

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.1653/2022

Mr. Shah Nazar Said s/o Muhammad Said, Belt No. 734/ r/o Village Zafar Abad
Khungi Bala, Tehsil Timergara, Dir Lower Appellant

VERSUS

- 1) Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
Civil Secretariat Peshawar
- 2) Secretary Finance Department, Khyber Pakhtunkhwa Civil Secretariat
Peshawar
- 3) The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 4) Regional Police Officer, Malakand at Saidu Sharif Swat.....Respondents.

INDEX

S.#	Description of documents	Annexure.	Pages
1.	Para wise comments	-	1-3
2.	Power of attorney.	-	4
3.	Affidavit.	-	5
4.	Copy of enlistment order	Annexure "A"	6-7
5.	Copy of Regularization Act 2019	Annexure "B"	8-10
6.	Copy of Notification dated 08.04.2020 regarding regularization.	Annexure "C"	11-13



(Zahir Shah)
SI Legal Dir Lower

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 476
Dated 17/4/23

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No.1653/2022

Mr. Shah Nazar Said s/o Muhammad Said, Belt No. 734/ r/o Village Zafar Abad
Khungi Bala, Tehsil Timergara, Dir Lower Appellant

VERSUS

1. Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
Civil Secretariat Peshawar
2. Secretary Finance Department, Khyber Pakhtunkhwa Civil Secretariat
Peshawar
3. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar
4. Regional Police Officer, Malakand at Saidu Sharif Swat.....Respondents.

PARA WISE REPLY BY RESPONDENTS NO. 03 AND 04.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the service appeal is not maintainable in its present form
- 2) That the appellant has not come to this honourable Service Tribunal with
clean hands.
- 3) That the present appeal is badly barred by law & limitation.
- 4) That the instant appeal is bad for mis-joinder and non-joinder.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has concealed the material facts from this honorable
Tribunal.

ON FACTS.

1. Incorrect, the appellant was enlisted as SPO purely on contract basis on fixed
pay of Rs.10000/- not 15000/- vide OB No.1367 dated 08.10.2011 (copy of
enlistment order is enclosed as Annexure "A").
2. Pertains to the record of august Supreme Court of Pakistan, however the
appellant shall dealt strictly in accordance with Khyber Pakhtunkhwa
Special Police Officers Regularization of Services Act 2019 where there is no
provision exists.

3. Incorrect, the appellant was enlisted as SPO purely on contract basis and later on regularized under Section-3 of KP Special Police Officers (Regularization of Services) Act 2019. Every notification is issued with immediate effect. (Copy of Act and notification is enclosed as "B"- "C")
4. Incorrect, as already discussed that the appellant was recruited on contract basis and his Services was regularized in the light of KP Special Police Officer (Regularization of Services) Act 2019. Now the appellant service is regular and his plea regarding counting contract service as regular is not justifiable and based on flimsy grounds, liable to be dismissed.

GROUND.

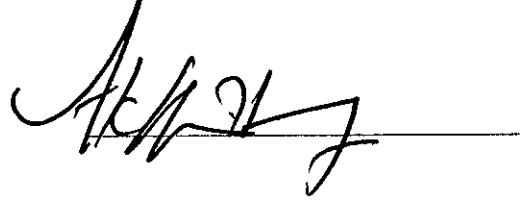
- A. Incorrect, the appellant has been treated in accordance with law and no violation of rules has been committed by the respondents.
- B. Incorrect, the appellant services has been regularized in view of the ibid Act in the very spirit of natural justice.
- C. Correct to the extent that appellant was remained in contract service under the command of respondents and later on regularized however legally, he is not entitled for the benefits being asked for.
- D. Each and every case has its own facts and circumstances. The appellant is not entitled for such entitlement.
- E. Already discussed in preceding paras, no comments.
- F. Incorrect, the appellant was regularized in service as per KP Special Police Officers (Regularization of services) Act 2019 and earlier appellant was recruited purely on contract basis with fixed pay of Rs.10000/-. Therefore he has no legal rights for the purpose.
- G. Needs no comments.
- H. Incorrect, no violation of the law / rules and constitution of Pakistan has been committed by the respondents.
- I. The respondents may also be allowed to adduce additional grounds at the time of argument / hearing.

