2021

Appellant in person, Addl. AG alongwith Wisal Muhammad, H.C for official respondents and counsel for private respondent No. 4 present.

Former requests for adjournment as learned senior counsel for the appellant is engaged today before the Honourable High Court in many cases. ~~today~~. Adjourned to 26.04.2021 for hearing before the D.B.


(Mian Muhammad)
Member (E)


Chairman

26-4-2021

*Due to COVID-19, the case is
adjourned to 16.8.2021 for the same.*


Reader


16.08.2021

Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 10.11.2021 for the same as before.


Reader

4.5 .2020

Due to COVID19, the case is adjourned to
15/7/2020 for the same as before.


Reader

15.07.2020

Due to COVID19, the case is adjourned to 17.08.2020 for
the same as before.


Reader

17.08.2020

Due to summer vacations, the case is adjourned to
28.10.2020 for the same.


Reader

28.10.2020


Proper D.B' is on Tour, therefore, the case is
adjourned for the same on 29.12.2020 before D.B.

Reader

22.01.2020

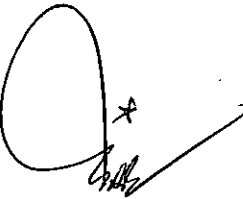
Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Adjourned to 11.03.2020 for further proceedings/arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

11.03.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Wisal, H.C for official respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.05.2020 before D.B.


Member


Member

15.07.2019

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Naeem Hussain, Inspector (Legal) for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned to 27.09.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

27.09.2019

Appellant in person present. Learned Asst: AG alongwith Mr. Wisal, H.C for respondents present. Appellant seeks adjournment. Adjourn. To come up for arguments on 29.11.2019 before D.B.


Member


Member

29.11.2019

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on ~~22.01.2019~~ before D.B.


Member


Member

14.02.2019

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 3 and private respondent No. 4 in person present. Appellant stated at the bar that similar nature service appeal No. 335/2018 titled Muhammad Asif Versus Police Department is fixed on 29.04.2019 therefore, requested that the present appeal may also be fixed on the same date. Request is accepted. To come up for rejoinder and arguments on 29.04.2019 alongwith above mentioned similar nature service appeal before D.B-I.

(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

29.04.2019

Appellant in person and Mr. Ziaullah, DDA for the respondents present.

Request for adjournment is made due to engagement of learned counsel for the appellant before the Honourable High Court today in many cases.

Adjourned to 15.07.2019 before the D.B.


Member


Chairman

11.10.2018

Mr. Mir Faraz Khan, appellant in person present.
Mr. Kabirullah Khattak, Addl. AG for the official
respondents present who already submitted written reply.
None present on behalf of respondent No. 4. Last chance is
given to him. To come up for written reply of respondent
No. 4 on 07.11.2018 before S.B.


Chairman

07.11.2018

Due to retirement of Hon'ble Chairman, the
Tribunal is defunct. Therefore, the case is adjourned. To
come up on 21.12.2018. Written reply not received.


READER

21.12.2018

Clerk to counsel for the appellant present. Mr. Abdur
Rehman Inspector representative of official respondents present.
Written reply already submitted on behalf of official respondents.
Written reply submitted by private respondent No.4. Adjourn. To
come up for rejoinder if any and arguments on 14.02.2019 before
D.B.-11


Member

06.06.2018

Appellant in person and Addl: AG alongwith Mr. Abdur Rahman, DSP for official respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on **16.07.2018** before S.B


Member

16.07.2017


Appellant in person present. Learned Additional Advocate General alongwith Mr. Salman H.C for the respondents present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 30.08.2018 before S.B.

7

Member


30.08.2018

Counsel for appellant and Mr. Kabirullah Khattak AAG alongwith Mr. Salman Khan Head Constable for the official respondent present. None Present on behalf of the Private respondent No.4. Written reply submitted on behalf of the respondent No. 1 to 3. Written reply not submitted on behalf of the Private respondent No. 4. Therefore fresh notices be issued to him for attendance for attendance and filing of written reply for **10.10.2018** before S.B.


(Muhammad Amin Kundi)
Member

13.03.2018

Counsel for the appellant present and seeks adjournment.
Adjourned. To come up for preliminary hearing on 03.04.2018
before S.B.


(Muhammad Amin Khan Kundi)
Member

03.04.2018

Learned counsel for the appellant present and seeks
adjournment. Adjourn. To come up for preliminary hearing
on 17.04.2018 before S.B


Member


17.04.2018

Counsel for the appellant Mir Faraz Khan present.
Preliminary arguments heard. It was contended by learned
counsel for the appellant that the appellant was serving in
Police Department as Inspector and was confirmed on
31.10.2013 while private respondent No. 4 was also serving
in Police Department as Inspector but he was not confirmed
till 2016, therefore, it was contended that the appellant is
senior than the private respondent No. 4 but despite that
respondent-department has issued notification dated
12.10.2017 whereby private respondent No. 4 has been
shown senior to the appellant therefore, the impugned
notification is illegal and liable to be rectified.

The contention raised by the learned counsel for the
appellant needs consideration. The appeal is admitted for
regular hearing subject to deposit of security and process fee
within 10 days, thereafter, notice be issued to the
respondents for written reply/comments for 06.06.2018
before S.B.

