

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

**SERVICE APPEAL NO. 725/2015**

Date of institution ... 26.06.2015  
Date of judgment ... 04.09.2018

Head Constable Noor Shahzad No. 440,  
Kohat Region Police Department

... (Appellant)

**VERSUS**

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar and four others.

... (Respondents)

SERVICE APPEAL UNDER SECTION-4 OF KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE IMPUGNED ORDER DATED 13.08.2013 PASSED BY  
RESPONDENT NO. 5 WHEREBY THE APPELLANT HAS  
BEEN DEMOTED TO THE RANK OF CONSTABLE.

Mr. M. Arif Jan, Advocate

.. For appellant.

Mr. Riaz Ahmad Paindakhel, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: -

Our this

judgment shall dispose of instant appeal as well as Service Appeal No. 727/2015 titled "Qasim Mehmood Versus Provincial Police Officer Khyber Pakhtunkhwa Peshawar and four others" as common question of law and facts are involved in both the appeals.

2. Learned counsel for the appellants present. Mr. Riaz Ahmad Paindakhel, Assistant Advocate General for the respondents also present. Arguments heard and record perused.

*M. Arif Jan*  
*4.9.2018*

3. Brief facts of the cases as per their service appeals are that the appellants were serving in Police Department. They were promoted as Head Constables on adhoc basis, however, later on they were demoted to their substantive rank of constables with immediate effect vide impugned orders dated 13.08.2013. The appellants filed departmental appeal which were rejected, hence, the present service appeals.

4. Respondents were summoned who contested the appeals by filing written reply/comments.

5. Learned counsel for the appellants contended that the appellants were serving in Police Department as Constables. It was further contended that due to their excellence performance they were promoted by the competent authority as Head Constables. It was further contended that the appellants were performing their duties regularly and there was no complaint against the appellants but the respondent-department without any plausible reason demoted the appellants to their substantive rank of Constables. It was further contended that neither any show-cause notice was issued to the appellants nor proper inquiry was conducted therefore, the impugned orders of demotion of the appellants was illegal and liable to be set-aside.

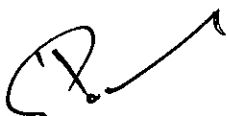
6. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellants and contended that the appellants were serving in Police Department as Constables. It was further contended that they were out of turn promoted to the post of Head Constables. It was further contended that the promotion orders of the appellants were not on regular basis which does not confer any vested right of promotion on the civil servant. It was further contended that neither any departmental promotion committee was constituted nor any seniority was considered at the time of their promotion to the rank of Head Constables therefore, the competent

*M. Anwar*  
*4.9.2018*

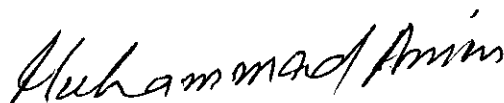
authority has rightly demoted them to their substantive rank and prayed for dismissal of appeal.

7. Perusal of the record reveals that the appellants were not regularly promoted to the post of Head Constables from the post of Constables in the prescribed manners. The record further reveals that the appellants were out of turn promoted as Head Constables and they were not promoted regularly therefore, the same out of turn promotion does not confer any vested right of promotion on the appellants. The record further reveals that neither any Departmental Promotion Committee was constituted nor seniority of the appellants alongwith others employees were considered. Meaning thereby that the appellants were not promoted in the prescribed manners, therefore, they were rightly demoted from Head Constables to their substantive rank of Constables. As such, we do not find any merit in the appeals therefore, the appeals are dismissed with no order as to cost. File be consigned to the record room.

ANNOUNCED  
04.09.2018




(MUHAMMAD HAMID MUGHAL)  
MEMBER

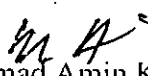


(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

04.07.2018


None for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Notices be issued to the appellant and his counsel. To come up for arguments on 20.08.2018 before D.B.


  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Kundi)  
Member s

20.08.2018

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 04.09.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

04.09.2018

Learned counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we do not find any merit in the appeal therefore, the appeal is dismissed with no order as to cost. File be consigned to the record room.

ANNOUNCED

04.09.2018

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

23.01.2018


Clerk of the counsel for appellant present. Mr. Zia Ullah, DDA for the respondents present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 27.03.2018 before D.B.


  
Member

  
Chairman

27.03.2018

Appellant with counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Rehan, Inspector for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 11.05.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

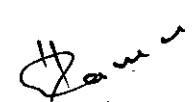
11.05.2018

Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for the same on 04.07.2018.


  
Reader

11. 06.07.2017 Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondents present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 30.10.2017 before D.B.

  
(Gul Zeb Khan)  
Member

  
(Muhammad Hamid Mughal)  
Member

30.10.2017 Counsel for the appellant and Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant stated that similar nature appeal No. 727/2015 has been fixed for 20.11.2017 and requested that this appeal may also be clubbed with the same. Request is accepted. To come up for arguments on 20.11.2017 before the D.B alongwith the above mentioned service appeal.

  
Member

  
Chairman

20.11.2017 Clerk to counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Clerk to counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.01.2018 before D.B.

  
(Gul Zeb Khan)  
MEMBER

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

02.12.2016

Appellant in person and Mr. Farmanullah, ASI alongwith Additional AG for respondents present. Appellant requested for adjournment due not non-availability of his counsel. To come up for arguments on 07.03.2017 before D.B.

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

  
(MUHAMMAD AZIM KHAN AFRIDI)  
CHAIRMAN

07.03.2017

Appellant alongwith clerk to counsel for the appellant and Addl: AG for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for arguments on 06.07.2017.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AAMIR NAZIR)  
MEMBER

22.12.2015

Appellant with counsel and Assistant AG for respondents present. Requested for adjournment. To come up for written reply/comments on 29.2.2016 before S.B.

  
Chairman

29.02.2016

Appellant in person and Mr. Habib Khan, ASI alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 26.4.2016 before S.B.

  
Member

26.4.2016

Counsel for the appellant and Tariq Usman, Sub Inspector alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 16.8.2016.

  
Chairman

16.08.2016

Counsel for the appellant and Addl: AG for respondents present. Rejoinder submitted, copy of which is placed on file. To come up for arguments on 02.12.2016.

  
Member

  
Member



02/03/2017

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Adjournment granted. To come up for arguments on 20/03/2017 before D.B.

MUHAMMAD AZEEM AFRIDI  
CHAIRMAN

MUHAMMAD MIR NAZIR  
MEMBER

25

02.07.2015

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as Constable and keeping in view his excellent performance and record he was promoted to the post of Head Constable but vide impugned order dated 13.8.2015 the said promotion order was unilaterally withdrawn regarding <sup>which</sup> he preferred departmental appeal on 3.9.2013 which was not responded where-after appellant preferred Writ Petition No. 919/2014 which was sent to this Court for adjudication and which was registered as appeal No. 423/2015. That the instant appeal is preferred in proper format as permitted by this Tribunal in the afore-stated appeal vide order dated 12.6.2015.

That the impugned order of demotion dated 13.8.2013 was passed without affording any opportunity of hearing to the appellant and, moreover, the same is against facts and law.

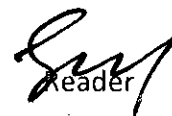
Point urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 15.10.2015 before S.B.

  
Chairman

15.10.2015

Since 15.10.2015 has been declared as public holiday on account of 1<sup>st</sup> Muharram-ul-Haram, therefore, case is adjourned to

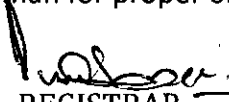

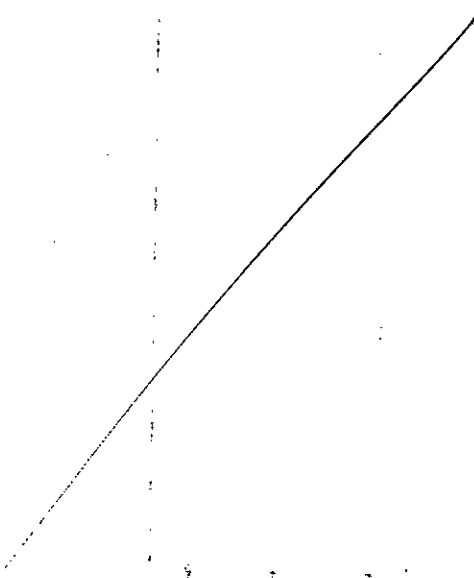
29-12-15 for the same.