(3)


PRAYER.

Keeping in view of above submission, the instant appeal, being devoid of merits may graciously be dismissed with costs please.

**Inspector General of Police
Khyber Pakhtunkhwa Peshawar.**



**Regional Police Officer,
Malakand at Saidu Sharif Swat.**



**Regional Police Officer
Malakand Region
Saidu Sharif Swat.**

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1653/2022

Mr. Shah Nazar Said s/o Muhammad Said, Belt No. 734/ r/o Village Zafar Abad
Khungi Bala, Tehsil Timergara, Dir Lower Appellant

VERSUS

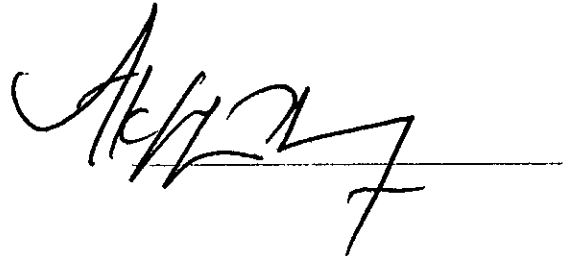
1. Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa
Civil Secretariat Peshawar
2. Secretary Finance Department, Khyber Pakhtunkhwa Civil Secretariat
Peshawar
3. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
4. Regional Police Officer, Malakand at Saidu Sharif Swat.....Respondents.

POWER OF ATTORNEY


SI Zahir Shah of Legal Branch Dir Lower is hereby authorized to
appear on our behalf before the Honorable Service Tribunal and to pursue the
case on each and every date.

He is also authorized to submit the comments in connection with
the above Service Appeal.

Inspector General of Police
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer
Malakand Region
Saidu Sharif Swat.

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 16532022

Mr. Shah Nazar Said s/o Muhammad Said, Belt No. 734/ r/o Village Zafar Abad
Khungi Bala, Tehsil Timergara, Dir Lower Appellant

VERSUS

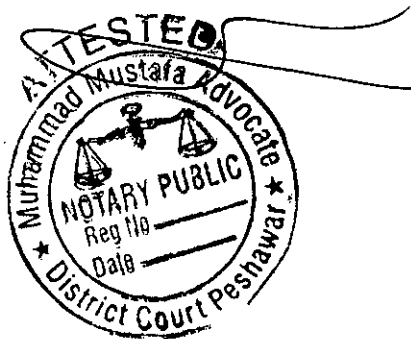
1. Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar
2. Secretary Finance Department, Khyber Pakhtunkhwa Civil Secretariat Peshawar
3. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
4. Regional Police Officer, Malakand at Saidu Sharif Swat.....Respondents.

AFFIDAVIT.

I Zahir Shah Khan SI Legal District Dir Lower do hereby solemnly affirm and declare on oath, that the contents of the Para wise reply is true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.



(Zahir Shah Khan)
SI Legal
Dir Lower



(6-7)

Annexure

Annex (A) (1)

ORDER

The following personnals are hereby enlisted as Special Police officer on contract basis w.e.f 08-10-2011 upto 30-06-2012 on monthly fixed salary of Rs 10,000/- in light of Provincial Police Officer Khyber Pakhtunkhwa Peshawar Letter No: 15392/E-dated: 20-06-2009, 17472-7/E-II dated 13-07-09 and Letter No: 17901-6/E-II dated 17-07-09. Their service will be purely of temporary nature and will be terminated by the Authority without showing any reason and notice.

