


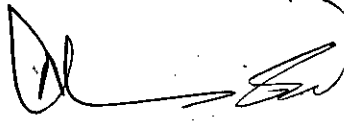
14th July, 2022

1. None present for the appellant. Mr. Kabirullah Khattak, Addl: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant service appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 14th day of July, 2022.*


(Freha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman



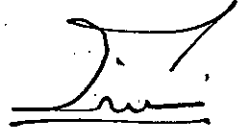
01.04.2022

Nemo for the appellant. Mr. Muhammad Riaz Khan Paindakheil Assistant Advocate General for official respondents No. 5 & 6 present. None present on behalf of private respondents No. 5 & 6.

Previous date was changed on Note Reader, therefore, notice for prosecution of the appeal be issued to appellant as well as private respondents No. 5 & 6 as well as their respective counsel and to come up for arguments on 09.05.2022 before D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

09.05.2022

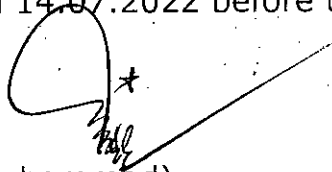
Nemo for the appellant. Mr. Arif Saleem, Steno alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for official respondents No. 1 to 4 present. None present on behalf of private respondents No. 5 & 6.

Notice for prosecution of the appeal be issued to the appellant as well as private respondents No. 5 & 6 and their respective counsel through registered post and to come up for arguments on 14.07.2022 before the D.B.

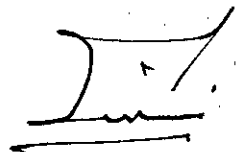
Noted



7/7/22



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

21.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.07.2021 for the same as before.


Reader

30.07.2021

Nemo for appellant.

Muhammad Rasheed learned Deputy District Attorney along with Wisal H.C for respondents present.

*7/8/21
3/7/21*

Notice be issued to appellant/counsel for 17.09.2021 for arguments before D.B.


(Rozina Rehman)
Member (J)


Chairman

17.09.2021

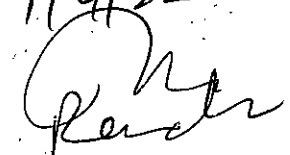
Counsel for appellant present.

Asif Masood Ali Shah learned D.D.A for official respondents present.

Private respondents No.5 & 6 are not in attendance. They be put on notice for 31.12.2021 for arguments before D.B.


(Rozina Rehman)
Member (J)


Chairman


Due to winter vacation to come up for the same on 11/4/22

Reader


07.10.2020

Appellant present through counsel.

Zara Tajwar learned Deputy District Attorney for respondents No. 1 to 4 present. Junior counsel on behalf of private respondents No.5 & 6 present.

Later requests for adjournment as senior counsel is busy before Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 30.11.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

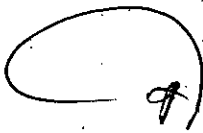
30.11.2020

Appellant in person present.

Mr. Muhammad Jan learned Deputy District Attorney for official respondents present. Private respondent No.6 in person present.

Private respondent No.6 made a request for adjournment through application. Allowed. To come up for arguments on 13.01.2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

13.01.2021

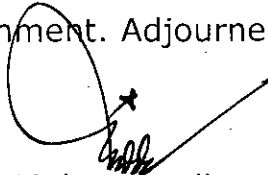
~~Counsel for the appellant and Mr. Kabirullah Khattak learned Addl. AG for respondents present.~~

Due to COVID-19, the case is adjourned for the same on 21.04.2021 before D.B.


READER

11.06.2020

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 03.07.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

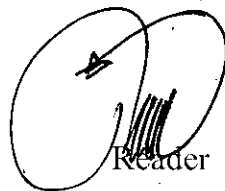
03.07.2020

Due to COVID-19, the case is adjourned to 05.08.2020 for the same.


Reader

05.08.2020

Due to summer vacation case to come up for the same on 07.10.2020 before D.B.


Reader

24.12.2019

Learned counsel for the petitioner present. Mr. Zia Ullah learned Deputy District Attorney present. Private respondent No.6 in person present.

Arguments heard. File perused.

Learned counsel for the petitioner/appellant raised the plea that the instant application for restoration of service appeal No.512/2014 was filed within time and in the interest of justice, the same may be allowed, to which learned DDA showed his no objection.


In view of above the present application for restoration of Service Appeal No. 512/2014 is allowed and the main service appeal is restored. To come up for arguments on main service appeal on 26.02.2020 before D.B. No order as to costs. File of the instant application be consigned to the record room.


Member



Member

26-2-20

The Learned Member's is on tour therefore case is adjourned to 1-4-2020


Reader

01.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before.


Reader

27.09.2019


Counsel for the petitioner present. Learned Asst: AG
alongwith Mr. Aziz Shah, Reader for respondents present.
Learned counsel for the petitioner seeks adjournment.
Adjourn. To come up for ^{reply of} arguments on restoration
application on 28.11.2019 before D.B.

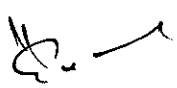

Member


Member

28.11.2019

Lawyers on strike. Reply of the present application not
submitted. Wisal H.C representative of the respondent
department present and seeks time to furnish written reply.
Granted. To come up for reply and arguments on 24.12.2019
before D.B.


Member


Member

R.A. No. 419/2018

28.02.2019

Clerk to counsel for the applicant, Addl. AG for the official respondents and private respondents No. 5 & 6 in person present.

Due to general strike on the call of Bar Association instant matter is adjourned to 15.05.2019 before the D.B.


Member


Chairman

17.05.2019

Counsel for the petitioner, Addl AG for the official respondents present.

Due to demise of his father, learned Member of the Bench (Mr. Hussain Shah) is on leave. Adjourned to 15.07.2019 for further proceedings before the D.B.


Chairman

15.07.2019

Mr. Taimur Ali Khan, learned counsel for the petitioner and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Suleman, Reader for the respondents present. Adjourned to 27.09.2019 for arguments on restoration application before D.B. Original record be also requisitioned for the date fixed.






(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

Form-A
FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 419 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	30.11.2018	<p>The application for restoration of appeal No.512/2014 submitted by Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 30/11/18</p> <p>This restoration application is entrusted to D. Bench to be put up there on <u>6-2-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.02.2019		<p>Clerk to counsel for the applicant present. Mr. Abdul Sattar, DSP (Legal) alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the Bar. To come up for arguments on restoration application on 28.02.2019 before D.B.</p> <p style="text-align: center;"> (Ahmad Hassan) Member</p> <p style="text-align: center;"> (M. Amin Khan Kundi) Member</p>

11.10.2018

Junior counsel for appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Junior to counsel for appellant seeks adjournment as senior counsel is not in attendance. Adjourn. To come up for arguments on 22.11.2018 before D.B.



Member



Member

22.11.2018

Appellant absent. Learned counsel for the appellant absent. The present case pertains to the year 2014. Mr. Riaz Paindakheil learned Assistant Advocate General present, however no one appeared on behalf of appellant despite repeated calls. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.



Member



Member

ANNOUNCED
22.11.2018

24.12.2019

Vide order of today i.e. 24.12.2019 passed in restoration application No.419/2018 the present service appeal has been restored. To come up for further proceedings/arguments on 26.02.2020 before D.B.

Member




Member

22.06.2018

Appellant with counsel present. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Asghar Ali, Head Constable for official respondents No. 1 to 4 and counsel for private respondents also present. Record mentioned in order sheet dated 02.11.2016^{was} not produced by the respondents. Last opportunity is granted to the representative of official respondents No. 1 to 4 for production of record. Adjourned. To come up for record and arguments on 18.07.2018 before D.B.

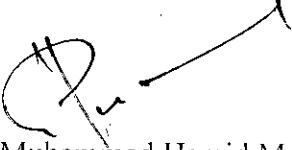

(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

18.07.2018

Counsel for the appellant present. Mr. Muhammad Farooq, Inspector alongwith Mr. Muhammad Jan, DDA for official respondents present. Clerk to counsel for private respondents no. 5 and 6 present and submitted wakat Nama. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.08.2018 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

30.08.2018

Junior counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Junior counsel for the appellant seeks adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Adjourned. To come up for arguments on 11.10.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member


28.12.2017


Clerk to counsel for the appellant and Addl: AG alongwith Mr. M. Farooq Khan, Inspector and private respondents no. 5 and 6 for respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 15.02.2018 before D.B.


Member

15.02.2018


Junior to counsel for the appellant and Additional AG alongwith Mr. Asghar Ali H.C for the official respondents present. Learned counsel for private respondents also present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourned. To come up for arguments on 10.04.2018 before D.B.



(Ahmad Hassan)
Member(E)


(Muhammad Hamid Mughal)
Member(J)

10.04.2018


Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 22.06.2018 before D.B.



(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member

11.08.2017


Counsel for the appellant present. Mr. Asghar Ali, Head Constable alongwith Mr. Kabirullah Khattak, Assistant AG for official respondents No. 1 to 4 present. Record vide order sheet dated 02.11.2016 not produced by the respondents. Representative of the respondent-department is once again directed to produce the same on the next date of hearing. Adjourned. To come up for record and arguments on 20.10.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

20.10.2017


Appellant with counsel and Mr. Usman Ghani, D.A alongwith Mr. Farooq Khan, Inspector for respondents present. Private respondents no. 5 and 6 submitted an application for adjournment. Representative of the official respondent seeks time to produce record. Adjourned. To come up for arguments on 28.12.2017 before D.B.

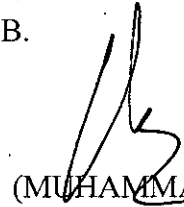

Member
(Executive)


Member
(Judicial)

08.02.2017

Counsel for appellant and Mr. Muhammad Asif, Inspector (legal) alongwith Mr. Mr. Muhammad Jan, GP for official respondents No. 1 to 4 present. Mr. Shafiullah, Advocate on behalf of private respondent No. 6 also present and submitted Wakalatnama which is placed on file. Record vide order sheet dated 02.11.2016 not produced by the respondents. The representative of respondent-department is once again directed to produce the same before Tribunal on or before next dated. To come-up for record and arguments on 01.06.2017 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

01.06.2017

Appellant alongwith his counsel present. Mr. Yaqoob Khan, Head Constable alongwith Mr. Ziaullah, Deputy District Attorney for official respondents No. 1 to 4 and private respondent No. 6 in person also present. Record vide order sheet dated 02.11.2016 not produced by the respondents. The representative of official respondents is once again directed to produce the same before the Tribunal on or before the next date of hearing. Adjourned. To come up for record and arguments on 11.08.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

01.07.2016

Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Counsel for the appellant is not in attendance. Seeks adjournment. Adjourned for arguments to 02.11.2016 before D.B.



Member



Chairman

02.11.2016

Counsel for the appellant, Mr. Muhammad Jan, GP for official respondents and private respondents No. 5 and 6 in person present. Learned counsel for the appellant stated that the private respondents were in the police department who went to prosecution department and again repatriated to the police department. Learned counsel for the appellant submitted that all relevant record of the private respondents including their option and willingness if any be produce by the respondent-department. Respondent-department is directed to produce the same on the next date. To come up for such record and arguments on 08.02.2017.



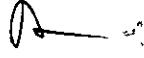
(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

19.11.2015

Counsel for the appellant, Mr. Naqeebullah, Senior Clerk alongwith Mr. Ziaullah, GP for official respondents No. 1 to 4 and counsel for private respondents No. 4 and 5 present. Wakalat Nama on behalf of private respondents No. 4 and 5 submitted. Since the court time is over therefore, case is adjourned to 7-3-2016 for arguments.



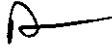
MEMBER



MEMBER

07.03.2016

Appellant in person and Mr. Mir Faraz, Inspector (legal) alongwith Mr. Muhammad Jan, GP for official respondents No. 1 to 4 present. Appellant requested for adjournment as his counsel is not available today. Counsel for the appellant is directed to provide a spare copy of the appeal. To come up for arguments on 9.5.16 before D.B.



MEMBER



MEMBER

09.05.2016

Appellant in person and Mr. Yaqoob Khan, HC alongwith Mr. Usman Ghani, Sr.GP for official respondents No. 1 to 4 and private respondents No. 5 and 6 in person present. Appellant requested for adjournment due to General Strike of the Bar. To come up for arguments on 01.07.2016.



Member

17.10.2014

Appellant with counsel and Mr. Mir Faraz Khan, Inspector (Legal) with Mr. Muhammad Adeel Butt, AAG for official respondents No. 1 to 4 present, but Mir Faraz Khan is also private respondent (respondent No. 6) in the appeal. Both private respondents No. 5 and 6 with counsel also present. Written replies received on behalf of the official as well as private respondents, but since in the written reply on behalf of official respondents, private respondents No. 5 and 6 have been included, the learned AAG requested for returning the reply for reconsideration/ revisiting the same. The written reply on behalf of the official respondents be returned to the learned AAG, for submission of proper written reply on behalf of official respondents, positively, on the next date. Reply to application for interim relief has also been received on behalf of the respondents, copy whereof be handed over to the appellant/counsel for the appellant for arguments on the application and written reply/comments on behalf of official respondents on 30.01.2015.


Chairman

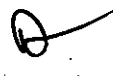
6 30.01.2015

Appellant with counsel and Mr. Naqeebullah, Senior Clerk on behalf of official respondents No. 1 to 4 alongwith learned Addl: AG present. Written reply submitted. Appeal be fixed before D.B for final hearing/arguments on 10.08.2015. Rejoinder be submitted on or before the date fixed.


Chairman

10.08.2015

Appellant with counsel, Naqibullah, Senior Clerk alongwith Muhammad Jan, GP for official respondents and private respondents No. 5 and 6 in person present. Rejoinder on behalf of the appellant submitted. To come up for arguments on 19.11.2015.


Member


Member

Appeal No. 572/2014
Mr. Muhammad Asif

07.05.2014

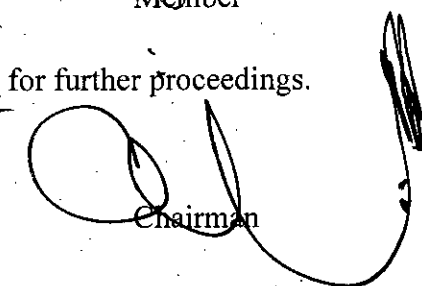
Counsel for the appellant present and filed an application for early hearing. Case filed requisitioned. Application accepted. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 21.11.2013, he filed departmental appeal on 18.12.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 09.04.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 15.07.2014.

Appellant Deposited
Security & Process Fee
Rs. 240/- Bank
Receipt is Attached with File.


Member

07.05.2014

This case be put before the Final Bench I for further proceedings.


Chairman

15.7.14

The Hon'ble bench is on leave
therefore, case is adjourned to 17-10-14


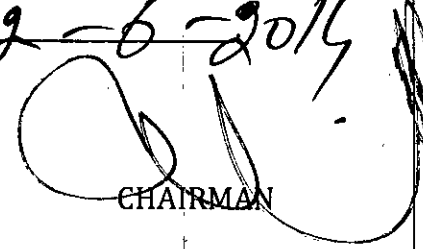

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 512/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/04/2014	<p>The appeal of Mr. Muhammad Asif presented today by Mr. M. Asif Yousafzai Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	15-4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>12-6-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Appeal No. 512 /2014

Mr. Muhammad Asif

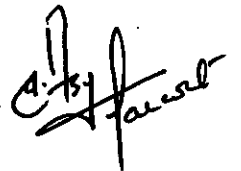
V/S

PPO, KPK and Others.

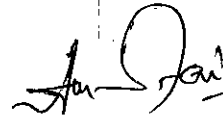
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S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Seniority List	- A -	05
3.	Copy of Order (17.4.1993)	- B -	06
4.	Copy of Ad-hoc Promotion	- C -	07
5.	Copy of Orders (22.11.2005 & 6.01.2006.	- D -	08-12
6.	Copy of Orders (20.10.2007 & 4.11.2008)	- E -	13-14
7.	Copy of Representation	- F -	15-17
8.	Vakalat Nama	-----	18

APPELLANT
Muhammad Asif



THROUGH:



(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 512 /2014

543
09/11/2014

Muhammad Asif, Inspector Legal No. B-36
Presently posted at Special Branch Peshawar.

Appellant

Versus

- 1) Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
- 3) Regional Police Officer, Bannu.
- 4) District Police Officer, Bannu.
- 5) Abdul Sattar Inspector Legal, Investigation wing CPO Peshawar.
- 6) Mir Faraz Khan, Inspector Legal, Office of District Police Officer Bannu.

Respondents

AN APPEAL UNDER SECTION 4 OF THE NWFP (KPK) SERVICE TRIBUNAL ACT, 1947 AGAINST THE SENIORITY LIST OF INSPECTOR LEGALS CIRCULATED VIDE ENDORSEMNET NO.28512-20/E-II; DATED 20/11/2013 OF THE OFFICE OF RESPONDENT NO. 1. COPY ENCLOSED AS ANNEXURE-A. AND AGAINST NOT TAKING ANY ACTION ON THE APPEAL OF APPELLANT WITHIN STATUTORY PERIOD.

Prayer:-

ON ACCEPTANCE OF THE SERVICE APPEAL THE RESPONDENTS MAY BE DIRECTED TO REVISE THE IMPUGNED SENIORITY LIST TO THE EXTENT OF PLACING THE NAME OF APPELLANT ABOVE THE NAMES OF PRIVATE RESPONDENT NO. 5 AND 6 AS APPELLANT IS SENIOR TO THE ABOVE MENTIONED PRIVATE RESPONDENTS IN ALL RESPECTS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF APPELLANT.

9/11/14

RESPECTFULLY SHEWETH:

Facts:-

Facts leading to the present appeal are as under:-

- 1) That appellant, along with private Respondent No. 6 and others was appointed as prosecuting sub-inspector (Sub-Inspector Legal) vide order of respondent No. 3. Appellant name exists at Serial No. 2 of the order of the merit while private Respondent No.6 exists at serial No.4. Copy of order is enclosed as Annexure-B.
- 2) That appellant successfully qualified basic PSI course and training and appellant on completion of probation period, recommendation for promotion to list-F were made by the Respondent No. 3 and accordingly appellant name was brought on the above promotion list with effect from 12/1/1997 vide order of Respondent No. 1.
- 3) That on elevation to List-F a Sub-Inspector Legal becomes entitle for regular promotion to the rank of Inspector Legal.
- 4) That appellant was transferred to Special Branch Peshawar in the year 2002. None of the Inspectors legal was willing to serve at unattractive unit of special Branch Police, therefore appellant was promoted on ad-hoc basis to the rank of Inspector Legal vide order No.1462-70dated 18/2/2003 of the office of DIG Special Branch. Copy enclosed as Annexure-C.
- 5) That on receipt of impugned seniority list, appellant was astonished to note that private Respondent No. 5 & 6 have been shown senior to appellant.
- 6) That respondents No.5 and 6 were permanently absorbed in the Prosecution department with all rights of seniority/promotion etc along with budget. Copies of the Order is enclosed as Annexure-D.
- 7) That respondent No.5 and 6 after serving the Prosecution Department for more than three years managed their transfer back to police. Copy of Order is enclosed as Annexure-E.