Appellant Deposited
Security & Process Fee




(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 165/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	06/02/2018 SCANNED KPST Peshawar	The appeal of Mr. Mir Faraz Khan presented today by Mr. Gohar Salim Afridi Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please. REGISTRAR
2-	08/02/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/02/18.</u> CHAIRMAN
	19.02.2018	Appellant in person present and seeks adjournment as his counsel is not in attendance today. Adjourned. To come up for preliminary hearing on 13.03.2018 before S.B. (Gul Zeb Khan) Member

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal # 165/2018

Mir Faraz Khan, DSP, Legal, Anti-corruption Establishment

Phase# 5 Hayatabad Peshawar

(Appellant)

Versus

1. Govt: of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar.
2. Provincial Police Officer, (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Chairman Departmental Selection Committee (Additional IGP, HQ)CPO Peshawar.
4. Muhammad Ibrahim Azhar, DSP Legal, Anti-Corruption Establishment, Kohat.

(Respondents)

INDEX

S. No.	Description of documents	Annex	Pages.
1.	Service appeal		1, 2, 3
2.	Affidavit		4
3.	Addressed of the parties		5
4.	Seniority list-F	A	6, 7, 9
5.	Departmental appeal	B	6, 7, 8, 10, 11, 12
6.	Notification	C	13



Appellant

Through

①

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal # 165/2018

Mir Faraz khan, DSP, Legal, Anti-corruption Establishment
Phase# 5 Hayatabad Peshawar

Diary No. 175
Dated 06-2-2018
(Appellant)

Versus

1. Govt: of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar.
2. Provincial Police Officer, (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Chairman Departmental Selection Committee (Additional IGP, HQ) CPO Peshawar.
4. Muhammad Ibrahim Azhar, DSP Legal, Anti-Corruption Establishment, Kohat.

(Respondents)

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 R/W ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT AGAINST THE DECISION DATED 9.8.2017 OF THE DEPARTMENTAL PROMOTION COMMITTEE VIDE NOTIFICATION NO. 827/CPB, DATED 12.10.2017 AND DEPARTMENTAL APPEAL OF APPELLANT VIDE ANTI-CORRUPTION ESTABLISHMENT LETTER NO. 16156, DATED 25.10.2017 WHICH WAS NOT DECIDED BY THE RESPONDENT NO. 2 WITHIN STIPULATED PERIOD OF 3 MONTHS.

PRAYER.

On acceptance of instant Service Appeal, notification No. 827/CPB, dated 12.10.2017 of DPC dated 9.8.2017 regarding assignment of revised seniority to respondent No. 4 may be set-aside and the appellant may be awarded full seniority before 9.8.2017 on the basis of confirmation/promotion to List F dated 12.1.1997.

Filed to-day
Registrar
6/2/18

RESPECTFULLY SHEWETH:

Facts:-

1. That the appellant jointed Police department as Sub-Inspectors Legal with effect from 17.4.1993 while Muhammad Ibrahim Azhar (respondent#4) on 8.10.1992 .
2. That appellant were promoted to the promotion List-F on 12.1.1997 while respondent No. 4 on 30.7.2008 (copy of list F enclosed as Annexure A).
3. That appellant was confirmed in the rank of Inspector on 31.10.2013 while Muhammad Ibrahim respondent No. 4 was not confirmed in the rank of Inspector till the year 2016.

4. That appellant was promoted to promotion List-F about **Eleven (11)** years prior to the respondent No. 4 (Muhammad Ibrahim Azhar) in the same when appellant was to the rank of DSP Legal prior to Muhammad Ibrahim Azhar.
5. That the appellant file departmental appeal to the respondent No. 2 on 24.10.2017 which was conveyed to the office IGP vide Assistant Director Admn: Anti-Corruption Establishment Peshawar letter 16156/ACE dated 25.10.2017 but no response to the appellant with in the period of 90 days. (copies enclosed as annexure B).
6. That appellant remained senior to respondent No. 4 (Muhammad Ibrahim Azhar) right from the year 1997 till the impugned notification issued on 12.10.2017. Hence this appeal on the following grounds.



GROUND.

- a. That the impugned notification of placing respondent No. 4 (Muhammad Ibrahim Azhar) senior to appellant is against the law and rules governing the subject matter. According to Police Rules 12.2(3) confirmation in the rank is the final determining factor for fixation and reckoning seniority. Appellant was confirmed in the rank of Inspector about several years prior to the respondent. Therefore placing Muhammad Ibrahim Azhar (respondent No. 4) senior to appellant is against the settled principles of law. (Copy of notification enclosed as annexure C).
- b. That appellant was promoted to List-F in the year 1997 and Muhammad Ibrahim Azhar was promoted to List-F in the year 2008. Appellant remained senior to Muhammad Ibrahim Azhar right from the year 1997 till the year 2016. Muhammad Ibrahim Azhar silent for about 19 years long period. The seniority list of meager strength of legal branch is promulgated every year. Appellant being member of a legal branch and law knowing person did not challenge seniority for long period for about 19 years. It is settled principle of law that law helps those who are vigilant but not the indolent. Therefore the impugned order/ notification has been passed against the settled principles of law.
- c. That till passing the impugned notification confirmation in the rank and promotion to prescribed promotion list was the sole criteria for fixation of seniority but all sudden the seniority of Muhammad Ibrahim Azhar (respondent No. 4) was fixed according to the date of appointment which is no criteria for fixation of seniority. Again the seniority of a Police Officer is subject to qualifying certain promotion courses and unblemished service.
- d. That promotion and seniority is made on the principle of best among the rest and not on the basis of date of appointment. Muhammad Ibrahim Ashar respondent No. 4 remained junior to appellant for 19 years long period and was made senior to appellant on flimsy and whimsical grounds.