Name	Father Name	Address	Tehsil	Allotted Const: No:
Syed Zaman	Sarfraz Kha	Badwan	Adenzai	568/SPO
Hazrat Bilal	Jehandar	Malatharo Ouch	Adenzai	646/SPO
Saqib	Door Muhammad	Malatharo Ouch	Adenzai	345/SPO
Abshad Ahmad	Dilshad Ahmad	Sahibzadgeno Cham Ouch	Adenzai	626/SPO
Sarvaiz Khan	Tahsil Khan	Tiha Darangal	S. Bagh	627/SPO
Usman Zada	Kheista Jan	Darmai Baja	B.Bat	933/SPO
Bakht Baidar	Akhur Zada	Dag Gosan	Munda	307/SPO
Mujeeb-ur-Rahman	Habib-ur-Rahman	Qilla	Munda	384/SPO
Shah Nawaz Khan	Taj Muhd: Khan	Kotkay Cham	S. Bagh	469/SPO
Zahir Khan	Naseeb Khan	Pengal	T.Gara	503/SPO
Adil Muhammad	Hazrat Muhd:	Chino	T.Gara	622/SPO
Sherin Zada	Dosnam Khan	Mankay Pengal	T.Gara	649/SPO
Fazal Wahid	Wazir	Lajbok	B.Bat	917/SPO
Ahmad Din	Fhir-ud-Din	Chino Talash	T.Gara	939/SPO
Sardar Ali	Nasru'llah Jan	Timer	T.Gara	410/SPO
Gulfam Khan	Sher Azam Khan	Bagh Dushkhet	T.Gara	936/SPO
Hussain Zada	Momarday	Kandow Khali	Khall	100/SPO
Shah Nazar Syed	Muhd: Syed	Khungay	T.Gara	734/SPO
Muhd: Shafee	Fazal Khaliq	Matha Talash	T.Gara	766/SPO
Dawood Khan	Muhd: Sherin	Khanpur	Adenzai	904/SPO
Iftikhar	Hakim Gul	Khanpur	Adenzai	99/SPO
Aman Khan	Muhd: Rasool Khan	Mator Asbarr	Adenzai	458/SPO
Azeem Khan	Abdul Halim	Darbar Chakdara	Adenzai	472/SPO

Attested

[Signature]
 DSP/Legal
 Provincial Police Office
 Peshawar

[Signature]

24 ✓	Asghar Ali ✓	Saleh Muhd ✓	Badwan ✓	Adenzai	268/SPO
25 ✓	Khurshid Ali ✓	Ajmal Khan ✓	Khadagzai Bala ✓	Adenzai	315/SPO
26 ✓	Sajid Khan ✓	Gul Bahadar Khan ✓	Teknai Payeen ✓	Adenzai	953/SPO
27 ✓	Muhd. Islam ✓	Noor Muhd ✓	Sher Khanay ✓	B.Bat	402/SPO
28 ✓	Hiramullah ✓	Nadar Khan ✓	Thal Sarlara ✓	Lal Qilla	16/SPO
29 ✓	Kamran Naseem ✓	Abdul Khaliq ✓	Sangi Para ✓	S.Bagh	166/SPO
30 ✓	Muhd. Ishaq ✓	Amir Rahman ✓	Bajauro Faloch ✓	T.Gara	231/SPO
31 ✓	Muht. Ahmad ✓	Muhd. Azim ✓	Tangai Khwar ✓	T.Gara	569/SPO
32 ✓	Muhammad Jan ✓	Syed Akbar Jan ✓	Sacha ✓	Khall ✓	1049/SP
33 ✓	Khanul Hassan ✓	Muhd. Hassan ✓	Barikot ✓	T.Gara	507/SPC
34 ✓	Bakht Sardar ✓	Sher Muhd. Khan ✓	Amlok Dara ✓	T.Gara	11/SPO
35 ✓	Usman Saeed ✓	Muhd. Saeed ✓	Chino ✓	T.Gara	617/SPC
36 ✓	Salim Javed Quraishi ✓	Muhd. Quraishi ✓	Blambat ✓	B.Bat	531/SPC
37 ✓	Manawar Shah ✓	Rahmat Faqir ✓	Rahi ✓	Khall	161/SPC

OB No 1367
 Dated 8/10/2011

[Signature]
 District Police Office
 Dir Lower at Timergara

No. 20905-07 /OASI
 Dated 10/10 2011

Attested:
[Signature]

- Copy of above is submitted to the:
- 1- District Account Officer Dir Lower at Timergara.
 - 2- Pay Officer Local Office Dir Lower at Timergara.
 - 3- Establishment Clerk Local Office Dir Lower at Timergara.