- 8) That appellant submitted representation before Respondent No.1 against the impugned seniority list but the same was not responded within the statutory period of ninety (90) days. Copy of the representation is enclosed as Annexure - F.
- 9) That appellant has wrongly been made junior to private respondent No. 5 & 6 vide impugned seniority list. Hence the present Service Appeal on the following grounds inter alia.

Grounds:-

- A) That the impugned seniority list has been drawn and issued in contravention of law and rules on the subject and also not taking action on the departmental appeal of appellant within statutory period is not tenable in law.
- B) That appellant is senior to private Respondent No. 6 as evident from order of merit. Furthermore, on separation of Prosecution Department from Police, Respondent No. 5 & 6 were willingly absorbed in Prosecution Department by transfer of their post and service with budget in the year 2005 . After rendering about 03 year in Prosecution Department they managed their repatriation to Police while appellant continued his service in the Police Department right from appointment to-date without any break. Copy of record of respondent No.6 is attached as Annexure – E whereas the respondent No.5 record is with the department which may be requisitioned.
- C) That Respondent No. 1 and 3 without taking into consideration of the break of the service of respondent No. 5 & 6 restored them on old position in contravention of rules and wrongly placed them above the name of appellant in the impugned seniority list instead of placing them at bottom seniority.
- D) That in view of the option of respondent No. 5 & 6 for their absorption in another department assigning them old seniority is legally unjustified.
- E) That appellant was promoted to the rank of Inspector legal earlier than the respondents, therefore appellant rank senior to the Respondent No. 5 & 6.

F) That Respondents No.5 and 6 were received to Police department on transfer from Prosecution Department. Therefore their seniority would be reckoned from the date of their transfer to Police. In this regard, Rule 8(2) of North West Frontier Province Civil Servants(Appointment, Promotion and Transfer) Rules 1989 is very much clear which states:-

"A person so transferred shall be placed at the bottom of the cadre strength which he joins for the purposes of determining his seniority vis-a-viz other members borne on the cadre."

G) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore prayed that the appeal of the appellant may be accepted as prayed for.

Appellant
Muhammad Asif,



Through:



M.ASIF YOUSAFZAI
ADVOCATE, PESHAWAR

&



Taimur Ali Khan
Advocate.

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT
STOOD ON 08.11.2013

No. 28511 /E-II. The Seniority list of Inspectors Legal has been revised in compliance of judgment of Service Tribunal dated: 16.10.2009, 12.01.2010, 01.03.2011 & 22.01.2013 is hereby published for information of all concerned.

S.No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector Legal
1	Akbar Ali No. D/25	BA/LLB	DIKhan	05.01.1954	19.11.1978	19.11.1978	01.08.1987	31.03.1988	24.05.2008
2	Abdul Sattar No. B/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008
3	Imtiaz Ali No. D/27	BA/LLB	Bannu	03.11.1959	09.01.1884	09.01.1884	01.08.1987	3.12.1991	24.05.2008
4	Javed Ahmad No. D/28	BA/LLB	DIKhan	15.05.1962	21.09.1989	21.09.1989	06.11.1994	05.03.2009	
5	Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1983	01.07.1992	09.07.1991	20.07.2007	31.10.2013
6	Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007	
7	Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013
8	Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013
9	Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013
10	Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	
11	Sohail Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013
12	Bashir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013
13	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	31.10.2013
14	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013

15. Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013
16. Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	
17. Kamal Hussain	BA/LLB	Kohat	15.04.1969	25.03.1999	30.06.2008	21.05.2009	21.05.2009	31.10.2013

9459
20-11-13

[Handwritten Signature]

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

No. 28512-20 /E-II, dated Peshawar, the 20/11/2013.

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

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

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

Received
today on
29/11/2013.

[Handwritten Signature]
120sp LogSP/SB
29/11

SSP/Adonla

[Handwritten Signature]

[Handwritten Signature]
20/11

Dist. No.	1761
Dated.	22-11-2013
Office of the Addl: Inspector General Special Branch, Khyber Pakhtunkhwa Peshawar	

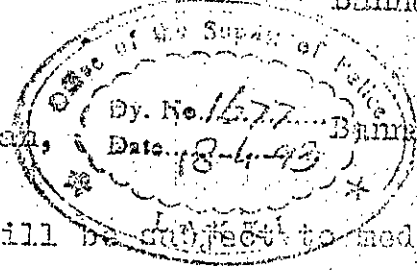
5-12/93

ORDER

The following candidates being Law Graduate are appointed as Temporary Prosecuting Sub Inspectors in BPS-14 with usual allowances admissible under the Rules from the date they actually take the charge of their duties:

- 2) Their services will be purely on temporary basis and liable to termination on seven days notice or less without any cause.
- 3) They are assigned Range numbers as noted against each and posted to the districts noted below :-

<u>No.</u>	<u>Name with full address.</u>	<u>Range No. Allotted.</u>	<u>District of Posting.</u>
1.	Mr. Muhammad Rashid S/O Haji Mugarab Khan R/O Village Dharma Khel, P.S./Saddar, District, Bannu.	B/35	Bannu.
2.	Mr. Muhammad Asif S/O Abdul Hamid R/O Village Maula Dad Khawaja Khel P.S./Naurang; District, Lakki.	B/36	Lakki.
3.	Mr. Sohail Afzal Mina Khel S/O Muhammad Afzal, House No.285, I/S Haved Gate, Bannu City.	B/37	Bannu.
4.	Mr. Mir Faraz Khan S/O Noor Wali R/O Village Nawaz Abad, P.S. Miriah, District, Bannu.		Bannu.



Their appointment will be subject to medical fitness, verification of character and genuineness of their degrees.

(ABDUL LATIF KHAN)

Dy: Inspector General of Police,
Bannu Range, Bannu.

No. 1009-15/BS Dated, Bannu, the 17/12/1993.

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

1. Superintendent of Police, Bannu.)
2. Superintendent of Police, Lakki.) Their nomination and)
3. Asstt: Office Supdt: Range Office, Bannu.) and medical fitness)
4. Mr. Muhammad Rashid S/O Haji Mugarab Khan R/O Village Dhar) certificates are enc)
5. Mr. Muhammad Asif S/O Abdul Hamid R/O Village Maula Dad) osed. Necessary desc)
6. Mr. Sohail Afzal Mina Khel S/O Muhammad Afzal, House No. 28) Notification be iss)
7. Mr. Mir Faraz Khan S/O Noor Wali of Nawaz Abad, P.S. Miriah,) accordingly.

(ABDUL LATIF KHAN)
Dy: Inspector General of Police,
Bannu Range, Bannu.

17
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-m/ta
181. n

POLICE DEPT:SPECIAL BRANCH NWFP, PESHAWAR.

FOR PUBLICATION IN THE NWFP POLICE GAZETTE PART.II
ORDERED BY THE DIG OF POLICE, SB: N.W.F.P., PESHAWAR.

NOTIFICATION.

Dated: _____/2003.

No. _____ /SB: OESG: PROMOTION:- PSI Muhammad Asif No.B/36 of Bannu Region on deputation to this Distt: is hereby promoted as prosecuting Inspector EPS-16 (3805-295-12655) w.e.from 1.3.2003 on temporary basis in the existing vacancy of Special Branch NAFP Peshawar.

The promotion is purely on temporary basis and he will not claim the benefit of this promotion towards seniority maintained in his own Range/District.

On promotion he remained posted to JIT/SB:

Deputy Inspector General of Police,
Special Branch, NAFP Peshawar.

No. 1462-70 /SB: dated Peshawar, the 18/2 /2003.

Copy to the :-

1. Inspector General of Police, NAFP Peshawar.
2. DIG of Police, Bannu Region.
3. Supdt: of Police, Bannu
4. Supdt: of Police, JIT/SB:
5. SSP/Insr:/SB:
6. SO/SB:
7. PA to DIG/SB:
8. acctt:/SB:
9. E/A/GB:

Deputy Inspector General of Police,
Special Branch, NAFP Peshawar.

See.

19/1 ✓

REGISTERED

Legi We

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Legi We am
Annex B
Advocate

(13)
P-6

ANNEX "D"

08

From The Provincial Police Officer,
NWFP Peshawar
To The Secretary,
Government of NWFP,
Home & TAs Department Peshawar.

No. 21963/E-11 /dated Peshawar the 22.11.2005

Subject CREATION OF POST FOR LEGAL CELL OF POLICE DEPARTMENT

Memo:- Please refer to your memo No. SO(PRO) HDL-3 2005 Vol II dated 20.09.2005.

The following officers (i.e DSP Legal, Inspector Legal and Sub Inspector Legal) together with 7 Vacancies of Inspector Legal and five Vacancies of SI Legal are surrender to your establishment of further action.

DSP Legal

- 1.Mr. Jalal Ud Din
- 2.Mr. Nasrullah Khan
- 3. Mr. Sultan Mehmood
- 4.Mr. Azmat Ghafoor
- 5.Mr. Raja Muhammad Ilyas

- Home Department
- Charsadda.
- Inquiry & Inspections
- PTC Hangu
- Swat.

Inspector Legal

- 1.Mr. Zulfiqar Ahmad
- 2.Mr. Saeed Gul
- 3.Mr. Latif Khan No. P/265
- 4.Mr. Abdul Hameed

- Hazara Abbotabad.
- Hazara ACE
- Peshawar Investigation
- Haripur

Sub Inspector Legal

- 1.Mr. Muhammad Fayaz No. M/84
- 2.Mr. Javed Akhter
- 3.Mr. Muhammad Qamar Zeb
- 4.Mr.Zahiruddain
- 5.Mr. Javed Iqbal
- 6.Mr. Abdul Rasheed
- 7.Mr. Isara Ali
- 8 Mr. Hameed ur Rasheed

- Dir Upper
- Haripur Investigation
- CCP/Peshawar
- Haripur Investiagtion
- Mardan
- Mardan
- Dir Lower
- Abbot Ahmad

ATTESTED

9. Mr. Sayyed Falak Sair

10. Mr. Khalid Khan

11. Mr. Javed Iqbal Anwar

12. Mr. Mir Faraz Khan

13. Mr. Raees Khan

14. Mr. Javed Rehman Khan

15. Mr. Muzaffar Ahmad

16. Mr. Abdul Sattar

17. Mr. Shaikh Zahoor Ahmad

18. Mr. Muhammad Saeed

Charsadda

Swabi.

Kohistan

Bannu

Swabi

Mardan

Charsadda.

Hangu

Batagrama

Kohistan.

(M. RAFFAT PASHAI)
Provincial Police Officer,
NWFP, Peshawar.

No. 2196-I-73-EH

Copy of the above is sent for necessary action to:-

The Chief Secretary NWFP Peshawar for information

The Addl: IGP Inv: NWFP Peshawar.

The DISG Mardan Region, Hazara Malakand Bannu and enquiry & Inspection CPO Peshawar.

The Capital City Police Officer Peshawar.

The Commandant PTC Hangu

The Director ACE NWFP Peshawar.

The above named officers may be relieved and directed to report at Home Department immediately

ATTESTED

GOVERNMENT OF N.W.F.P.
HOME & LAND DEPARTMENT

No. _____
Dated Peshawar, the _____ 2005

NOTIFICATION.

No.SO(Prosecution)/HD/1-1/B/2005/Vol-II. The Provincial Government is pleased to Adjust the following Prosecution Staff relieved by the Police Department vide Memo: No.21963/P-II, dated 22/11/2005 against the posts and designation noted against their names in the Directorate General Prosecution NWFP w.e.f. 01/12/2005.

S.No	Name and Designation	Station & Designation.
1	Jalal-ud-Din, DSP, Legal.	Deputy Public Prosecutor, Nowshera.
2	Nasrullah Khan, DSP, Legal.	Deputy Public Prosecutor, Charsadda.
3	Azmat Ghafoor, DSP, Legal.	Deputy Public Prosecutor, Hangu.
4	Zulfiqar Ahmad, Inspector Legal.	Asstt: Public Prosecutor, Mansehra.
5	Saeed Gul, Inspector Legal.	Asstt: Public Prosecutor Mansehra.
6	Latif Khan, Inspector Legal.	Asstt: Public Prosecutor Charsadda.
7	Abdul Hameed, Inspector Legal.	Asstt: Public Prosecutor Mansehra.
8	Muhammad Fayaz, Sub Inspector Legal.	Asstt: Public Prosecutor, Lower Dir.
9	Saeed Akhtar, Sub Inspector Legal.	Asstt: Public Prosecutor, Mansehra.
10	Muhammad Qamar Zeb, Sub Inspector Legal.	Asstt: Public Prosecutor, Charsadda.
11	Zaheer ud Din, Sub Inspector Legal.	Asstt: Public Prosecutor, Haripur.
12	Javed Iqbal, Sub Inspector Legal.	Asstt: Public Prosecutor, Mardan.
13	Abdur Rashid, Sub Inspector Legal.	Asstt: Public Prosecutor, Mardan.
14	Israr Ali, Sub Inspector Legal.	Asstt: Public Prosecutor, Malakand.
15	Haroon-ur-Rashid, Sub Inspector Legal.	Asstt: Public Prosecutor, Mansehra.
16	Syed Falak Sani, Sub Inspector Legal.	Asstt: Public Prosecutor, Charsadda.
17	Khalid Khan, Sub Inspector Legal.	Asstt: Public Prosecutor, Upper Dir.
18	Javed Iqbal Anwar, Sub Inspector Legal.	Asstt: Public Prosecutor, Kohistan.
19	Mir Faraz Khan, Sub Inspector Legal.	Asstt: Public Prosecutor, Karak.
20	Raees Khan, Sub Inspector Legal.	Asstt: Public Prosecutor, Swabi.
21	Javed Rehman Khan, Sub Inspector Legal.	Asstt: Public Prosecutor, Swabi.
22	Muzaffar Ahmad, Sub Inspector Legal.	Asstt: Public Prosecutor, Charsadda.
23	Abdul Gaffar, Sub Inspector Legal.	Asstt: Public Prosecutor, Hangu.

ATTESTED



11

GOVERNMENT OF NORTH WEST FRONTIER PROVINCE
HOME & TRIBAL AFFAIRS DEPARTMENT

No. _____

Dated Peshawar, the _____ 2006

24	Sheikh Zahoor Ahmad, Sub Inspector Legal.	Asstt: Public Prosecutor, Abbottabad.
25	Muhammad Saeed, Sub Inspector Legal.	Asstt: Public Prosecutor, Karak.

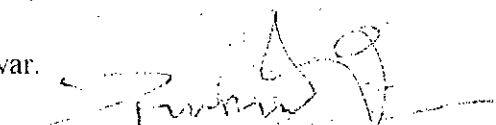
Secretary to Government of NWFP,
Home & Tribal Affairs Department.

Encl: No. SO(Pros)/HD/1-1/B/2005/Vol-II

Dated 6/01/2006

Copy forwarded for information to:-

1. The Accountant General, NWFP, Peshawar.
2. The Director General, Prosecution, NWFP, Peshawar.
3. The District Public Prosecutors, concerned.
4. The District Accounts Officers concerned.
5. Officers/Officials concerned
6. The PS to Home Secretary NWFP, Peshawar.


(Muhammad Qasim),
Section Officer (Prosecution)


ATTACHED

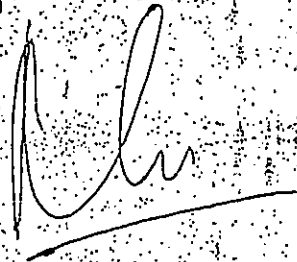
(2)

R/Sir,

I am willing to join Home
Deptt. (Prosecution) with all my due
Seniority / Promotion in ~~for~~ Police
Deptt.

Submitted for consideration pl

Dated: 13.10.05

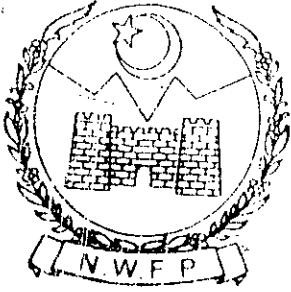


AIG legd pl

MIR FARAZ KHAN
PSI NO. 38/B
DIST. BANNU
RANGE BANNU



AT. S



3

GOVERNMENT OF N.-W.F.P.
HOME & T.As. DEPARTMENT.

No. _____

Dated Peshawar, the _____ 200

ORDER.

No. SO (Prosecution)/HD/1-3/2007/Vol-II. Mr. Abdul Sattar ex-Sub Inspector legal now Assistant Public Prosecutor, Hangu is hereby re-patriated to Police Department on his own request with immediate effect.

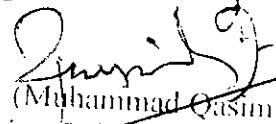
Secretary to Government of NWFP,
Home & Tribal Affairs Department.

Endst: No. SO (Pros:)/HD/1-2/2007/Vol-II.

Dated 20/10/2007

Copy forwarded for information to:-

- 1)-The Provincial Police Officer, NWFP, Peshawar, w/r to his letter No. 22505/E-II, dated 29/09/2007.
- 2)-The Director General, Prosecution NWFP, Peshawar, w/r to his letter No. DP/E&A1(01)/06/9565, dated 19/10/2007.
- 3) - The District Public Prosecutor, Hangu.
- 4)- Mr. Abdul Sattar, Assistant Public Prosecutor, Hangu.


(Muhammad Qasim)
Section Officer (Prosecution).

RECEIVED

4-16/08

14
DYNO 2583/E
DT-8/11/08

ORDER

Mr. Mir Farez Khan Assistant Public Prosecutor is hereby repatriated in his original rank as SI/Legal (RPO-14) to his parent Police Station with immediate effect.

MF
(ABDUL MAJID KHAN - T.)
RPO/H.S.
for Provincial Police Officer
M.S., Peshawar.

No. 29545-48/-II, Dated Peshawar, the 04/11/2008

Copy for information and necessary action to the :-

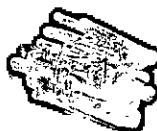
- 1) Secretary, Home and Local Government Dept. Peshawar with reference to his letter No. 33 (Ops) H.S./-3/2008 D.I-IV dated 24-10-2008.
- 2) SIG of Police, Bannu Region.
- 3) Assistant Secret, SPO, Peshawar. Original D.I. Officer of above named SI/Legal received with your No. 2/0283/08, dated 8-10-2008 is returned herewith.
- 4) Officer concerned.

EC
For my action and report.

R.P.O. BANNU
h

h
ATTESTED

7-16



ANNEX "F"

(15)

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

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

No 8938 /EB/SB, dated Peshawar, the 18/12/2013.

Subject: REPRESENTATION.

Memo:

Enclosed please find herewith representation (self explanatory) in respect of Inspector Legal Muhammad Asif No. B/36 of this establishment for favour of consideration.

Handwritten mark resembling a stylized 'S' or '3'.

Handwritten checkmark.

SSP/Admn:
For Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

Taken by hand

Handwritten letter 'P'.