- e. That any other grounds, with the permission of this Honorable Tribunal, will be taken at the time of arguments.

It is therefore, most humbly prayed that the impugned notification may kindly be set-aside and appellant may be placed senior to Muhammad Ibrahim Azhar. (Respondent No.4).

Any other relief, not specifically prayed for and deemed appropriate by this Honorable Tribunal in circumstances of the case also be granted to the appellant.


Appellant
Through 

Gohar Saleem Khan Afridi,
Advocate, Peshawar.

(4)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal # /2018

Mir Faraz Khan, DSP, Legal, Anti-corruption Establishment

Phase# 5 Hayatabad Peshawar
(Appellant)

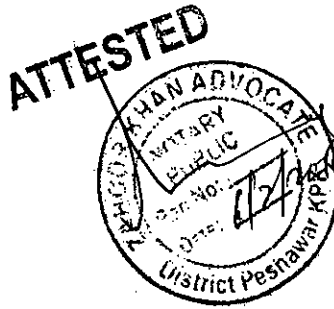
Versus

1. Govt: of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar.
2. Provincial Police Officer, (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Chairman Departmental Selection Committee (Additional IGP, HQ)CPO Peshawar.
4. Muhammad Ibrahim Azhar, DSP Legal, Anti-Corruption Establishment, Kohat.

(Respondents)

AFFIDAVIT

I, Mir Faraz Khan son of Noor Wali Khan R/o Bannu presently as DSP, Legal, Anti-Corruption Establishment, Peshawar, do hereby solemnly affirm and declared on oath that the contents of the accompanying service appeal or true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.




Deponent

CNIC No. 11101-1425161-3

5

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal # /2018

Mir Faraz Khan, DSP, Legal, Anti-corruption Establishment

Phase# 5 Hayatabad Peshawar

(Appellant)

Versus

1. Govt: of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar and others.

(Respondents)

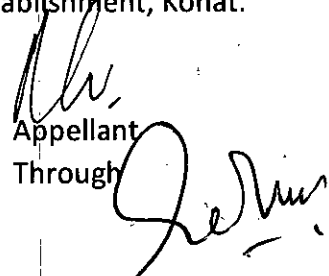
ADDRESSES OF THE PARTIES.

Appellant.

Mir Faraz Khan son of Noor Wali Khan R/o Bannu presently as DSP, Legal, Anti-Corruption Establishment, Peshawar

Respondents.

1. Govt: of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar..
2. Provincial Police Officer, (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Chairman Departmental Selection Committee (Additional IGP, HQ)CPO Peshawar.
4. Muhammad Ibrahim Azhar, DSP Legal, Anti-Corruption Establishment, Kohat.


Appellant
Through

Gohar Saleem Khan Afridi,
Advocate, Peshawar.

Annexure 'A' / I

6

25

FOR PUBLICATION IN THE POLICE GAZETTE PART-II,
ORDERS BY THE INSPECTOR GENERAL OF POLICE N.W.F.P., PESH:

NOTIFICATION.

Dated Peshawar the 29/1/1997.

No. 2000 /E-II; ADMISSION TO PROMOTION LIST 'F':- The names of the following prosecuting sub-Inspectors of Police are hereby brought on promotion list 'F' w.e. from 1.1.1997.

S.No.	Name	Name of Range.
1.	PSI Noorul Wahab No.M/38	Malakand Range.
✓ 2.	PSI Abdul Sattar No.K/2	Kohat Range.
3.	PSI Mohammad Rauf No.K/3	Kohat Range.
4.	PSI. Iltaf Hussain Akhtar No.H/23.	Hazara Range.
5.	PSI Murtaza Shah No.H/26	Hazara Range.
6.	PSI Sheikh Zahoor Ahmad No.H/2.	Hazara Range.
7.	PSI Abdul Hamid No.H/25	Hazara Range.
8.	PSI Naeemul Hadi No.M/43	Malakand Range.
9.	PSI Sherzada No.M/41	Malakand Range.
10.	PSI Umer Farooq No.H/24	Hazara Range.
11.	PSI Mohammad Younes No.H/21	Hazara Range.
12.	PSI Mohammed Changez No.H/22	Hazara Range.
13.	PSI Mohammad Qamarzeb No. P/254.	Peshawar Range.
14.	PSI Zaheeruddin No.H/27.	Hazara Range.
15.	PSI Abdul Aziz No.B/24	Bannu Range.
16.	PSI Fazal Hadi No.M/95	Malakand Range.
17.	PSI Sohail Afzal No.B/37	Bannu Range.
18.	PSI Mohammad Rashid No.B/33	Bannu Range.
19.	PSI Mir Feroz Khan No.B/38	Bannu Range.
20.	PSI Mohammad Asif No.B/36	Bannu Range.

MOHAMMAD AZIZ KHAN
INSPECTOR GENERAL OF POLICE,
NWFP, PESHAWAR,

No. 2001-52

/E-II

Copy of above is forwarded to All Heads of Police Officers in the NWFP for information and necessary action.

(SIKANDAR MUHAMMAD ZAI)
DIG/HQRS:
FOR INSPECTOR GENERAL OF POLICE,
NWFP, PESHAWAR.

