BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1652/22

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.

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3.	Affidavit.	-	5
4.	Copy of enlistment order	Annexure "A"	6-8
5.	Copy of Regularization Act 2019	Annexure "B"	9-11
6.	Copy of Notification dated 08.04.2020 regarding regularization.	Annexure "C"	12-14

(ZAHIR SHAH)
SI Legal Dir Lower

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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- 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 form 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.1127 dated 06.08.-2009 (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 Pakhtunkhawa 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.

GROUNDS.

- 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. Need 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.

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 Saldu Sharif Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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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 Saldu Sharif Swat.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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- 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

Annexure GLAGE

Amenco A=7-G

The following personals are hereby enlisted as Special Police officer on contract basis for a period of 02 years w.e..f 21-07-2009 on monthly fixed salary of Rs 10,000/in light of Provincial Police Officer NWIP Peshawar Letter no:15392/E-II dated:20-06-(109,17472-79/E-II dated 13-07-09 and Letter No: 17901-6/E-II dated17-07-09 their service will be purely of temporary nature and will be terminated by the Authority without showing any is ason and notice.

	73.41 None	Address	Tehsil	Allotted
Name	Father Name			Const: No:
Fazal Muhammad	Muhammad	Nawagai Asbanr	Adenzai 🗡	167/SPO /
Hazrat Jan	Qasim Jan	Jawaro Asbanr	Adenzai	168/SPO 7
/ Shahi Noor	Bahramand	Nawagai Asbant	Adenzai	169/SPO
Abdul Aziz	Muhammad Said	Khawas Asbanr	Acenzai	170/\$PO
	Fazal Wahid	Kandaroo Asbanr	Adenzai	171/SPO
Fazai Bacha	Ummat Muhammad	Buth Qilla Asbanr	Adenzai	172/SPO
Saleem Khan	·	Nawagai Asbant	Adenzai	173/SPO
Racha Sherin	Shaibar	Nawagai Asbanr	Adenzai	17.4/SPO
Abdur Rahim	Jan Malak	Nawagai Asbanr	Adenzai	175/SPO
Ihsan Ullah	Khan Malik	Nawagai Asbanr	Adenzai	176/SPO
() / Anwar Zada	Gul Said .	Jawaro Asbant	Adenzai	177/SPO -
1 / Anwar Badshah	Said Arif Jan	Jawaro Asbant	Adenzai	178/SPO
2 / Jehan Farvaiz	Behram Jan		Adenzai /	179/SPO.
3, Haji Dar Khan	Khan Zada	Ouch Gharbi	Adenzai	180/SPO
4 Sardar Khan /	Jehan Bakht	Ouch Sharqi	Adenzai	181/SPO
5 Muhd: Dawood Shah	Ali Rehman	Jangaiz Abad Ouch	1	/182/SPC/
6 Asad Ullah	Tehseen Ullah	Gulshan Abad Ouch	Adenzai	183/SPO
7 Liagat Khan	Said Rahman	Ouch Sharqi	Adenzai	
18 / Muhammad Wakeel /	Muhammad Sadiq	Makhai Ouch	Adenzai	135/SPO L
19 Inayat Ur Rahman	Roshan Khan	Gudyakhawar Ouch	Adenzai /	
20 / Bacha Rahim /	Muhammad Naeem	Gabagai Ouch	i	187/SPO
21 Gul Hakim	Said Habib Khan	Gudyakhawar	Adenzai	188/SPO
22 Races Khan	Ghaus Ur Rahman	Gudyakhawat	Adenzai	
23 Farmanat Khan	Said Ahmad Khan	Ouch Sharqi	Adenzai	·
24 Nasib Khan	Rozi Khan	Khawas Asbanr	Adenzai	190/SPO
25 Bakht Bahadar	Sher Robadar	Yannan A -1	1 1 1	^