[Signature]
 Legal
 Central Police Office
 Peshawar

(8)

Annexure ("B")


**THE KHYBER PAKHTUNKHWA SPECIAL POLICE OFFICERS (REGULARIZATION
OF SERVICES) ACT, 2019**

(KHYBER PAKHTUNKHWA ACT NO. XXXVII OF 2019)

CONTENTS

PREAMBLE

1. Short title, extent and commencement.
2. Definitions.
3. Regularization of services of Special Police Officers.
4. Determination of seniority.
5. Scrutiny Committee.
6. Overriding effect.
7. Removal of difficulties.

Attested

DSB/ Legal
Central Police Office
Peshawar

9

**THE KHYBER PAKHTUNKHWA SPECIAL POLICE OFFICERS (REGULARIZATION
OF SERVICES) ACT, 2019**

(KHYBER PAKHTUNKHWA ACT NO. XXXVII OF 2019)

*(First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in
the Gazette of the Khyber Pakhtunkhwa, (Extraordinary), dated 8th October, 2019).*

**AN
ACT**

*to provide for the regularization of the services of Special Police Officers
appointed on contract basis or fixed pay basis.*

WHEREAS it is expedient to provide for the regularization of the services of Special Police Officers, appointed on contract basis or fixed pay basis, from time to time, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:

1. Short title, extent and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019.

- (2) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.
- (3) It shall come into the force at once.

2. Definitions.--- In this Act unless the context otherwise provides, the following expressions shall have the same meanings as are assigned to them, that is to say-

- (a) "contract appointment" means appointment of Special Police Officers, made otherwise than in accordance with the prescribed method of recruitment;
- (b) "Government" means the Government of the Khyber Pakhtunkhwa;
- (c) "law or rule" means the law or rule, for the time being in force, governing the selection and appointment of Police Force in Khyber Pakhtunkhwa Province;
- (d) "Police Department" means the Police Department of the Khyber Pakhtunkhwa Province;
- (e) "post" means a post under Government or in connection with the affairs of Government to be filled in through prescribed method; and

Attested,

[Signature]
**DSP/Legal
Deputy Police Officer
Peshawar**

10

- (f) "Special Police Officer" means an employee, appointed in Police Department, from time to time, on contract basis or fixed pay basis, under the nomenclature of Special Police Officers or Special Police Force, performing Police or security duties.

3. Regularization of services of Special Police Officers.---All the Special Police Officers, appointed on contract basis or fixed pay basis who are holding the post on 1st August 2019, shall be regularized with immediate effect, subject to the condition of section 5 of this Act.

4. Determination of seniority.---(1) The Special Police Officers, whose services are regularized under this Act, shall rank junior to all other members of the Police Force who are in service on regular basis on the commencement of this Act.

(2) The inter se seniority of the Special Police Officers, whose services are regularized under this Act, within the same rank, shall be determined on the basis of their continuous officiating service in the rank:

Provided that the date of continuous officiating service in the case of two or more employees is the same, however, the employee older in age shall rank senior to the younger one.

5. Scrutiny Committee.---(1) A Scrutiny Committee, headed by the District Police Officer and having one member each from the District Administration and District Account Officer of the District concerned, shall prepare lists of all members of the Special Police Officers, after personal appearance and verification of CNIC's and scrutiny of record of the Special Police Officers for the submission to Provincial Police Officer.