Kiranat
29.1.

(7)

Annexure A/2

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA POLICE AS IT STOOD ON 30.06.2015

No. 1694 /E-II, Seniority List:- The seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.06.2015 is hereby published for information to all concerned:-

S.NO	NAME & NO.	EDUCATION	HOME DISTT:	D.O BIRTH	D.O ENLISTMENT	D.O CONFIRMATION SI LEGAL	D.O PROMOTION TO LIST "F"	D.O PROMOTION AS INSPECTOR LEGAL	D.O CONFIRMATION AS INSPECTOR LEGAL	REMARKS
1.	Abdul Sattar No. B/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008	
2.	Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013	
3.	Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013	
4.	Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013	
5.	Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	31.10.2013	
6.	Sohail Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013	
7.	Bashir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013	
8.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008		
9.	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013	
10.	Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013	
11.	Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	31.10.2013	
12.	Kamal Hussain	BA/LLB	Kohat	15.04.1969	25.03.1999	30.06.2008	21.05.2009	21.05.2009	31.10.2013	
13.	Rashid Ahmed No. 448/M	MA/LLB	Dir Upper	02.04.1980	05.12.2009	05.12.2009	11.02.2014	11.02.2014		
14.	Syed Amir Abbas	MA/LLB	Kohat	15.06.82	05.12.09	05.12.2009	11.02.2014	11.02.2014		
15.	Muhammad Farooq Khan No. B/35	MA/LLB	Bannu	30.12.1978	08.12.2009	08.12.2009	11.02.2014	11.02.2014		
16.	Akhalq Hussain Shah No. H/50	BA/LLB	Mansehra	07.03.1982	09.12.2009	09.12.2009	11.02.2014	11.02.2014		
17.	Malik Habib Khan No. P/168	BA/LLB	Peshawar	10.01.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014		
18.	Wisal Ahmad No. P/200	BA/LLB	Peshawar	12.04.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014		
19.	Usman Ali Khan No. P/199	MA/LLB	Charsadda	25.12.1983	12.12.2009	12.12.2009	11.02.2014	11.02.2014		

A
BASED

8

Annexure A/3

S.NO	NAME & NO.	EDUCATION	HOME DISTT:	D.O BIRTH	D.O ENLISTMENT	D.O CONFIRMATION SI LEGAL	D.O PROMOTION TO LIST "F"	D.O PROMOTION AS INSPECTOR LEGAL	D.O CONFIRMATION AS INSPECTOR LEGAL	REMARKS
20.	Muhammad Shafiq No. MR/49	BA/LLB	Mardan	15.03.1979	15.12.2009	15.12.2009	11.02.2014	11.02.2014		
21.	Muhammad Zahoor No. H/51	MA/LLB	Haripur	05.01.1980	21.12.2009	21.12.2009	11.02.2014	11.02.2014		
22.	Siraj-ud-Din No. H/53	MA Pol: Science MA I.R LLB	Kohistan	03.04.1982	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
23.	Naeem Hussain No. H/52	BA/LLB	Mardan	21.04.1984	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
24.	Faheem Khan No. MR/13	BSc/LLB	Swabi	02.08.1983	12.01.2010	12.01.2010	11.02.2014	23.02.2015		
25.	Imranullah No. 450/M	BA/LLB	Buner	15.04.1983	02.12.2009	17.07.2013	11.02.2014	23.02.2015		

(MIAN MUHAMMAD ASIF)
Addl: IGP/Headquarters
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

No 1695-1715 /E-II, dated Peshawar, the 12/08/2015.

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

1. Additional IGP/ Investigation Khyber Pakhtunkhwa, Peshawar
2. Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar
3. Commandant PTC Hangu
4. Capital City Police Officer Peshawar.
5. All Regional DisG in Khyber Pakhtunkhwa.
6. Director ACE Khyber Pakhtunkhwa, Peshawar.
7. Registrar CPO, Peshawar
8. Office Supdt: Establishment CPO, Peshawar
9. Office Supdt: Secret CPO, Peshawar

They are requested to please inform all officers serving under their command. Any officer who have objection on his seniority/correction, he should submit his representation within one month after the issue of the list otherwise no representation will be accepted.



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

Dated Peshawar 06 February 2017

SENIORITY LIST OF DSsP LEGAL BS-17 OF KHYBER PAKHTUNKHWA POLICE

No. 92 /SE-I, The Seniority List of DSsP Legal BS-17 of Khyber Pakhtunkhwa Police is hereby published for information of all concerned.

S. #	Name of Officer	Education	Domicile	D. O. Birth	Date of Retirement	Date of promotion as DSP/Legal	Promotion of Notification
1.	Mr. Imtiaz Ali	BA/LLB	Bannu	03.11.1959	02.11.2019	12.09.2014	Notification No. 1092 dated 12.09.2014
2.	Mr. Javed Ahmed	BA/LLB	DIKhan	15.05.1962	14.05.2022	12.09.2014	Notification No. 1092 dated 12.09.2014
3.	Mr. Ghulam Hussain	BA/LLB	DIKhan	01.02.1959	31.01.2019	12.09.2014	Notification No. 1092 dated 12.09.2014
4.	Mr. Abdul Sattar	BA/LLB	Bannu	07.05.1958	06.05.2018	25.03.2016	Notification No. 314 dated 25.03.2016
5.	Mr. Abdul Sattar	BA/LLB	Karak	20.11.1962	19.11.2022	25.03.2016	Notification No. 314 dated 25.03.2016
6.	Mr. Mir Faraz	BA/LLB	Bannu	02.11.1967	01.11.2027	30.09.2016	Notification No. 1032 dated 30.09.2016
7.	Mr. Muhammad Asif	BA/LLB	Lakki	31.03.1970	30.03.2030	30.09.2016	Notification No. 1032 dated 30.09.2016
8.	Mr. Sohail Afzal	BA/LLB	Bannu	23.12.1964	22.12.2024	30.09.2016	Notification No. 1032 dated 30.09.2016
9.	Mr. Bashir Ahmad	BA/LLB	Dir	19.07.1959	18.07.2019	30.09.2016	Notification No. 1032 dated 30.09.2016

