

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.

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)

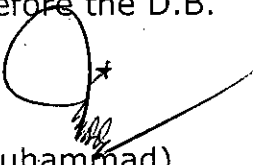

(Rozina Rehman)
Member (J)


SCANNED
KPST
Peshawar

07.07.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Wisal, H.C alongwith 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

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Request for adjournment was made due to engagement of learned senior counsel for the appellant in the Hon'ble Peshawar High Court today. Last opportunity is granted. To come up for arguments on 04.11.2022 before D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

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

31.03.2022

Counsel for the appellant present. Mr. Muhammad Adeel Addl. A.G for the respondents present.

Learned 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)

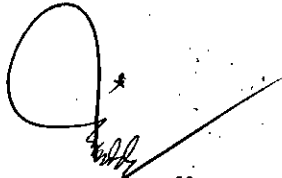


Chairman

30th May, 2022

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

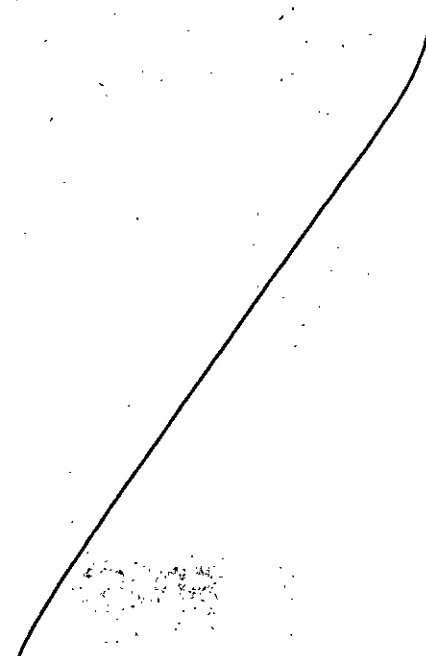
Learned counsel for the appellant seeks adjournment in order to properly assist the Court. Appeal pertains to the year 2018, therefore, last opportunity is granted. To come up for arguments on 07.07.2022 before the D.B.



(Mian Muhammad)
Member(E)



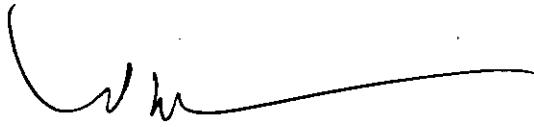
(Kalim Arshad Khan)
Chairman



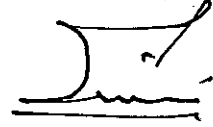
10.11.2021

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.



(ATIQ UR REHMAN WAZIR)
MEMBER (E)



(SALAH-UD-DIN)
MEMBER (J)

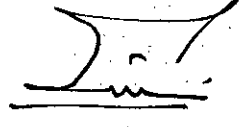
01.02.2022

Learned counsel for the appellant 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.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments being busy in preparing other cases. Adjourned. To come up for arguments on 31.03.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

29.2.2020

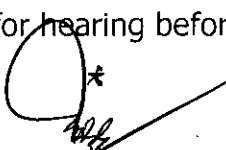
Due to summer vacation, case is adjourned to 16.3.2021 for the same as before.


Reader

16.03.2021

Junior to counsel for the appellant, 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

26-4-21

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


Reader



16.08.2021

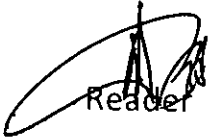
Since 16.08.2021 has been declared as Public holiday on account of Moharram, therefore, case is adjourned to 10.11.2021 for the same as before.


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

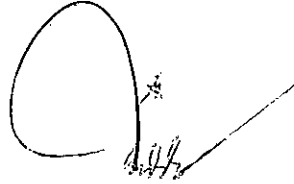
28.10.2020

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


Reader

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.

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Member

A handwritten signature consisting of several overlapping, slanted vertical strokes.

Member

27.09.2019

Mr. Saadullah Khan Marwat, Advocate submitted Power of Attorney on behalf of the appellant and seeks adjournment. Learned Asst: AG alongwith Mr. Wisal, H.C for respondents present. Adjourn. To come up for arguments on 29.11.2019 before D.B.


Member


Member

29.11.2019

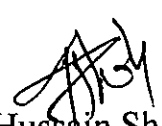
Appellant in person present. Asst: AG alongwith Mr. Wisal, H.C for respondents present. Appellant seeks adjournment as his counsel is not available today. Adjourn. To come up for arguments on 22.01.2020 before D.B.