(2) The lists, submitted to the Provincial Police Officer, under sub-rule (1), after proper sifting, shall be forwarded to Home and Tribal Affairs Department of the Government with the recommendations for regularization of members of the Special Police Officers in the Police Department.

(3) The Home and Tribal Affairs Department of Government, after receiving the lists of all members of Special Police Officers shall issue notification of regularization of Special Police Officers into Police after approval of the Cabinet.

6. Overriding effect.---Notwithstanding anything to the contrary contained in any other law or rule, for the time being in force, the provisions of this Act shall have an overriding effect and the provision of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.

7. Removal of difficulties.---If any difficulty arises in giving effect to any of the provisions of this Act, Government may issue such order as may appear to it to be necessary for the purpose of removing such difficulty; provided that no such powers shall be exercised after the expiry of one year from the coming into force of this Act.

Attested
[Signature]
DSP/ Legal
Central Police Office
Peshawar

Annexure

Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
Dated Peshawar the April 8th, 2020

Annexure 9-11

REGULARIZATION

No.30(Budget/ED)/15-29/2016 Vol-II; in pursuance of the provisions contained in Section 3 read with Section 4 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No.XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPGs) working in District Dir Lower under DDO Code LA4021- Law & Order Dir Lower as Constables (BPS-07) with effect from 01-03-2020:

S.No	Name	Father Name	Belt No.
1	Zubair Shah	Fazal Rahman	1
2	Ayaz Khan	Dawa Khan	2
3	Muhammad kamaal	Muhammad Ismaeel	3
4	Alam Zeb	Aziz ur Rahman	4
5	Zakirullah	Dawa Khan	5
6	Muhammad Amin	Muhammad Arif Khan	6
7	Taj Muhammad	Syed Rahman	7
8	Aurang Zaib	Gul Karam Khan	8
9	Fazal Hussain	Muzamin Khan	9
10	Tajamul Khan	Sher Muhammad Khan	10
11	Bakht Sardar	Sher Muhammad Khan	11
12	Ihsanullah	Fazal Rahman	12
13	Gul Zamin Khan	Bakhtawar	13
14	Ikrarulh	Gul Khan	14
15	Muhammad Sadiq Khan	Muhammad Bostan Khan	15
16	Ikrarulh	Nadar Khan	16
17	Daudat Khan	Akbar Khan	17
18	Aminullah Khan	Syed Akbar Khan	18
19	Anwar Zaib	Muhammad Wazir	19
20	Azizullah	Inayat Khan	20
21	Zahir Khan	Mirza Gul	21
22	Laiag Muhammad	Fazal Hadi	22
23	Muhammad Jamil	Mehmood Khan	23
24	Yousaf Khan	Sarzanin Khan	24
25	Muhammad Wahid	Shaibar Khan	25
26	Deedar Gul	Stana Gul	26
27	Ali Muhammad	Gul Muhammad	27
28	Muhammad Badin	Fazal Malik	28
29	Naeem Ullah	Gul Rahim	29
30	Sher Zaman Khan	Ahmad Khan	30
31	Amjad Khan	Rahim Gul	31
32	Muhammad Hasham	Bakht Zamin	32
33	Abdul Farooq Khan	Abdul Wakeel Khan	33
34	Jawad Ali	Nazir Malik	34
35	Muhammad Ayaz	Noor Hakim	35
36	Rohullah	Hamdullah	36
37	Bahadar Zaib	Syed Khan	37
38	Rahim Badshah	Muhammad Rokhan	38
39	Shaukat Ali Khan	Muhammad Habib	39
40	Maik Zaib	Muhammad Zada	40
41	Shah Kamin	Bacha Muhammad	41
42	Aziz Khan	Sairi Muhammad Khan	42

Attested.