Handwritten signature above the word ATTESTED.

ATTESTED

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

Through: Proper Channel.

Subject: REPRESENTATION.

Respected Sir,

With profound regards, petitioner humbly submits the following few lines for your kind perusal and sympathetic consideration.

1. That according to present impugned Seniority list issued on 08-11-2013, Inspectors Legal Abdul Sattar No. K/02 and Mir Faraz Khan No. B/38 whose names are at Serial No 07 & 09, opted with their own sweet will to join independent prosecution Agency working under the Home Department as APPs. Both Officers mentioned above, served more than three (03) years in prosecution, Home Department as Prosecutors and then repatriated themselves to Police Department against laid down rules. Their liens already were no more intact as their vacancies were surrendered by the Police Department to Home Department. However inspite of all these steps, if they have been absorbed by the Department, their names should have to be brought at the bottom of the Seniority list according to established criteria. In this regard **Rule 8 Sub Rule 2 of North West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989** is very much clear on the issue (Copy of the Rule is enclosed as F/A).
2. Inspector Legal Mir Faraz Khan on 18-10-2005 submitted an application for joining prosecution, Home Department with his own will. (Copy enclosed as F/B). He was repatriated back to Police Department on 04-11-2008 and placed his name in the seniority list with all back benefits instead of putting him at the bottom. (Copy enclosed as F/C). Similar is the case of Inspector Legal Abdul Sattar who joined Prosecution, Home Department on his own option and then returned without losing seniority which is quite an astonishing fact according to

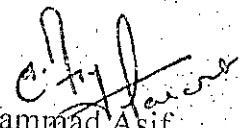

ACCEPTED

existing rules & regulations. In this regard a precedent already exists, when Mr. Azmat Ghafoor DSP Legal (Rtd) firstly opted for Prosecution, Home Department and served there. When came back to Police Department, he was brought at the bottom of DSsP Legal and his juniors Mr. Malik-ur-Rehman (Rtd) and Mr. Muhammad Fayyaz the then AIG Legal got promoted to the rank of Superintendent of Police.

3. That appellant was promoted to the rank of Inspector Legal on adhoc basis at Special Branch with effect from 18-02-2003 vide Notification No. 1462-70/EB dated 18-02-2003 as no one was willing to serve in the Special Branch (Copy enclosed as F/D). Where after, the appellant was regularly promoted to the rank of Inspector Legal on 15-02-2008 vide letter No. 3335/E-II dated 15-02-2008 (Copy enclosed as F/E). Therefore the appellant is entitled for seniority from the date of adhoc promotion as appellant was already promoted to promotion list 'F' vide Notification No. 2000/E-II dated 29-01-1997 (Copy enclosed as F/F).

It is therefore requested that the names of Inspectors Legal Abdul Sattar No. K/02 & Mir Faraz Khan No. B/38 at serial Nos 07 & 09 respectively be placed at the bottom of the impugned Seniority list besides assigning due Seniority to the appellant from the date of adhoc promotion as Inspector Legal with effect from 18-02-2003.

Your's Obediently,



Muhammad Asif
Inspector Legal,
No. B/36.

Special Branch, Peshawar.



VAKALAT NAMA

NO. _____/20

IN THE COURT OF Service Tribunal, Peshawar

Muhammad Asif

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt.

(Respondent)
(Defendant)

I/we Muhammad Asif

& Taimur Ali Khan

Do hereby appoint and constitute M. Asif Yousafzai, Advocate, Peshawar, adv. to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

M. Asif Yousafzai

(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

Taimur Ali Khan
advocate

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 512/2014

Mr. Mohammad Asif

VERSUS

P.P.O etc.

REPLY TO APPLICATION OF APPELLANT

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:


- 1) That the application of appellant is badly time barred.
- 2) That the appellant has concealed the material facts from the Honorable Tribunal.
- 3) That the application is not maintainable in its present form.
- 4) That the appellant has no locus standi to file the application and appeal.
- 5) That the appellant has been estopped by his own conduct to file the instant application.
- 6) That the fact in issue i.e surrender/repatriation to parent deptt: on the strength of lien has been decided by this Honorable Tribunal infavour of respondent No.6 vide judgment dated 16.10.2009 in service appeal No.1056/2009 title Mir Faraz Khan vs PPO KPK etc.
- 7) That the applicant has no cause of action


OBJECTIONS ON FACTS:

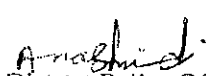
- 1) That the appellant has wrongly and maliciously challenged the seniority list dated 20.11.2013 which was notified in compliance of various judgments of Honorable Service Tribunal Peshawar. The respondents No.5 & 6 are senior to the appellant because promotion list F issued in year 1997 and the subsequent seniority lists issued on different dates i.e 2005, 2008, 2011, 2013 reveal that the appellant was junior than respondent's No.5 & 6. photo copies enclosed as annexure "A-D" respectively.
- 2) Pertains to record. Hence no comments
- 3) Promotion cases will be dealt subject to seniority cum fitness by the provincial departmental selection committee Central Police Office Peshawar. Whenever vacancies/post of DSP Legal vacated/occurred.
- 4) Incorrect. Promotion is the right of every official according to the seniority list. Delaying/hanging of such promotion mere on account of misconceived and baseless application would badly affect the vested/fundamental rights of the private respondents as well as public at large will suffer irrespective- less.
- 5) Incorrect. The inter se seniority has been issued on merits and in compliance of judgment of Tribunal. Deferment of private respondents from promotion mere on the basis of frivolous and baseless application would cause irreparable loss, frustration and diminish the spirit of public service among the officials. Reply to the main appeal may be considered part of the reply.

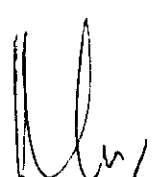
Prayer:

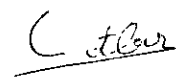
In view of the above facts and circumstances, it is humbly prayed that application for restraining the promotion of private respondents, being not maintainable, time barred and devoid of legal force, may kindly be rejected in the best interest of department.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.3)


District Police Officer,
Bannu.
(Respondent No.4)


Mir Faraz Khan
Inspector Legal,
Office of DPO Bannu.
(Respondent No.6)


Abdul Sattar
Inspector Legal CPO Peshawar.
(Respondent No.5)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 512/2014

Muhammad Asif Inspector Legal No. B-36
Presently posted at Special Branch Peshawar

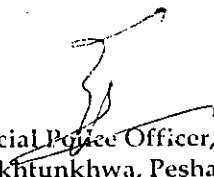
(Appellant)


VERSUS


- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
- 3) The Regional Police Officer, Bannu Region, Bannu.
- 4) The District Police Officer, Bannu.
- 5) Abdul Sattar Inspector Legal, Investigation wing CPO Peshawar.
- 6) Mir Faraz Khan, Inspector Legal, Office of District Police Officer Bannu. (Respondents)

COUNTER AFFIDAVIT

We the following respondents, do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)


District Police Officer,
Bannu.
(Respondent No.4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 512/2014

Muhammad Asif Inspector Legal No. B-36
Presently posted at Special Branch Peshawar.

(Appellant)

VERSUS

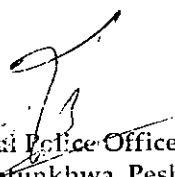
- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
- 3) The Regional Police Officer, Bannu Region, Bannu.
- 4) The District Police Officer, Bannu.
- 5) Abdul Sattar Inspector Legal, Investigation wing CPO Peshawar.
- 6) Mir Faraz Khan, Inspector Legal, Office of District Police Officer Bannu.


(Respondents)

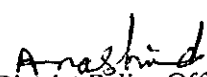
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Incharge legal cell Office of DPO Bannu, is hereby authorized to appear before the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited appeal.

He is authorized to submit and sign all documents pertaining to the present appeal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)


District Police Officer,
Bannu.
(Respondent No.4)

TESTED

Annexure

CV No. 12
D.O. 27/1/94

SENIORITY LIST OF INSPECTORS / SUB INSPECTOR LEGAL ON LIST F OF NWFP POLICE AS IT STOOD ON 31.12.2008.

No. 8237 /E-II, Seniority list: In pursuance of the decision of NWFP Service Tribunal date 19.11.1996 in Service Appeal No.341-96/2297/99 followed by subsequent order dated 23.10.2007 Passed on the implementation application, as revised Seniority of Inspector Legal as it stood on 31.12.2008, is hereby published for information of all concerned. The revised Seniority list shall be subject to the decision of the Supreme Court of Pakistan in CPLA, whereby the above Judgment of the NWFP Service has been Challenged.

S. No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector	Remarks
1.	Attaullah No. P/261	B.A/LLB	Peshawar	15.05.1951	11.07.1977	18.07.1979	01.08.1987	27.09.1990	25.05.2008	
2.	Muhammad Saeed No. M/98	B.Sc/LLB	MKD Agency	15.03.1952	11.03.1978	11.03.1981	06.11.1994	02.12.1997	25.05.2008	
3.	Purdil Khan No. M/100	B.A/LLB	Swat	01.04.1954	20.04.1978	20.04.1981	01.08.1987	02.03.1988	25.05.2008	
4.	Sajad-ud-Din No. K/14	B.A/LLB	Kohat	20.11.1957	26.08.1982	26.08.1982	01.08.1987	20.09.1988	25.05.2008	
5.	Mian Mustafa Gul No. K/25	B.A/LLB	Karak	01.04.1953	26.08.1982	26.08.1982	09.07.1991	01.03.1993	25.05.2008	
6.	Muhammad Ayaz M/85	B.A/LLB	Malsand Agency	01.10.1954	26.06.1980	26.06.1983	29.12.1984	09.12.1986	25.05.2008	
7.	Sher Ahmad M/86	B.A/LLB	Chitral	18.04.1956	15.07.1983	15.07.1983	29.12.1984	31.12.1986	25.05.2008	Swat Agency of Seniority dated 16/09/92 dated 17/07/93
8.	Mushafiq Ahmad No. D/25	B.A/LLB	DIKhan	22.12.1955	08.01.1984	27.01.1985	01.08.1987	07.07.1991	25.05.2008	
9.	Hukhar-ud-Mulk No. M/66	B.A/LLB	MKD Agency	01.04.1953	06.11.1982	01.07.1989	09.07.1991	10.10.1992	25.05.2008	
10.	Aziz-ur-Rehman No. K/28	B.A/LLB	Kohat	01.08.1958	03.04.1983	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
11.	Imtiaz Gul No. K/15	B.A/LLB	Karak	24.06.1959	10.07.1984	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
12.	Falak Nawaz No. K/28	M.A/LLB	Karak	15.03.1958	25.11.1985	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
13.	Hafizullah No. B/10	B.A/LLB	Bannu ✓	10.09.1950	14.07.1977	01.06.1989	09.07.1991	01.01.1996	25.05.2008	
14.	Abdul Sattar No. B/62	B.A/LLB	Bannu ✓	07.05.1958	10.08.1983	01.07.1991	09.07.1991	16.05.1994	25.05.2008	
15.	Akbar Ali No. D/25	B.A/LLB	DIKhan	05.01.1954	11.11.1978	05.02.1992	09.07.1991	20.12.1995	25.05.2008	
16.	Imtiaz Ali No. D/27	B.A/LLB	Bannu ✓	03.11.1959	09.01.1984	06.02.1992	01.08.1987	31.03.1988	25.05.2008	
17.	Ghulam Hussain No. D/54	B.A/LLB	DIKhan	01.02.1959	27.04.1985	01.07.1992	01.08.1987	3.12.1991	25.05.2008	
20.	Hidayat Shah No. P/248	B.A/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	20.07.2007		
21.	Abdul Sattar No. K/02	B.A/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	09.07.1991	19.11.2007		
22.	Abdul Aziz No. B/54	B.A/LLB	Bannu ✓	20.06.1953	01.06.1992	11.12.1992	12.01.1997	14.02.2008		
23.	Schahid Afzal No. B/53	B.A/LLB	Bannu ✓	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007		
24.	Altaf Hussain No. D/53	M.A/LLB	Tank	10.02.1963	17.09.1989	08.03.2002	06.11.1994	19.11.2007		

Annexure

#5

In view of the above... that application for restraining the promotion of private respondents, being not... may kindly be rejected in the

13/07/09

S. No	Name & No.	Qualification	Home Distt	Date of Birth	Date of Enlistment	Date of confirmation SI, Legal	Date of promotion to Post No.	Date of Promotion to Post No.	Date of confirmation as Inspector	Remarks
25	Javed Ahmad No. D-28	B.A LLB	DIKhan	15.05.1962	27.09.1989		05.11.1991	01.03.1995		
26	SHEHID MAJID No. W-38	B.A LLB	Bannu	02.11.1967	17.03.1995					
27	Shahzad Ahmad No. P-36	B.A LLB	Lakki	31.03.1970	18.06.1995					
28	Imdad Ahmad No. P-37	B.A LLB	Dera	19.07.1959	09.09.1992	09.09.1992				
29	Muhammad Ibrahim Ashraf No. P-03	B.A LLB	Kohat	17.04.1965	04.10.1992	03.10.1992	23.07.2008	23.07.2008		
30	Ishaq Gul No. P-55	B.Sc LLB	Kohat	19.04.1968	25.03.1999	25.03.1999	01.07.2008	01.07.2008		
31	Ibrahim Gul No. P-55	B.A LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	01.07.2008	01.07.2008		
32	Raza Muhammad No. P-03	B.A LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	01.07.2008	01.07.2008		

CAPOUL MAJID KHAN MARWATI
 Add: IGP/Headquarters,
 Provincial Police Office,
 NWFP, Peshawar.

No. 8238-S1 E/O, dated Peshawar, the 25 / 07 / 2009.

- Copy of above is forwarded for information and necessary action to the:
1. Additional IGP Investigation NWFP, Peshawar.
 2. Addl: Inspector General of Police, Special Branch, NWFP, Peshawar.
 3. Chief City Police Officer Peshawar.
 4. All Regions DIsG in NWFP.
 5. Commandants Police Training College Hangu.
 6. Director ACE NWFP, Peshawar.
 7. Registrar CPO.
 8. Supdt: Establishment CPO.
 9. Supdt: Secret CPO.

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

EC/NO 1170-71
DT 23/03/09
pl w/td
Also send copies to SPOS
Bannu & Lakki for

MS
27/3/09

SENIORITY LIST OF P.Is ON LIST F OF NWFP POLICE AS IT STOOD ON 15.07.2009.

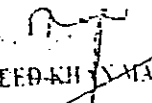
17971. The Seniority list in the light of DPC decision dated 24.06.2009 the seniority list of PIs on List F of NWFP Police is hereby revised.

S. No.	Name & No.	Education Qualification	Home Distt.	Date of Birth	Date of Enlistment	Date of confirmation PSI	Date of promotion to List "F"	Date of Promotion as PI	Date of confirmation as PI	Present Posting
1.	Muhammad Saeed No. M/98	B.Sc/LLB	MKD Agency	15.03.1952	11.03.1978	11.03.1981	06.11.1994	02.12.1997	25.05.2008	Charsada District Assigned seniority vide Service Tribunal Decision dated 19.11.2007
2.	PI Muhammad Ayaz M/85	B.A/LLB	Misildand Agency	01.10.1954	26.06.1980	26.06.1983	29.12.1984	09.12.1986		Swabi Assigned seniority vide No. 16248-72 Ftd dated 17.07.2007
3.	PI Sher Ahmad M/86	B.A/LLB	Chitral	18.04.1956	15.07.1983	15.07.1983	29.12.1984	31.12.1986		Chitral
4.	PI Purdil Khan No. M/100	B.A/LLB	Swat	01.04.1954	20.04.1978	20.04.1981	01.08.1987	02.05.1988		Du Lower
5.	PI Akbar Ali No. D/25	B.A/LLB	DIKhan	05.01.1954	11.11.1978	06.02.1992	01.08.1987	31.03.1988		DIKhan
6.	PI Sajad-ud-Din No. K/14	B.A/LLB	Kohat	20.11.1957	26.08.1982	26.08.1982	01.08.1987	20.09.1988		Kohat
7.	PI Anauallah No. P/261	B.A/LLB	Peshawar	15.05.1951	11.07.1977	18.07.1979	01.08.1987	27.09.1990		CCP/Peshawar.
8.	PI Mushtaq Ahmad No. D/26	B.A/LLB	DIKhan	22.12.1955	08.01.1984	27.01.1985	01.08.1987	07.07.1991		Anti Corruption
9.	PI Imtiaz Ali No. D/27	B.A/LLB	Bannu	05.11.1959	09.01.1984	06.02.1992	01.08.1987	3.12.1991		DIKhan
10.	PI Mian Mustafa Gul No. K/25	B.A/LLB	Karak	01.04.1953	26.08.1982	26.08.1982	09.07.1991	01.03.1993		Anti corruption
11.	PI Aziz-ur-Rehman No. K/28	B.A/LLB	Kohat	01.08.1958	05.04.1983	01.06.1989	09.07.1991	01.03.1993		RTW/Kohat
12.	PI Imtiaz Gul No. K/15	B.A/LLB	Karak	24.06.1959	10.07.1984	01.06.1989	09.07.1991	01.03.1993		NI & NIP
13.	PI Falak Nawaz No. K/28	B.A/LLB	Karak	15.03.1958	25.11.1985	01.06.1989	09.07.1991	01.01.1996		Karak
14.	PI Abdul Sattar No. B/62	B.A/LLB	Bannu	07.05.1958	10.08.1983	01.07.1991	09.07.1991	20.12.1995		Lakki
15.	PI Hafizullah No. B/10	B.A/LLB	Bannu	10.09.1950	14.07.1977	06.02.1992	09.07.1991	16.05.1994		Kohat
16.	PI Ifkhar-ul-Mulk No. M/86	B.A/LLB	MKD Agency	01.04.1953	06.11.1982	01.07.1988	09.07.1991	18.10.1992		NI & NIP
17.	PI Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1985	01.07.1992	09.07.1991	20.07.2007		Swabi
18.	PI Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007		Nowshera
19.	PI Akbar Hussain No. D/33	MA/LLB	Tank	10.02.1963	17.09.1989	08.03.2002	06.11.1994	19.11.2007		PTC Haripur
20.	PSI Javed Ahmad No. D/28	BA/LLB	DIKhan	15.05.1962	21.09.1989		06.11.1994	05.03.2009		Haripur
21.	PI Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008		Anti Corruption Esst.
22.	PI Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	11.12.1992	12.01.1997	19.11.2007		Bannu
23.	PI Sohail Afzal No. B/33	BA/LLB	Bannu	25.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007		ACE NWFP.
24.	SI Legal Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993		12.01.1997	19.11.2007		Bannu Region
25.	PI Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	18.04.1993		12.01.1997	15.05.2008		Special Branch

In view of the above facts and circumstances, it is humbly prayed

P70

26.	Bashir Ahmad No. P/100	BA/LLB	Dir Kohat	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	CC
27.	Muhammad Ibrahim Azhar No. K-98	BA/LLB	Kohat	17.01.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	Ko
28.	Ishaq Gul No. K-58	B.Sc/LLB	Kohat	10.02.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	
29.	Ibrahimullah No. K-55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	CC
30.	Raza Muhammad No. P-03	MA/LLB	Swabi	01.01.1979	20.04.1999	20.04.1999	30.07.2008	30.07.2008	CC


 (ABDUL MAJID KHAN) MARWAT
 PSI
 Addl: IGP/Headquarters,
 For Provincial Police Office
 NWFP, Peshawar.

