


# FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_

1047/2023


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 08/05/2023                | <p>The appeal of Mr. Damsaz Khan resubmitted today by Mr. Nazir Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>16-05-23</b></p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> |

The appeal of Mr. Damsaz Khan son of Shama Raz Khan Sub-Inspector Mardan Region received today i.e. on 03.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of seniority list dated 6.5.2015 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Copy of revised seniority list (Annexure-B) mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it. ✓

No. 1334 /S.T,

Dt. 5/5 /2023.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Nazir Ahmad Adv.  
High Court Peshawar.

*For,*

*This was a clerical mistake, which is  
benign. He had a copy of the list  
which to be returned  
Re. Seniority (Page 52 may be read for  
the purpose)*

*Muz*  
*8/5/23*

(1)

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No 1047 /2023

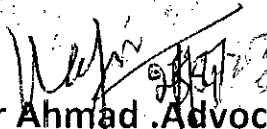
Damsaz Khan S/O Shama Raz Khan Versus Govt. of KPK  
through IGP and another

**INDEX**

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| 1      | Memo of Appeal and Affidavit  | --       | 1-5   |
| 2      | Copy of CV , appointment letter dated 27.12 2010 along with Notification dated 3.6.2016 | A        | 6-20  |
| 3      | Copy of revised seniority list , judgments of the tribunal and courts                   | B        | 21-56 |
| 4      | Departmental appeal / rejection   | C        | 57-59 |
| 5      | Committee report  | D        | 60-63 |
| 6      | Wakalat nama  |          | 64    |

  
Appellant

Through

  
Nazir Ahmad .Advocate,  
High Court Peshawar .  
Cell: 0301-8571879  
0832-8540783.

Before the KP Service Tribunal Peshawar

Service Appeal No <sup>1047</sup> /2023

Damsaz Khan S/O Shama Raz Khan sub Inspector R/O Sarmast  
Mirza Khel, District Bannu presently posted in Mardan Region .  
..... Appellant

Vs

1. Government of Khyber Pakhtunkhwa through Inspector General of Police KP Peshawar.
2. Regional Police Officer ( RPO) Region Bannu.... Respondents

Appeal under Section 4 of the KP Service Tribunal Act 97.11.2020

I. Against the seniority list No <sup>1582</sup> ~~82725~~ /Ec dated ~~8.5.2014~~ <sup>27.3.2023</sup> *lyze*  
issued by the Respondents:

Whereby the Appellant been enlisted in the department on 10.2.2011 as ASI and confirmed w.e.f the same date but is entered in list, E, on 8.5,2014 instead of 10.2.2011 against the service Rules consequent upon affecting his seniority and

II. inaction of the Respondents on departmental Appeal no 900/Ec dated 27.3.2023 of the Appellant.

Prayer:

On acceptance of this Appeal

A. The Appellant may be enlisted in list E w.e.f. 10.2.2011.

B. The appellant officiating Notification dated 3.6 2016 to the rank of sub inspector may be revised , be given effect from 10.2.2011. may be confirmed as sub Inspector under the relevant provision of Police Rules consequent thereof be placed in seniority list accordingly and any order affecting his seniority may be set aside ,with all consequential benefits in the best interest of justice.

Respectfully Sheweth:

1. That the Appellant is Master in Commerce with all the required training been acquired, been recommended by Public service Commission vide letter dated 15.12.2010 ,with date of enlistment in the department is 10.2.2011 , date of

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confirmation as ASI 10.2.2011 but date of entry to list E is written 8.5.2014 against the established Rule.

2. That the appellant is promoted as officiating Sub Inspector vide Notification dated 3.6.2016.

**( Copy of CV , appointment letter dated 27.12 2010 along with Notification dated 3.6.2016 is attached as Annexure A).**

3. That the Respondent Department irrespective of the date of confirmation of the appellant which is 10.2.2011 entered his name to list E on 8.5.2014 and issued seniority list with no copy or information to the appellant annually which is against the Rules and is impugned.

4. That during this time other civil servant similarly placed to the Appellant filed appeals before the Tribunal and even some of them filed a writ petition in the high court which are allowed and accepted and the appellant / petitioners are granted the relief as prayed for.

**(Copy of revised seniority list , judgments of the tribunal and courts etc are attached as Annexure B).**

5. That the Appellant filed departmental Appeal on 14.3.2023 but was regretted on 27.3.2023.

**( Departmental appeal and its rejection is attached as Annexure C)**

Being aggrieved of the final order of the Respondents for not treating the Appellant at par with his other similarly placed so this Appeal before this Tribunal is preferred inter alia on the following grounds.

**Grounds :**

- A. That the supreme Court of Pakistan in its judgment **2009 SCMR 1** and even in Hameed Akhtar Niazi case has held that if a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil servant who litigated and there were other civil servants who may not have taken any legal proceedings in such a case the dictates of justice and rule of good governance demand that the benefit of the said decision may be

extended to other civil servants also who may not be parties to that litigation. The case of the appellant and those who litigated earlier and relief is granted to them by the Tribunal have a similar case and are governed by the same terms and conditions of service.


- B. That the principal of consistency demand that the same placed person or civil servants may be treated similarly so the Appellant case being similar therefore the same relief may be extended to him without any discrimination.
- C. That as per rule list E of all Assistant sub inspectors having been approved by the Respondent No-2 shall be maintained in the card index form and be published in official; gazette annually in accordance with Rule 13.11 of Police Rule 1934 , the entry therein shall be made from the date of confirmation. The Respondent has not issued the same list so has violated the rules.
- D. That the impugned list is prepared in blatant violation of rules and is for the benefit of some blue eyed person therefore requires rectification.
- E. The rule 12.2(3) provided criteria for determination of seniority from the date of confirmation.