(SYED AKHTAR ALI SHAH)PSP

Addl: IGP HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy to all concerned

Handwritten signature and initials: N. Akhtar, 12/2, SE-1



Annexure

B₁
1

10

DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT,
KHYBER PAKHTUNKHWA,
PESHAWAR.

No. 16156 /ACE/ Dated 25/10/2017.

To

The AIG/Establishment,
Central Police Office.
Peshawar.

Subject: REPRESENTATION.

I am directed to refer to your office notification No. 827/CPB, dated 12.10.2017 on the subject cited above and to state that the representation in respect of Mir Faraz Khan, DSP Legal, presently posted as Assistant Director Legal in this Establishment is sent herewith for favour of consideration please.

Encls: (02).

Assistant Director Admn.,
For Director, Anti-Corruption Estt.,
Khyber Pakhtunkhwa,
Peshawar.

No. 16157 /ACE, dated 25/10/2017.

Copy forwarded to Mir Faraz Khan, ADL-I, ACE Peshawar for information.

Assistant Director Admn.,
For Director, Anti-Corruption Estt.,
Khyber Pakhtunkhwa,
Peshawar.

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

Through:- PROPER CHANNEL

Subject:- REPRESENTATION

With due respect and great veneration, appellant submits representation against the Notification No. 827/CPB dated 12.10.2017 which provides that Muhammad Ibrahim Azhar was placed senior to appellant.

FACTS:-

1. That appellant and Muhammad Ibrahim Azhar joined Police department as Sub-Inspectors Legal with effect from 17.04.1993 and 08.10.1992 respectively.
2. That appellant and Muhammad Ibrahim Azhar were promoted to the promotion list-F on 12.01.1997 and 30.07.2008 respectively.
3. That appellant was confirmed in the rank of Inspector on 31.10.2013 and Muhammad Ibrahim Azhar was not confirmed in the rank of Inspector till the year 2016.
4. That appellant was promoted to promotion list-F about eleven (11) years prior to Muhammad Ibrahim Azhar DSP Legal and in the same ~~when~~ appellant was promoted to the rank of DSP Legal prior to Muhammad Ibrahim Azhar.
5. That appellant remained senior to Muhammad Ibrahim Azhar DSP Legal right from the year 1997 till the impugned Notification issued on 12.10.2017. Hence this representation on the following grounds.

GROUND:-

- a) That the impugned Notification of placing Muhammad Ibrahim Azhar senior to appellant is against the law and rules governing the subject matter. According to Police Rules 12.2 (3) confirmation in the rank is the final determining factor for fixation and reckoning seniority. Appellant was confirmed in the rank of Inspector about several years prior to appellant. Therefore placing Muhammad Ibrahim Azhar senior to appellant is against the settled principles of law.
- b) That appellant was promoted to list-F in the year 1997 and Muhammad Ibrahim Azhar was promoted to list-F in the year 2008. Appellant

B/3

(12)

remained senior to Muhammad Ibrahim Azhar right from the year 1997 till the year 2016. Muhammad Ibrahim Azhar remained silent for about 19 years pretty long period. The seniority list of meager strength of legal branch is promulgated every year. Appellant being member of a legal branch and law knowing person did not challenge seniority for long period for about 19 years. It is a settled principle of law that law helps those who are vigilant but not the indolent. Therefore the impugned order has been passed against the settled principles of law.

- c) That till passing the impugned Notification confirmation in the rank and promotion to prescribed promotion list was the sole criteria for fixation of seniority but all of sudden the seniority of Muhammad Ibrahim Azhar was fixed according to the date of appointment which is no criteria for fixation of seniority. Again the seniority of a Police officer is subject to qualifying certain promotion courses and unblemished service. The principle of fixation of seniority from the date of appointment will open a floodgate for departmental representation and litigations.
- d) That promotion and seniority is made on the principle of best among the rest and not on the basis of date of appointment. Muhammad Ibrahim Asghar remained junior to appellant for 19 years long period and was made senior to appellant on flimsy and whimsical grounds.

It is therefore requested that the impugned Notification may please set aside and appellant may be placed senior to Muhammad Ibrahim Asghar.

Yours obediently



Mir Faraz Khan
DSP/ADL ACE
Peshawar

24-X-2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.



Service Appeal No. 335 /2018

Muhammad Asif, DSP Legal, Khyber Pakhtunkhwa Special Branch
Peshawar. (Appellant)

Diary No. 340

Date: 08-3-2018

Versus

1. Govt: of Khyber Pakhtunkhwa through Secretary Establishment, Civil Secretariat, Peshawar.
2. Provincial Police Officer, (IGP) Khyber Pakhtunkhwa, Peshawar.
3. Chairman Departmental Selection Committee, (Additional IGP, HQ) CPO Peshawar.
4. Muhammad Ibrahim Azhar, DSP Legal, Anti-Corruption Establishment, Kohat.