  
Reader

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 725 /2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26.06.2015	<p style="text-align: center;">The appeal of Mr. Noor Shahzad presented today by Mr. Muhammad Arif Jan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-6-15	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>2-7-2015</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No.....725...../2015

Head Constable Noor Shehzad.....Appellant

VERSUS

Provincial Police Officer & others..... Respondents

**APPLICATION FOR CHANGING THE FORMAT OF THE ABOVE**  
**TITLED APPEAL FROM THE FORMAT OF WRIT PETITION**

Respectfully Sheweth,

1. That the above titled appeal is pending adjudication before this Hobbble tribunal and is fixed for , **2 July, 2015**
2. That on the last date of hear<sup>ing</sup>, the counsel for the appellant requested for the changing of the format of the above titled appeal from the writ petition which was allowed hence the modified and changed format <sup>of</sup> the appeal along with copies is attached for further proceedings.

It is therefore humbly requested that the instant modified/ changed format may be treated and consider as the appeal of the appellant for further proceedings

Through



Appellant

M Arif Jan & Fazal mabood

Advocates Peshawar

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No.....725...../2015

Noor Shahzad.....Appellant

VERSUS

Provincial Police Officer & others..... Respondents

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3.	Addresses of parties		6
4.	Copies of details of certificates etc	A	7-17
5.	Copy of impugned order dt 13-8-2013	B	18
6.	Copy of departmental appeal	C	19-22
7.	Copy of letter dated 31-1-2014	D	23
7.	Wakalatnama	<i>already placed on file.</i>	

Appellant

Through



Muhammad Arif Jan

Advocate Peshawar

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

K.W.P. Province  
Service Tribunal

Diary No. 750

Dated 26-6-2015

Service Appeal No. 725.....2015

Head Constable Noor Shahzad No.440, Kohat Region Police  
Department..... Appellant

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, (DIG) Kohat Region Kohat.
3. The District Police Officer, Kohat.
4. The District Police Officer, Hangu.
5. The District Police Officer Karak.

..... Respondents

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED  
13.08.2013 PASSED BY RESPONDENT NO.5 WHEREBY THE  
APPELLANT HAS BEEN DEMOTED TO THE RANK OF CONSTABLE.**

**Prayer in Appeal:**

On acceptance of the instant service appeal, the impugned  
Orders dated 13.08.2013 passed by respondent No.5 may graciously  
be set aside and the appellant may kindly be restored /re-instate on  
their Original position as HC/ASI with all back benefits.

Any other remedy which deems fit by his Hon'ble Tribunal in the  
interest of justice, may also be granted in favor of appellant.

Filed to-day  
Registrar  
26/6/15

Respectfully Sheweth;

②

1. That the appellant was enlisted in Police Force as Foot Constable and after passing Professional Courses, was promoted as Head Constable.
2. That the appellant performed his duties to the entire satisfaction of his superiors and there is/was no complaint or inquiry pending against him.
3. That the appellant established their outstanding performances, bravery beyond the call of their duties and therefore made in every special campaign against terrorist, Pos, Gamblers, kidnapping and anti Social elements including the person involved in the business of illicit arms ammunition, narcotics etc and was therefore, award with special Commendations Certificates, Medals and Prizes.(the details has been Annexed as A)
4. That the appellant was approved for promotion to the rank of Head Constable on ad-hoc basis by a High Committee constituted at CPO for consideration of promotions of police officers within the meaning of standing order No-6/2008 and by acting upon the recommendations of the committee the appellant was promoted to the rank of Head Constable on ad-hoc basis.
5. That the appellant was demoted to the rank of constable  
Vide order of respondent No-5 bearing No-620 dated 13-8-2013 in haphazard manner. (Copy of Demotion order dated 13-8-2013 is attached as Annex-B).
6. That the appellant being aggrieved filed a departmental representation on 03.09.2013 which is annex-C before the

respondent No.1 which was still pending. (Copy of departmental Appeal is Annexed as C).

7. That the appellant is being aggrieved from the impugned order, hence the instant appeal on the following amongst other grounds ;

### **GROUND**

- A. That the acts, commissions and omissions of respondent No.5 (hereinafter impugned) are patently illegal, un-lawful, without lawful authority, of no legal effect hence having no value in the eyes of law thus be set aside and the appellant may be restored/reinstated in his original position with all back benefits.
- B. That the other officers/ officials who were promoted on the strength of the order No-6/2008 are not been disturbed except the appellant which is totally discrimination and this act of the respondents are clear violation of the laid down rules and regulations.
- C. That the respondents and particularly respondent No-2 is also not clear about the impugned order and in this respect he asked guideline from the high ups hence the appellant deserve to enjoy the facilities provided under order No-6/2008.(Copy of letter dated 31-1-2014 is attached as Annex-D).
- D. That the appellant are promoted on ad-hoc bases not out of turn due to the reason of his outstanding performance hence the impugned order has no value in the eyes of law thus be set-a-side.
- E. That if the appellant has not been re-instated to his original position, He will suffer a lot and also be discourage.



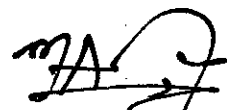
(4)

F. That no proper departmental enquiry what so ever be conducted in proper manner against the appellant, moreover the respondent No.5 badly failed to follow the existing policies, rules and regulations.

It is therefore most humbly prayed that on acceptance of the instant service appeal, the impugned Orders dated 13.08.2013 passed by respondent No.5 may graciously be set aside and the appellant may kindly be restored /re-instate on his Original position as HC/ASI with all back benefits.

Any other remedy which deems fit by his Hon'ble Tribunal in the interest of justice, may also be granted in fevor of appellant.

  
Appellant

Through   
Muhammad Arif Jan  
Advocate Peshawar

5

**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No...../2015

Head Constable Noor Shahzad ..... **Appellant**

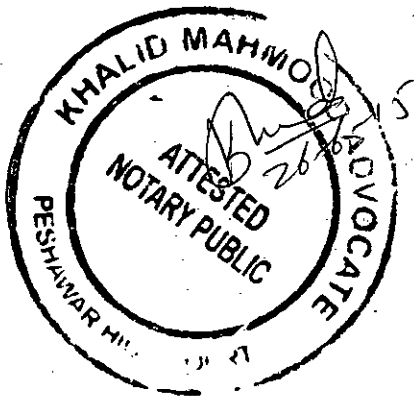
**VERSUS**

Provincial Police Officer and Others..... **Respondents**

**AFFIDAVIT**

I Head Constable Noor Shahzad No.440,Kohat Region do hereby solemnly affirm and declares on oath that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT



**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR**

Service Appeal No...../2015

Head Constable Noor Shahzad ..... **Appellant**

**VERSUS**

Provincial Police Officer and Others..... **Respondents**

**ADDRESSES OF PARTIES**

**APPELLANT**

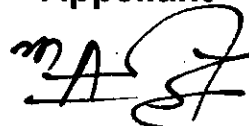
Head Constable Noor Shahzad No.440,Kohat Region\_Police Department.

**RESPONDENTS**

- 1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2. The Regional Police Officer,(DIG)Kohat Region Kohat.
- 3. The District Police Officer, Kohat.
- 4. The District Police Officer, Hangu.
- 5. The District Police Officer Karak.

**Appellant**

Through



**M Arif Jan & Fazal mabood**

**Advocates Peshawar**

7

*[Handwritten scribble]*

*[Handwritten scribbles]*

Amx-A

STANDING ORDER NO. 15 / 2008

ACCELERATED/OUT OF TURN PROMOTION AND SELECTION FOR IN SERVICE TRAINING COURSE.