**(Committee report is annexed as Annexure D)**

**Therefore it is humbly prayer that the Appeal may be accepted with a prayer as above**

  
Appellant

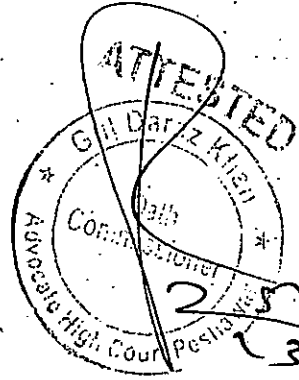
Through

  
Nazir. Ahmad Advocate  
High Court Peshawar.

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**Affidavit**

I Nazir Ahmad advocate on the instruction of my client hereby declare on oath that the contents of this appeal are correct and nothing is kept concealed from this Tribunal.

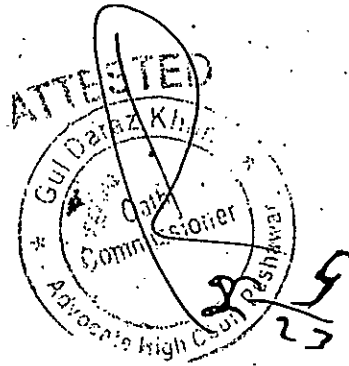


*Nazir Ahmad*  
Deponent

**Certificate**

This is Certified that the appellant has not filed any appeal in respect of the same subject matter before this one.

*Nazir Ahmad*  
Appellant



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**Damsaz Khan**

*Razvanob*



**Personal Information:**

- ❖ **Father's Name:** Shamaraz Khan
- ❖ **Religion:** Islam
- ❖ **Date of Birth:** 05.01.1985
- ❖ **Nationality:** Pakistani
- ❖ **Contact No:** 0331-9397152
- ❖ **CNIC #:** 11101-1901621-1
- ❖ **Material Status:** Married.
- ❖ **Gender:** Male
- ❖ **Mailing Address:** Mira Khel Kalan, P/O Mira Khel Bannu.

*Attest  
Razvanob*

**Academic Qualification:**

- **Master of Commerce (Accounting).**
- **Appointed as Direct ASI through public Service Commission on 10.02.2022 (121/B).**
- **Promoted as Sub-Inspector w.e.f 28.03.20216.**
- **Present Posting in Mardan Region.**

*Note Confirmed as ASI from the date of appointment and admitted to List (E) w.e.f 14.05.2014.*

**Basic Course:**

- **Lower & Intermediate Course**
- **Upper College School Course Year-2022**



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**Departmental Courses:**

| S#                 | Name of Training School              | Name of Course                 | Duration of Course | Marks Obtained |
|--------------------|--------------------------------------|--------------------------------|--------------------|----------------|
| 1                  | Intelligence Awareness Course-25     | P.S of intelligence Abbottabad | 02 Weeks           | 02             |
| 2                  | Target Hardening and Tactical course | P.S of Tactics Hayatabad Pesh; | -do-               | 02             |
| 3                  | Professional Computer Course         | P.S of IT Peshawar             | -do-               | 02             |
| 4                  | Mid level management                 | PORM Mardan                    | 01 week            | 01             |
| 5                  | Intelligence awareness-56            | P.S of Intelligence Abbottabad | 02 weeks           | 02             |
| 6                  | Case file management course          | Police School of Inv; KP       | 01 week            | 01             |
| <b>Total Marks</b> |                                      |                                |                    | <b>10</b>      |

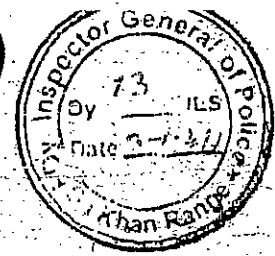
*Abdul Haseeb*

**Posting Chart**

| Sr.No | Place of Posting  | From       | To         |
|-------|---|------------|------------|
| 1     | SHO PS Ghazni Khel  | 23.01.2019 | 11.04.2019 |
| 2     | Transfer to CTD KPK vide CPO Memo No.956 dt; 10.04.2019                   |            |            |
| 3     | Received on transfer from CTD KPK on 05.12.2019                           |            |            |
| 4     | SHO PS Ghazni Khel  | 06.12.2019 | 06.05.2020 |
| 5     | SHO PS Naurang  | 13.05.2020 | 30.08.2020 |
| 6     | SHO PS Lakki  | 31.08.2020 | 12.09.2020 |
| 7     | Upper Course PTC Hangu  | 13.09.2020 |            |
| 8     | SHO PS Lakki  | 30.12.2020 | 27.01.2021 |
| 9     | Transferred to FRP KPK Peshawar on 28.01.2021                             |            |            |
| 10    | SHO PS Bragi (on loan from FRP KPK)                                       | 24.08.2021 | 08.12.2021 |
| 11    | SHO PS Ghazni Khel  | 09.12.2021 | 28.03.2022 |
| 12    | SHO PS Lakki  | 29.03.2022 | 28.08.2022 |
| 13    | SHO PS Naurang  | 29.08.2022 | 28.09.2022 |
| 14    | SHO PS Pezu   | 29.09.2022 | 20.11.2022 |
| 15    | SHO PS Lakki  | 21.11.2022 | 24.01.2023 |
| 16    | SHO PS Pezu   | 25.01.2023 | 11.04.2023 |
| 17    | <b>Transferred to Mardan Region vide CPO Order No. 897 dt; 03.04.2023</b> |            |            |

From :

The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar



To :

The Capital City Police Officer,  
Peshawar

The Deputy Inspector General of Police,  
Mardan Region.