(Respondent)

SERVICE APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 R/W ALL ENABLING PROVISIONS OF LAW GOVERNING THE SUBJECT AGAINST THE DECISION DATED 9.8.2017 OF THE DEPARTMENTAL PROMOTION COMMITTEE VIDE NOTIFICATION NO. 827/CPB, DATED 12.10.2017 AND DEPARTMENTAL APPEAL OF APPELLANT VIDE KHYBER PAKHTUNKHWA SPECIAL BRANCH LETTER NO. 7383/EB DATED 08.11.2017 WHICH WAS NOT DECIDED BY THE RESPONDENT NO. 2 WITHIN STIPULATED PERIOD OF 3 MONTHS.

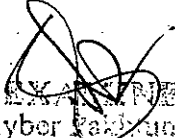
PRAYER

On acceptance of instant Service Appeal, notification No. 827/CPB, dated 12.10.2017 of DPC dated 9.8.2017 regarding assignment of revised seniority to respondent No. 4 may be set-aside and the appellant may be awarded full seniority before 9.8.2017 on the basis of confirmation/promotion to List F dated 12.1.1997.

ATTESTED RESPECTFULLY SHEWETH:

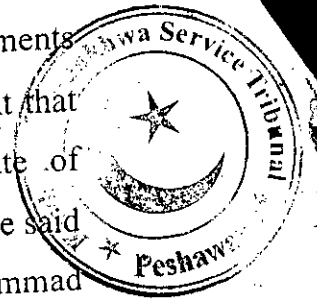
FACTS:

1. That the appellant joined Police department as Sub-Inspector Legal with effect from 17.4.1993 while Muhammad Ibrahim Azhar (Respondent No. 4) on 8.10.1992.
2. That appellant was promoted to the promotion List-F on 12.1.1997 while respondent No. 4 on 30.7.2008 (Copy of list F enclosed as Annexure A).


Muhammad Asif
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

A. No. 335/2018
M. Asif vs Govt

26.03.2018



Counsel for the appellant present. Preliminary arguments heard. It was contended by learned counsel for the appellant that according to the seniority list dated 30.04.2016 the date of promotion of list-F of the appellant is 12.01.1997 whereas the said date of promotion of list-F of private respondent Muhammad Ibrahim Azhar is 30.07.2008 meaning thereby that the appellant promoted to the rank of Inspector (legal) earlier than the private respondent.. It was further contended that the appellant was confirmed to the post of Inspector (legal) on 31.10.2013 however, the private respondent was not confirmed till 30.04.2016 but the departmental promotion committee was constituted and vide notification dated 12.10.2017 they have illegally shown the name of the private respondent senior to the appellant therefore, the appellant filed departmental appeal against the said notification dated 12.10.2017 but the same was not responded hence, the present service appeal. Therefore, the notification dated 12.10.2017 is liable to be corrected.

The contention raised by learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 21.05.2018 before S.B.

Sd/- M. Amin Khan Kundi
Member

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 3-4-18
Number of Words 800
Copying Fee 6
Urgent _____
Total 6
Name of Copy [Signature]
Date of Completion of Copy 10-4-18
Date of Delivery of Copy 10-4-18



Annexure C

13

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

No. 827 /CPB, dated Peshawar the 12 / 10 / 2017

NOTIFICATION

This Notification is issued in pursuance of decision of Departmental Promotion Committee made during meeting held on 09.08.2017, duly approved by the Inspector General of Police Khyber Pakhtunkhwa. The Committee approved restoration of seniority of Muhammad Ibrahim Azhar in accordance with his date of appointment i.e. 08.10.1992 as he was already granted revised seniority in the rank of Inspector Legal with effect from 31.10.2013 during the DPC meeting held on 16.11.2016.

Mir Faraz, Muhammad Asif and Sohail Afzal DSsP Legal were appointed as Sub-Inspectors Legal later than Muhammad Ibrahim Azhar but they have been placed senior to him. Therefore the name of Muhammad Ibrahim Azhar is placed above the name of Mir Faraz DSP Legal in the seniority list of DSsP Legal.

Directorate of Police Collection
6595
12/10/17

Sd/-
SALAH-UD-DIN KHAN
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. and dated even

Copy forwarded to the:-

1. All Addl: Inspector General of Police in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
4. Capital City Police Officer, Peshawar.
5. Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
6. Commandant, Police Training College, Hangu.
7. Director ACE, Khyber Pakhtunkhwa, Peshawar.
8. Registrar, CPO, Peshawar.
9. Office Supdt: Secret Branch CPO, Peshawar.
10. Superintendents Establishment Branch -I, CPO, Peshawar.
11. U.O.P File.