No. 17972-87 E. II. dated Peshawar, the 18.07 2008.

- Copys of above is forwarded for information and necessary action to the:-
1. Inspector General of Police Motorway and Highways Police Islamabad.
 2. Addl: IGP Investigation NWFP Peshawar.
 3. Capital City Police Officer Peshawar.
 4. All Regions DisG in NWFP.
 5. DIG Special Branch, NWFP, Peshawar.
 6. Commandants PTC Hangu.
 7. Director Anti Corruption Establishment NWFP, Peshawar.
 8. Registrar CPO.
 9. Supdt: Establishment CPO.
 10. Office Supdt: Secret CPO.
- They are requested to please inform all officers serving under their command within one month after the issue of the list otherwise no representation will be accepted.

Any officer who have objection on his seniority correction, he should submit his representation accepted.

RTI

Amir
P.L.S

DYN0232
Date 25/11

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT STOOD ON 08.11.2013

No 2 P.S.11 /E-11, The Seniority list of Inspectors Legal has been revised in compliance of judgment of Service Tribunal dated: 16.10.2009, 12.01.2010, 01.05.2011 & 22.01.2013 is hereby published for information of all concerned.

S.No	Name & No.	Education Qualification	Home Distr.	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector Legal
	1. Akbar Ali No. D/25	BA/LLB	DIKhan	05.01.1954	19.11.1978	19.11.1978	01.08.1987	31.03.1988	24.05.2008
	2. ... No. B/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	05.07.1991	20.12.1995	14.05.2008
	3. ... No. D/27	BA/LLB	Bannu	03.11.1959	09.01.1984	09.01.1984	01.08.1987	3.12.1991	14.05.2008
	4. ... No. D/28	BA/LLB	DIKhan	15.05.1962	21.09.1984	21.09.1984	06.11.1994	05.03.2009	
	5. Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1983	01.07.1992	09.07.1991	20.07.2007	31.10.2015
	6. Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007	
5	7. Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013
	8. Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.05.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013
6	9. Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013
7	10. ... No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	
	11. ... No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013
	12. ... No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013
	13. Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	
	14. ... No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2005	30.07.2008	31.10.2013

AC
25/11

PT

15.	Ibrahimullah No. P/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013
16.	Raza Muhammad No. P/03	BA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	
17.	Kamran Hussain	BA/LLB	Kohat	15.04.1969	25.03.1999	30.05.2008	21.05.2009	21.05.2009	31.10.2013

(KHALID MASOOD)

Addr: IGP/Headquarters,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 28512-20 /G-II, dated Peshawar, the 20/11/2013.

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

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

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

Received today

[Signature]
27-11-2013

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No.512/2014

Muhammad AsifAppellant.

Versus

The Provincial Police Officer and othersRespondents.

REPLY ON BEHALF OF RESPONDENT NO.5 & 6.

Respectfully Sheweth,

Preliminary objections.

- I. That appellant has no cause of action and locus standi.
- II. That the appeal is not maintainable. Appellant is not an aggrieved person within the meaning of section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974.
- III. That the appeal is badly time barred.
- IV. That appellant has not come to the Tribunal with clean hand.
- V. That the principle of Esstoppel lies against the appellant.
- VI. That the appeal is liable to be dismissed under under 7 Rule 11 CPC, 1908.
- VII. That the appeal is bad in law.

Facts:

1. Incorrect, hence denied. Misconceived and misleading. Respondent No.5 and 6 are established senior to the appellant (Annexure-R/I)
2. Not related to the answering respondents.
3. Related to record and not related to the answering respondents.
4. Incorrect, hence denied. Appellant was transferred on his own sweet will. Remaining Para need proof.
5. Incorrect, hence denied. The answering respondents are established seniors to appellant on all factual and as well as on legal scores.
6. Incorrect, hence denied. The answering respondents were transferred on deputation and have now been repatriated to their parent Police Department, therefore, were entitled for their original seniority as per law and rules. The answering respondents have been placed at their right and due position.
7. Incorrect, hence denied. The answering respondents have been repatriated in accordance with law and rules.
8. Not related to the answering respondents.
9. Incorrect, hence denied. The answering respondents No.5 and 6 are established senior to appellant. The impugned seniority list has been designed/prepared in pursuance of the decision of Honourable Tribunal (Annexure-R/II)

Grounds:

- A. Incorrect, hence denied. The impugned seniority list has been prepared and issued in pursuance of the Judgments of this Honourable Tribunal. This

fact is evident from the very head Note of the impugned seniority list.

- B. Incorrect, hence denied. Respondents No.5 and 6 are seniors to the appellant. This fact is evident from all the previous seniority list issued in the year 2005, 2008, 2009. It is also pertinent to bring into the notice of this Honourable Tribunal that the name of the answering respondents at promotion list "F" also are lie at high pedestal from the appellant (Annexure-R/III).
- C. Incorrect, hence denied. Seniority position have been rightly been granted to the answering respondents. As per reported Judgment 1999 PLC (CS)1347 "A civil servant repatriated to his parent department automatically regains his original seniority position". This question has also been resolved by this Honorable Tribunal in Service Appeal No.1056/2009 already been annexed with the instant appeal.
- D. Incorrect, hence denied. The answer is available in the preceding Paras.
- E. Incorrect, hence denied. Respondent No.5 and 6 have been confirmed against their posts, whereas appellant is still on probation.
- F. Incorrect, hence denied. The referred Rule has been misinterpreted and misconceived.
- G. The answering respondent would also like to seek the permission of this Honourable Tribunal to advance more grounds in rebuttal.

It is, therefore, humbly prayed that on acceptance of this reply, the appeal of appellant may graciously be dismissed with costs.

Respondent No.5 & 6

Through

Ashraf Ali Khattak
**Ashraf Ali Khattak,
Advocate, Peshawar.**

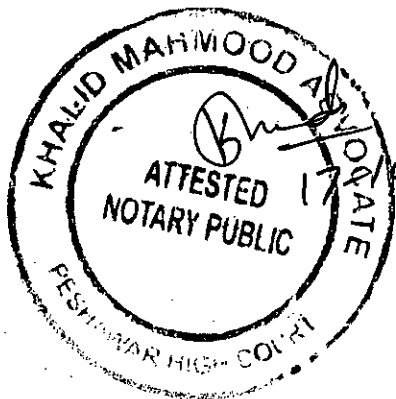
Dated: _____ / 02/ 2006

Counter Affidavit

I, Mer Faraz Khan Inspector legal, Office of the District Police, Bannu , do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Mer Faraz Khan

Deponent



Annexure

DYN No. 120
DT 22/3/04

SENIORITY LIST OF INSPECTORS / SUB INSPECTOR LEGAL ON LIST F OF NWFP POLICE AS IT STOOD ON 31.12.2008.

No. 8237 /E-II, Seniority list; In pursuance of the decision of NWFP Service Tribunal date 19.11.1996 in Service Appeal No.841-96/2297/99 followed by subsequent order dated 23.10.2007 Passed on the implementation application; as revised Seniority of Inspector Legal as it stood on 31.12.2008, is hereby published for information of all concerned. The revised Seniority list shall be subject to the decision of the Supreme Court of Pakistan in CPLA, whereby the above Judgment of the NWFP Service has been Challenged.

S. No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector	Remarks
1.	Attaullah No. P/261	B.A/LLB	Peshawar	15.05.1951	11.07.1977	18.07.1979	01.08.1987	27.09.1990	25.05.2008	
2.	Muhammad Saad No. M/98	B.Sc/LLB	MKD Agency	15.03.1952	11.03.1978	11.03.1981	06.11.1994	02.12.1997	25.05.2008	
3.	Purdil Khan No. M/100	B.A/LLB	Swat	01.04.1954	20.04.1978	20.04.1981	01.08.1987	02.03.1988	25.05.2008	
4.	Sajad-ud-Din No. K/14	B.A/LLB	Kohat	20.11.1957	26.08.1982	26.08.1982	01.08.1987	20.09.1988	25.05.2008	
5.	Mian Mustafa Gul No. K/25	B.A/LLB	Karak	01.04.1953	26.08.1982	26.08.1982	09.07.1991	01.03.1993	25.05.2008	
6.	Muhammad Ayaz M.85	B.A/LLB	Malakand Agency	01.10.1954	26.06.1980	26.06.1983	29.12.1984	09.12.1986	25.05.2008	Swat Assigned seniority as per 16359-72 dated 17.07.2007
7.	Sher Ahmad M 86	B.A/LLB	Chitral	18.04.1956	15.07.1983	15.07.1983	29.12.1984	31.12.1986	25.05.2008	
8.	Mushtaq Ahmad No. D/26	B.A/LLB	DIKhan	22.12.1955	08.01.1984	27.01.1985	01.08.1987	07.07.1991	25.05.2008	
9.	Bikhar-ul-Mulk No. M/96	B.A/LLB	MKD Agency	01.04.1953	06.11.1982	01.07.1989	09.07.1991	12.10.1992		
10.	Aziz-ur-Rehman No. K/28	B.A/LLB	Kohat	01.08.1958	03.04.1983	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
11.	Imtiaz Gul No. K.15	B.A/LLB	Karak	24.06.1959	10.07.1984	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
12.	Falak Nawaz No. K/28	M.A/LLB	Karak	15.03.1958	25.11.1985	01.06.1989	09.07.1991	01.01.1996		
13.	Halizuddin No. B/10	B.A/LLB	Bannu ✓	10.09.1950	14.07.1977	01.06.1989	09.07.1991	16.05.1994	25.05.2008	
14.	Abdul Sattar No. B/62	B.A/LLB	Bannu ✓	07.05.1958	10.08.1983	01.07.1991	09.07.1991	20.12.1995	25.05.2008	
15.	AKbar Ali No. D/25	B.A/LLB	DIKhan	05.01.1954	11.11.1978	06.02.1992	01.08.1987	31.03.1988		
16.	Imtiaz Ali No. D/27	B.A/LLB	Bannu ✓	03.11.1959	09.01.1984	06.02.1992	01.08.1987	3.12.1991		
17.	Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.01.1985	01.07.1992	09.07.1991	20.07.2007		
20.	Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007		
21.	Abdul Sattar No. K/02 ✓	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008		
22.	Abdul Aziz No. B/34	BA/LLB	Bannu ✓	20.06.1953	01.06.1992	11.12.1992	12.01.1997	19.11.2007		
23.	Schail Afzal No. B/33	BA/LLB	Bannu ✓	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007		
24.	Altaf Hussain No. D/33	MA/LLB	Tank	10.02.1963	17.09.1989	08.03.2002	06.11.1994	19.11.2007		

TESTED

(Copy: R/I)

Annexure

Recpt #5

10-13/07-11

S. No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector	Remarks
25.	Javed Ahmad No. D/28	B.A/LLB	DIKhan	15.05.1962	21.09.1989					
26.	SI Legal Mr. Faraz No. B/38	B.A/LLB	Bannu	02.11.1967	17.04.1993		06.11.1994			
27.	Muhammad Asif No. B 36	B.A/LLB	Lalaki	31.03.1970	18.04.1993		12.01.1997		05.03.2008	
28.	Basit ALAMIN No. P 03	B.A/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	12.01.1997		15.02.2008	
29.	Muhammad Ibrahim Azhar No. K/98	B.A/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008		30.07.2008	
30.	Ishag Gul No. K/56	B.Sc/LLB	Kohat	19.04.1968	25.03.1999	25.03.1999	30.07.2008		30.07.2008	
31.	Ibrahimullah No. P 55	B.A/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008		30.07.2008	
32.	Basit Muhammad No. P 03	B.A/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008		30.07.2008	

Resptd # 62

Appellant

No. Q238-51 E.H. dated Peshawar, the 25/3 /2009.

- Copy of above is forwarded for information and necessary action to the:-
1. Additional IGP Investigation NWFP, Peshawar.
 2. Addt: Inspector General of Police, Special Branch, NWFP, Peshawar.
 3. Capital City Police Officer Peshawar.
 4. All Regions DIsG in NWFP,
 5. Commandants Police Training College Hangu
 6. Director ACE NWFP, Peshawar.
 7. Registrar CPO.
 8. Suptd: Establishment CPO.
 9. Suptd: Secret CPO

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

EC/NO 1170-71/EC
PL NO DT 231/3/09 R/O Peshawar
Also send copies to SPs
Bannu & Lalaki for...

AM
 (ABDUL MAJID KHAN MARWALI)
 Addt: IGP/Headquarters
 For Provincial Police Officer,
 NWFP, Peshawar.

Appellant C/2

SENIORITY LIST OF P. Is ON LIST F OF NWFP POLICE AS IT STOOD ON 15.07.2009.

17971

Seniority list in the light of DPC decision dated 21.06.2009 the seniority list of P. Is on List F of NWFP Police is hereby revised.

S. No.	Name & No.	Education Qualification	Home Distt.	Date of Birth	Date of Enlistment	Date of confirmation PSI	Date of promotion to List "F"	Date of Promotion as PI	Date of confirmation as PI	Present Posting
1.	Muhammad Saeed No. M/98	B.Sc/LLB	MKD Agency	15.03.1952	11.03.1978	11.03.1981	06.11.1994	02.12.1997	25.05.2008	Charsadda District Assigned seniority vide Service Table Decision dated 19.11.1999
2.	PI Muhammad Ayaz M/85	B.A/LLB	Makhdand Agency	01.10.1954	26.06.1980	26.06.1983	29.12.1984	09.12.1986		Swat. Assigned seniority vide No. 16258-72 F-II dated 13.07.2007
3.	PI Sher Ahmad M/86	B.A/LLB	Chitral	18.04.1956	15.07.1983	15.07.1983	29.12.1984	31.12.1986		Chitral
4.	PI Purdil Khan No. M/100	B.A/LLB	Swat	01.04.1954	20.04.1978	20.04.1981	01.08.1987	02.03.1988		Du Lower
5.	PI Akbar Ali No. D/25	B.A/LLB	DIKhan	05.01.1954	11.11.1978	06.02.1992	01.08.1987	31.03.1988		DIKhan
6.	PI Sajad-ud-Din No. K/14	B.A/LLB	Kohat	20.11.1957	26.08.1982	26.08.1982	01.08.1987	20.09.1988		Kohat
7.	PI Attaullah No. P/261	B.A/LLB	Peshawar	15.05.1951	11.07.1977	18.07.1979	01.08.1987	27.09.1990		CCP/Peshawar.
8.	PI Mushtaq Ahmad No. D/26	B.A/LLB	DIKhan	22.12.1955	08.01.1984	27.01.1985	01.08.1987	07.07.1991		Anti Corruption
9.	PI Imtiaz Ali No. D/27	B.A/LLB	Bannu	03.11.1959	09.01.1984	06.02.1992	01.08.1987	3.12.1991		DIKhan
10.	PI Mian Mustafa Gul No. K/25	B.A/LLB	Karak	01.04.1953	26.08.1982	26.08.1982	09.07.1991	01.03.1993		Anti corruption
11.	PI Aziz-ur-Rehman No. K/28	B.A/LLB	Kohat	01.08.1958	03.04.1983	01.06.1989	09.07.1991	01.03.1993		RTW/Kohat
12.	PI Imtiaz Gul No. K/15	B.A/LLB	Karak	24.06.1959	10.07.1984	01.06.1989	09.07.1991	01.03.1993		NH & MP
13.	PI Falak Nawaz No. K/28	B.A/LLB	Karak	15.03.1958	25.11.1985	01.06.1989	09.07.1991	01.01.1996		Karak
14.	PI Abdul Sattar No. B/62	B.A/LLB	Bannu	07.03.1958	10.08.1983	01.07.1991	09.07.1991	20.12.1995		Lakki
15.	PI Hafizullah No. B/10	B.A/LLB	Bannu	10.09.1950	14.07.1977	06.02.1992	09.07.1991	16.05.1994		Kohat
16.	PI Ifkhar-ul-Mulk No. M/86	B.A/LLB	MKD Agency	01.04.1953	06.11.1982	01.07.1988	09.07.1991	18.10.1992		NH & MP
17.	PI Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1985	01.07.1992	09.07.1991	20.07.2007		Swabi
18.	PI Hidayat Shah No. P-248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007		Nowshera
19.	PI Ahmad Hussain No. D/33	MA/LLB	Tank	10.02.1963	17.09.1989	08.03.2002	06.11.1994	19.11.2007		PTC Hangu
20.	PSI Javed Ahmad No. D/28	BA/LLB	DIKhan	15.05.1962	21.09.1989		06.11.1994	05.03.2009		Haripur
21.	PI Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008		Anti Corruption Estt.
22.	PI Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	11.12.1992	12.01.1997	19.11.2007		Bannu
23.	PI Sohail Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007		ACE NWFP.
24.	SI Legal Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993		12.01.1997			Bannu Region
25.	PI Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	18.04.1993		12.01.1997	15.05.2008		Special Branch

Rtd

Rtd

for DSP work

Rtd

Respd # 5

Respd # 6

Appellant

PTD

26.	Bashir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	CCP
27.	Muhammad Ibrahim Azhar No. K-98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	Kohat
28.	Ishaq Gul No. K-58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	H
29.	Ibrahimullah No. K-55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	K
30.	Raza Muhammad No. P-03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	CCP

(ABDUL MAJEED KHILYARWATI)
PSP

Add: IGP/Headquarters,
For Provincial Police Officer,
NWFP, Peshawar.

No. 17972-87 E. II. dated Peshawar, the 18-10 2008.

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

1. Inspector General of Police Motorway and Highways Police Islamabad.
2. Addl: IGP: Investigation NWFP Peshawar.
3. Capital City Police Officer Peshawar.
4. All Regions DisG in NWFP.
5. DIG Special Branch, NWFP, Peshawar.
6. Commandants PTC Hangu.
7. Director Anti Corruption Establishment NWFP, Peshawar.
8. Registrar CPO.
9. Supdt: Establishment CPO.
10. Office Supdt: Secret CPO.

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

Annexure C/3
rolls

DYN0232
Date 25/11

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT STOOD ON 08.11.2013

No. 28511 /E-II, The Seniority list of Inspectors Legal has been revised in compliance of judgment of Service Tribunal dated: 16.10.2009, 12.01.2010, 01.03.2011 & 22.01.2013 is hereby published for information of all concerned.