The Deputy Inspector General of Police,  
Malakand Region.

The Deputy Inspector General of Police,  
Kohat Region.

The Deputy Inspector General of Police,  
Bannu Region.

✓ The Deputy Inspector General of Police,  
DIKhan Region

The Deputy Inspector General of Police,  
Hazara Region, Abbottabad.

No. 28334-43 /E-II, dated: Peshawar the 27/12/2010

Subject: RECRUITMENT TO THE POST OF '115' MALE ASSISTANT  
SUB INSPECTOR BPS-9 IN POLICE DEPARTMENT  
(ADVERTISEMENT NO. 4/2008) S/NO. 1

Memo:

Consequent upon recommendation of Khyber Pakhtunkhwa Public Service Commission vide letter No. NWFP PSC-Exam-ASI. 08-09/60997 dated 15.12.2010 the following candidates are hereby approved as Assistant Sub-Inspectors BPS-09 (3820-230-10720) against the 25% quota reserved for direct appointment in Police Department vide Govt. of Khyber Pakhtunkhwa Home & TAs Department, letter No. SO (Police) HD/3-22/2000 dated 17.10.2003.

| S/NO | NAME                     | FATHER'S NAME             | DISTRICTS                 |
|------|--------------------------|---------------------------|---------------------------|
| 1.   | Azaz Alam Khan Khalil    | Mawaz Alam Khan Khalil    | Peshawar                  |
| 2.   | Imtiaz Ahmad             | Liaqat Ali                | Peshawar                  |
| 3.   | Asif Ali Khan            | Fazal Ali Khan            | Peshawar                  |
| 4.   | Saleem Khan              | Norang Khan               | Peshawar                  |
| 5.   | Inamullah                | Haji Muhammad             | Peshawar                  |
| 6.   | Muhammad Asif Khan       | Ghulam Muhammad           | Peshawar                  |
| 7.   | Ayub Khan                | Mian Khan                 | Peshawar                  |
| 8.   | Qazi Muhammad Arif       | Qazi Ghulam Sarwar        | Khyber Agency<br>Peshawar |
| 9.   | Mumtaz Khan              | Musharaf Khan             | Khyber Agency<br>Peshawar |
| 10.  | Bilal Hussain            | Muhammad Israr            | Mohmand Agency            |
| 11.  | Abdul Wahid Jalal Khan   | Javed Jalal Khan          | Charsadda                 |
| 12.  | Muhammad Mubarak Zeb Oul | Badshah Gul               | Charsadda                 |
| 13.  | Saeed Jan                | Ibrahim Jan               | Charsadda                 |
| 14.  | Muhammad Ashfaq          | Zakirullah Khan           | Charsadda                 |
| 15.  | Ahmedullah Khan          | Kiramatullah Khan         | Charsadda                 |
| 15.  | Muhammad Waqas Yousaf    | Haji Muhammad Yousaf Khan | Nowshera                  |