(ARIF SHAHBAZ KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Received on 13-x-2017

DSP/ADL I
13-x-2017

50 روپے



24399

ایڈوکیٹ: گل محمد سلیم افندی

بار کونسل ایسوسی ایشن نمبر: 802

رابطہ نمبر: 0300-5902384

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: *محمد رفیق خان*

مخانب:	دعویٰ:
<i>محمد فراز خان بنام حکومت خیبر پختونخواہ</i>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
	باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام *لسام کیلے گل محمد سلیم افندی*، صدر ایجنسی *الحجاء* 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 برحلف 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 با اختیارات 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: _____
_____ واہ شد _____
مقام *لسام* کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوگی۔

Handwritten signature and notes

BEFORE THE HONORABEL KPK SERVICE TRIBUNAL

PESHAWAR

Service Appeal No. 165/2018

Mir Faraz DSP Legal Anti Corruption Estab:.....(Appellant)

Versus

Govt of Khyber Pakhtunkhwa Secretary Establishment and
others.....(Respondents)

**Subject:- PARAWISE COMMENTS ON BEHALF OF
RESPONDENTS.NO.1 to 3 ARE AS UNDER,**

PRELIMINARY OBJECTIONS:-

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

FACTS:-

1. Correct that appellant was enlisted in Police Department on 17.04.1993, while respondent No. 04 on 08.10.1992.
2. Correct that the appellant was promoted to list "F" on 12.01.1997 while respondent No. 04 on 30.07.2008. But, the respondent No. 04 was given his due seniority according to his date of appointment and confirmation by the Departmental Promotion committee on the representation made by respondent No. 04 for restoration of his seniority under the rules from date of initial appointment and confirmation. Copy annexure "A".
3. Incorrect. In fact confirmation of respondent No. 4 in the rank of Inspector was delayed and was later on granted revised seniority in

the rank of Inspector w.e from 31.10.2013 vide order No. 2102/E-II dated 19.10.2016. Copy annexure "B"

4. That revised seniority has been given to the respondent No. 4 in the seniority list of DSsP Legal in the pursuance of decision of departmental promotion committee made during its meeting held on 09.08.2017 duly approved by the competent authority in accordance with his date of appointment i.e. 08.10.1992 as he was already granted revised seniority in the rank of Inspector Legal with effect from 31.10.2013 vide Notification No. 827/CPB dated 12.10.2017. Copy enclosed already Annexure-"A-B"
5. That when appellant filed instant service appeal, the departmental appeal of the appellant has become functus officio.
6. That the respondent No. 4 was granted revised seniority in accordance with date of initial appointment and revised confirmation by the competent authority on the recommendation of departmental promotion committee vide notification No. 827/CPB dated 12.10.2017. Copy already enclosed as Annexure-A.


GROUND:-

- a. Incorrect. The notification of Respondent No. 4 was issued by the competent authority on the recommendation of departmental promotion committee in accordance with initial date of appointment i.e. 08.10.1992 and revised confirmation in accordance with law and rules, hence maintainable.
- b. Correct to the extent that appellant was promoted to the rank of Inspector in the year 1997 while respondent No. 4 in the year 2008. But the respondent No. 4 was granted due seniority in accordance with his date of initial appointment and revised confirmation by the competent authority on the recommendation of Departmental Promotion Committee in accordance with law and rules vide notification No. 827/CPB dated 12.10.2017.
- c. Incorrect. The seniority list was revised by the competent authority on the recommendation of departmental promotion committee in accordance with law and rules.
- d. Incorrect. According to Police Rule 12.2(3) the seniority of the direct appointees shall be reckoned from date of initial appointment and subsequently according to date of confirmation. Respondent No. 4 is senior to appellant in date of appointment and he has also


granted revised confirmation by the competent authority, therefore, revised notification as referred above was issued by the competent authority in accordance with law and rules. Thus is maintainable.

- e. The respondents may also be allowed to advance additional grounds at the time of hearing.


In view of above, it is humbly prayed that on acceptance of Para-wise comments, the instant writ petition may kindly be dismissed being meritless and time barred.



Secretary Establishment
Civil Secretary Peshawar
(Respondent No. 1)



Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.02)



Chairman
Departmental Selection Committee
(Add: Inspector General of Police,)
Headquarter, CPO,
Peshawar.
(Respondent No. 3)

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

No. 827 / CPB, dated Peshawar the 12/ 10 / 2017

NOTIFICATION

This Notification is issued in pursuance of decision of Departmental Promotion Committee made during meeting held on 09.08.2017, duly approved by the Inspector General of Police Khyber Pakhtunkhwa. The Committee approved restoration of seniority of Muhammad Ibrahim Azhar in accordance with his date of appointment i.e. 08.10.1992 as he was already granted revised seniority in the rank of Inspector Legal with effect from 31.10.2013 during the DPC meeting held on 16.11.2016.


Mir Faraz, Muhammad Asif and Sohail Afzal DSsP Legal were appointed as Sub-Inspectors Legal later than Muhammad Ibrahim Azhar but they have been placed senior to him. Therefore the name of Muhammad Ibrahim Azhar is placed above the name of Mir Faraz DSP Legal in the seniority list of DSsP Legal.

Sd/-
SALAH-UD-DIN KHAN
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. and dated even

Copy forwarded to the:-

1. All Addl: Inspector General of Police in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
4. Capital City Police Officer, Peshawar.
5. Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
6. Commandant, Police Training College, Hangu.
7. Director ACE, Khyber Pakhtunkhwa, Peshawar.
8. Registrar, CPO, Peshawar.
9. Office Supdt: Secret Branch CPO, Peshawar.
10. Superintendents Establishment Branch -I, CPO, Peshawar.
11. U.O.P File.