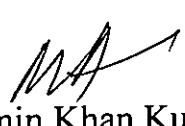

Member


Member

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

E.P. No. 335/18

14.02.2019 Appellant in person and Addl. AG for the respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 29.04.2019 before the D.B.



Member



Chairman

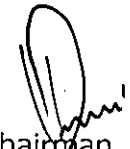
29.04.2019 Appellant in person and Mr. Ziaullah, DDA for the respondents present.

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.

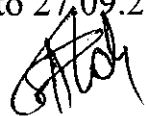


Member



Chairman

15.07.2019 Appellant in person and Mr. Muhammad Jan, District Attorney alongwith M/S Mir Faraz Khan, DSP (Legal) and 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

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 11.10.2018 before S.B.


(Muhammad Amin Kundi)
Member

11.10.2018

Mr. Muhammad Asif, 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 the 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. Kabirullah Khattak learned AAG alongwith 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.-1


Member

Service Appeal No. 335/2018

21.05.2018

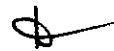
Counsel for the appellant present and requested that similar nature appeal of Mir Faraz is fixed on 06.06.2018 therefore, the instant appeal may also be fixed on the same date. Request is accepted. To come up on 06.06.2018 alongwith Mir Faraz appeal. Security and process fee have also not been deposited by the appellant. Learned counsel for the appellant is also directed to deposit the same with seven days, thereafter; notice be issued to the respondents for written reply/comments for 06.06.2018.

Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

06.06.2018

Counsel for the appellant 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.



Member

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.


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 335/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/03/2018	<p>The appeal of Mr. Muhammad Asif presented today by Mr. Shad Muhammad Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 8/3/18</p>
2-	12/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/03/18.</u></p> <p style="text-align: right;"> MEMBER</p>

SCANNED
KPST
Peshawar

16.03.2021

Junior to counsel for the appellant, 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

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 335 /2018

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

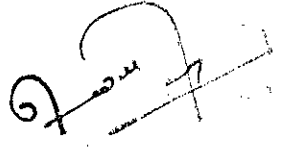
Versus

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.

(Respondent)

S.No	Description of Documents	Annexure	Page No.
1.	Service Appeal	(3)	1 to 3
2.	Affidavit		4
3.	Addressees of the parties		5
4.	Seniority List-F	A	6 to 9
5.	Departmental appeal	B	10 to 12
6.	Notification	C	13

7. Wakalat nama


Saad Muhammad
Advocate Pesh
High Court

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 07.11.2017 which was conveyed to the office IGP vide SSP Admn: Khyber Pakhtunkhwa Special Branch letter No. 7383/EB dated 08.11.2017 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 of 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 Azhar 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, 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 circumstance of the case also be granted to the appellant.


Appellant

Through


Shad Muhammad
Advocate of Peshawar High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. /2018

Muhammad Asif, DSP Legal, Khyber Pakhtunkhwa Special Branch
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.

(Respondent)

AFFIDAVIT

I, Muhammad Asif s/o Abdul Hamced R/o Lakki Marwat presently as DSP Legal Special Branch Khyber Pakhtunkhwa, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent

CNIC No. 17301-3746129-3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. /2018

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

Versus

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

ADDRESSES OF THE PARTIES

Appellant.

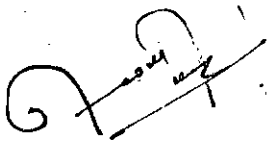
Muhammad Asif son of Abdul Hameed R/o Lakki Marwat presently as DSP Legal Special Branch Khyber Pakhtunkhwa, Peshawar.

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


Shad Muhammad
Advocate of Peshawar High Court

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 DISTRICT	D.O. BIRTH	D.O. ENLISTMENT	D.O. CONFIRMATION 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. F/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.	Kamul 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-A1	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.	Akhdq Hussain Shah No. H/50	BA/LLB	Manshara	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.	Wajid 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		

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Approved by
9

Signature

7

S/NO	NAME	EDUCATION	RESIDENCE	DATE OF BIRTH	DATE OF ENTRY	DATE OF PROMOTION	DATE OF PROMOTION AS INSPECTOR LEGAL	DATE OF PROMOTION AS INSPECTOR LEGAL	DATE OF PROMOTION AS INSPECTOR LEGAL
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	

(Signature)
(MIAN MUHAMMAD ASIF)
 Addl: IGP/Headquarters
 For Inspector General of Police,
 Khyber Pakhtunkhwa
 Peshawar
10c EL

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.