Attested

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|     |                        |                          |                 |
|-----|------------------------|--------------------------|-----------------|
| 17. | Muhammad Avaz          | Samir Gul                | Nowshera        |
| 18. | Mamoon Rashid          | Mian Anwar Shah          | Nowshera        |
| 19. | Adil Sayed             | Saved Liaqat Shah        | Nowshera        |
| 20. | Syed Asghar Khan       | Syed Anwar Khan          | Nowshera        |
| 21. | Rahmat Ali             | Gul Said                 | Mardan          |
| 22. | Dawood Khan            | Tawab Khan               | Mardan          |
| 23. | Mian Shah Faisal       | Mian Ahabab Gul          | Mardan          |
| 24. | Taimur Saleem Khan     | M. Saleem Khan           | Mardan          |
| 25. | Arshad Ali             | Faqir Muhammad           | Mardan          |
| 26. | Khaista Rahman         | Fazl-e-Rahman            | Mardan          |
| 27. | Bilal Hussain          | Jehanzeb                 | Mardan          |
| 28. | Ajab Khan              | Afsar Khan               | Swabi           |
| 29. | Naem                   | Ali Said                 | Swabi           |
| 30. | Muhammad Asghar Khan   | Inam Gul                 | Swabi           |
| 31. | Naveed Alam            | Sher Alam Khan           | Swabi           |
| 32. | Nadeem Ahmad Turk      | Fazal Rabbi Turk         | Swabi           |
| 33. | Asif Ali               | Muhammad Ayub Sami       | Swabi           |
| 34. | Asif Ali               | Muhammad Wali            | Malakand Agency |
| 35. | Fazli Naem             | Ghulam Qadar             | Malakand Agency |
| 36. | Bahadar Shah           | Zahir Shah               | Swat            |
| 37. | Nasir Rafique          | Muhammad Rafique         | Swat            |
| 38. | Sohail Khan            | Jehanzeb Khan            | Swat            |
| 39. | Akhtar Ayub            | Muhammad Harif Khan      | Swat            |
| 40. | Imtiaz Ali             | Sher Ali Khan            | Swat            |
| 41. | Mujeeb Alam Khan       | Rahmat Ali Khan          | Swat            |
| 42. | Saleem Yousaf          | Muhammad Yousaf Jan      | Swat            |
| 43. | Afsan                  | Hajat Khan               | Bunir           |
| 44. | Inam ul Haq            | Abdul Haq                | Bunir           |
| 45. | Sher Ali               | Mamood Shah              | Bunir           |
| 46. | Muhammad Yasir         | Muhammad Yousaf          | Dir Upper       |
| 47. | Farmanullah Akbar      | Muhammad Akbar Khan      | Dir Upper       |
| 48. | Salman Arshad          | Muhammad Tahir           | Dir Upper       |
| 49. | Ahmad Jari             | Ali Ahmad                | Bajur Agency    |
| 50. | Muhammad Idrees        | Amir Badshah             | Bajur Agency    |
| 51. | Shah Hassan            | Shah Hussain             | Bajur Agency    |
| 52. | Shah Faisal            | Muhammad Zuber           | Dir Lower       |
| 53. | Muhammad Ali           | Muhammad Ayub            | Dir Lower       |
| 54. | Fazal Ghafoor          | Haroon Said              | Dir Lower       |
| 55. | Muhammad Ikramullah    | Izatullah                | Dir Lower       |
| 56. | Munir ul Mulik         | Mobin ul Mulik           | Chitral         |
| 57. | Amanullah              | Azizullah Khan           | Chitral         |
| 58. | Mahboob-ur-Rehman      | Taj Biland               | Shangla         |
| 59. | Fayaz Khan             | Shah Iran                | Kohat           |
| 60. | Nasir Shah             | Amir Badshah             | Kohat           |
| 61. | Waqar Ahmiad Afridi    | Gulma Khan               | FR Kohat        |
| 62. | Tariq Mehmood          | Khalil Mehmood           | Hangu           |
| 63. | Habibullah Khan        | Inayatullah Khan         | Karak           |
| 64. | Zafar Ali Khan         | Mumat Ali Khan           | Karak           |
| 65. | Nabi Rehman            | Haji Gul Rehman          | Kurram Agency   |
| 66. | Muhammad Waqas Khan    | Muhammad Azim Khan       | Orakzai Agency  |
| 67. | Muhammad Naem Khan     | Mir Sarwar Khan          | Bannu           |
| 68. | Hamidullah Khan        | Khairullah Khan          | Bannu           |
| 69. | Muhammad Zaheer Khan   | Professor Rast Amal Khan | Bannu           |
| 70. | Altaf-ur-Rehman Wazir  | Ghani-ur-Rehman          | FR Bannu        |
| 71. | Damsaz Khan            | Shanaraz Khan            | Bannu           |
| 72. | Raham Dil Khan         | Gulab Khan               | Bannu           |
| 73. | Furgan Javed           | Younis Javed Mirza       | Bannu           |
| 74. | Irfanullah             | Naseer Ullah Khan        | Lakki           |
| 75. | Asmatullah             | Syed Rasool              | Lakki           |
| 76. | Inayat Ali Amjad       | Mumtaz Khan              | Lakki           |
| 77. | Muhammad Javed         | Gul Roshan               | Lakki           |
| 78. | Muhammad Kamran        | Hassan Khan              | Lakki           |
| 79. | Abid Iqbal             | Malik Rabnawaz           | Dikhan          |
| 80. | Muhammad Anwar Khattak | Muhammad Aslam Khattak   | Dikhan          |
| 81. | Ineesul Hassan         | Murid Hassan             | Dikhan          |
| 82. | Muhammad Basharat Khan | Muhammad Azmat Khan      | FR Tank         |

Altaf-ur-Rehman Wazir

Altaf-ur-Rehman Wazir

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|      |                        | Rabnawaz Khan          | South Waziristan Agency |
|------|------------------------|------------------------|-------------------------|
| 83.  | Saleem Ullah           | Sardar Asmatullah Khan | North Waziristan Agency |
| 84.  | Sardar Azimullah Khan  | Muhammad Nazir         | Mansehra                |
| 85.  | Amir Hussain           | Syed Rafique Hussain   | Mansehra                |
| 86.  | Syed Asim Imam Bukhari | Shah                   | Mansehra                |
| 87.  | Yasir                  | Bakhtiar Khan          | Mansehra                |
| 88.  | Asad                   | Muhammad Farooq        | Mansehra                |
| 89.  | Amir Ashfaq            | Ashfaq Ahmad           | Mansehra                |
| 90.  | Hadi Paristan          | Paristan Khan Tanoli   | Mansehra                |
| 91.  | Nasir Khan             | Abdullah Khan          | Mansehra                |
| 92.  | Anas                   | Abdul Jalil            | Mansehra                |
| 93.  | Tahir Iqbal            | Muhammad Iqbal         | Abbottabad              |
| 94.  | Nadir Khan             | Shamrez Khan           | Abbottabad              |
| 95.  | Noman Javed            | Javed Iqbal            | Abbottabad              |
| 96.  | Sardar Tahir Saleem    | Sadar Saleem Zahoore   | Abbottabad              |
| 97.  | Wajid Hussain          | Muhammad Ashraf        | Abbottabad              |
| 98.  | Shahzad Khan           | Jamshid Khan           | Abbottabad              |
| 99.  | Mehtab Nazir           | Muhammad Nazir         | Abbottabad              |
| 100. | Khizar Khan Jadoon     | Muhammad Asif Khan     | Abbottabad              |
| 101. | Faisal Hafeez          | Jadoon                 | Haripur                 |
| 102. | Muhammad Saddique      | Hafeez-ur-Rehman       | Haripur                 |
| 103. | Ijaz Ali               | Ali Ahmad              | Haripur                 |
| 104. | Ghazanfar Ali          | Shah Saood             | Haripur                 |
| 105. | Arshad Iqbal           | Qamarzia Turabi        | Battagram               |
| 106. | Syed Imtiaz Ali Shah   | Sarfraz Khan           | Battagram               |
| 107. | Muhammad Imtiaz Khan   | Muhammad Sahib Shah    | Kohistan                |
| 108. | Muhammad Haque Hashmi  | Sabir Khan             | Kohistan                |
| 109. | Khalil ur Rehman       | Muhammad Shir          | Kohistan                |
| 110. | Muhammad Nawaz         | Abdul Qadar            | Kohistan                |
|      |                        | Ghulam Sarwar          | Kohistan                |