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1 io - Alamgir	Khushal Khan	Asbanr	Adenza	284/SPO
Fazal Zaman	Amir Zaman	Dag Chekdara	Adenza	285/SPO
112 Amiad Ali	Muzamin Khan /	Badwan Payeen	Adenza /	286/SPO
113 Salik Rehman	Azizur Rehman	BAdwan Payeen		287/SPO
110 Badhsah Rehman	Amir Zaman	Chekdara	Adenza	_1
115 Asghar Khan	Abdur Rehman	Chekdara	Adenza	
116 Asad Khan	Muhammad Anwar		Adenza	290/SPO
117 Dawood Khan	Qasim Khan	Ramora	Adenza	1
118, Nasib Gul	Gul Baz Khan	Gul Megam	Adenza	292/SPO
Taj Muhammad	Fatch Rehman	Gui Muqam	Adenza	
120. Haidar Ali	Amir Hamza	Khambo Badwan	1	293/SPO
- Dudonan	Bakhat Zamin	Badwan Payeen	Adenza	294/SPO 295/SPO
122 Baharuddin	Maeenuddin /	Mandai Chakdara	Adenza	295/SPO /
12d Noor Bakhat	Mahiuddin	Mandai Chekdara	Adenza	297/SPO
125 Haidar Ali	Zarin Bakht -	Darbar Chekdara	Adenza	298/SPO
126/ Khawaja Muhammad	Abdul Jahbar / Hatam Tai	Badwan Payeen -	Adenza /	299/SPO
127 Fazal Subhan	Sher Muhammad &	Badwan Payeen	Adenzai	300/SPO
128 Sardar Wahid	Fazal Wahid	Badwan Payeen 🗻 Darbar Badwan	Adenzai +	301/SPO +
129 Zakaria	Musa Khan	Badwan Payeen		302/SPO
130 Muhammad Ayaz	Faiz Muhammad	Badwan Payeen		303/SPO
131 Ashfaq Ali 132 Bakht Mumir	Heji Michmood	Pukhtano Khadagzai		304/SPO
133 Alam Zaib	Alam Zaib	Pukhtano Khadagzai	·	306/SPO
134 Muhammad Islam	Jehan Zaib Had Bacha	Khadagzai bala		07/SPO
135 Muhammad Sardar	Muzamin Khan	Khadagzai	Adenzai 3	08/SPO
136r Akhlaq Ahmad	Muhammad Arif -	Khadagzai Mandai Chakdara	i	09/SPO
137/ Muhammad Gul	Mian Gul Jan	Badwan Payeen	 _ _ 	10/SPO
138 Said Bashar	Mian Gul	Qilla Asbanr		I J/SPO
139 Akhtar Zaman	Gul Baz Khan	Nawi Kalai Asbanr		2/SPO
140 Bakhti Gul 141 Salim Khan	Inzar Gul	Khawas Asbanr		3/SPO 4/SPO
142 / Ismail	Mehmada Jan	Ponra Asbanr		5/SPO
112 001	Shahzool Khan	Shanai Asbanr		S/SPO
144 Masib Zada	SherYar	Mator Asbanr Asbanr		7/SPO
145 Manamin Khan	Rozi Khan	Achama		/SPO
146. Toor Khan	Aslam Khan	0) 1		/SPO
			 1	SPO

Malbapiledal Compensión Office AH. G.

	/	Dehri Asbanr	Macusa	322/SPO [
ac l Muhammau rrussuur bii	Muhammad Amin	Kumbar Asbant	Auguza ya	323/SPO
49 L Rehmal Khaon	Bacha Rehman	Asbanr	Adenza	324/SPO
50. Naik Muhammad	Shamshi Qadar Sher Khan	Umari Asbanr	Adenza	325/SPO 326/SPO
151 Nasimiddin	Sher Rhan Sher Bahadar Khan	Shatoot Asbanr	Adenza	327/SPO ·
152 Taleem Khan	Dilbar Khan	Dehri Asbanr	Adenza	328/SPO L
153 Najibullah 154 Shahid Zaman	Mashgula Jan Muhammad Gul	Hamza Banda	Adenza Adenza	329/SPO
154 Shahid Zaman 155 Tehsinullah		Buda Ba Ba	Adenza	330/SPO
156/ Bashir Khan	Amin Zaman Khan	Ali Dehri Asbanr	Adenzai	331/SPO ,
157 Muhammad Nadeem	Faqir Gul	Chakdara		_1

(MUMTAZ ZARIN) TSh: QPM District Police Officer, Dir Lower at Timergara.

No. 16230-31/OHC

Copy of above is submitted to the Pay Officer and Establishmen

Clerk for further necessary action.

District Police Officer, Dir Lower at Timergara.

(Anacher - 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.

1



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

2



- (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.

3



NOTIFICATION

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





Section 5 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No.XXVI) 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 (SPOs) working in District Dir Lower under DDO Code DA4021- Law & Order Dir Lower as Constables (BPS-07) with effect from 01-03-2020:

S.No	Name	Father Name	Belt No.
1 1	Zubair Shah	Fazal Rahman	1
2	Ayaz Khan	Dawa Khan	2
2 3 4 5	Muhammad kainal	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 Zalb	Gul Karam Khan	8
9	Fazal Hussain	Muzamin Khan	9
10	Tajammul Khan	Sher Muhammad Khan	10
11	Bakht Sardar	Sher Muhammad Khan	11
12	Thsanullah	Fazal Rahman	12
13	Gul Zamin Khan	Bakhtawar	13
14	tkramullah	Gul Khan	14
15	Muhammad Sadig Khan	Muhammad Bostan Khan	15
16	lkramullah	Nadar Khan	
17	Daulat Khan	Akbar Khan	16
18	Aminullah Khan	Syed Akbar Khan	17
19	Anwar Zaib	Muhammad Wazir	18
20	Azizuliah	Inayat Khan	19
21	Zahir Khan	Mirza Gul	20
22.	Laiag Muhammad	Fazal Hadi	21
2.3	Muhammad Jamil	Mehmood Khan	22
24	Yousaf Khan	Sarzaniin Khan	23
25	Muhammad Wahid	Shaibar Khan	24
26	Deedar Gul	Stana Gul	25
27	Ali Muhammad	Gul Muhammad	26
28	Muhammad Salim	Fazal Malik	27
29	Naeem Ullah	Gul Rahim	28
30	Sher Zaman Khan	Ahmad Khan	29
31	Amjad Khan	Rahlm Gul	30
32	Muhammad Hasham	Bakht Zamin	31
33 34 35 36	Abdul Faroog Khan	Abdul Wakeel Rhan	32.
34 -	Jawad All	Nazir Malik	33
36	Muhammad Ayaz	Noor Hakim	34
37	Rohullah	Hamdullah	35
38	Bahadar Zallı Rahim Badshalı	Syed Khan	36
39	Shaukat Ali Khan	Muhammad Rokhan	37
40	Nalk Zada	Muhammad Habib	38 39
41	Shah Karim	Muharimad Zada	40
42	Aziz Khan	Bacha Muhammad	41
	Market Control	Said Muhammad Khan	$\frac{1}{42}$

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-	451 	Charles Charles	- Odeed Of Kalillian	1 238
	30	Ghulam Rahim	Ali Mehmood	239
2:		Muhammad Raziq	Amir Khitab	240
-	32	Sher Ali Khan	Sher Zarin	241
23	33	Malang Khan	Nawab	242
23	34	Bakhti Zaman	Bismillah Khan	
23	35	Anwar Zaib	Muhammad Feroz	243
2:	36	Sajid Maseeh	Sharif Maseeh	244
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	39	Noor Muhammad	Mian Said Bashar	248
	40	Bawar Khan	Dawa Khan	249
	<u>!41</u>	Khalld Khan	Amanullah	250
	242	Awal Khan	Sadbar Khan	251
2	243	Sardad Khan	Shadad Khan	252
2	244	Ijaz Khan	Flameed Ullah	253
-	245	Sekander Khan	Shamsur Rehman	254
1	246	Igbal Hussain	Faiz Muhamamd	255
1	247	Izaz	Sahib Jan	256
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ļ	258	Asghar Ali	Saleh Muhammad	268 269
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<u> </u>	261	Najibur Rehman	Saeed ur Rehman	271
	262	Najib Ahmad	Bashir Ahmad	272
	263	i-lussain Khan	Qadar Khan	273
	264	Waqar Khan	Noor Hamad	274
1	265	Muhammad Zahid	Muhabat Khan	275
	266	Sartaj Khan	Fazal Rabbi	276
	267	Walayat Khan	Muhanimad Nawsher Khan	277
	268	Abdurrahim	Abd Ul Hameed	278
 	269	Imranuddin	Bahadar Khan	279
-	270	Khaista Zaman	Amir Zaman	280
-	271	Amir Hatam	Burhanuddin	281
	272	Ali Bahadar	Amir Bahadar	282
	273 274	Said Faroog Shah	Said Badshah .	283
ļ	274 275	Muhammad Ishaq Fazal Zaman	Raza Khan	284
-	276	Gul Zaman	Amir Zaman	285
1.	277	Dawar Khan	Said Mula	286
	278	Saleh Muhammad	Abdul Khaliq	287
-	279	Asghar Khan	Gul Nabbl Abdurrahman	288
	280	Zakir Ullah	Rukhsar Muhammad	289
-	281	Dawood Khan	Qasim Khan	290
ر-اٰ .	282	Nasib Gul	Gul Baz Khan	291
V	283	Taj Muhammad	Fateh Rahman	292 293
-	284 285	Amjad Ali Amin Badshah	Shah Wall Khan	293
Ì	286	Naseer Khan	Bakht Zamin	295
	287	Ayazuddlin	Madad Khan Meh Ud Din	296
}-	288	Noor Bakht	Mahl Ud Din Zarin Bakht	297
	289 290	Umar Zumín Khan	Cladar Gul	298
'		Khwaja Muhammad	Hatam Tal	299 300
			T	

298
299
300

No spilegal
Central Police
Central Pestia War



773 /	Abd ur Rahman	Aslam Khan	998
974	Sana Ullah	Abdullah	999
975	Muhammad Hamza Nazeer	Nazeer Gul	126
976	Zarak Khan	Gul Umar	194
977	Rovaid Shah	Zulifat Khan	373
978	Nasir Khan	Arab Khan	669
979	Muhammad Rukhsar	Jehangir Khan	786
980	Muhammad Waqas	Amir Gul	962

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

Indst No & date even

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.

2. Accountant General, Khyber Pakhtunkhwa, Peshawar.

The Provincial Police Officer, Khyber Pakhtunkhwa.

The Regional Police Officer, Malakand.

5. The District Police Officer, Dir Lower.

6. The District Accounts Officer, Dir Lower.

PS to Home Secretary, Khyber Pakhtukhwa.

SECTION OFFICER (BUDGET)