Assessed by
(Signature)

Received on
17/8/2015.
(Signature)
17/8/2015

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT STOOD ON 30.04.2016

No. 1306 /E-II, Seniority List:- The seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.04.2016 is hereby published for information to all concerned.

S.NO	NAME & NO.	EDU	HOME DISTT	D.O BIRTH	D.O ENLISTM ENT	D.O CONF. ST LEGAL	D.O PROMOTIO N TO LIST "F"	D.O PROMOTIO N AS INSP LEGAL	D.O CONF AS INSP LEGAL	REMARKS
1.	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	
2.	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	
3.	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	
4.	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	
5.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008		
6.	Kamal Hussain No.K/11	BA/LLB	Kohat	15.04.1969	25.03.1999	30.06.2008	21.05.2009	21.05.2009	31.10.2013	Assigned revised seniority by DPC in his meeting held on 19.11.2015, Notification No: 2783-2808/E-II, dated 17.12.2015.
7.	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	
8.	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	
9.	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	
10.	Rashid Ahmed No. 448/M	MA/LLB	Dir Upper	02.04.1980	05.12.2009	05.12.2009	11.02.2014	11.02.2014		
11.	Syed Amir Abbas	MA/LLB	Kohat	15.06.82	05.12.2009	05.12.2009	11.02.2014	11.02.2014	11.02.2016	
12.	Muhammad Farooq Khan No. B/35	MA/LLB	Bannu	30.12.1978	08.12.2009	08.12.2009	11.02.2014	11.02.2014		
13.	Akhalq Hussain Shah No. H/50	BA/LLB	Mansehra	07.03.1982	09.12.2009	09.12.2009	11.02.2014	11.02.2014	11.02.2016	
14.	Malik Habib Khan No. P/168	BA/LLB	Peshawar	10.01.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
15.	Wisal Ahmad No. P/200	BA/LLB	Peshawar	12.04.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
16.	Usman Ali Khan No. P/199	MA/LLB	Charsadda	25.12.1983	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
17.	Muhammad Shafiq No. MR/49	BA/LLB	Mardan	15.03.1979	15.12.2009	15.12.2009	11.02.2014	11.02.2014		
18.	Muhammad Zahoor No. H/51	MA/LLB	Haripur	05.01.1980	21.12.2009	21.12.2009	11.02.2014	11.02.2014		

Appellant
Respondent
No. 4

40
19

SP
SC

Att: 6

Attested by
[Signature]

[Signature]

RK
Transfere a
to Jr

9

S.NO	NAME & NO.	EDU:	HOME DISTT:	D.O. BIRTH	D.O. ENLISTMENT	D.O. CONF. SI. LEGAL	D.O. PROMOTION TO LIST "P"	D.O. PROMOTION AS INSP. LEGAL	D.O. CONF. AS INSP. LEGAL	REMARKS
19.	Siraj-ud-Din No. H/53	MA Pol. Science MA LR LLB	Kohistan	03.04.1982	21.12.2009	21.12.2009	11.02.2014	23.02.2015	-	
20.	Naeem Hussain No. H/52	BA/LLB	Mardan	21.04.1984	21.12.2009	21.12.2009	11.02.2014	23.02.2015	-	
21.	Fahcem Khan No. MR/13	BSc/LLB	Swabi	02.08.1983	12.01.2010	12.01.2010	11.02.2014	23.02.2015	-	
22.	Imranullah No. 450/M	BA/LLB	Buner	15.04.1983	02.12.2009	17.07.2013	11.02.2014	23.02.2015	-	
23.	Sher Mohsin-ul-Mulk No.449/M	MA/LLB	Chitral	06.05.1979	09.01.2010	09.01.2010	19.01.2015	-	-	

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

No 1307 - 21 /E-II, dated Peshawar, the 18 / 05 /2016.

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 and CPB 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.

Missed by
(Signature)

(Signature)
 05/05/16

10

From: The Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

To: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 7383 /EB/SB, dated Peshawar, the 08/11/2017.

Subject: REPRESENTATION. (of DSP Legal /SB)

Memorandum:
Enclosed please find herewith representation (self-explanatory) in respect of DSP Legal Muhammad Asif of this establishment for favour of consideration.