On appointment they are posted to the region/districts as noted against their names:-

| S/NO | NAMES                    | REGION/DISTRICTS              |
|------|--------------------------|-------------------------------|
| 1.   | Azaz Alam Khan Khalil    | CCP / Peshawar                |
| 2.   | Imtiaz Ahmad             | CCP / Peshawar                |
| 3.   | Asif Ali Khan            | CCP / Peshawar                |
| 4.   | Saleem Khan              | CCP / Peshawar                |
| 5.   | Inamullah                | CCP / Peshawar                |
| 6.   | Muhammad Asif Khan       | CCP / Peshawar                |
| 7.   | Ayub Khan                | CCP / Peshawar                |
| 8.   | Qazi Muhammad Arif       | CCP / Peshawar                |
| 9.   | Mumtaz Khan              | CCP / Peshawar                |
| 10.  | Bilal Hussain            | CCP/Charsadda                 |
| 11.  | Abdullah Jalal Khan      | CCP/Charsadda                 |
| 12.  | Muhammad Mubarak Zeb Gul | CCP/Charsadda                 |
| 13.  | Saeed Jan                | CCP/Charsadda                 |
| 14.  | Muhammad Ashfaq          | CCP/Charsadda                 |
| 15.  | Ahmadullah Khan          | CCP/Nowshera                  |
| 16.  | Muhammad Waqas Younis    | CCP/Nowshera                  |
| 17.  | Muhammad Avaz            | CCP/Nowshera                  |
| 18.  | Mamoon Rashid            | CCP/Nowshera                  |
| 19.  | Adil Sayed               | CCP/Nowshera                  |
| 20.  | Syed Asghar Khan         | Mardan Region/Mardan District |
| 21.  | Rahmat Ali               | Mardan Region/Mardan District |
| 22.  | Darwood Khan             | Mardan Region/Mardan District |
| 23.  | Mian Shah Faisal         | Mardan Region/Mardan District |
| 24.  | Taimur Saleem Khan       | Mardan Region/Mardan District |
| 25.  | Arshad Ali               | Mardan Region/Mardan District |
| 26.  | Khaista Rahman           | Mardan Region/Mardan District |
| 27.  | Bilal Hussain            | Mardan Region/Mardan District |
| 28.  | Ajab Khan                | Mardan Region/Swabi District  |
| 29.  | Nasim                    | Mardan Region/Swabi District  |
| 30.  | Muhammad Asghar Khan     | Mardan Region/Swabi District  |

Attest  
[Signature]

[Signature]

|     |                         |                                    |
|-----|-------------------------|------------------------------------|
| 31. | Naveed Alam             | Mardan Region/Swabi District       |
| 32. | Nadeem Ahmad Turk       | Mardan Region/Swabi District       |
| 33. | Asif Ali                | Mardan Region                      |
| 34. | Asif Ali                | Mardan Region                      |
| 35. | Fazil Nadeem            | Malakand Region/Swat District      |
| 36. | Bahadar Shah            | Malakand Region/Swat District      |
| 37. | Nasir Rafique           | Malakand Region/Swat District      |
| 38. | Sohail Khan             | Malakand Region/Swat District      |
| 39. | Akhtar Ayub             | Malakand Region/Swat District      |
| 40. | Imtiaz Ali              | Malakand Region/Swat District      |
| 41. | Mujeeb Alam Khan        | Malakand Region/Bunir District     |
| 42. | Saleem Yousaf           | Malakand Region/Bunir District     |
| 43. | Afsan                   | Malakand Region/Bunir District     |
| 44. | Inam ul Haq             | Malakand Region/Dir Upper District |
| 45. | Sher Ali                | Malakand Region/Dir Upper District |
| 46. | Muhammad Yasir          | Malakand Region/Dir Upper District |
| 47. | Farmanullah Akbar       | Malakand Region                    |
| 48. | Salman Arshad           | Malakand Region                    |
| 49. | Ahmad Jan               | Malakand Region                    |
| 50. | Muhammad Idrees         | Malakand Region/Dir Lower District |
| 51. | Shah Hassan             | Malakand Region/Dir Lower District |
| 52. | Shah Faisal             | Malakand Region/Dir Lower District |
| 53. | Muhammad Ali            | Malakand Region/Dir Lower District |
| 54. | Fuzal Ghafoor           | Malakand Region/Chitral District   |
| 55. | Muhammad Ikramullah     | Malakand Region/Chitral District   |
| 56. | Munir ul-Mulik          | Malakand Region/Shangla District   |
| 57. | Amanullah               | Kohat Region/Kohat District        |
| 58. | Mahboob-ur-Rehman       | Kohat Region/Kohat District        |
| 59. | Fayaz Khan              | Kohat Region/Kohat District        |
| 60. | Nasir Shah              | Kohat Region/Hangu District        |
| 61. | Waqar Ahmad Afridi      | Kohat Region/Karak District        |
| 62. | Tariq Mehmood           | Kohat Region/Karak District        |
| 63. | Habibullah Khan         | Kohat Region                       |
| 64. | Zafar Ali Khan          | Kohat Region                       |
| 65. | Nabi Rehman             | Bannu Region/Bannu District        |
| 66. | Muhammad Waqas Khan     | Bannu Region/Bannu District        |
| 67. | Muhammad Naeem Khan     | Bannu Region/Bannu District        |
| 68. | Hamidullah Khan         | Bannu Region/Bannu District        |
| 69. | Muhammad Zaheer Khan    | Bannu Region/Bannu District        |
| 70. | Altaf-ur-Rehman Wazir   | Bannu Region/Bannu District        |
| 71. | Damsaz Khan             | Bannu Region/Bannu District        |
| 72. | Raham Dil Khan          | Bannu Region/Lakki District        |
| 73. | Furqan Javed            | Bannu Region/Lakki District        |
| 74. | Irfanullah              | Bannu Region/Lakki District        |
| 75. | Asmatullah              | Bannu Region/Lakki District        |
| 76. | Inayat Ali Amjad        | Bannu Region/Lakki District        |
| 77. | Muhammad Javed          | DIKhan Region/DIKhan District      |
| 78. | Muhammad Kamran         | DIKhan Region/DIKhan District      |
| 79. | Abid Iqbal              | DIKhan Region/DIKhan District      |
| 80. | Muhammad Anwar Khattak  | DIKhan Region/Tank District        |
| 81. | Ineesul Hassan          | DIKhan Region                      |
| 82. | Muhammad Basharat Khan  | DIKhan Region                      |
| 83. | Saleem Ullah            | Hazara Region/Mansehra District    |
| 84. | Sardar Azimullah Khan   | Hazara Region/Mansehra District    |
| 85. | Amir Hussain            | Hazara Region/Mansehra District    |
| 86. | Syed Asim Imam Bulkhari | Hazara Region/Mansehra District    |
| 87. | Yasir                   | Hazara Region/Mansehra District    |
| 88. | Asad                    | Hazara Region/Mansehra District    |
| 89. | Amir Ashfaq             | Hazara Region/Mansehra District    |
| 90. | Hadi Paristan           | Hazara Region/Mansehra District    |
| 91. | Nasir Khan              | Hazara Region/Mansehra District    |
| 92. | Anas                    | Hazara Region/Mansehra District    |
| 93. | Tariq Iqbal             | Hazara Region/Abbottabad District  |
| 94. | Nadir Khan              | Hazara Region/Abbottabad District  |
| 95. | Noman Javed             | Hazara Region/Abbottabad District  |
| 96. | Sardar Tahir Saleem     | Hazara Region/Abbottabad District  |
| 97. | Wajid Hussain           | Hazara Region/Abbottabad District  |