To encourage officers who demonstrate exceptional performance, gallantry and devotion, beyond the call of duty, the Provincial Police Officer or Capital City Police Officer or the City Police Officer as the case may be, may on the recommendation of a Committee comprising of three officers not below the rank of Deputy Inspector General of Police including the Deputy Inspector General of Police of the Region concerned who will represent the case recommended by the Region/Capital City/City Police, promote out of turn such officers of junior ranks to the next higher rank up to Inspector. The Committee shall ensure that only cases of exceptional performance, bravery and devotion are recommended and the ordinary/routine cases are avoided. Such promotions shall be treated as ad-hoc and will be regularized when the officers so promoted have successfully qualified the training course prescribed, if any. Such promotees shall be placed at the bottom of promotion list drawn up for that year. The Provincial Police Officer may select such officers out of turn for such a prescribed course.

2. A Police Officer of junior rank (up-to Inspector) receiving the award of Quaid-e-Azam Police Medal and or President Police Medal shall be promoted in the first available substantive vacancy of the next higher rank up to Inspector which occurs in the district, area or Unit in which such officer is serving. This would be done automatically with receipt of above mentioned medals and without the proceedings of the committee.

3. The contents of this Standing Order shall be operative with effect from the date of its issuance.

*[Signature]*  
MALIK NAVEED KHAN  
Provincial Police Officer,  
N.W.F.P., Peshawar.

5367-8  
No. 11-6-08  
1. All SAs  
2. DSG. Miranpur  
3. Insp. Beg  
4. All STAs  
5. Home Aff  
6. OHC/SA

No. 1287 / 327 T-1, dated Peshawar, the 4 June, 2008.

Copy forwarded to

1. All heads of Police Offices in NWFP for information and necessary action.
2. M.S. to Governor, NWFP, Peshawar, for information.
3. P.S.O. to Chief Minister, NWFP, Peshawar, for information.
4. Chief Secretary, Govt. of NWFP, Peshawar.
5. Secy: Govt. of NWFP, Home & TAS Deptt. Peshawar.
6. Director General, National Police Bureau, Ministry of Interior, Islamabad.

No. 1287  
09/06/08

no  
Circulate amongst all  
09/06/08

no  
M. I. Khan  
17/08

Attested  
*[Signature]*  
To be true copy  
Advocate

BETTER COPY

Standing Order No. 6/2008  
Accelerated/out of turn promotion and selection  
For in service training/course.

7-A

To encourage officers who demonstrate exceptional performance, gallantry and devotion, beyond the call of duty, the Provincial Police Officer or Capital City Police Officer or the City Police Officer as the case may be, may on the recommendation of a Committee comprising of three officers not below the rank of Deputy Inspector General of Police including the Deputy Inspector General of Police of the Region concerned who will represent the case recommended by the Region/Capital City/City Police, promote out of turn such officers of junior ranks to the next higher rank up to inspector. The Committee shall ensure that only cases of exceptional performance, bravery and devotion are recommended and the ordinary/routine cases are avoided. Such promotions shall be treated as ad-hoc and will be regularized when the officers so promoted have successfully qualified the training course prescribed, if any. Such promotees shall be placed at the bottom of promotion list drawn up for that year. The provincial Police Officer may select such officers out of turn for such a prescribed course.

2. A Police Officer of junior rank (up-to Inspector) receiving the award of Quaid-e-Azam Police medal and or President Police medal shall be promoted in the first available substantive vacancy of the next higher rank up to Inspector which occurs in the district, area or Unit in which such officer is serving. This would be done automatically with receipt of above mentioned medals and without the proceedings of the committee.

3. The contents of this Standing Order shall be operative with effect from the date of its issuance.

(Malik Navced Khan)  
Provincial Police Officer,  
N.W.F.P Peshawar.

No. 4282, 4327/C-I, dated Peshawar, the 4 June, 2008.

Copy forwarded to

1. All heads of Police Offices in NWFP for information and necessary action
2. M.S. to Governor, NWFP, Peshawar, for information.
3. P.S.O to Chief Minister, NWFP, Peshawar, for information.
4. Chief Secretary, Govt. of NWFP, Peshawar.
5. Secy: Govt. of NWFP, Home & TAs Deptt. Peshawar.
6. Director General, National Police Bureau, Ministry of Interior, Islamabad.

Attested

To be true copy  
Advocate

POLICE DEPARTMENT

ORDER.

In the light of Provincial Police Officer, Khyber Pakhtunkhwa Peshawar Memo: No.15512/E-II, dated 07.07.2011; Memo No.15527/E-II, dated 07.07.2011 and Memo: No.581/E-II, dated 08.07.2011 the following Police personals of Karak & Hangu District are hereby promoted on Adhoc basis under standing order No.6/2008.

S.No.	Rank & Name	Promoted
1.	ASI Aleem Khan	As Offg: SI
2.	HC Hakim Shah	AS Offg: ASI
3.	HC Qismat Khan	AS Offg: ASI
4.	Const: Afsar Ali	AS Head Constable
5.	Const: Noor Shahazad	As Head Constable

OASIS/RE

OB 552

3/8/11 14/7/2011

dt 14-07-2011 (M.MASOOD KHAN AFRIDI)PSP  
Dy: Inspector General of Police,  
Kohat Region, Kohat.

No 6158-62 IEC, dated Kohat the 13/07/2011.

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

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar w/r to his Memo: No. quoted above.
2. District Police Officer, Hangu w/r PPO KPK Peshawar Memo: No. 15527/E-II, dated 07.07.2011. Copy enclosed.
3. District Police Officer, Karak w/r PPO KPK Peshawar Memo: No. 15512/E-II, dated 07.07.2011 and Memo: No. 581/E-II, dated 08.07.2011, Copies enclosed.
5. Asstt: Secret Region Office, Kohat

(M.MASOOD KHAN AFRIDI)PSP  
Dy: Inspector General of Police,  
Kohat Region, Kohat.

From : The Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar

To : The Deputy Inspector General of Police,  
Kohat Region

No. 15512 /E-II dated Peshawar the 07/7 /2011

Subject: **RECOMMENDATION FOR PROMOTION ON ADHOC  
BASIS UNDER STANDING NO. 6/2008.**

Memo.

Please refer to your office letter No. 11923-24/EC  
dated 31.12-2010.

The case of the following HCs/Constables for  
promotion to the rank of next higher scale was thoroughly  
examined by Accelerated Promotion Committee in its meeting  
held on 04.06.2011 and recommended as noted against  
their names.

S.No	Names	Recommendation
1.	HC Hakeem Shah	Recommended him for adhoc promotion as ASI under Standing Order No.6/2008
2.	HC Qismat Khan	Already recommended in other case
3.	Constable Afsar Ali	Recommended him for adhoc promotion as HC under Standing Order No.6/2008
4.	Constable Noor Shahzad	Recommended him for adhoc promotion as HC under Standing Order No.6/2008

(MUHAMMAD JAFER)  
AIG/Establishment,  
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar

Phone No: 9260112.

Fax No: 9260114.

From:- The Dy: Inspector General of Police,  
Kohat Region, Kohat.

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

No. \_\_\_\_\_ /EC. Dated Kohat the 3/1/2 /2010.

Subject:- **RECOMMENDATION FOR PROMOTION ON ADHOC BASIS  
UNDER STANDING ORDER NO.6/2008**

MEMORANDUM.

It is submitted that District Police Officer, Karak has recommended the Police Officer / Official for accelerated promotion to the next higher scale under Standing Order No.6/2008 on the following grounds:-

Police of Karak District perceived the anti social activities of Proclaimed Offender Mumtaz Khan alias Mumtazay wanted to Police in 9 criminal cases including murder, attempted murder, dacoity and other crimes, a comrade of notorious arrested proclaimed offender Rehmat Ullah. He was reportedly engaged in reorganizing the Rehmat Ullah criminal gang. Therefore Police started efforts for his arrest.