S.No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector Legal
1	Akbar Ali No. D/25	BA/LLB	DIKhan	05.01.1954	19.11.1978	19.11.1978	01.08.1987	31.03.1988	24.05.2008
2	Abdul Sattar No. B/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008
3	Imtiaz Ali No. D/27	BA/LLB	Bannu	05.11.1959	09.01.1984	09.01.1984	01.08.1987	3.12.1991	24.05.2008
4	Javed Ahmad No. D/28	BA/LLB	DIKhan	15.05.1962	21.09.1985	21.09.1989	08.11.1994	05.03.2009	
5	Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1985	01.07.1992	09.07.1991	20.07.2007	31.10.2013
6	Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007	
7	Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013
8	Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013
9	Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013
10	Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	
11	Sohail Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013
12	Bashir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013
13	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	
14	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013

BC/3/2011

PTD

15.	Ibrahimmullah No. K/55	BA/LEB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013
16.	Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	
17.	Kamal Hussain	BA/LLB	Kohat	15.04.1969	25.03.1999	30.05.2008	21.05.2009	21.05.2009	31.10.2013

(KHALID MASOOD)

Add: IGP/Headquarters,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 28512-20 /E-II, dated Peshawar, the 20/11/2013.

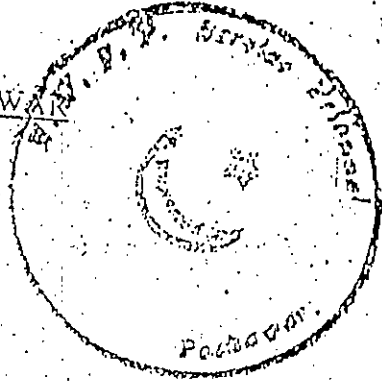
Copy of above is forwarded for information and necessary action to the:-

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

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

Received today
27-11-2013

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR



Appeal No. 1056/2009

Date of institution -29.06.2009

Date of decision -16.10.2009

Mir Faraz Khan, S/LEGAL Bannu Region Bannu..... (Appellant)

VERSUS

1. The Provincial Police Officer, NWFP, Peshawar.
2. The Secretary Home & T.As Department NWFP Peshawar.
3. The Regional Police Officer, Bannu Range Bannu.
4. The District Police Officer, Bannu..... (Respondents)

Appeal under Section 4 of the NWFP Service Tribunals Act 1974 against the order dated 30.5.2009, received by the appellant on 15.6.2009, whereby the appeal of the appellant for promotion and confirmation was rejected.

Mr. Asif Yousaf Zai, Advocate For Appellant.
Mr. Ghulam Mustafa, A.G.P. For Respondents

MR. ABDUL JALIL MEMBER
MR. BISMILLAH SHAH MEMBER

JUDGMENT

ABDUL JALIL MEMBER: This appeal has been filed by the appellant seeking confirmation/regularization from the date of his first appointment.

2. Brief facts of the case are that the appellant was appointed as PSI on 17.4.1993 and his name was placed on List "F" on 29.1.1997. In the wake of Police Order 2002, the prosecution branch was separated from the Police and the appellant alongwith his other colleagues were sent to the Home and Tribal Affairs Department vide order dated 22.11.2005. No objection was sought from the appellant prior to transfer of his services to the Home Department. The appellant applied for repatriation. On repatriation to his parent department he noticed that his juniors have been promoted as Inspectors (Legal) and that no confirmation date was available in the relevant column against the name of appellant. He preferred a departmental appeal which was rejected. Hence, the instant appeal.

ATTESTED
EXAMINER
NWFP Service Tribunal
Peshawar

Arguments heard and record perused.

4. The learned counsel for the appellant argued that the appellant's transfer to Home Department was not in accordance with law etc as prior to his transfer no option was sought from the appellant. He also argued that his colleagues Altaf Hussain etc were confirmed from the date of first appointment whereas such benefit has not been extended to the appellant. The appellant has good service record and eligible for promotion. While transferred to Home Department, his lien was intact in the Police Department, therefore, he is to be treated at par with his other colleagues.

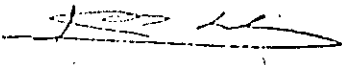
5. The A.G.P argued that the appellant was temporarily appointed as PSI on 17.4.1993, hence cannot be regularized from the date of appointment. He was repatriated to the Police Department after spending 3 years in the Home Department and that the PSIs vacancies were surrendered to the Home Department. He will be confirmed on permanent vacancy as PSI Legal as and when occur in Bannu Region and that the appellant has no lien in the Police Department when the vacancies were surrendered to the Home Department.

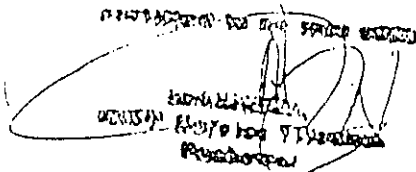
6. The Tribunal accepts the appeal to the extent that in case juniors to the appellant have been promoted/confirmed in region on the basis of seniority, whether maintained on Provincial level or Regional level, the appellant shall also be considered at par with his colleagues and shall not be discriminated. The parties are, however, left to bear their own costs. File be consigned to the record.

ANNOUNCED.

16.10.2009.


(BISMILLAH SHAH)
MEMBER.


(ABDUL JALIL)
MEMBER.


CHIEF JUSTICE
MEMBER
MEMBER

Amended - A

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

NOTIFICATION.

Dated Peshawar the 29/1/1997

No. 2000 /E-II, ADMISSION TO PROMOTION LIST 'F':- The names of the following prosecuting sub-Inspectors of Police are hereby brought on promotion list 'F' w.e. from 12.1.1997.

S.No.	Name	Name of Range.
1.	PSI Woorul Wahab No.M/38	Malakand Range.
2.	PSI Abdul Sattar No.K/2	Kohat Range.
3.	PSI Mohammad Rauf No.K/3	Kohat Range.
4.	PSI Iltaf Hussain Akhtar No.H/23.	Hazara Range.
5.	PSI Murtaza Shah No.H/26	Hazara Range.
6.	PSI Sheikh Zohor Ahmad No.H/2.	Hazara Range.
7.	PSI Abdul Hamid No.H/25	Hazara Range.
8.	PSI Naeemul Hadi No.M/43	Malakand Range.
9.	PSI Sherzada No.M/41	Malakand Range.
10.	PSI Umer Farooq No.H/24	Hazara Range.
11.	PSI Mohammad Younas No.H/21	Hazara Range.
12.	PSI Mohammad Changez No.H/22	Hazara Range.
13.	PSI Mohammad Qamerzeb No.P/254.	Peshawar Range.
14.	PSI Zaheruddin No.H/27.	Hazara Range.
15.	PSI Abdul Aziz No.B/24	Bannu Range.
16.	PSI Fazal Hadi No.M/95	Malakand Range.
17.	PSI Sohail Afzal No.B/37	Bannu Range.
18.	PSI Mohammad Rashid No.B/33	Bannu Range.
19.	PSI Mir Faraz Khan No.B/33	Bannu Range.
20.	PSI Mohammad Asif No.B/30	Bannu Range.

Resigned # 5

Resigned # 6

Appellant

entry made, corrected by S.I. No. 2001-52

Alim S.I.

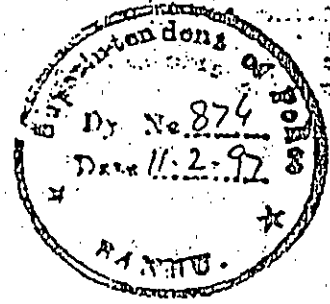
for information

S.P. B. 6/2

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

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

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



Kiramet
25.1.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Service Appeal No.512/2014

Muhammad AsifAppellant.

Versus

The Provincial Police Officer and othersRespondents.

REPLICATION ON BEHALF OF RESPONDENT

NO.5 & 6.

Respectfully Sheweth,

1. That Para No.1 of the application is incorrect, hence denied. Respondents No.5 and 6 are established senior to the appellant.
2. Correct.
3. The answering respondents have right to be considered for promotion to the next higher grade as per their seniority and fitness, but not yet have been promoted.
4. Incorrect, hence denied. The appellant has no prima facie case. Neither balance of convenience is in favor of the appellant nor he has any irreparable loss. Appellant has no cause of action at all. Incorrect, hence denied.

5. The inter see seniority of appellant and the answering respondents have been issued in accordance with law and rules.
6. That the facts and grounds taken in the memo of accompanying reply may kindly be considered as part and parcel of the instant replication.

In view of the above explained position it is therefore, humbly requested that the application of the applicant/appellant may kindly be dismissed with cost.

Respondent No.5 & 6

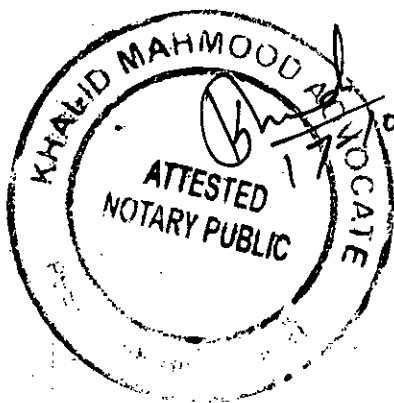
Through

As
Ashraf Ali Khattak,
Advocate, Peshawar.

Dated: _____ / 02/ 2006

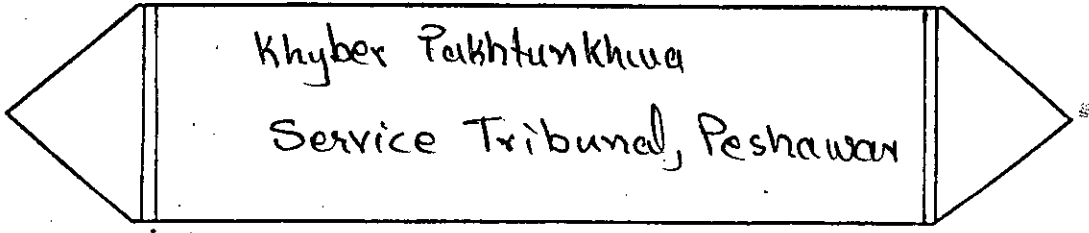
Counter Affidavit

I, Mer Faraz Khan Inspector legal, Office of the District Police, Bannu , do hereby affirm and declare on oath that the contents of this reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



Mer Faraz Khan
Deponent

بعدالت



2 مخجاب

Respt# 526 بنام

Asif Khan Inspector Legal

موزنہ

مقدمہ

Vs

دعویٰ

Provincial Police Officer and others

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام دینٹاور کیلئے ابشر فاعلی خٹک

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

الزقوم 17 ماہ اکتوبر 2014

_____ گواہ _____

کے لئے منظور ہے۔

Attested & Accepted

بمقام

Attested & Accepted

Original

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No: 512/2014

Muhammad Asif Inspector Legal No. B-36
Presently posted at Special Branch Peshawar.

(Appellant)

VERSUS

- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
- 3) The Regional Police Officer, Bannu Region, Bannu.
- 4) The District Police Officer, Bannu.
- 5) Abdul Sattar Inspector Legal, Investigation wing CPO Peshawar.
- 6) Mir Faraz Khan, Inspector Legal, Office of District Police Officer Bannu.

(Respondents)

REPLY BY RESPONDENTS

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the appeal of appellant is badly time barred.
- 2) That the appellant has concealed the material facts from the Honorable Tribunal.
- 3) That the appeal is not maintainable in its present form and the appellant has got no cause of action.
- 4) That the appellant has no locus standi to file the appeal.
- 5) That the appellant has been estopped by his own conduct to file the appeal.
- 6) That the fact in issue i.e surrender/repatriation to parent deptt: on the strength of lien has been decided by this Honorable Tribunal infavour of respondent No.6 vide judgment dated 16.10.2009 in service appeal No.1056/2009 title Mir Faraz Khan vs PPO KPK etc.

OBJECTIONS ON FACTS:

- 1) Correct to the extent that the appellant was appointed as prosecuting Sub-Inspector (BPS-14) on the vacancy of district Lakki Marwat while respondent No.6 was appointed as PSI on vacancy of district Bannu. Appellant took charge on 18.04.1993 while respondent No.6 on 17.04.1993 thus the respondent No.6 is senior than appellant.
- 2) Correct to the extent that the name of appellant was placed at serial No.20 in the provincial promotion list "F" while the names of respondents No.5 and 6 exists at serial No.2 & serial No.19 of the said list being senior than appellant. Copy of notification enclosed as annexure "A"
- 3) Regular promotion to the rank of Inspector legal will be made by the provincial departmental promotion committee subject to seniority and fitness.
- 4) Incorrect. The appellant was transferred to district Bannu from his home district Lakki Marwat and thereafter on his own will, he joined Special Branch Peshawar on deputation basis and serving till date. His adhoc promotion to the rank of prosecuting inspector against the vacancy of Special Branch by the Deputy Inspector General of Police Special Branch NWFP Peshawar was purely temporary and he could not claim the benefit of this promotion toward seniority maintained at range/provincial level. (photo copy enclosed as annexure "B")
- 5) Incorrect. The plea of the appellant has absolutely time barred because promotion list F issued in year 1997 and the subsequent seniority lists issued on different dates i.e 2005, 2008, 2009, 2013 reveal that the appellant was junior than respondents No.5 & 6. photo copies enclosed as annexure "C"/I, II, & III

- 6) Incorrect. Respondents No.5 & 6 being permanent employees with other officers were surrendered to newly independent Prosecution Institution in same grade, rank and cadre on the severe request of Home Department but within a period of 03 years, respondents No.5 & 6 were repatriated to parent Unit in same grade, rank and cadre and their Lien were intact in parent unit which could not be terminated. Reliance is placed on **PLC (CS) 1999 P- 1347** and **SCMR 2001 Page 1780, 1992 SCMR P-435 and SCMR 1990 Page - 373**. Similarly the Superior Court vide reported judgment in **SCMR 2005 Page 1212** has held that transfer to other department in its own pay/scale, lien in parent department could not be terminated.
- 7) Incorrect. The respondents have served in Prosecution institution under the administrative control of Home Department for less than 03 years in their same scale, rank and cadre and were repatriated in the same manner.
- 8) The representation of appellant is abinitio incorrect and misconceived.
- 9) Incorrect.

OBJECTIONS ON GROUNDS.


- (A) Incorrect. Seniority list has been drawn/issued in compliance with the judgments of Honorable Service Tribunal Peshawar dated 16.10.2009, 12.01.2010, 01.03.2011 and 22.01.2013 and approved by departmental selection committee at provincial level and is in accordance with law.
- (B) Incorrect. The appellant is junior to respondents No. 5 & 6. Both the respondents have served in Prosecution institution by their surrender at the request of Home Deptt: and remained there for less than 03 years; that lien of the respondents was intact in parent Deptt: and never terminated. In this respect, the judgments of Superior Courts have already been referred above in para No.6.
- (C) Incorrect. The respondents No. 5 & 6 were surrendered to Prosecution institution in their own pay scale/cadre and subsequently both of them were restored on old position as their lien was intact in their parent department; that no break has been occurred in respect of respondents No.5 & 6 as both were surrendered and repatriated in their own pay scale/cadre. Hence they were rightly placed as they deserve.
- (D) Incorrect. This issue has already been decided by this forum in its judgment dated 16.10.2009 in service appeal No.1056/2009 title Mir Faraz Khan vs PPO KPK etc. copy enclosed as annexure "D"
- (E) Incorrect. The appellant was promoted on temporary/adhoc basis against the vacancy of special Branch with the condition that he would not be entitled for any seniority over his senior colleagues and it was a temporary arrangement. Similarly the apex Court has declared such like promotion as illegal and unjustified. Reliance is placed on **2010 PLC (CS) 924 Muhammad Nadeem Arif vs IGP**.
- (F) Incorrect. The issue of seniority has been decided by this Honorable Tribunal in favour of respondent No.6. Furthermore the respondents No.5 & 6 were repatriated to parent department and they were not transferred from Prosecution institution therefore the rule 8(2) of KP. Civil Servant (Appointment, Promotion & Transfer) Rules 1989 is not attracted to the case of appellant and misconceived.

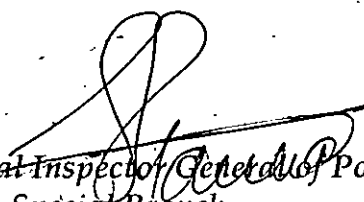
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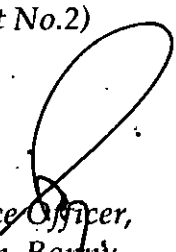
- (G) That the respondents may be allowed to advance other grounds and proofs at the time of hearing.

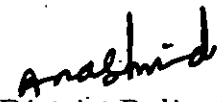
Prayer:

In view of the above facts and circumstances, it is humbly prayed that appeal of appellant, being not maintainable, time barred and devoid of legal force, may kindly be dismissed with costs.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


Additional Inspector General of Police,
Special Branch
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)


District Police Officer,
Bannu.
(Respondent No.4)

ob
30.01.15



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 512/2014

Muhammad Asif Inspector Legal No. B-36
Presently posted at Special Branch Peshawar.

(Appellant)

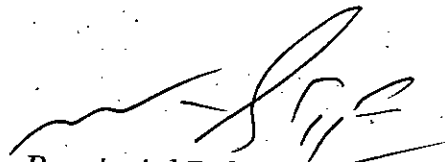
VERSUS


- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
- 3) The Regional Police Officer, Bannu Region, Bannu.
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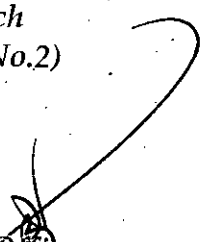
(Respondents)

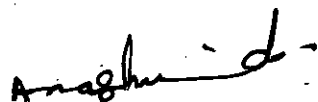
COUNTER AFFIDAVIT

We the following respondents, do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


Additional Inspector General of Police,
Special Branch
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)


District Police Officer,
Bannu.
(Respondent No.4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Appeal No. 512/2014

Muhammad Asif Inspector Legal No. B-36
Presently posted at Special Branch Peshawar.

(Appellant)

VERSUS


- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
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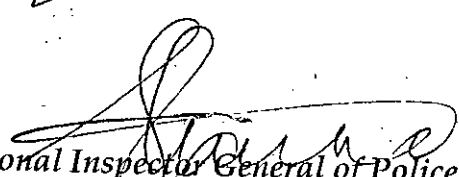
(Respondents)


AUTHORITY LETTER.

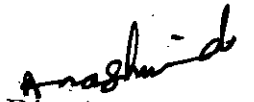
Mr. ~~NAQIB ULLAH KHAN Assistant~~ Office of DPO Bannu, is hereby authorized to appear before the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited appeal.

He is authorized to submit and sign all documents pertaining to the present appeal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


Additional Inspector General of Police,
Special Branch
(Respondent No.2)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)


District Police Officer,
Bannu.
(Respondent No.4)

Annexure A

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

NOTIFICATION.

Dated Peshawar the 29/1/97

No. 2000 /E-II, ADMISSION TO PROMOTION LIST 'F' :- The names of the following prosecuting sub-Inspectors of Police are hereby brought on promotion list 'F' w.e.from 12.1.1997.