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Page No (12)

|      |                       |                                   |
|------|-----------------------|-----------------------------------|
| 98.  | Shahzad Khan          | Hazara Region/Abbottabad District |
| 99.  | Mehrab Nazir          | Hazara Region/Abbottabad District |
| 100. | Khizar Khan Jadoon    | Hazara Region/Haripur District    |
| 101. | Faisal Hafeez         | Hazara Region/Haripur District    |
| 102. | Muhammad Saddique     | Hazara Region/Haripur District    |
| 103. | Ijaz Ali              | Hazara Region/Haripur District    |
| 104. | Ghazanfar Ali         | Hazara Region/Battagram District  |
| 105. | Arshad Iqbal          | Hazara Region/Battagram District  |
| 106. | Syed Imtiaz Ali Shah  | Hazara Region/Kohistan District   |
| 107. | Muhammad Imtiaz Khan  | Hazara Region/Kohistan District   |
| 108. | Muhammad Haque Hashmi | Hazara Region/Kohistan District   |
| 109. | Khalil ur Rehman      | Hazara Region/Kohistan District   |
| 110. | Muhammad Nawaz        | Hazara Region/Kohistan District   |

Necessary Notification regarding their appointment may please be issued subject to Medical Fitness and verification of antecedent under the relevant rules and prescribed manner under intimation to all concerned. Their applications, together other relevant documents are also sent herewith for placing in their Character Roll/ Service Roll.

Merit list of all the recommendees will also be conveyed later on receipt from Khyber Pakhtunkhwa Public Service Commission. The serial chronological order will not confer any right of seniority.

*Encl applicational document  
Other documents*

(SAJID ALI KHAN)  
DIG/Headquarters,  
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar

No. \_\_\_\_\_/E-II,

Copy of above is forwarded for information and necessary action to the Director Examination Khyber Pakhtunkhwa Public Service Commission w/r to his above quoted reference.

*Alleged*  
*Aggr*

(SAJID ALI KHAN)  
DIG/Headquarters,  
For Provincial Police Officer,  
Khyber Pakhtunkhwa  
Peshawar

*Copy of above document is sent to DPO/Minister's Office for information and action*

*DIG/Minister*



(15)  
**FOR PUBLICATION IN KPK POLICE GEZETIET PART II ORDER PASSED BY THE  
 DISTRICT POLICE OFFICER, LAKKI MARWAT**

**NOTIFICATION:**

Dated Lakki Marwat the 31/6/2016

Page No 38

No. 3000 **PROMOTION:** The following confirmed Assistant Sub Inspectors on list "E" of this District were promoted to the rank of Officiating Sub Inspectors under Police Rules 13-10(1) in DPC meeting held at Region Office Bannu on 16.03.2016 vide Order Endst: No. 936-37 dated 28.03.2016, Order Endst: No. 938-43/EC dated 28.03.2016, Order Endst: No. 1085-86/EC and Order Endst: No. 1415-16/EC dated 18.05.2016.