On the night of 07.12.2010, credible information about the presence of said proclaimed offender along with other criminals in the house of arrested proclaimed offender Rehamt Ullah son of Gul Raees resident of Warana Musakan was collected by Head Constable Hakeem Shah, Qismat Khan and F.C Afsar Ali. Therefore, Police party comprising SI/SHO Police Station Yaqoob Khan Shaheed (Takht-e-Nasrati), SI Abid Khan Incharge Rescue -15 and Khaliq Badshah Incharge QRF in order to reinforce the leading posse of Police reached the spot.

Raid was conducted on the spot. Mumtaz Khan alias Mumtazay on seeing the Police strength, climbed up the roof and attempted on the lives of Police Strength by way of hurling hand grenade on them. Muhammad Riaz SHO and Hakeem Shah sustained injuries. In the meanwhile accused Amal Rehman hurled another hand grenade which hit the womenfolk of the houses resultantly one of the ladies lost life while 6 sustained injuries. Head constables Hakim Shah, Qismat Khan and constable Afsar Ali exhibited bravery and courage while combating against the diehard criminal and he was shot dead. The remaining accused attempted on the lives of Police party by way of making firing on them. Constable Noor Shahzad while displaying professionalism and efficiency, drag out injured SI Muhammad Riaz from inside of the houses looming danger to his own life. The Police strength completely besieged the houses and accordingly the Amal Rehman, Abid Rehman, Aamir Ullah and Zar Bangash were arrested and recovery of 01-Kalashnikov, 02-live Hand Grenade and 03-Pistols were effected. Thus the insurgency of the gang was curbed. Proper case vide FIR No.322 dated 08.12.2010 U/S 302/324/353/148/149 PPC & E.S.A /TATA /13AO was registered in Police Station Latamber.



In recognition of the performances displayed by the following Police Officers, they are recommended for accelerated promotion to the next higher ranks noted against their names:

1. HC. Hakeem Shah to the rank of Offg: ASI.
2. HC. Qismat Khan to the rank of Offg: ASI.
3. Constable Afsar Ali to the rank of Head Constable.
4. Constable Noor Shahzad to the rank of Head Constable.

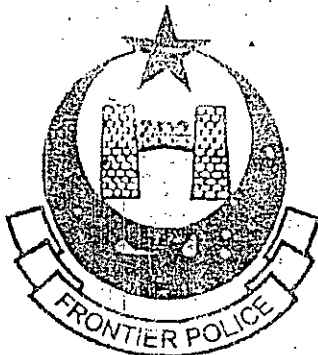
(M.MASOOD KHAN AFRIDI)PSP  
Dy: Inspector General of Police,  
Kohat Region, Kohat.

No. 11923-24 /EC, dated Kohat the \_\_\_\_\_ /2010.

Copy to Director of Police Officer, Karak for information w/r to his Memo: No.9067/EC, dated 21. \_\_\_\_\_ /10.

(M.MASOOD KHAN AFRIDI)PSP  
Dy: Inspector General of Police,  
Kohat Region, Kohat.

12



N.W.F.P POLICE

# COMMENDATION CERTIFICATE

## CLASS II

*Granted By*

IMFATMAD MASOOD KHAN APRIDI, PSF

*Deputy Inspector General of Police, Kohat Region*

To \_\_\_\_\_ RECEIVABLE NOCP SHEHAD NO. 440

Son of \_\_\_\_\_

Resident of Mohalla / Village \_\_\_\_\_

Police Station D. LEMBER District KARAK.

In recognition of

BEST GOOD PERFORMANCE IN CASE FIR NO. 322, DATED 8.12.2010

1/E 302/324/353/148/149 IPC, 3/4 E.S.A/7 ATA/13 AO

AT POLICE STATION DATEMBER.

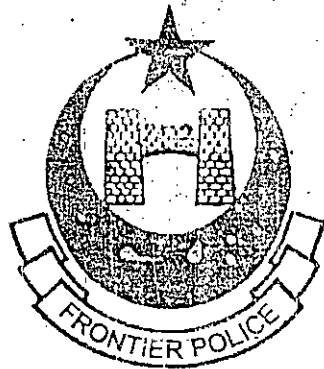
CASH REWARD RS: 2000/-

No. 11927

Dated 2/11/10

*Deputy Inspector General of Police*  
*Inspector General of Police*  
Kohat Region, Kohat

13



N.W.F.P POLICE

# COMMENDATION CERTIFICATE

## CLASS II

Granted By

MUHAMMAD MASOOD KHAN AFRIDI, PSP

*Deputy Inspector General of Police, Kohat Region*

To \_\_\_\_\_  
PROJECT: DLE NOCP SHEHZAD NO. 4/10

Son of \_\_\_\_\_

Resident of Mohalla / Village \_\_\_\_\_

Police Station DATEMBER

District KARAK.

In recognition of

FOR GOOD PERFORMANCE IN CASE FIR NO. 322, DATED. 5.12.2010

L/E 302/324/353/148/149 IPC, 3/4 E.S.A/7 ATA/13 AO

POLICE STATION DATEMBER.

CASH REWARD RS: 1000/-

No. 11927

Dated 2/11/2010

*Deputy Inspector General of Police*  
*Kohat Region, Kohat*

North West Frontier Province Police



# Commendation Certificate

CLASS I

Granted by

MALIK NAVEED KHAN

INSPECTOR GENERAL OF POLICE N.W.F.P.

To \_\_\_\_\_ HC Noor Shahzad

Son of \_\_\_\_\_

District NOWSHERA.

in Recognition of

SHOWED GOOD PERFORMANCE VIDE CASE FIR NO.1038 DATED

10.11.2009 U/S 5-GO, FIR No.1041 DATED 11.11.09 PS

NOWSHERA CANTT.

( CASH REWARD OF RS.1500/-).

Dated.....20

*(Malik Naveed Khan)*  
( MALIK NAVEED KHAN )  
Inspector General of Police,  
N.W.F.P.

15



N.W.F.P POLICE

# COMMENDATION CERTIFICATE

## CLASS II

Granted By

MUHAMMAD MASOOD KHAN AFRIDI, PSP

*Deputy Inspector General of Police, Kohat Region*

To CONSTABLE NCCR SHEHZAD NO 440

Son of \_\_\_\_\_

Resident of Mohalla / Village \_\_\_\_\_

Police Station LATEMBER

District KARAK.

In recognition of

HIS GOOD PERFORMANCE IN CASE FIR NO. 322, DATED 8.12.2010

U/S 302/324/353/148/149 PPC, 3/4 E.S.A/7 ATA/13 AO

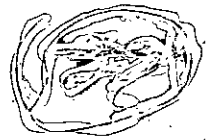
POLICE STATION LATEMBER.

CASH REWARD RS: 1000/-

No. 11927

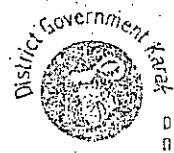
Dated 21/12/10

*[Signature]*  
Deputy Inspector General of Police  
Kohat Region, Kohat



Malik Rehman

(Advocate)  
District Nazim Karak  
N.W.F.P, Pakistan



Distt. Govt Karak  
Distt. Complex Karak  
Tel: 0927-211203  
Fax: 0927-211234

Ref No. 250/DNK

Date 16/07/09

COMMENDATION CERTIFICATE

On the recommendation of District Police Officer Karak, a Commendation certificate with cash award for amounting to Rs.1000/- is given to No. 440 Mr. Noor Shahzad showing good performance in connection with a dangerous fire erupted and burning valuable Trees and other articles at Dhora Algada District Karak.

OB/GR/DPSI/RS

Handwritten signature of District Police Officer.

District Police Officer  
Karak

3/18/09

Handwritten signature of District Nazim.

(MALIK-UR-REHMAN)  
DISTRICT NAZIM KARAK

District Nazim  
Karak

OB No - 275

DT- 18/7/09

17



OFFICE OF THE DISTRICT COORDINATION OFFICER KARAK

COMMENDATION CERTIFICATE

No. 440 Constable Noor Shahzad District Police Karak has played a Commendable role in control of fire on the hilltop of Dur Algada Union Council Palosa Sar (Karak).