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3.	PSI Mohammad Rauf No.K/3	Kohat Range.
4.	PSI Iltaf Hussain Akhtar No.H/23.	Hazara Range.
5.	PSI Murtaza Shah No.H/26	Hazara Range.
6.	PSI Sheikh Zahoor Ahmad No.H/2.	Hazara Range.
7.	PSI Abdul Hemid No.H/25	Hazara Range.
8.	PSI Noeemul Hadi No.M/43	Malakand Range.
9.	PSI Sherzada No.M/41	Malakand Range.
10.	PSI Umer Farooq No.H/24	Hazara Range.
11.	PSI Mohammad Younas No.H/21	Hazara Range.
12.	PSI Mohammad Changez No.H/22	Hazara Range.
13.	PSI Mohammad Qamarzeb No. P/254.	Peshawar Range.
14.	PSI Zaheeruddin No.H/27.	Hazara Range.
15.	PSI Abdul Aziz No.B/34	Bannu Range.
16.	PSI Fazal Hadi No.M/95	Malakand Range.
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18.	PSI Mohammad Rashid No.B/33	Bannu Range.
19.	PSI Mir Feroz Khan No.B/33	Bannu Range.
20.	PSI Mohammed Asif No.B/30	Bannu Range.

Respondent # 5

Resigned - 18
Appellant - 20

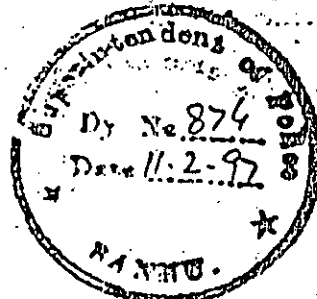
entry made, correct by Gt, No. 2001-52

Appr. etc
etc
for action

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

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

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



Kiramet

SP B
6/2

OFFICE NO.:

POLICE BRANCH NWFP, PESHAWAR.

PROMOTION IN THE NWFP POLICE CASUALTY PART II
 ORDERED BY THE DIG OF POLICE, SB: N.W.F.P., PESHAWAR.

PROMOTION.

Dated. _____/2003.

No. _____ /SB: C&SG: PROMOTION:- PSI Muhammad Asif No. B/36 of Bannu Region on deputation to this Stt: is hereby promoted as preceding Inspector SP-16 (3805-295-12655) w.e. from 1.1.2003 on temporary basis in the existing vacancy of Special Branch Peshawar.

The promotion is purely on temporary basis and he will not claim the benefit of this promotion towards seniority acquired in his own Range/District.

On promotion he remained posted to JIT/SB:

Deputy Inspector General of Police,
 Special Branch, NWFP Peshawar.

No. 1462-70/SB: dated Peshawar, the 13/2 /2003.

Copy to the :-

1. Inspector General of Police, NWFP Peshawar.
2. DIG of Police, Bannu Region.
3. Supdt: of Police, Bannu
4. Supdt: of Police, JIT/SB:
5. SA/Secr:/SB:
6. OC/SB:
7. PA to DIG/SB:
8. Secy:/SB:
9. SA/SB:

Deputy Inspector General of Police,
 Special Branch, NWFP Peshawar.

Secy.

19/2

Annexure

DYN No. 120
DC 23/2/08

SENIORITY LIST OF INSPECTORS / SUB INSPECTOR LEGAL ON LIST F OF NWFP POLICE AS IT STOOD ON 31.12.2008.

No. 8237 /E-II, Seniority list; In pursuance of the decision of NWFP Service Tribunal date 19.11.1996 in Service Appeal No.841-96/2297/99 followed by subsequent order dated 23.10.2007 Passed on the implementation application, as revised Seniority of Inspector Legal as it stood on 31.12.2008, is hereby published for information of all concerned. The revised Seniority list shall be subject to the decision of the Supreme Court of Pakistan in CPLA, whereby the above Judgment of the NWFP Service has been Challenged.

S. No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector	Remarks
1.	Attaullah No. P/261	B.A/LLB	Peshawar	15.05.1951	11.07.1977	18.07.1979	01.08.1987	27.09.1990	25.05.2008	
2.	Muhammad Saeed No. M/98	B.Sc/LLB	MKD Agency	15.03.1952	11.03.1978	11.03.1981	06.11.1994	02.12.1997	25.05.2008	
3.	Purdil Khan No. M/100	B.A/LLB	Swat	01.04.1954	20.04.1978	20.04.1981	01.08.1987	02.03.1988	25.05.2008	
4.	Sajad-ud-Din No. K/14	B.A/LLB	Kohat	20.11.1957	26.08.1982	26.08.1982	01.08.1987	20.09.1988	25.05.2008	
5.	Mian Mustafa Gul No. K/25	B.A/LLB	Karak	01.04.1953	26.08.1982	26.08.1982	09.07.1991	01.03.1993	25.05.2008	
6.	Muhammad Ayaz M.85	B.A/LLB	Mafkand Agency	01.10.1954	26.06.1980	26.06.1983	29.12.1984	02.12.1986	25.05.2008	Swat Assigned Seniority as per 16259-72 dated 17.07.2008
7.	Sher Ahmad M 86	B.A/LLB	Chitral	18.04.1956	15.07.1983	15.07.1983	29.12.1984	31.12.1986	25.05.2008	
8.	Mushtaq Ahmad No. D/26	B.A/LLB	DIKhan	22.12.1955	08.01.1984	27.01.1985	01.08.1987	07.07.1991	25.05.2008	
9.	Itikhar-ul-Mulk No. M/66	B.A/LLB	MKD Agency	01.04.1953	06.11.1982	01.07.1988	09.07.1991	12.10.1992		
10.	Aziz-ur-Rehman No. K/28	B.A/LLB	Kohat	01.08.1958	03.04.1983	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
11.	Imtiaz Gul No. K.15	B.A/LLB	Karak	24.06.1959	10.07.1984	01.06.1989	09.07.1991	01.03.1993	25.05.2008	
12.	Falak Nawaz No. K/28	M.A/LLB	Karak	15.03.1958	25.11.1985	01.06.1989	09.07.1991	01.01.1996		
13.	Halizunilah No. B/10	B.A/LLB	Bannu ✓	10.09.1950	14.07.1977	01.06.1989	09.07.1991	16.05.1994	25.05.2008	
14.	Abdul Sattar No. B/62	B.A/LLB	Bannu ✓	07.05.1958	10.08.1983	01.07.1991	09.07.1991	20.12.1995	25.05.2008	
15.	Akbar Ali No. D/25	B.A/LLB	DIKhan	05.01.1954	11.11.1978	06.02.1992	01.08.1987	31.03.1988		
16.	Imtiaz Ali No. D/27	B.A/LLB	Bannu ✓	03.11.1959	09.01.1984	06.02.1992	01.08.1987	3.12.1991		
17.	Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1985	01.07.1992	09.07.1991	20.07.2007		
20.	Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007		
21.	Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008		
22.	Abdul Aziz No. B/34	BA/LLB	Bannu ✓	20.06.1953	01.06.1992	11.12.1992	12.01.1997	19.11.2007		
23.	Sohail Afzal No. B/33	BA/LLB	Bannu ✓	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007		
24.	Altaf Hussain No. D/33	M.A/LLB	Tank	10.02.1963	17.09.1989	08.03.2002	06.11.1994	19.11.2007		

ATTACHED

Annexure F

Rept #5

10-13/07-11

S. No	Name & No.	Education Qualification	Home Dist:	Date of Birth	Date of Enlistment	Date of confirmation SI, Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector	Remarks
25.	Javed Ahmad No. D/28	B.A./LLB	DIKhan	15.05.1962	21.09.1989					
26.	Shahzad Iqbal No. B/33	B.A./LLB	Bannu	02.11.1967	17.04.1993		06.11.1994	05.03.2008		
27.	Muhammad Asif No. B 36	B.A./LLB	Lalaki	31.03.1970	18.04.1993		12.01.1997			
28.	Muhammad Ibrahim No. K/98	B.A./LLB	Dt	19.07.1959	09.09.1992	09.09.1992	12.01.1997	15.02.2008		
29.	Muhammad Ibrahim Azhar No. K/98	B.A./LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008		
30.	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008		
31.	Ibrahimullah No. P 55	B.A./LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008		
32.	Raza Muhammad No. P 05	B.A./LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008		

Resptd # 64
Appellant

No. 8238-S1
E/O, dated Peshawar, the 25/3/2009.

ABDUL MAJID KHAN MARWATI
Addl: IGP/Headquarters,
For Provincial Police Officer,
NWFP, Peshawar.

- Copy of above is forwarded for information and necessary action to the:-
1. Additional IGP Investigation NWFP, Peshawar.
 2. Addl: Inspector General of Police, Special Branch, NWFP, Peshawar.
 3. Capital City Police Officer Peshawar.
 4. All Regions DisG in NWFP.
 5. Commandants Police Training College Hangu
 6. Director ACE NWFP, Peshawar.
 7. Registrar CPO.
 8. Supdt: Establishment CPO.
 9. Supdt: Secret CPO
- They are requested to please inform all officers serving under their command. Any officer who have objection on his seniority/correction, he should submit his representation within one month after the issue of the list otherwise no representation will be accepted.

EC/C No 1170-71
DT 23/3/09 R/O Bannu
Also send copies to R/Os
Bannu & Lalaki for...

16 MS
27/3/09
E My Documents Collection
PHOTO LIST OF NWFP POLICE AS IT STOOD ON 31.12.2007.doc

Annexure C/2

17

SENIORITY LIST OF P.Is ON LIST F OF NWFP POLICE AS IT STOOD ON 15.07.2009.

179-71

The Seniority list in the light of DPC decision dated 21.06.2009 the seniority list of PIs on List F of NWFP Police is hereby revised

S. No.	Name & No.	Education Qualification	Home Distt.	Date of Birth	Date of Enlistment	Date of confirmation PSI	Date of promotion to List "F"	Date of Promotion as PI	Date of confirmation as PI	Present Posting
	Muhammad Saeed No. M/98	B.Sc/LLB	MKD Agency	15.03.1952	11.03.1978	11.03.1981	06.11.1994	02.12.1997	23.05.2008	Charsadda District, Assigned seniority vide Service Tribunal Decision dated 19.11.2009
	PI Muhammad Ayaz M/85	B.A/LLB	Makhdad Agency	01.10.1954	26.06.1980	26.06.1983	29.12.1984	09.12.1986		Swat, Assigned seniority vide No. 16259-72-F-II dated 17.07.2007
	PI Sher Ahmad M/86	B.A/LLB	Chitral	18.04.1956	15.07.1983	15.07.1983	29.12.1984	31.12.1986		Chitral
	PI Purdil Khan No. M/100	B.A/LLB	Swat	01.04.1954	20.04.1978	20.04.1981	01.08.1987	02.03.1988		Di Lower
	PI Akbar Ali No. D/25	B.A/LLB	DIKhan	05.01.1954	11.11.1978	06.02.1992	01.08.1987	31.03.1988		DIKhan
	PI Sajad-ud-Din No. K/14	B.A/LLB	Kohat	20.11.1957	26.08.1982	26.08.1982	01.08.1987	20.09.1988		Kohat
	PI Ataullah No. P/261	B.A/LLB	Peshawar	15.05.1951	11.07.1977	18.07.1979	01.08.1987	27.09.1990		CCP/Peshawar.
	PI Mushtaq Ahmad No. D/26	B.A/LLB	DIKhan	22.12.1955	08.01.1984	27.01.1985	01.08.1987	07.07.1991		Anti Corruption
	PI Imtiaz Ali No. D/27	B.A/LLB	Bannu	03.11.1959	09.01.1984	06.02.1992	01.08.1987	3.12.1991		DIKhan
	PI Mian Mustafa Gul No. K/25	B.A/LLB	Karak	01.04.1953	26.08.1982	26.08.1982	09.07.1991	01.03.1993		Anti corruption
	PI Aziz-ur-Rehman No. K/28	B.A/LLB	Kohat	01.08.1958	03.04.1983	01.06.1989	09.07.1991	01.03.1993		RTW/Kohat
	PI Imtiaz Gul No. K/15	B.A/LLB	Karak	24.06.1959	10.07.1984	01.06.1989	09.07.1991	01.03.1993		NH & MP
	PI Falak Nawaz No. K/28	B.A/LLB	Karak	15.03.1958	25.11.1985	01.06.1989	09.07.1991	01.01.1996		Karak
	PI Abdul Sattar No. B/62	B.A/LLB	Bannu	07.05.1958	10.08.1983	01.07.1991	09.07.1991	20.12.1995		Lakki
	PI Hafizullah No. B/10	B.A/LLB	Bannu	10.09.1950	14.07.1977	06.02.1992	09.07.1991	16.05.1994		Kohat
	PI Ifikhar-ul-Mulk No. M/86	B.A/LLB	MKD Agency	01.04.1953	06.11.1982	01.07.1988	09.07.1991	18.10.1992		NH & MP
	PI Ghulam Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1985	01.07.1992	09.07.1991	20.07.2007		Swabi
	PI Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007		Nowshera
	PI Ahsan Hussain No. D/33	MA/LLB	Tank	10.02.1963	17.09.1989	08.03.2002	06.11.1994	19.11.2007		PTC Hangu
	PI Javed Ahmad No. D/28	BA/LLB	DIKhan	15.03.1962	21.09.1989		06.11.1994	05.03.2009		Haripur
	PI Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008		Anti Corruption Estt.
	PI Abdul Aziz No. D/34	BA/LLB	Bannu	20.06.1958	01.06.1992	11.12.1992	12.01.1997	19.11.2007		Bannu
	PI Sohail Afzal No. B/53	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007		ACE NWFP.
	SI Legal Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993		12.01.1997			Bannu Region
	PI Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	18.04.1993		12.01.1997	15.05.2008		Special Branch

Rtd

Rtd

JSP

Rtd

Resptd # 5

Resptd # 6

Appellant

P70

26.	Bashir Ahmad No: P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	CCP-Pesh
27.	Muhammad Ibrahim Azhar No: K-98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	Kohat Reg
28.	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.03.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	Hangu
29.	Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	Kohat
30.	Raza Muhammad No. P 05	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	CCP-Pesh

(ABDUL MAJEED KHAN MARWAT)
PSP

Add: IGP/Headquarters,
For Provincial Police Officer,
NWFP, Peshawar.

No 17972-87 E.H. dated Peshawar, the 18-10-2008.

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

1. Inspector General of Police Motorway and Highways Police Islamabad.
2. Addt: IGP: Investigation NWFP Peshawar.
3. Capital City Police Officer Peshawar
4. All Regions DisG in NWFP.
5. DIG Special Branch, NWFP, Peshawar.
6. Commandants PTC Hangu.
7. Director Anti Corruption Establishment NWFP, Peshawar.
8. Registrar CPO.
9. Supdt: Establishment CPO.
10. Office Supdt: Secret CPO.

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

Annexure C/3
rolls

DYN0232
Date 25/11/11

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT STOOD ON 08.11.2013

No. 28511 /E-II, The Seniority list of Inspectors Legal has been revised in compliance of judgment of Service Tribunal dated: 16.10.2009, 12.01.2010, 01.03.2011 & 22.01.2013. is hereby published for information of all concerned.

S.No	Name & No.	Education Qualification	Home Distt:	Date of Birth	Date of Enlistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector Legal
1.	Akbar Ali No. D/25	BA/LLB	DIKhan	05.01.1954	19.11.1978	19.11.1978	01.08.1987	31.03.1988	24.05.2008
2.	Abdul Sattar No. B/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008
3.	Imtiaz Ali No. D/27	BA/LLB	Bannu	05.11.1959	09.01.1884	09.01.1884	01.08.1987	3.12.1991	24.05.2008
4.	Javed Ahmad No. D/28	EA/LLB	DIKhan	15.05.1962	21.09.1983	21.09.1989	06.11.1994	05.03.2009	
5.	Ghufran Hussain No. D/54	BA/LLB	DIKhan	01.02.1959	27.04.1983	01.07.1992	09.07.1991	20.07.2007	31.10.2013
6.	Hidayat Shah No. P/248	BA/LLB	Charsadda	15.04.1954	18.01.1987		09.07.1991	19.11.2007	
R-5	7. Abdul Sattar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013
8.	Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013
R-6	9. Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013
10.	Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	
11.	Sohail Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013
12.	Bashir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013
13.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	
14.	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013

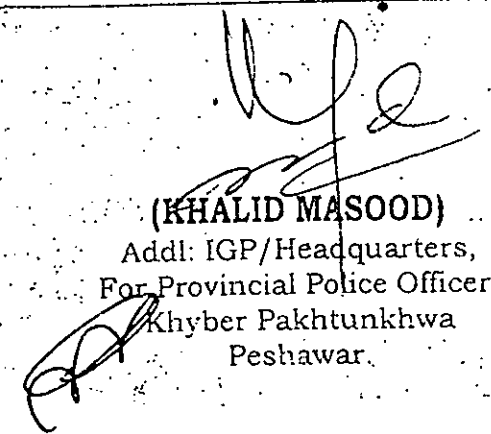
BC
25/11/11

PTD

15.	Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013
16.	Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	
17.	Kamal Hussain	BA/LLB	Kohat	15.04.1969	25.03.1999	30.06.2008	21.05.2009	21.05.2009	31.10.2013

(KHALID MASOOD)

Add: IGP/Headquarters,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

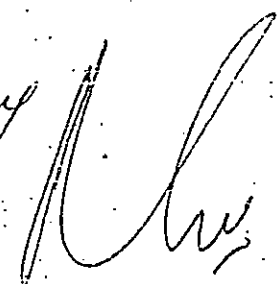


No 28512-20 /E-II, date Peshawar, the 20/11/2013.

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

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

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

Received today

27-11-2013

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEASHAWAR

Service Appeal No 512/2014

Muhammad Asif Inspector Legal(Appellant)

Versus

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and
others..... (Respondents)

REPLICATION ON BEHALF OF APPELLANT IN RESPONSE
TO THE COMMENTS FILED BY RESPONDENT NO. 1 TO 4

Respectfully Sheweth!

1 to 6. The preliminary objections raised by the respondents are totally evasive, baseless and incorrect. Appellant had filed departmental representation on 18.12.2013 and no response was received within the stipulated period of three months, therefore, the service appeal of appellant is within time. Appellant has concealed nothing from this Honorable Tribunal and has prayed for restoration of seniority which falls within the terms and condition of the service, therefore, appellant has got cause of action and appeal is maintainable. As regards the decision passed in the service appeal referred by the respondents, it is submitted that the cause of action of that service appeal was quite distinct from the cause of action of the present appeal filed by the appellant and the official respondents contested that service appeals on various grounds. Therefore, the official respondents have mala-fidely referred the case at the instance of private respondents as the official respondents submitted

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contradictory comments in response to the identical service appeal No. 820/2010 titled Azmat Ghafoor DSP/Legal VS Provincial Police Officer and others. Copy of comments is enclosed as Annexure-A. The respondents have taken U turn in the present comments as against the comments filed in the above referred service appeal which prove that the comments of respondents are not based on facts and also against the principles of estoppel.