7c (ARIF SHAHBAZ KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

18/11/2017

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 165/2018

Mir Faraz Khan DSP Legal Anit corruption Establishment Phase V Hayatabad Peshawar
(Appellant)

VERSUS

- 1:-Govt of KPK Through Secretary Establishment civil Secretariat Peshawar
- 2.Provincial Police Officer ,(IGP KPK POLICE PESHAWAR.)
- 3.CHAIRMAN DEPARPTMENTAL SELECTION COMMITTEE (ADDITIOANL IGP HEADQURATER CPO PESHAWAR
- 4:-MUHAMMAD IBRAHIM AZHAR,DSP LEGAL ,ANTICORRUPTION ESTABLISHMENT KOHAT
(Respondent)

PARA WISE COMMENTS ON BEHALF OF RESPODENT 4.

Respectfully Sheweth,

Parawise comments are submitted as under .

Preliminary Objection

- 1:-That the appeal is not maintainable in the present form.
- 2:-That the appellant has got no cause of action.
- 3:-That the appellant has not come to this Honorable court with clean hand.
- 4:-That the appeal is badly time barred.
- 5:-That the appeal is bad for mis joinder of unnecessary parties and non -joinder of necessary parties.

FACTS

- 1:- Correct to the extent that respondent No-4 has been appointed on 08-10-1992 and rest of the para of the fact has no concern with the respondent No-4
- 2: No comments pertains to record.
- 3:-No comments pertains to record.
- 4:-No comments on the basis that the respondent No-4 has no concern
- 5:-No comments and has no concern with respondent No-4 .
- 6:-Incorrect to the extent that the appellant was appointed on 17-04-1993 and respondent No-4 is appointed on 08-10-1992 respectively.

GROUNDS

A:-Incorrect the appellant mis interpreted the rule 12.2.3 on the basis that the seniority count from the date of appointment not from the date of confirmation and the respondent No-4 was promoted in DPC held in the year of 2016 in which minutes of meeting of the DPC it was contended that respondent No-4 has been confirmed with effect from 31-10-2013 detail description will produce at the time of arguments.

B:-No comments already discussed in Para A of the grounds.

C:-Correct to the extent that for promotion qualifying certain promotion course are mandatory and colorful service rest of the para is incorrect and the qualification and good service record of the respondent 4 is more than any one.

D:-Incorrect the appellant is junior to the respondent No-4 on the basis that the appellant was appointed on 17-04-1993 and respondent No-4 is appointed on 08-10-1992 and this facts has also admitted by appellant in his service appeal.

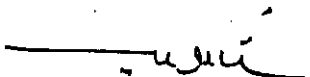
E:-That further grounds will be discussed at the time of arguments with the permission of honourable tribunal.

It is humbly prayed that under the above circumstances the appeal in hand may graciously be dismissed on the basis that there is no merit in the appeal .

Dt. 21-12-2018

Through


Respondent No-4

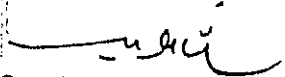

Syed Mudasir Pirzada Advocate
HC-0345-9645854

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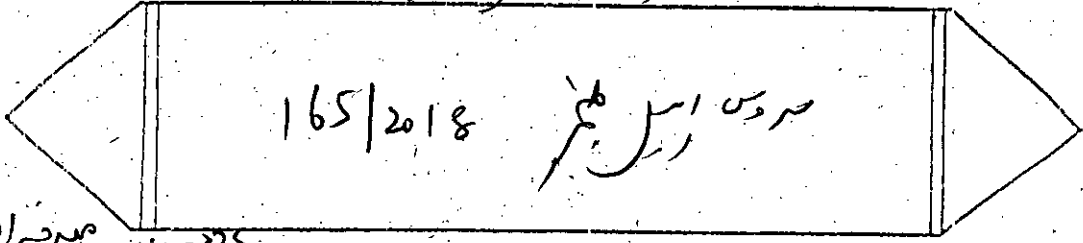
I the above respondent No-4 do hereby solemnly affirm that all the contents of the comments are true to the best of my knowledge .

Through


Respondent No-4


Syed Mudasir Pirzada Advocate
HC-0345-9645854

بعد الت سدوسن لڑبوسن لڑو



مدرسہ ارضان

مدرسہ ارضان بنام ۲۲۰ و بصرہ

سورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام لسٹور کیلئے جنرل بنیاد سمند ASC
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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک درو پیہا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 با اختیار حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جائت التوائے مقدمہ کے سب سے دہوگا۔
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 لکھد یا کہ سند ہے۔

مدرسہ ارضان

المرقوم 31 ماہ مارتا 2022

بمقام لسٹور کے لئے منظور ہے۔
Attested & Accepted

BEFORE THE LEARNED SERVICE TRIBUNAL
KPK, PESHAWAR

Appeal No. 165/2018

Mir FarazAppellant
VERSUS
Govt of KPKRespondents

APPLICATION FOR ADJOURNMENT

Respectfully Sheweth:

1. That the above titled Appeal is pending adjudication before this Hon'ble Court and is fixed for 10.11.2021

2. That the counsel for Respondent No 4 is busy at Federal Service Tribunal Islamabad, hence would not be able to appear and assist this Hon'ble Court on the date fixed.

It is, therefore, respectfully prayed that on acceptance of this application, the titled Appeals may kindly be adjourned, convenient to this Hon'ble Court.

Applicant

Through

Dated 10.10.2021

Through Clerk

Syed Mudassir Pirzada
Advocate High Court
At District Courts Kohat


MUTAHIR SHAH
Cell # 0313-9921335