The said constable controlled the fire with the help of his other colleagues at the risk of his life, therefore, he is hereby awarded cash reward of Rs.1000/- alongwith commendation certificate.

*[Signature]*  
DISTRICT COORDINATION OFFICER  
KARAK

District Coordination officer  
Karak

OB/SRC/ASI/fo

*[Signature]*  
CTC

3/11/19  
22/7/09

OB/SRC-822  
DT- 22/7/09

2182  
23-7-09

18

Annex-B

**ORDER**

In Pursuance of Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar Memo: No. 2359-65/Legal dated 06.08.2013 and Dy: Inspector General of Police, Kohat Region Kohat Endst: No.6013-15/EC, dated 12.08.2013, the following Police Officers/Officials of this District Police, who were given out of turn promotions under standing order No.06/2008 are hereby demoted to their substantive rank of Constables with immediate effect.

1. Head Constable Nek Muhammad No.253
2. Head Constable Sar Muhammad No. 539
3. Head Constable Qasim Mehmood No.656
4. Head Constable Afsar Ali No.6
5. Head Constable Noor Shehzad No.440

O.B No. 620

Dated 13-08 /2013

  
District Police Officer, Karak

**OFFICE OF THE DISTRICT POLICE OFFICER, KARAK**

No. 10425 /EC, dated Karak the 13/8 /2013.

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region Kohat for favour of information w/r to his Office Endst: No.6013-15/EC, dated 12.08.2013 Please.

  
District Police Officer, Karak



19



Amir C

The Provincial Police Officer  
Khyber Pakhtunkhwa, Peshawar

Through

PROPER CHANNEL

Subject

REPRESENTATION

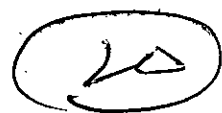
Respected Sir,

With due respect and humble submission, appellant submits representation based on the following facts and grounds.

FACTS

1. That appellant is serving as constable No. 440 District Karak under your kind control and command.
2. That appellant was approved for promotion to the rank of Head constable on ad-hoc basis by a high committee constituted at CPO for consideration of promotions of Police officers within the meaning of standing order No. 06/2008.
3. That pursuance of the decision made during meeting of the committee worthy Provincial Police Officer conveyed those recommendations to your office vide memo: No. 15512/E-II dated 07.07.2011.
4. That acting upon the recommendations of the committee, your good office issued promotion order of appellant to the rank of Head Constable on adhoc basis within the meaning of standing order No. 06/2008 vide order No. 6159-62/EC dated 13.07.2011.
5. That appellant was demoted to the rank of constable vide order of District Police Officer, Karak bearing OB No.

jon  
hazar, please



620 dated 13.08.2013. Hence the present representation is submitted on the following grounds.

GROUNDS

- a. That the impugned order of demotion of appellant has been issued in haphazard manner. The impugned order is non-speaking as no reasons and grounds have been mentioned behind the abrupt demotion in rank of Constable of appellant. Therefore, the impugned order is not sustainable under the law and rules.
  
- b. That the only reference of out of turn promotion given in the impugned order is also not tenable. The authority has misunderstood the concept of out of turn promotion, a civil servant becomes senior to his colleagues and badge mates while adhoc promotion does not confer such right on civil servant. Again the promotion of appellant was made purely on adhoc basis within the meaning of standing order No. 06/2008 and it has specifically been provided in standing order A/06/2008 that the officer on promotion will retain his old seniority bearing standing order No. 06/2008.
  
- c. That the references of your good office and that of worthy Provincial Police Officer office given in the impugned order have reportedly been based on the judgment of supreme court vide which out of turn promotion have been declared illegal. Admittedly the honorable Supreme Court has declared out of turn promotion is illegal but not adhoc promotions.



21

d.

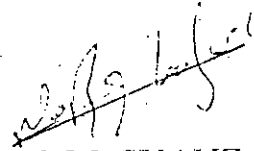
That appellant retained the promotion for long period and the impugned demotion order was issued with out providing chance of hearing and defense to appellant. Law and rules does not allow adverse decision at the back of a civil servant.

e.

That appellant was promoted to the rank of head constable on adhoc bases in the year 2011 and no one has challenged the promotion order because it was adhoc promotion and it did not disturb and effect the seniority of colleagues and badgemates. Therefore, promotion of appellant has wrongly been held out of turn promotion in the impugned order.

It is therefore requested that the impugned order may be set aside and promotion of appellant in the rank of Head constable may be restored with all back benefits.

Yours truly,

  
(NOOR SHAHZAD)  
Constable No.440  
District Karak

Sir,  
forwarded  
Jeddah

6-0-11-11  
03-09-13

22



Tele No. 0927-210724  
Fax No. 0927-210823

From: The District Police Officer, Karak.

To: The Dy: Inspector General of Police,  
Kohat Region Kohat

No. 115/12 /EC, dated Karak the 3/8 /2013

Subject: REPRESENTATION

Memo:

A representation preferred by Constable Noor Shehzad No.440 of this District Police, requesting therein for set aside impugned order of demotion vide No.620, dated 13.08.2013, is submitted herewith for onward submission to CPO Peshawar, please.

  
District Police Officer, Karak

From:- The Dy: Inspector General of Police,  
Kohat Region, Kohat.

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

No. 1324 / Dated Kohat the 31/01 /2014.

Subject:- GUIDELINES

MEMORANDUM.

In pursuance of worthy Provincial Police Officer, Khyber Pakhtunkhwa office letter Nos. 17410-50/E-II dated 22.07.2013 and 2359-65/legal dated 06.08.2013, the District Police Officer, Karak demoted the following officials from the rank of Head constable to their substantive rank of constable as they were given out of turn / adhoc promotion under Standing Order No. 6/2008 vide O.B No. 620 dated 13.08.2013.

- 1 Naik Muhammad No. 253
- 2 Sar Muhammad No. 539
- 3 Qasim Mehmood No. 656
- 4 Afsar Ali No. 6
- 5 Noor Shahzaad440

Feeling aggrieved from the said order they filed representations to the undersigned and stated that they were promoted to the rank of Head constable on adhoc basis within meaning of Standing Order No. 6/2008 and the promotion does not fall under the ambit of out of turn promotion. They requested that the order of DPO Karak may be set-a-side.

The representations involve a question whether the adhoc promotion comes within meaning of out of turn promotion and covers the directives issued by worthy PPO vide his office above quoted reference. In this regard telephonic conversation was also made with you.

It is therefore, requested that this office may please be guided whether the adhoc promotion falls under the ambit of out of turn promotion or not. It may also be guided that the plea of appellants is justified or otherwise. An early response is requested, so that the representation could be disposed of please.

No. 1325 / EC

Copy to the Provincial Police Officer, Khyber Pakhtunkhwa w/r to this office Memo: No. 6130/EC dated 16.08.2013, a case out of turn promotion was sent to CPO for necessary action, but no information was passed on to this office regarding disposal / fate of the case.

(DR. ISHTIAQ AHMAD MARWAT)  
Dy: Inspector General of Police  
Kohat Region, Kohat.

(DR. ISHTIAQ AHMAD MARWAT)  
Dy: Inspector General of Police  
Kohat Region, Kohat.

**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Appeal No. 725/2015

Noor Shahzad No. 440 Constable ..... (Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Kohat.
4. The District Police Officer Karak.
5. The District Police Officer, Hangu.

..... (Respondents)

Subject: - **REPLY ON BEHALF OF RESPONDENTS**

**Respectfully sheweth**

1. That the appeal has got no locus standi.
2. That the appellant has got no cause of action to file the present appeal.
3. That the appeal is time barred.
4. That appeal is not maintainable in the present form.
5. The appeal is bad for non-joinder.