FACTS:-

1. The reply of official respondents in response to Para 1 of the facts of the appeal is incorrect and untenable. According to the merit of appointment, the name of appellant existed at Serial No. 2 while that of private respondent No. 6 at Serial No. 4 therefore, appellant rank senior to private respondent No. 6.
2. Reply of official respondents in response to Para 2 of the facts of appeal is also incorrect. Appellant has claimed seniority against private respondents No. 5 & 6 as both were transferred to prosecution department along with post and budget without retaining their lien in Police department. Therefore, on repatriation from prosecution department both the private respondents were required to be placed at the bottom of the seniority list. This view was confirmed by the official respondents in the comments filed in response to the service appeal No. 820/2010 titled Azmat Ghafoor DSP/Legal VS Provincial Police Officer and others. Copy already enclosed as Annexure-A.
3. Para 3 of the comments is also incorrect, promotion of Inspector Legal is made by Provincial Police Officer after approval of the departmental promotion committee on the basis of seniority cum fitness and not by the Provincial department.
4. Para 4 of the comments is also incorrect, according to Police Rules 13.4 read with Police Rules 13.16 (2) Deputy Inspector General of Police is competent for promotion to the rank of Inspector. Appellant was promoted to the rank of Inspector by Deputy Inspector General of

Police of Special Branch much earlier than private respondents No. 5 & 6 therefore, appellant rank senior to private respondents.

5. Para 5 of the comments is incorrect and misleading, this is well settled principle of law that seniority is continuous wrong. The impugned seniority list was served on appellant and appellant submitted department representation soon after the acknowledgement of the impugned seniority.
6. Incorrect, private respondents No. 5 & 6 were transferred to prosecution department along with budget and posts with no lien with Police department. Therefore, on repatriation both were required to be placed at the bottom of seniority list. Furthermore, official respondents have filed comments at the instance of private respondents No. 5 & 6 because the stance of official respondents was divergent in the comments filed in response to identical service appeal titled Azmat Ghafoor VS Provincial Police Officer and others.
7. Para 7 of the comments is erroneous as under the law and rules the private respondents will accept bottom seniority. This view was confirmed and admitted by the official respondents in the comments with affidavit filed in response to above mentioned service appeal titled Azmat Ghafoor VS Provincial Police Officer and others. Now the official respondents under the principles of estoppel could not take different view.
8. Para 8 of the comments is also incorrect. The official respondents failed to decide the representation of appellant till date.

9. Respondents have filed no comments in response to this Para of the appeal meaning thereby that the official respondents have admitted the seniority of appellant against private respondents No. 5 & 6 and grounds of the appeal of appellant.

GRUNDS:-

- A. The reply of Para-A of the official respondents of the ground of appeal is incorrect because the cause of action of the judgments of the Service Tribunal referred by the official respondents was different than the cause of action of the appeal of appellant. Appellant has challenged the seniority of private respondents No. 5 & 6 on the ground of their transfer with post and budget to prosecution department.
- B. The reply in response Para-B is also incorrect because private respondents No. 5 & 6 were transferred to prosecution department with posts and budget with no lien in Police department therefore on repatriation they will accept bottom seniority. Furthermore, official respondents have admitted this view in the comments submitted in response to above referred Azmat Ghafoor's case.
- C. Reply of official respondents in response to Para-C is also incorrect. The official respondents did not allow retention of seniority of Azmat Ghafoor DSP/Legal on his repatriation to Police department from prosecution department and mala-fidely allowed seniority to Private respondents No. 5 & 6.
- D. Reply of official respondents in response to Para-D is also incorrect and misconceived. The cause of action in the judgment of Service Tribunal referred in the reply was distinct in nature.

E. Reply of official respondents in response to Para-F is also incorrect. Appellant was promoted by Deputy Inspector General of Police Special Branch Peshawar who was competent authority within the meaning of Police Rules 13.4 read with 13.16.

F. Reply of official respondents in response to Para-F is also incorrect, respondents have filed comments at the instance of Private respondents without adherence to the rules and their earlier stance taken in the comments of Azmat Ghafoor case mentioned above.

G. The remaining points will be raised during arguments.

It is therefore, prayed that the appeal of appellant may be accepted as prayed for.

Appellant
Muhammad Asif, *[Signature]*

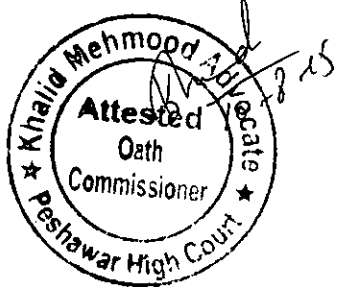
Through:

[Signature]
M.Asif Yousafzai
Advocate, Peshawar

[Signature]
Taimur Ali Khan
Advocate.

AFFIDAVIT.

It is affirmed that the contents of the appeal and rejoinder are true and correct.



DEPONENT *[Signature]*

Service Appeal No. 820 of 2010.

Azmat Ghafar D.S.P. Legal
P.T.C., Hangu.

..Appellant.

Versus

Adml: I.G.P. N.W.P.F. etc.

..Respondents.

INDEX OF DOCUMENTS

<u>Sl. No.</u>	<u>Nature of documents.</u>	<u>Annexure</u>	<u>Page.</u>
1.	Memo of appeal.	-	1 - 4.
2.	Impugned Seniority list.	A	5.
3.	Surrender order.	B	6.
4.	Repatriation order.	C	7.
5.	Posting order.	D	8.
6.	Representation to Respondent No.2.	E	9 -11.
7.	Reply of respondent No.2.	F	12.
8.	Letter dated 11.6.2008 regarding lien of appellant	G	13.
9.	Copy of judgment in Service Appeal No.1056/09 of Mir Faraz S.I.	H	14- 15
10.	Wakalat Nama.	-	-
			Total. <u>15 sheets.</u>

Dated / 04 / 2010.

Azmat Ghafar
Appellant

through

Haji Saadul Qader
Advocate, Peshawar.

BEFORE THE SERVICE TRIBUNAL N.W.F.P., PESHAWAR.

7

Service Appeal No. _____ of 2010.

Azmat Ghaffar, D.S.P. Legal, Police Training
College Hangu.

..Appellant.

VERSUS

1. Additional Inspector General Police,
N.W.F.P., Peshawar.
2. Provincial Police Officer, N.W.F.P., Peshawar.
3. Muhammad Payaz, D.S.P. Legal, Abbottabad.
4. Mehr Zaman, D.S.P. Legal, Acting S.P., F.R.P. Banna.
5. Malik-ur-Rahman, D.S.P. Legal, Investigation Crime Branch
N.W.F.P., Peshawar.
6. Gul Biland Khan, D.S.P. Legal, now on L.F.R.r/o Jamal
Garhi P.S. Katlang Marān.
7. Raziq Khan, D.S.P. Legal, Assistant Director
Anti Corruption Banna.

.. Respondents.

APPEAL UNDER SECTION-4 OF SERVICE TRIBUNAL ACT
1973 AGAINST THE ORDERS OF RESPONDENT NO.1 VIDE
HIS ORDER NO. 824-744/09 DATED 27.1.010 WHEREBY
THE IMPUGNED SENIORITY LIST OF D.S.P. LEGAL WAS
PUBLISHED/CIRCULATED IN WHICH NAMES OF THE RESP-
ONDENTS NO.3 to 7 WERE SHOWN SENIOR TO THE
APPELLANT, ALTHOUGH THEY ARE JUNIOR TO THE
APPELLANT IN ALL RESPECT. (ANNEXURE - A).

Prayers: That the impugned seniority list be kindly
be declared against law/rules and principles
of natural justice and the respondents No.1 and
2 may please be directed to assign seniority to
the appellant above respondent No.3 with all
connected back benefits.

8

Respected Sir,

1. That the appellant is a law Graduate and was appointed as P.S.I. in Police Department on 30.6.75.
2. That by the passage of time, the appellant was promoted as P.I. on 05.9.1983 and as P.O.S.P. on regular basis on 22.12.2001.
3. That a new Department as Prosecution Directorate was created by the Provincial Government in 2005 and the services of appellant alongwith some other Officers of Prosecution Branch were surrendered to this Directorate through the Secretary to Government, Home and Tribal Affairs, N.W.F.P. by respondent No.2 on 22.11.2005 vide his memo No.21263/E-II where the appellant was posted as J.P.P. NYS-17. (Annexure-B).
4. That neither any option was obtained from the appellant nor the appellant was permanently absorbed in the said Directorate.
5. That the appellant was repatriated to Police Department vide order dated 26.7.2006 by the Secretary to Government, Home and Tribal Affairs. (Annexure-C).
6. That on repatriation to Police Department the appellant was posted D.D.P. No. 10, Police Training College Hangu vide order dated 07.8.2006. (Annex-D).
7. That the appellant submitted representation to respondent No.2 for fixation of his seniority in the cadre of Dy:Superintendents of Police Legal but the same was not decided in specific

9

period hence the appellant filed Service Appeal No.1473/09 in the Service Tribunal.

8. That during the pendency of the appeal of the appellant the impugned seniority list (Annexure-A) was published by the Respondent No.1.

9. That thereafter appellant had to withdraw his appeal from the Service Tribunal as such he requested for withdrawal of his appeal which was accepted.

10. That the seniority of the appellant had been adversely effected therefore the appellant submitted a fresh representation to the Respondent No.2. (Annexure-B).

11. That the representation of the appellant was not considered by the respondent according to law/rules and facts but a vague order was passed. (Annexure-C).

12. That the appellant now approach this Hon'ble Tribunal for relief as prayed above inter alia on the following grounds :-

GROUNDS.

A. That all the respondents No.3 to 7 are junior to the appellant in all respects i.e. dates of appointment as P.S.M., promotion as P.I. and P.D.S.M. as is evident from Annexure-A.

B). That the appellant was surrendered to Prosecution Directorate in the interest of State although no option was obtained from the appellant.

10

- C). That the lien of the appellant was still in tact in Police Department as is evident from letter dated 13.6.2008 from P.G. Prosecution. (Annex:-G).
- D). That no objection was raised by the respondent No.2 at the time of his repatriation.
- E). That as neither the appellant had opted for transfer to Prosecution Directorate nor the appellant was permanently absorbed in Prosecution Directorate, the lien of the appellant in Police Department could not be terminated according to rules.
- F). That no grounds are available with the respondent department to declare the respondents No.3 to 7 senior to the appellant.
- G). That in an identical case, Service Appeal No. 1056/09 of - Mir Fayaz S.I. was decided in his favour by this learned tribunal (Annex-1).
- H). That the appellant seek the permission of this learned tribunal to rely on additional grounds at the time of hearing.

It is respectfully requested that the impugned seniority list may please be declared null and void. In view of the facts, the appellant may please be declared senior to respondents No.3 to 7 and the request may please be directed to place the appellant in the seniority list with preference to the respondents No.3 to 7 and to grant him back benefits.

Dated _____/04/2010.

through _____

Mir Fayaz
 Applicant
 S.I. No. 1056/09
Abdul Wahid
 Advocate, Peshawar.

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BETTER COPY

BEFORE THE SERVICE TRIBUNAL N.W.F.P., PESHAWAR

Service Appeal No. 820 of 2010.

Azmat Ghafoor DSP Legal

.....Appellant.

Versus

Addl: IGP, N.W.F.P. etc

.....Respondents

INDEX OF DOCUMENTS

<u>Sl. No.</u>	<u>Nature of documents</u>	<u>Annexure</u>	<u>Page</u>
1.	Memo of appeal	-	1-4
2.	Impugned Seniority list	A	5
3.	Surrender order	B	6
4.	Repatriation Order	C	7
5.	Posting order	D	8
6.	Representation to Respondent No. 2	E	9-11
7.	Reply of respondent No. 2	F	12
8.	Letter dated 11.6.2008 regarding lien of appellant	H	14-15
9.	Copy of Judgement in Service Appeal No. 1056/09 of Mir Faraz SI		Total 15 sheet
10.	Wakalat Nama		

Sd/
Appellant

Through
Haji Shamasul Qamar
Advocate, Peshawar

Dated /04/2010

11

GROUNDS:

- A. That all the respondents No. 3 to 7 are junior to the appellant in all respects : the dates of appointments as PSI, promotion as PI and PDSI as Annexure-
 - B. That the appellant was surrendered to Prosecution Directorate in the interest of State although no option was obtained from the appellant.
 - C. That the lien of the appellant was still intact in Police Department as is evident from letter dated 11.6.2008 from DG Prosecution. (Annexure G)
 - D. That no objection was raised by the respondent No. 2 at the time of his reappointment.
 - E. That as neither the appellant has opted for transfer to Prosecution Directorate nor the appellant was permanently absorbed in Prosecution Directorate, the lien of the appellant in Police department could not be terminated according to rules.
 - F. That no grounds are available with the respondent department to declare the respondents No. 3 to 7 senior to the appellant.
 - G. That in an identical case, Service Appeal No. 102509 of one Mr. Faraz SI Legal was decided in his favour by this learned tribunal. (Annexure H)
 - H. That the appellant seek the permission of this learned tribunal to rely on additional grounds at the time of hearing.
- It is therefore requested that the impugned seniority list may please be declared against the law and the appellant may please be declared senior to respondent No. 3 to 7 and the respondent No. 1 and 2 may please be directed to place the appellant senior in preference to the respondents No. 3 to 7 with all connected back benefits.

24/
Appellant
Asmat Ghafour, DSP Legal

24/
Haji Zhamasul Qamar
Advocate, Peshawar
Through

04/2010
Dated

15

BEFORE THE KHYBER PAKHTUNKWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.820/2010

Magnum Ghaffar DSP/Legal PTC Bannu (Appellant)

V E R S U S

Provincial Police Officer KPK and others (Respondents)

RESPECTFULLY SHEWETH:-

PARAWISE COMMENTS BY RESPONDENTS NO 1 & 2 ARE SUBMITTED AS
UNDER:-

PRELIMINARY OBJECTIONS

1. That the appeal is not maintainable in the present form.
2. That the appellant has got no cause of action.
3. That the appellant is estopped by his own conduct to file the present appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant had not submitted any sort of application for his lien.
6. That the appellant was transferred with budget to Law Department on abolishment of the posts.
7. That as per rules the appellant opted to be reverted to Police Department on his own request and was placed at the bottom of the seniority list.
8. That appeal of the appellant is in-fructuous.

FACTS:-

1. Correct. Pertains to record.
2. Correct. Pertains to record.
3. Correct. Pertains to record. 4 DSSP/Legal, 5 Inspectors and 11 DSS Legal were retained by the Government in Police Department.
4. Incorrect. The appellant being junior amongst the DSSP (Legal) he surrendered to Law Department as according to Establishment of Prosecution Directorate, five posts of DSSP (Legal) who might were transferred to that Directorate.
5. Incorrect. The appellant was not repatriated but as per order of the Home Department he has been taken against the temporary post at his own request. Similarly once before he had tried to get his name entered in Police Department but his request was filed copy of which is enclosed as annexure 'A'.

- 6. Correct to the extent that on joining Police Department the appellant was posted as DSP/Legal PTC Hangu.
- 7. Incorrect. The seniority list was published and a copy of the same was delivered to the appellant. Resultantly the appeal filed by him against Jehangir was withdrawn.
- 8. Correct. That appellant was given his due place in the seniority list.
- 9. The para is vague and after thought.
- 10. Incorrect. No loss has been caused to the appellant.
- 11. Correct to the extent that his representation was filed under the rules because he was already given due seniority in the list.
- 12. No comments.

GROUND

- A. Incorrect. Seniority of PSIs is determined on the basis of list. He was promoted as PI on 12.09.1983. He was surrendered to Law Department with budget and subsequently transferred to Police Department on his own request. He was rightly placed in the position.
- B. Incorrect. No question of consent arises as the individual was surrendered to law department with seat and budget.
- C. Incorrect. No concept of lien is made out or exists as per notification of Govt. of KPK issued vide No. SOR: VHE&AD/11/2001 dated 29.07.2006 copy of which is annexed as annexure "B". Neither lien was made out, nor any application was submitted for lien in Police Department.
- D. Incorrect. The para is vague. His first application as mentioned above clearly reveals that the application was filed and rejected. The second application was entertained because of heavy pressure made by the office of Director General Prosecution.
- E. Incorrect. As explained in part No. 4 above.
- F. Incorrect. He was surrendered to Law Department with seat and budget and thus he lost his seniority in Police Department. On re-joining to Police Department at his own request he was placed at the bottom of seniority list of DSSP (Legal).

- G. Correct to the extent that appeal filed by Sub-Inspector (read) Mir Faraz was decided in his favour to the extent "that in case juniors to the appellant have been promoted/confirmed in Region on the basis of seniority, whether maintained on Provincial level or Regional level, the appellant shall also be considered at par with his colleagues and shall not be discriminated". This case is not similar/identical to that of Mir Faraz.
- H. That the respondents seek the permission of this Honorable Tribunal to furnish further legal and factual points at the time of arguments.

PRAYERS

In view of the above grounds it is humbly prayed that the appeal may kindly be dismissed.

[Signature]
 Provincial Police Officer
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 2)

[Signature]
 Addl: Inspector General Police HQs
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)

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BETTER COPY

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 820/2010.

Azmat Ghafoor DSP Legal PTC Hangu

..... Appellant.

Versus

Provincial Police Officer KPK and others

..... Respondents

RESPECTFULLY SHEWETH:-

PARAWISE COMMENTS BY RESPONDENTS NO. 1 & 2 ARE SUBMITTED AS UNDER:-

PRELIMINARY OBJECTIONS

1. That the appeal is not maintainable in the present form.
2. That the appellant has got no cause of action.
3. That the appellant is estopped by his own conduct to file the present appeal.
4. That the appellant has not come to this Hon'ble Tribunal with clean hands.
5. That the appellant had not submitted any sort of application for his lien
6. That the appellant was transferred with budget to law department on abolishment of the post.
7. That as per rules the appellant opted to be reverted to Police Department on his own request and was placed at the bottom of the seniority list.
8. That appeal of the appellant is in-fructuous.

FACTS:

1. Correct, pertains to record.
2. Correct, pertains to record.
3. Correct, pertains to record. 4 DSsP/Legal, 5 Inspector/Legal and 4 SIs/Legal were retained by the Government in Police Department.
4. Incorrect, the appellant being junior amongst the DSsP Legal was surrendered to law department as according to establishment of prosecution directorate 5 posts of DSsP (Legal) with budget were transferred to that directorate.
5. Incorrect, the appellant was not repatriated but as per order of the home department he has been taken against the temporary post at his own request. Similarly once before he had tried to be absorbed in Police Department but his request was filed, copy of which is Annexed as Annexure "A".
6. Correct to the extent that on joining Police Department the appellant was posted as DSP/Legal PTC Hangu.
7. Incorrect, the seniority list was published and a copy of the same was delivered to the appellant. Resultantly the appeal filed by him against Jehangir was withdrawn.
8. Correct, that appellant was given his due place in the seniority list.
9. The para is vague and afterthought.
10. Incorrect, No loss has been caused to the appellant.
11. Correct to the extent that his representation was filed under the rules because he was already given due seniority in the list.