Central Police Office
Peshawar

12

663	Ziara Khan	Fateh Rahman	684
664	Atta ur Rehman	Khair ur Rahman	685
665	Badshah Zada	Bahadar Khan	686
666	Faizul Amin	Lal Muhammad	687
667	Muhammad Iqbal	Itabar Said	688
668	Sulman	habib ur Rahman	689
669	Ijaz Ullah	Abdul Qayoum	690
670	Javed	Rasheed	691
671	Muhammad Imran	Muhammad Nisar	692
672	Badshah Hussain	Rahim Gul	693
673	Ghani Subhan	Lal Zamin Khan	694
674	Bakht Zada	Gul Shehzad	695
675	Abd Ullah	Zafeer Ullah	696
676	Ahmad Hussain	Ghulam Khalil	697
677	Rafiqullah	Saifur Rahman	698
678	Ikram Khan	Muhammad Ismaeel Jan	699
679	Hazrat Hussain	Fazal Noor	700
680	Bashir Ahmad	Mumtaz Khan	701
681	Irfanullah	Aman ullah Khan	702
682	Qayoum Khan	Jan Muhammad	703
683	Lal Badshah	Zarawar Khan	704
684	Shah Hussain	Badshah Haidar	705
685	Waqar Ahmad	Khaista	706
686	Khalif ur Rahman	Ajdar Muhammad	707
687	Shafiqullah	Mateen Khan	708
688	Bashir Khan	Jabbar Gul	709
689	Sardar Hussain	Musafar Khan	710
690	Fazal Bacha	Fazal Wahid	711
691	Diyar Muhammad	Shah Faroz Khan	712
692	Salman Ullah	Hafeez ur Rahman	713
693	Sher Bahadar Khan	Gul Wazir Khan	714
694	Abdullah	Hameed Ur Rahman	715
695	Khan Badshah	Fazal Rahman	716
696	Bacha Hassan	Sher Jan	717
697	Fazal Subhan	Fazal Raziq	718
698	Shah Khalid	Adil Bakht	719
699	Janat Gul	Mian Gul Jan	720
700	Badshah Room	Ghulam Yousuf	721
701	Muhammad Iqbal	Sher Muhammad	722
702	Hafeez Ullah	Ahmad	723
703	Faiz Muhammad Khan	Taza Khan	724
704	Zahir Shah	Jalandar Khan	725
705	Fareed Gul	Ghulam Haroon	726
706	Rahimullah	Said Jalal	727
707	Awal Gul	Shah Zamin	728
708	Sakht Jan	Jan Sher Khan	729
709	Salah ud Din	Hyat ud Din	730
710	Hidayat Ullah	Muhammad	731
711	Hazrat Rahim	Umar Rahim	732
712	Najeem Ullah	Fazal Malik	733
713	Shah Nazar Said	Muhammad Said	734
714	Habib ul Hassan	Haidar Khan	735
715	Javid	Musafar	736
716	Jbaid Ullah	Rahim Gul	737
717	Khalif ur Rahman	Amir Badsah	738
718	Muhammad Jan	Fazal Rahman	739
719	Atta Ullah	Mustaram Khan	740
720	Dilshad Ebbi	Sayed Safdar Shah	741
721	Sajid Ullah	Masoom Jan	742
722	Jauhar Zaid	Taza Khan	743
723	Fazal Munir	Fazal Ghafoor	744
724	Hameed Ullah	Fazal Said	745

Attended

Legal

Central Police Office
Peshawar

A.H. 1/2/15

M

973	Aslam Khan	998
974	Abdullah	980
975	Sana Ullah	126
976	Muhammad Haniza	194
977	Nazeer	373
978	Zarak Khan	369
979	Rovaid Shah	786
980	Nasir Khan	962
	Muhammad Rukhsar	
	Muhammad Waqas	

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs, Department

Undst No & date even

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Lower.
6. The District Accounts Officer, Dir Lower.
7. CC to Home Secretary, Khyber Pakhtunkhwa.

[Signature]
SECTION OFFICER (BUDGET)

Alt-estad
[Signature]
D. S. Legal
Central Police Office
Peshawar

Alt-estad
[Signature]