**FACTS**

1. Correct, to the extent that appellant was enlisted in Police force as Foot Constable and was promoted as Head Constable on ad-hoc basis promotion within the meaning of standing Order No. 6/2008.
2. Correct, appellant being member of police force are under statutory obligation to perform his duties diligently.
3. Correct, the appellant perform his duties in professional manner and he was accordingly rewarded for good work and appellant have admitted grant of reward.
4. Correct to the extent that appellant was promoted to the rank of Head Constable on adhoc basis within the meaning of standing order No. 6/2008 which provides quick promotion on the police officer who exhibit courage and bravery during duties. ( Copy of standing Order enclosed as **Annexure-A**


5. Correct, appellant was demoted to the rank of Constable by respondent No. 5 vide OB No. 620 dated 13.08.2013 because the honorable Supreme Court of Pakistan declared out of turn promotion unsatisfactory and respondent No. 1 circulated the directions of the honorable Court vide letter No. 17410-50/E-II dated 22.07.2013. Copy of which is enclosed as **Annexure-B**. Compliance with the above directions respondent No. 2 issued demotion order of the appellant. Copy of which is enclosed as **Annexure -C**
6. Correct, to the extent that the appellant filed departmental appeal to respondent No. 2 against the demotion order of respondent No. 5. However respondent No. 2 asked for gridline from respondent No. 1 vide letter No. 6744/EC, so that promotion cases could be finalized. Copy of which is enclosed as **Annexure-D**.

**GROUND**s Following are the main grounds.


- A. Incorrect, appellant was treated in accordance with law and rules. He was demoted in the light of directions received from the honorable Supreme Court of Pakistan.
- B. Incorrect, each case is decided on its own facts.
- C. Incorrect, appellant filed a departmental to the respondent No. 2 and the same is pending before respondent No. 1.
- D. Incorrect, appellant was promoted on the basis of standing order No. 6/2008 but the same was declared unconstitutional by Supreme Court of Pakistan in his judgment vide criminal original petition No. 89/2011.(judgment is annexed)
- E. Incorrect, the appellant has got no cause of action to file the instant appeal.

F. Incorrect, appellant was demoted by respondent No. 5 after fulfilling all the codal and procedural formalities.

In the light of the above submission, the appeal of appellant may kindly be dismissed.



Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
**Respondent No. 1**



Deputy Inspector General of Police  
Kohat Region Kohat  
**Respondent No.2**



District Police Officer Kohat  
**Respondent No. 3**



District Police Officer Karak  
**Respondent No. 4**



District Police Officer Hangu  
**Respondent No.5**



**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Appeal No. 725/2015

Noor Shahzad No. 440 Constable ..... (Appellant)

Versus

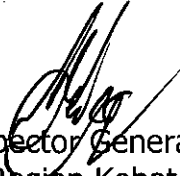
1. The Provincial Police Officer, Khyber Pakhtunkhwa.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Kohat.
4. The District Police Officer Karak.
5. The District Police Officer, Hangu.

..... (Respondents)

Subject: **AUTHORITY**

We the respondents do hereby authorize Mr. Muhammad Tariq Usman SI Legal, district Karak to represent us in the above cited service appeal. He is also authorized to submit comments etc on our behalf before the Service Tribunal Khyber Pakhtunkhwa, Peshawar.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
**Respondent No. 1**

  
Deputy Inspector General of Police  
Kohat Region Kohat  
**Respondent No.2**

  
District Police Officer Kohat  
**Respondent No. 3**

  
District Police Officer Karak  
**Respondent No. 4**

  
District Police Officer Hangu  
**Respondent No. 5**

**BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR**

Appeal No. 725/2015

Noor Shahzad No. 440 Constable ..... (Appellant)

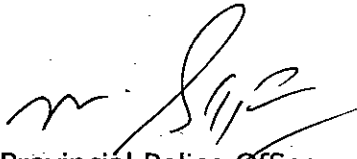
Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Kohat.
4. The District Police Officer Karak.
5. The District Police Officer, Hangu.

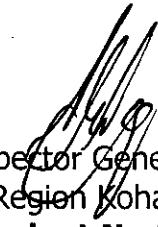
..... (Respondents)

Subject: **AFFIDAVIT**

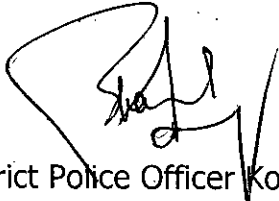
We the respondents do hereby affirm on oath that the contents of comments prepared in response to the above titled service appeal are true and correct to best of our knowledge and belief.



Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
**Respondent No. 1**



Deputy Inspector General of Police  
Kohat Region Kohat  
**Respondent No. 2**



District Police Officer Kohat  
**Respondent No. 3**



District Police Officer Karak  
**Respondent No. 4**



District Police Officer Hangu  
**Respondent No. 5**

B

(46)  
~~Annex 'A'~~

Annex 'A' Annex. D

BETTER COPY

29

D

**Standing Order No. 6/2008**  
Accelerated/out of turn promotion and selection  
For in service training/course.

To encourage officers who demonstrate exceptional performance, gallantry and devotion, beyond the call of duty, the Provincial Police Officer or Capital City Police Officer or the City Police Officer as the case may be, may on the recommendation of a Committee comprising of three officers not below the rank of Deputy Inspector General of Police including the Deputy Inspector General of Police of the Region concerned who will represent the case recommended by the Region/Capital City/City Police, promote out of turn such officers of junior ranks to the next higher rank up to inspector. The Committee shall ensure that only cases of exceptional performance, bravery and devotion are recommended and the ordinary/routine cases are avoided. Such promotions shall be treated as ad-hoc and will be regularized when the officers so promoted have successfully qualified the training course prescribed, if any. Such promotees shall be placed at the bottom of promotion list drawn up for that year. The provincial Police Officer may select such officers out of turn for such a prescribed course.

2. A Police Officer of junior rank (up-to Inspector) receiving the award of Quaid-e-Azam Police medal and or President Police medal shall be promoted in the first available substantive vacancy of the next higher rank up to Inspector which occurs in the district, area or Unit in which such officer is serving. This would be done automatically with receipt of above mentioned medals and without the proceedings of the committee.
3. The contents of this Standing Order shall be operative with effect from the date of its issuance.

(Malik Naveed Khan)  
Provincial Police Officer,  
N.W.F.P Peshawar.

No. 4282, 4327/C-I, dated Peshawar, the 4 June, 2008.

Copy forwarded to

1. All heads of Police Offices in NWFP for information and necessary action
2. M.S. to Governor, NWFP, Peshawar, for information.
3. P.S.O to Chief Minister, NWFP, Peshawar, for information.
4. Chief Secretary, Govt. of NWFP, Peshawar.
5. Secy: Govt. of NWFP, Home & TAs Deptt. Peshawar.
6. Director General, National Police Bureau, Ministry of Interior, Islamabad.

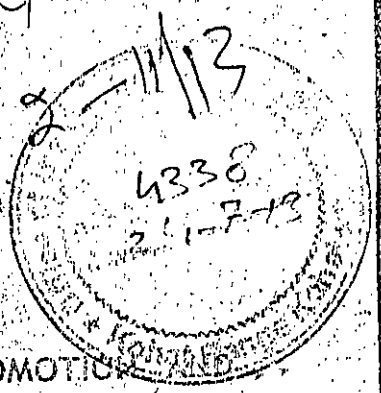
Attested  
  
To be true copy  
Advocate

115 Annex B 60

From: The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawa

To: All Heads of Police in Khyber Pakhtunkhwa

No. 176112-50 dated Peshawa the 22/7 /2013



Subject: ACCELERATED /OUT OF TURN PROMOTION /SELECTION FOR IN SERVICE TRAINING /COURSE

Memo: Please refer to Standing Order No. 6/2008, Endst: No. 4252-4327/C-i, dated: 04.06.2008.

1. The Apex Supreme Court of Pakistan has passed a judgment regarding out-of turn promotion of Police officers in which it has been held that "Out of turn promotion is not only against the constitution, but also against injunctions of Islam. Out of turn promotion in a Public department generates frustration and thereby diminishes the spirit of Public service. It generates undue preference in a Public Service. Element of reward and ayard is good to install the spirit of service of community, but it should not be made basis of accelerated promotion".
2. It has further been held by Apex Court that performance of duty with due diligence and efficiently deserved due appreciation but it could not be over appreciated out of proportion so as to make out a case of grievance to other employees in Service and Department.
3. As per decision /judgments of the apex Court any kind of special/out of turn promotion should be stopped.