| S. No. | Name & Rank                                 |
|--------|---|
| 1.     | OSI Mir Ali No.46/B/CTD                     |
| 2.     | OSI Sana Ullah No.126/B/CTD                 |
| 3.     | OSI Muhamnad Ali No.138/B / Inv. Wing Lakki |
| 4.     | OSI Sarwar Shah No.141/B /Special Branch    |
| 5.     | OSI Hati Khan No.144/B/CTD                  |
| 6.     | OSI Abdul Hai No.151/B/CTD                  |
| 7.     | OSI Abbul Khanan No.154/B                   |
| 8.     | OSI Ihsan Ullah No.94/B/CTD                 |
| 9.     | OSI Irfan Ullah No.106/B/Elite Force        |
| 10.    | OSI Hameed Ullah No.112/B                   |
| 11.    | OSI Muhammad Zaheer No.102/B                |
| 12.    | OSI Damsaz Khan No.121/B                    |
| 13.    | OSI Furqan Javid No.105/B ✓                 |
| 14.    | OSI Asmat Ullah No.107/B/Elite Force        |
| 15.    | OSI Waheed Noor No.93/B                     |

3-6-2016

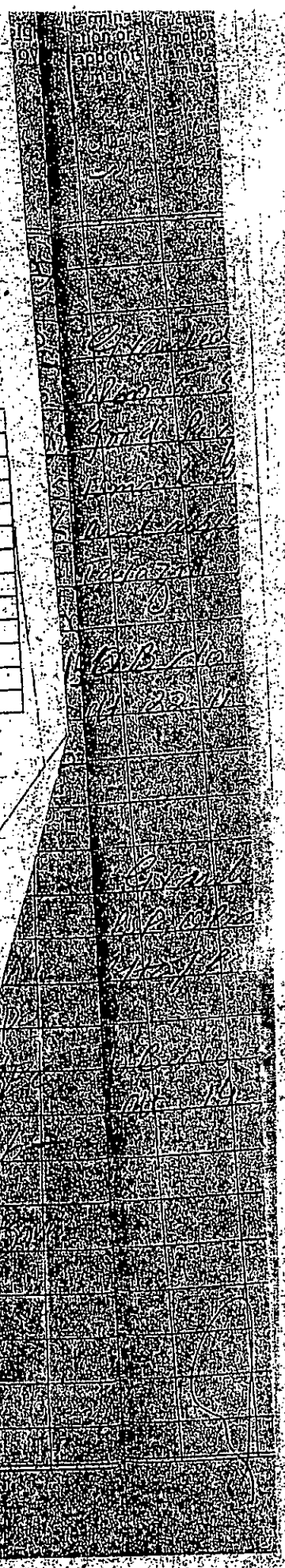
District Police Officer  
Lakki Marwat

- No. 1 Copy of above is submitted to:-
- The Addl. Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar two spare copies of the notification are enclosed for publication, please.
  - The Regional Police Officer, Bannu Region, Bannu for favour of information w Endst: No. quoted above.
  - The Deputy Inspector General of Police Special Branch, KPK, Peshawar.
  - The Deputy Inspector General Police CTD, KPK, Peshawar.
  - The Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
  - The Superintendent of Police, Investigation, Lakki Marwat,

For information and made in their service

Attested

Attested  
Page



POLICE DEPTT:

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE  
PART-II ORDERS BY THE RPO BANNU REGION

BANNU REGION

NOTIFICATION

No. 2362 /EC, dated Bannu, the 27/07/2020

Subject: REVISED SENIORITY LIST OF CONFIRMED ASIs/SIs ON PROMOTION LIST "E" AS IT STOOD ON 27.07.2020

In light of the committee recommendations "restoration of seniority list on the criteria/principle", already made by Dar Ali Khattak, the then RPO Bannu Region, constituted vide this office order Endst: No.3321-24/EC dated 02.11.2018 on the applications/appeals of police officers on list "E" of Bannu Region, requesting therein their due seniority, the seniority list "E" issued vide this office Notification No.476/EC dated 23.01.2019 is hereby revised as given below:-

| S.# | Name & No.                 | Date of Birth | Edu:             | Date of Enlistment | Date of confirmation as ASI | Date of Entry to List "E" | Date of Promotion as OSI               | Date of confirmation as SI | Remarks   |
|-----|----------------------------|---------------|------------------|--------------------|-----------------------------|---------------------------|--|----------------------------|---|
| 1.  | SI Dilawar Khan No.B/4     | 17.02.1962    | 10th             | 06.03.1982         | 19.10.2007                  | 28.12.2015                | 28.03.2016                             | 10.02.2020                 |   |
| 2.  | OSI Gul Mohammad No. 125/B | 06.01.1962    | 10th             | 08.01.1981         | 27.08.2008                  | 20.03.2014                | 21.11.2014                             |                            |   |
| 3.  | SI Sanaullah No.B/49       | 15.04.1962    | 10th             | 16.04.1980         | 27.08.2008                  | 28.12.2015                | 21.11.2014<br>28.03.2016               | 29.06.2018                 |   |
| 4.  | OSI Muhammad Ali No.138/B  | 25.05.1962    | 10 <sup>th</sup> | 20.07.1980         | 27.08.2008                  | 28.01.2016                | 28.03.2016                             |                            |   |
| 5.  | SI Mohammad Zaman No.B/51  | 01.09.1963    | 10th             | 21.02.1982         | 27.08.2008                  | 28.12.2015                | 21.11.2014<br>28.03.2016               | 29.06.2018                 |   |
| 6.  | SI Mir Daraz No.B/52       | 07.01.1964    | 10th             | 28.07.1983         | 27.08.2008                  | 28.12.2015                | 21.11.2014<br>28.03.2016               | 29.06.2018                 |   |
| 7.  | OSI Sarfaraz Khan No.150/B | 02.01.1965    | FA               | 11.10.1983         | 27.08.2008                  | 20.03.2014                | 28.03.2016                             |                            |   |
| 8.  | SI Mohammad Salim No.B/53  | 31.10.1965    | 10th             | 16.02.1984         | 27.08.2008                  | 29.06.2016                | 28.02.2011<br>21.11.2014<br>22.12.2016 | 29.06.2018                 |   |
| 9.  | OSI Syed Ayaz No.145/B     | 07.12.1965    | 10th             | 22.03.1987         | 27.08.2008                  | 28.12.2015                | 21.11.2014<br>28.03.2016               |                            |   |
| 10. | SI Hakim Khan No.B/50      | 13.08.1969    | 10th             | 01.01.1990         | 27.08.2008                  | 31.12.2015                | 21.11.2014<br>28.03.2016               | 29.06.2018                 |   |
| 11. | OSI Aman Ullah No.11/B     | 01.04.1980    | M.A              | 03.03.2009         | 03.03.2009                  | 09.05.2012                | 10.09.2013                             |                            |   |
| 12. | SI Azad Khan No.B/55       | 10.01.1979    | FA               | 28.03.2009         | 28.03.2009                  | 22.06.2012                | 28.11.2013                             | 29.06.2018                 |   |
| 13. | OSI Allah Nawaz No.67/B    | 04.04.1981    | MA               | 06.04.2009         | 06.04.2009                  | 09.05.2012                | 28.11.2013                             |                            | Dismissed by RPO Bannu vide order Endst. No.361-67/EC dated 23.01.2020. |
| 14. | OSI Binyamin No. 86/B      | 04.02.1985    | BSc              | 26.03.2010         | 26.03.2010                  | 29.05.2013                | 28.03.2016                             |                            |   |