GROUND:

- A. Incorrect, seniority of PSIs is determined on the basis of list "F". He was promoted as PI on 12.09.1983. He was surrendered to Law Department with budget and subsequently transferred to Police Department on his own request. He was rightly placed at his due position.
- B. Incorrect, No question of consent arises as the individual was surrendered to law department with seat and budget.
- C. Incorrect, No concept of lien is made out or exists as per notification of Government of KPK issued vide letter No. SOR VI (E&ADV)/1-11/2001 dated 29.07.2006 copy of which is annexed as annexure "B". Neither lien was made out, nor any application was submitted for lien in Police Department.
- D. Incorrect, the para is vague. His first application as mentioned in Para No. 5 above clearly reveals that the application was filed and it appears that the second application was entertained because of heavy pressure made by the office of Director General Prosecution.
- E. Incorrect, as explained in Para No. 4 above.
- F. Incorrect, he was surrendered to Law Department with seat and budget and thus he lost his seniority in Police Department. On repatriation to Police Department at his own request he was placed at the bottom of seniority list of DSsP (Legal).

- G. Correct to the extent that appeal filed by Sub-Inspector (Legal) Mir Faraz was decided in his favour to the extent "that in case juniors to the appellant have been promoted/confirmed in Region on the basis of seniority, whether maintained on Provincial level or Regional level. The appellant shall also be considered at par with his colleagues and shall not be discriminated". This case is not similar/identical to that of Mir Faraz.
- H. That the respondents seek the permission of this Hon'ble Tribunal to furnish further legal and factual points at the time of arguments.

PRAYERS

In view of the above grounds it is humbly prayed that the appeal may kindly be dismissed.

Sd/
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.2)

Sd/
Addl: Inspector General of Police HQrs:
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEASHAWAR

Service Appeal No 512/2014

Muhammad Asif Inspector Legal(Appellant)

Versus

Provincial Police Officer Khyber Pakhtunkhwa Peshawar and
others..... (Respondents)

REPLICATION ON BEHALF OF APPELLANT IN RESPONSE
TO THE COMMENTS FILED BY PRIVATE RESPONDENTS
NO. 5 & 6.

Respectfully Sheweth!

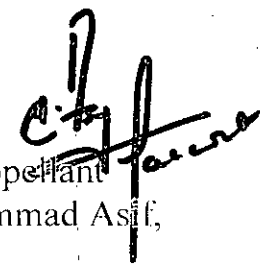
I to VII. The preliminary objections raised by the respondents are totally vague and against the law and rules on the subject matter. The seniority of appellant has wrongly been drawn by placing private respondents senior to appellant, therefore, appellant has got every right to file the service appeal after exhausting departmental remedy. Appellant had filed departmental representation on 18.12.2013 and no response was received within the stipulated period of three months, therefore, the service appeal of appellant is within time. Appellant has approached this Honorable Tribunal for restoration of seniority which falls within the terms and condition of the service therefore, appellant has got cause of action and appeal is maintainable. Appellant has come to the Honorable Tribunal with clean hands and has concealed nothing from the Honorable Tribunal. The appeal is based on actual facts and genuine grounds. Therefore, the appeal is worth acceptance.

FACTS:-

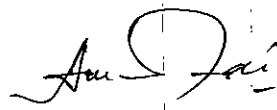
1. The private respondent have advanced no reason and grounds in the reply to this Para meaning thereby that the respondents have admitted the seniority of appellant.
2. The private respondents have admitted this Para of appeal of the appellant. Therefore, needs no replication on behalf of appellant.
3. The private respondents have admitted this Para of appeal of the appellant. Therefore, needs no replication on behalf of appellant.
4. The reply is incorrect, appellant was promoted by the competent authority much earlier than the private respondents. according to Police Rules 13.4 read with Police Rules 13.16 (2) Deputy Inspector General of Police is competent for promotion to the rank of Inspector. Appellant was promoted to the rank of Inspector by Deputy Inspector General of Police of Special Branch much earlier than private respondents No. 5 & 6 therefore, appellant rank senior to private respondents.
5. Para 5 of the comments is incorrect, this is well settled principle of law that seniority is a continuous wrong. The impugned seniority list was served on appellant and appellant submitted department representation soon after the acknowledgement of the impugned seniority.
6. Incorrect, private respondents No. 5 & 6 were transferred to prosecution department along with budget and posts with no lien with Police department. They have wrongly contended their transfer on deputation basis to prosecution branch. On repatriation both were required to be placed at the bottom of seniority list. Furthermore, official respondents have filed comments at the instance of private respondents because the stance of official respondents was divergent in the comments


- D. Reply of respondents in response to Para-D is also incorrect and misconceived. The cause of action in the judgment of Service Tribunal referred in the reply was distinct in nature and legally does not affect the present issue.
- E. Reply of respondents in response to Para-E is also incorrect. Appellant was promoted by Deputy Inspector General of Police Special Branch Peshawar who was competent authority within the meaning of Police Rules 13.4 read with 13.16.
- F. Reply of respondents in response to Para-F is also incorrect, official respondents have already admitted the contention of appellant in the reply filed in response to the service appeal of Azmat Ghafoor mentioned above.
- G. The remaining points will be raised during arguments.

It is therefore, prayed that the appeal of appellant may be accepted as prayed for.


Appellant
Muhammad Asif,

Through:


M. Asif Yousafzai
Advocate, Peshawar

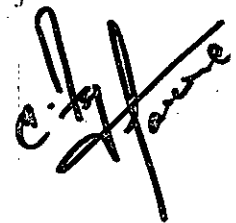

Taimur Ali Khan
Advocate

AFFIDAVIT.

It is affirmed that the contents of the appeal and rejoinder are true and correct.



DEPONENT



یعدالت

سروس ٹریبونل، پشاور

2014ء پنجاب

محمد آصف بنام

موزخہ
مقدمہ
دعویٰ
جرم

512/2014
سروس ٹریبونل

عبدالستار + میر فراز خان

Respondents

Sand &

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کے لیے عطا شدہ ایڈووکیٹ و جج
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے جج کے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا عدالت نامہ لکھد یا کہ سند ہے۔

Accepted

Signature

Signature

Signature

الرقوم 19 ماہ 11 2014

واہ الب

کے لئے منظور ہے۔

پشاور

بمقام

Abdul Sattan

Signature

ایڈووکیٹ/دستخط: _____
 بار کونسل ابار ایسوسی ایشن نمبر: ۲۰۹۶
 رابطہ نمبر: ۰۳۴۵ ۹۷۹۳ ۲۰۶

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروس ٹریبونل پشاور

دعویٰ نمبر: 512/2016	منجانب: ریسپانڈنٹ نمبر 6
موضوع: _____	محمد مصطفیٰ اللہ بنام ڈائریکشنل سروس ٹریبونل
مقام: _____	
تاریخ: _____	

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام پشاور میں کی گئی ہے۔ مستفیع اللہ خان ایڈووکیٹ کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برطاعت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں مد دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر جانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف و منول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

Accepted

المرقوم: 06-2-2017

محمد مصطفیٰ اللہ بنام ڈائریکشنل سروس ٹریبونل
 مقام

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 512 /2014.

Muhammad Asif VS Police Deptt: KPK etc.

**APPLICATION FOR FIXING AN EARLY
DATE OF HEARING INSTEAD OF
12.6.2014.**

R.SHEWETH.

- 1- That the above noted appeal is pending in preliminary hearing and fixed for 12.6.2014.
- 2- That the main issue in appeal is regarding the wrong seniority fixation and its effects on the service career of appellant.
- 3- That the urgent hearing of the case is requested because the appellant is facing loss of future career due to wrong fixation of respondents.
- 4- That since the important issue is involved in the appeal and the date fixed for preliminary hearing is too far.

Therefore to meet the ends of justice, it is prayed that the appeal may be fixed on an early date instead of 12.6.2014.

APPELLANT

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO 512 /2014.

Muhammad Asif VS Police Deptt: KPK etc.

APPLICATION FOR FIXING AN EARLY
DATE OF HEARING INSTEAD OF
12.6.2014.


R.SHEWETH.

- 1- That the above noted appeal is pending in preliminary hearing and fixed for 12.6.2014.
- 2- That the main issue in appeal is regarding the wrong seniority fixation and its effects on the service career of appellat.
- 3- That the urgent hearing of the case is requested because the appellat is facing loss of future career due to wrong fixation of respondents.
- 4- That since the important issue is involved in the appeal and the date fixed for preliminary hearing is too far.

Therefore to meet the ends of justice, it is prayed that the appeal may be fixed on an early date instead of 12.6.2014.

APPELLANT

THROUGH:


M.ASIF YOUSAFZAI

ADVOCATE.

تیت 50

45205



ایڈویکٹ: گوهر سلیم اختر

بار کونسل ایسوسی ایشن نمبر: 802

رابطہ نمبر: 03005902384

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر سید محمد اسحاق شاہ

منجانب: ریسپانڈنٹس 6c5

دعویٰ:

علت نمبر:

مورخہ:

جرم:

تھانہ:

عشر و عشرہ

محمد صدف بنام صنوبائی پور

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لٹاؤ کیلئے گوهر سلیم اختر کے اہم و قابل توجہ اصرار و کوشش کے

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 18-7-18

العبد _____ واہ شد _____ العبد

مقام لٹاؤ کے لیے منظور ہے۔

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Handwritten signature and notes on the right margin.

Alleged & accepted
Som

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

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR.**

Restoration Application no. 419/2018

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO.512/2014

Diary No. 2186

Dated 30/11/2018

M. Asif

V/S

Police
Deptt:

**APPLICATION FOR RESTORATION OF APPEAL NO.
512/2014 WHICH WAS DISMISSED ON DEFAULT VIDE
ORDER DATED 22.11.2018.**

RESPECTFULLY SHEWETH:

1. That the instant appeal No. 512/2014 was filed before this Honorable Tribunal against the order.
2. That the instant appeal was in Argument stage at principle Bench Peshawar, on date 22.11.2018 the counsel for the appellant waiting for the bench. The counsel wait till 10 O' Clock but the bench-II was not started and then move to Bench-I for Cases and the case was called for one time and dismissed on default on 22.11.2018 between 10:15 am to 10:25.
3. That it is in the interest of justice that the appeal should be dealt on merit rather to dismiss on default.

It is therefore, most humbly prayed, that the instant appeal No. 512/2014 may be restore on the acceptance of this application.

APPELLANT

M. Asif

Through:


M. ASIF YOUSAFZAI

&

Taimur Ali Khan
ADVOCATE, HIGH COURT
PESHAWAR.

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.**



Service Appeal No. 512 /2014

543
09/11/2014

Muhammad Asif, Inspector Legal No. B-36
Presently posted at Special Branch Peshawar.

Appellant

Versus

- 1) Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
- 2) Additional Inspector General of Police Special Branch.
- 3) Regional Police Officer, Bannu.
- 4) District Police Officer, Bannu.
- 5) Abdul Sattar Inspector Legal, Investigation wing CPO Peshawar.
- 6) Mir Faraz khan, Inspector Legal, Office of District Police Officer Bannu.

Respondents

**AN APPEAL UNDER SECTION 4 OF HE THE
NWFP (KPK) SERVICE TRIBUNAL ACT, 1947
AGAINST THE SENIORITY LIST OF
INSPECTOR LEGALS CIRCULATED VIDE
ENDORSEMNET NO.28512-20/E-II; DATED
20/11/2013 OF THE OFFICE OF
RESPONDENT NO. 1. COPY ENCLOSED AS
ANNEXURE-A. AND AGAINST NOT TAKING
ANY ACTION ON THE APPEAL OF
APPELLANT WITHIN STATUTORY PERIOD.**

22.11.2018

Appellant absent. Learned counsel for the appellant absent. The present case pertains to the year 2014. Mr. Riaz Paindakheil learned Assistant Advocate General present, however no one appeared on behalf of appellant despite repeated calls. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


Member

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar


Member

ANNOUNCED
22.11.2018

Before KP Service Tribunal Peshawar
Service appeal # 512/2014

Muhammad Asif vs PPO etc

Subject: Request for adjournment

R/sir,

It is submitted that the subject appeal is fixed for hearing today. My counsel Mr Goher Salim Afridi Advocate is engaged in the Fetcha of his relative and unable to attend the Tribunal for argument.

It is therefore prayed that the arguments in appeal may kindly be adjourned please

Yours?

Dated 30-11-2020

Mirfaraz Khan
DSP/L

(Private Respondent # 6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

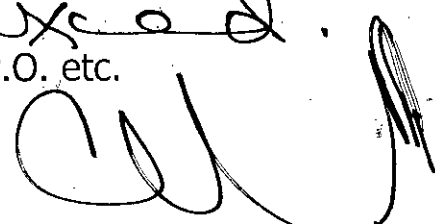
Appeal No.512/2014

Next Date 17.10.2014

Mr. Muhammad Asif

V/S

Notice to
the opposite
side for
the date
fixed.
P.P.O. etc.


27/8/14

.....
**APPLICATION FOR RESTRAINING THE
RESPONDENTS FROM PROMOTING THE PRIVATE
RESPONDENTS NO.5 AND 6 WHOSE SENIORITY IS
DISPUTED WITH THE APPELLANT TILL THE
DISPOSAL OF MAIN APPEAL.**

.....
RESPECTFULLY SHEWETH:

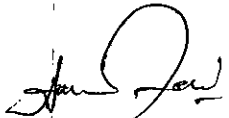
1. That the appellant has challenged the seniority list dated 20.11.2013 and claimed in Appeal that the respondents No.5 and 6 are junior to him.
2. That the said appeal was admitted to full hearing on 7.5.2014 and the next date fixed for the reply is 17.10.2014.
3. That the respondent department is intending to promote some officials to the rank of DSP in which the name of private respondent No.5 and 6 are also included. A copy of Circular is attached as Annexure-A-I.
4. That in the present situation, if the private respondents No.5 and 6 promoted to the next higher rank then the basic appeal of the appellant and his cause of action will suffer a lot. It is also worth to mention here that the issue will also give rise to multiple litigations and legal complications.

5. That as Government instructions circulated in the ESTA CODE for promotions and guidelines for DPC/PSB in Para-No.3(c), the DPC/PSB will defer the cases of promotion if inter-se-seniority is disputed/subjudiced, departmental proceedings are pending and CR Dossier ACR are incomplete. Thus, keeping in view guidelines of the government, the respondents are required not to consider the promotion of the private respondents as their inter-se-seniority is under dispute and subjudice before this august Tribunal.

It is, therefore, most humbly prayed that the official respondents may be restrained from promotion the private respondent No.5 and 6 to the rank of DSP till the disposal of main appeal, keeping in view the above submission. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of appellant.

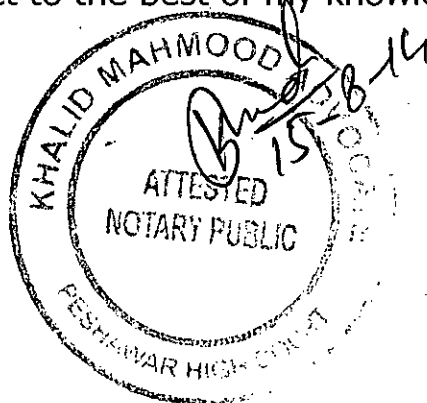
Applicant/Appellant
Muhammad Asif

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR

AFFIDAVIT:

It is affirmed and declared that the contents of the above Application are true and correct to the best of my knowledge and belief.




DEPONENT



A-1

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

No. 4066-82/SE-I,

Dated Peshawar 8 August 2014.

To : The Additional Inspector General of Police,
Special Branch, FRP, Elite Force, Operation
& Investigation Khyber Pakhtunkhwa, Peshawar.

BY FAX:

The Capital City Police Officer
Peshawar.

The All Regional Police Officers,
Khyber Pakhtunkhwa.

The DIG of Police,
CTD, Telecommunication, Traffic, E&I.

The Commandant PTC Hangu

Subject: PROMOTION AS INSPECTOR TO DSP

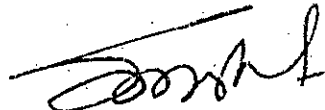
Memo:

Please refer to seniority list of Inspector issued vide this office No. 370-90/E-II, dated 09.05.2014 and Inspector/Legal seniority list No. 28512-20/E-II, dated 20.11.2013.

2. Promotion case of senior most 70 Inspectors (Executive) and 15 Inspector/Legal on seniority list cited above are to be discussed in the DSC meeting, which will be held shortly. No Departmental Enquiry Certificate have already been asked vide this office letter No. 1498-1509 dated 06.05.2014 but any enquiry etc from May 2014 till to-date is started against the Officers be communicated through Fax at the earliest.

3. Moreover, fresh passport size photograph of the above 70 Inspectors (Executive) and 15 Inspector/Legal be forwarded through special messenger. The Inspector Executive/Legal who have not furnished their medical fitness certificate be directed to furnish it.

4. Inspector Aslam Khan of FSL case for promotion will also be discussed in the DSC, therefore, the above information may also be furnished.


(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to:-

Office Superintendent Secret CPO Peshawar. He may submit synopsis of the remaining

LIST OF INSPECTORS LEGAL OF KHYBER PAKHTUNKHWA.

S. No	Name & No.	Education Qualification	Home Dist:	Date of Entistment	Date of confirmation SI/Legal	Date of promotion to List "F"	Date of Promotion as Inspector Legal	Date of confirmation as Inspector Legal	Place of posting	Date of Present Posting
1.	Abdul Sattar No. B/62	BA/LLB	Bannu	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008	Bannu	17.09.2012
2.	Imtiaz Ali No. D/27	BA/LLB	Bannu	09.01.1884	09.01.1884	01.08.1987	3.12.1991	24.05.2008	DIKhan	03.12.1991
3.	Javed Ahmad No. D/28	BA/LLB	DIKhan	21.09.1989	21.09.1989	06.11.1994	05.03.2009		DIKhan	05.03.2009
4.	Ghulam Hussain No. D/54	BA/LLB	DIKhan	27.04.1983	01.07.1992	09.07.1991	20.07.2007	31.10.2013	Karak	27.07.2013
5.	Abdul Sattar No. K/02	BA/LLB	Karak	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013	CPO/Inv:	01.12.2013
6.	Abdul Aziz No. B/34	BA/LLB	Bannu	01.06.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013	Bannu	19.11.2007
7.	Mir Faraz No. B/38	BA/LLB	Bannu	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013	Lakki	11.03.2014
8.	Muhammad Asif No. B/36	BA/LLB	Lakki	17.04.1993	17.04.1993	12.01.1997	15.02.2008	31.10.2013	Spl: Branch	15.02.2008
9.	Sohail Afzal No. B/33	BA/LLB	Bannu	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013	Anti-currup:	19.11.2007
10.	Bashir Ahmad No. P/100	BA/LLB	Dir	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013	CCPO Pesh:	31.03.2009
11.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	08.10.1992	08.10.1992	30.07.2008	30.07.2008		PTC Hangu	11.03.2014
12.	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013	Kohat	15.08.2010
13.	Ibrahimullah No. K/55	BA/LLB	Kohat	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013	Kohat	03.08.2009