*Handwritten notes:*  
No. 5629-94 (E)  
3-2-2/11

*Handwritten notes:*  
All DPOs / Head of  
Investigates to ensure  
Compliance  
One copy in E.C.

(KHALID MASOOD)  
Addl. IGP/Headquarters  
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar.

*Stamp and signature:*  
DPO POLICE  
KORAT  
[Signature]

G

(59)

Amer G

ORDER

In Pursuance of Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar Memo: No. 2359-65/Legal dated 06.08.2013 and Dy: Inspector General of Police, Kohat Region Kohat Endst: No.6013-15/EC, dated 12.08.2013, the following Police Officers/Officials of this District Police, who were given out of turn promotions under standing order No.06/2008 are hereby demoted to their substantive rank of Constables with immediate effect.

1. Head Constable Nek Muhammad No.253
2. Head Constable Sar Muhammad No. 539
3. Head Constable Qasim Mehmood No.656
4. Head Constable Afsar Ali No.6
5. Head Constable Noor Shehzad No.440

Q:B No. 620Dated 13-08 /2013

*Muqall*  
District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAKNo. 12475 /EC, dated Karak the 13/8 /2013.

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region Kohat for favour of information w/r to his Office Endst: No.6013-15/EC, dated 12.08.2013 Please.

*Muqall*  
District Police Officer, Karak

Annex, "D"

Phone No: 9260112.

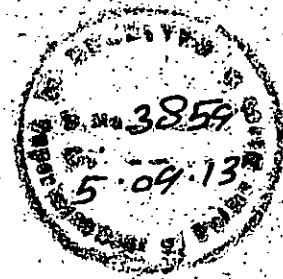
Fax No: 9260114.

From: - The Dy: Inspector General of Police,  
Kohat Region, Kohat.

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

No. \_\_\_\_\_ /EC, Dated Kohat the 03/09/2013.

Subject: - OUT OF TURN / ACCELERATED PROMOTION



MEMORANDUM.

Kindly refer to this office Memo No. 6130/EC dated 16.08.2013 and favour this office with the order passed in the case, so that promotion process could be finalized as directed by your good office vide Memo: No. 19982-20016/E-II dated 19.08.2013.

Dy: Inspector General of Police,  
Kohat Region, Kohat.

No. 6744 /EC

Copy to District Police Officer, Karak for information w/r to his Memo: No. 11201/EC, dated 29.08.2013.

Dy: Inspector General of Police,  
Kohat Region, Kohat.

SRC  
Per in action.

miraj  
Distt: Police Officer  
Karak

4/9

*[Handwritten signature]*

**BEFORE THE HON'BLE SERVICE TRIBUNAL K.P.K PESHAWAR**

SVC Appeal No-725/2015

Noor Shehzad

V/S

Provincial Police Office and others

**REJOINDER ON BEHALF OF APPELLANT TO THE COMMENTS FILED BY THE  
RESPONDENTS.**

**On Preliminary objections;**

All the Objections raised by the respondents in their comments are totally incorrect and against the fact and circumstances.

Misconceived and Mis-leading objections have been raised for the sake of more objections only. The objections are nothing but callus attempt to side the main issue, whereby the preferred and referred document has no concerning with the impugned order/proceedings one way or the other. The concealment, failure and un satisfactory reply by the respondents clearly speaks the malafide and discriminatory acts of the respondents against the appellant and show the personal grudges of the respondents with the appellant.

**ON FACTS;**

1. Para's-1 to 6 of the main appeal are considered and replied as correct and admitted by the respondents, hence needs no reply however the failer and discriminatory behavior of them with the appellant are still remained in pipe line instead of to bring it on the surface with true record and proof.

The respondents are themselves not clear about the referred Judgment of August Supreme Court of Pakistan and for that, they have asked some guide line from competent authority which are still awaited despite the facts of the present appeal.

The appellant was promoted on ad-hoc bases and the respondents intentionally arrayed and considered it as out of turn promotion which is

wrong and against the facts of the case hence needs consideration of this Hon'ble Court.

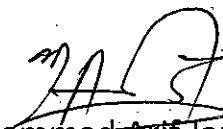
**GROUNDS;**

Para A to F of the grounds replied in the comments are totally incorrect. Grounds are bolder un-substantiated and baseless. Denial of the legal grounds been raised in the comments would not absolve the respondents from their duties/responsibilities. The appellant was rightly promoted on the bases of his gallantry performance which are admitted and considered true by the respondents but the demotion impugned order is without any reason or justification but just to discriminate, harass and discourage the appellant.

It is therefore most humbly prayed that on acceptance of the re-joineder, the comments filed by the respondents may kindly be rejected and the appeal of the appellant may kindly be allowed as prayed for.

Appellant

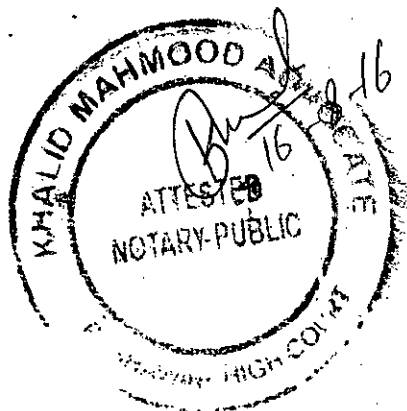
Through

  
Muhammad Arif Jan

Advocate Peshawar

**Affidavit**

I do here by solemnly affirm and declared on oath that, the contents of the re joineder are true and correct with the best of my knowledge.



  
DEPONENT



IN THE PESHAWAR HIGH COURT PESHAWAR



WRIT PETITION No. 919-A/2014

1. Head Constable Qasim Mehmood No.656, Kohat Region.
2. Head Constable Noor Shehzad No.440, Kohat Region  
.....Petitioner.

Versus

1. The Provincial Police Officer, Govt: of KPK, Peshawar.
2. The Regional Police Officer, (DIG) Kohat Region Kohat.
3. The District Police Officer, Kohat.
4. The District Police Officer, Hangu.
5. The District Police Officer, Kohat..... Respondents.

12/2/15

WRIT PETITION UNDER ARTICLE, 199 OF THE  
CONSTITUTION OF THE ISLAMIC REPUBLIC OF  
PAKISTAN, 1973.

Respectfully Sheweth,

Facts giving rise to the present writ petition are as under:-

1. That petitioner was enlisted in Police Force as Foot Constable and after passing professional Courses, they was promoted as Head Constable.
2. That petitioners performed their duties very efficiently and to the entire satisfaction of their superiors and therefore in view of his good performance and hard working they were always employed to high risky tasks.

ATTESTED  
Peshawar High Court  
27-MAR-2018

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3. That petitioners established their outstanding performance, bravery beyond the call of their duties and therefore made in every special campaign against terrorists, Pos, gamblers, kidnappers and anti social elements including the person involved in the business of illicit arms ammunition, narcotics etc and was therefore, awarded with special commendations certificate and prizes (The details has been annexed as Annexure-A).
4. That during the course of his posting, he on numerous occasion put his life at stake for targeting the criminals. One PO namely Asghar Khan S/o Gul Shahid Khan r/o Ghool Banda Police Station Khurram (Karak) was a notorious proclaimed offender and hardened criminal who was a source of unrest, turmoil and symbol of terror in the entire area. On 19<sup>th</sup> July, 2008 an information about the presence of the said diehard proclaimed offender in the hillock area of village Eidar Banda Police Station Khurram was received to Police. Petitioner along with one Gul Bahader as incharge Rescue 15 rushed to the spot; volunteered to put their lives at stake for targeting the criminal. The criminal was resultantly killed. Proper case vide FIR No.69 dated 19-07-2008 was registered (Annexure-B).
5. That on account of outstanding bravery and exhibiting courage, exceptional performance, gallantry and devotion, beyond the call of duty, petitioner No.1 and Gul Bahadar No.135 were selected for "Chief Minister's Medal for Valour". The Medal was awarded to the petitioner and Gul Bahadar on 14-03-2009 (Annexure-C).