OTC



SSP Admin.
For Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

Case by hand
08/11/2017

Received by
[Signature]

(11)

The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Through: PROPER CHANNEL

Subject: REPRESENTATION (of DSP Legal/SB)

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

FACTS:

That appellant and Muhammad Ibrahim Azhar joined Police department as Sub-Inspectors Legal with effect from 17.04.1993 and 08.10.1992 respectively.

That appellant and Muhammad Ibrahim Azhar were promoted to the promotion list-F on 12.01.1997 and 30.07.2008 respectively.

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.

That appellant was promoted to promotion list-F about eleven (11) years prior to Muhammad Ibrahim Azhar DSP Legal and in the same vein appellant was promoted to the rank of DSP Legal prior to Muhammad Ibrahim Azhar.

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.

REASONS:

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.

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

*Assessed by
[Signature]*

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 Azhar 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 Azhar.

Yours obediently

Witnessed by
[Signature]

[Signature]
Muhammad Asif
DSP Legal, Special Branch,
Peshawar.



19457
12-10-17

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

13

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 Aizal 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. (Special Branch)
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.

Approved by
[Signature]

DIG/IG	
SSP/Adm/P	
SP/S	
SP/Int:	
SP/Survey	
SP/IBF-Dist	
PI/JIT	
SP/R&A	
CP/HQrs:	
AIG/BDU	
Dir/Terr:ns	
Dir/Comm:ns	
4	

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

15/10

2631
16-10-17

cc
[Signature] 12/X

[Signature] RK
to 12 PSP/230

قیمت
50 روپے



30607

ایڈوکیٹ: شمار نمبر 11
بار کونسل ایسوسی ایشن نمبر 1556-09-60
رابطہ نمبر: 9244860-0311

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروس ٹریڈنگ کمپنی

مخاطب: <u>محمد اکرم</u>	دعویٰ: <u>سروس اجراء</u>
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

بنام
محمد اکرم صاحب
ایڈووکیٹ

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام لکھنؤ کیلئے شمار نمبر 11 کے لئے محمد اکرم کو وکیل مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی 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: 08-03-2018

العبد _____ واہ شد العبد _____

مقام پشاور کے لیے منظور ہے۔

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

Witnessed by
Shah Muhammad
Advocate Peshawar
Case

68/3/18
محمد اکرم

BEFORE THE HONORABEL KPK SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 335/2018

Muhammad Asif DSP Legal KPK Special Branch.....(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 is 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 is 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.

07c (ARIF SHAHBAZ KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

98
18/11/2017

قیمت 50 روپے	28092			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل/ ایسوسی ایشن نمبر:				
رابطہ نمبر: 03005959601				

بعدالت جناب: KPK SERVICE TRIBUNAL, PESHAWAR

APPELLANT	مخائب:	دعویٰ: Appeal No. 335/2018
MUHAMMAD ASIF		علت نمبر:
بنام		مورخہ:
GOVT OF KPK & OTHERS		جرم:
		تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 SAAD ULLAH MARWAT
 آں مقام PESHAWAR کیلئے AKBAR ALLI Admal 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 باختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ 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

المقوم:

الع بد گواہ شد الع بد

مقام کے لیے منظور ہے۔

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

Advocate

Appellant
 C.A.
 Appellant

BEFORE THE LEARNED SERVICE TRIBUNAL
KPK, PESHAWAR

Appeal No. 335/2018

Muhammad Asif.....Appellant
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 Appeal may kindly be adjourned, convenient to this Hon'ble Court.

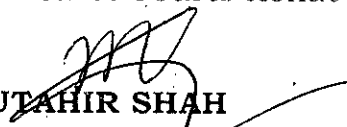
Applicant

Through

Dated 10.10.2021

Through Clerk

Syed Mudassir Pirzada
Advocate High Court
At District Courts Kohat


MUTAHIR SHAH
Cell # 0313-9921335

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 335/2018

Muhammad Asif DSP Legal KPK Special Branch 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.HEADQRATER 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 Honourable 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 misinterpreted 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

N.16
Respondent No-4

[Signature]
Syed Mudasir Pirzada Advocate
HC-0345-9645854

AFFIDAVITE

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

N.16
Respondent No-4

[Signature]
Syed Mudasir Pirzada Advocate
HC-0345-9645854