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 27 MAR 2018

6. That it is pertinent to mention here that the respondent No.1 in the light of power vested in him under section 10(3) of Police Order, 2002 has issued Standing Order No.6 of 2008 (Annexure-D), wherein in order to encourage officers of junior ranks, who demonstrate exceptional performance, gallantry and devotion, beyond the call of duty has been held entitled for out of turn promotion to the next higher rank up to the inspector.
7. That the Standing Order further provide that such promotion shall be treated as ad-hoc and will be regularized when the officers so promoted have successfully qualified the training course prescribe, if any. The respondent No.1 may select such officers out of turn for such a prescribed course.
8. That vide Memorandum dated 19-05-2009 (Annexure-E), respondent No.2 recommended petitioners for accelerated promotion to the rank of H.C/ASI within the meaning of Standing Order No.6/2008. They were promoted the rank of H.C/ASI vide Order dated 22-06-2009 (Annexure-F) and serving as ASI.
9. That it is pertinent to mention here that One Mr. Jahangir Khan, Mr. Ali Hassan, Amran Gul (Shaheed) of Kohat and Gul Jamal of Hangu were promoted to the rank of Inspectors, whereas Shah Duran and Abdullah of Kohat and Mr. Gulzar Khan of Hangu were promoted to the rank of Sub Inspectors and whereas Mr. Qasmat Khan and Hakeem Shah of Karak District were promoted to the rank of ASI.
10. That in the similar way petitioner along with Constable Sar Muhammad No.539, Nek Muhammad No.253, Noor Shehzad

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 Deputy Registrar  
 27 MAR 2018

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 Deputy Registrar

No.440 and Afsar Ali Khn No.6 of Karak District were also promoted to the rank of HC/ASI on the same pedestal

(Annex - G)

11. That Vide Order No.10425/EC, dated 13-08-2013, petitioners along with Constable Sar Muhammad No.539, Nek Muhammad No.253 and Afsar Ali Khn No.6 have been demoted to their substantive rank, whereas Mr. Jahangir Khan and Gul Jamal Inspectors and Shah Duran and Abdullah, Mr. Gulzar Khan Sub Inspectors, Mr. Qasmat Khan and Hakeem Shah HC/ASI, who were also promoted on the strength of Standing Order No.6/2008 have not been demoted and disturbed.

12. That petitioner, being aggrieved of the acts and actions of Respondents and by the impugned order of demotion coupled with discriminatory treatment preferred departmental representation through proper channel before the respondent No.1 (Annexure-H), but the same were returned back with direction to address the same in the name of respondent No.2, which direction were duly complied by the petitioners and again submitted their representation before the Honourable respondent No.2, but the same are still pending without disposal (Annexure- ).

13. That since the element of discrimination and not treating the petitionerS at par with their colleagues, whose cases are similar and identical to that of the petitioners is involved in the case, which is constitutional right and can be resolved only the Constitutional petition and therefore, having no other adequate and efficacious remedy, assails the impugned orders through the instant constitutional petition inter-alia on the following grounds:-

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19 MAR 2014

Grounds:

A. That Respondents have not treated petitioner in accordance with law, rules and policy on subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Standing Order No.6 of 2008 provides that in order to encourage officers of junior ranks, who demonstrate exceptional performance, gallantry and devotion, beyond the call of duty has been held entitled for out of turn promotion to the next higher rank up to the inspector. Petitioner in numerous occasion have exhibited bravery and courage of the highest order despite the looming danger to their lives for the Honour of the Police Force and for the nation at large and has been awarded commendation certificates, prizes and also honoured with "Chief Minister's Medal for Valour", but when time came for the actual recognition of his exceptional performance, gallantry and devotion as per Standing Order 6/2008, they have not only deprived of the benefits of the Standing Order, but penalized by reverting them to their substantial position of Head Constable.

B. That vide Memorandum dated 19-05-2009, respondent No.2 recommended Mr. Jahangir Khan, Mr. Ali Hassan, Amran Gul (Shaheed) of Kohat and Gul Jamal of Hangu were promoted to the rank of Inspectors, whereas Shah Duran and Abdullah of Kohat and Mr. Gulzar Khan of Hangu were promoted to the rank of Sub Inspectors and whereas Mr. Qasmat Khan and Hakeem Shah of Karak District were promoted to the rank of HC/ASI on the strength of Standing Order, but they have not been demoted to their substantive rank, but petitioners have been treated differently, they have not only been deprived of their accrued benefits of the

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Deputy Registrar

27 MAR 2018

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Deputy Registrar

Standing Order 6/2008 but rather penalized by reversion, which is not only against the provision of the Article 25 and 27 of the Constitution, but also against the principle of natural justice, fair play and equity.

- C. That all public powers are in the nature of a trust and public functionary must act as repository of such trust. In the instant case, petitioners were entitled for the benefits of the Standing order 6/2008, and the grant of the same was promised to him, but the authority took U-turn of their promise and not only deprived the petitioner from the benefits of the Standing Order, but also revert them to his substantial post, which is the violation of public Trust and against the principle of fair Justice.

For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this writ petition, this Hon'ble Court may graciously be pleased to direct the respondents to abide by the Law and extend the benefits of Standing Order 6/2008 in favour of the petitioners and set aside the impugned order dated 13-08-2013 and also re instate the petitioners on their position as HC/ASI.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to petitioner.

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Peshawar Court  
27 MAR 2018

Through

Petitioner

Ashraf Ali Khattak

And

Nawaz Khan Khattak  
Advocates, Peshawar.

Dated: \_\_\_\_\_ / 03/ 2014

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'  
FORM OF ORDER SHEET



S.No.	Date of order	Order or other proceedings with signature of the Judge
1	2	3
	26.2.2015	<p><u>W.P.No.919/2014.</u></p> <p>Present: Mr.Muhammad Arif Jan, Advocate for the petitioner.</p> <p>Syed Sikandar Hayat, AAG for the respondents. _____</p> <p><u>YAHYA AFRIDI, J.-</u> Qasim and Noor Shehzad, Head Constables, seek the constitutional jurisdiction of this Court, praying that:-</p> <p><i>“For the aforesaid reasons, it is therefore, humbly prayed that on acceptance of this writ petition, this Hon’ble Court may graciously be pleased to direct the respondents to abide by the law and extend the benefits of Standing Order 6/2008 in favour of the petitioners and set aside the impugned order dated 13.8.2013 and also re-instate the petitioners on their position as HCs/ASIs.”</i></p> <p>2. The issue squarely falls within the terms and conditions of service of the petitioner, for which this Court lacks the jurisdiction to entertain the same. However, this petition was filed when the Worthy Khyber Pukhtunkhwa Service Tribunal was not functioning, hence, the same was admitted for hearing.</p> <p>3. Today, the Worthy counsel for the petitioners</p>

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PESHAWAR HIGH COURT  
27 MAR 2018

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states that the Khyber Pukhtunkhwa Service Tribunal has been validly constituted, hence this matter be referred to the appropriate forum.

4. Accordingly, this petition is sent to the Worthy Khyber Pukhtunkhwa Service Tribunal, for proper adjudication.

5. The Worthy AAG, representing the respondents, raised an objection regarding the limitation, which shall be adjudged by the Worthy Khyber Pukhtunkhwa Service Tribunal.

This petition is disposed of accordingly.

ATTACHED  
Peshawar High Court  
27/MAR 2018

CERTIFIED TO BE TRUE COPY  
Peshawar High Court, Peshawar  
Authorized Under Article 97 of  
The Qanun-e-shahadat Order 1984  
27 MAR 2018

Yahya Afzal  
JUDGE

Mr. Irshad Qureshi  
JUDGE

\*M.Gul\*

No. 15953  
Date of Presentation of Petition 27/3/2018  
No of Pages 8/P  
Copying Fee  
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Total  
Date of Presentation 27/3/18  
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