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|     |                                |            |                  |            |            |            |            |
|-----|--------------------------------|------------|------------------|------------|------------|------------|------------|
|     | Waheedd Noor No. 93/B          | 01.04.1990 | FA               | 02.08.2010 | 02.08.2010 | 11.10.2013 | 28.03.2016 |
|     | OSI Mohammad Rashid No. 97/B   | 01.03.1989 | FA               | 11.08.2010 | 11.08.2010 | 09.10.2013 | 28.03.2016 |
|     | OSI Naeemullah Khan No. 96/B   | 03.03.1990 | M.A              | 11.08.2010 | 11.08.2010 | 09.10.2013 | 28.03.2016 |
|     | OSI Ihsanullah No. 94/B        | 01.01.1974 | BA               | 25.08.2010 | 25.08.2010 | 11.10.2013 | 28.03.2016 |
|     | OSI Rizwanullah No. 98/B       | 15.10.1986 | FA               | 28.09.2010 | 28.09.2010 | 09.10.2013 | 28.03.2016 |
| 20. | OSI Inayat Ali Amjid No. 108/B | 01.09.1979 | MA               | 19.01.2011 | 19.01.2011 | 19.08.2014 | 28.03.2016 |
| 21. | OSI Mohammad Javed No. 109/B   | 15.03.1981 | MA               | 19.01.2011 | 19.01.2011 | 08.05.2014 | 28.03.2016 |
| 22. | OSI Asmatullah No. 107/B       | 05.06.1983 | MSc              | 19.01.2011 | 19.01.2011 | 08.05.2014 | 28.03.2016 |
| 23. | OSI Mohammad Kamran No. 110/B  | 19.09.1988 | BSc              | 19.01.2011 | 19.01.2011 | 08.05.2014 | 28.03.2016 |
| 24. | OSI Irfanullah No. 106/B       | 01.04.1989 | BSc              | 22.01.2011 | 22.01.2011 | 08.05.2014 | 28.03.2016 |
| 25. | OSI Raham Dil Khan No. 120/B   | 24.08.1976 | MA               | 10.02.2011 | 10.02.2011 | 08.05.2014 | 28.03.2016 |
| 26. | OSI Altaf-ur-Rehman No. 122/B  | 03.03.1981 | MA/MED           | 10.02.2011 | 10.02.2011 | 08.05.2014 | 28.03.2016 |
| 27. | OSI Hamidullah No. 112/B       | 28.03.1984 | BA               | 10.02.2011 | 10.02.2011 | 08.05.2014 | 28.03.2016 |
| 28. | OSI Furqan Javed No. 105/B     | 01.07.1984 | BA               | 10.02.2011 | 10.02.2011 | 08.05.2014 | 28.03.2016 |
| 29. | OSI Damsaz Khan No. 121/B      | 05.01.1985 | M.Com            | 10.02.2011 | 10.02.2011 | 08.05.2014 | 28.03.2016 |
| 30. | OSI Mohammad Zahir No. 101/B   | 01.04.1986 | BSc/LLB          | 10.02.2011 | 10.02.2011 | 08.05.2014 | 28.03.2016 |
| 31. | OSI Munawar Jan No. 38/B       | 02.03.1963 | 10th             | 03.12.1981 | 04.03.2011 | 28.12.2015 | 21.11.2014 |
| 32. | OSI Sahar Gul No. 23/B         | 20.06.1964 | 10 <sup>th</sup> | 01.10.1984 | 19.05.2011 | 28.01.2016 | 28.03.2016 |
| 33. | OSI Mohammad Ishaq No. 45/B    | 10.01.1963 | BA               | 23.12.1986 | 12.07.2011 | 28.12.2015 | 28.03.2016 |
| 34. | OSI Nasirud-Din No. 48/B       | 18.03.1969 | 10 <sup>th</sup> | 22.03.1987 | 21.12.2011 | 20.03.2014 | 28.03.2016 |
| 35. | OSI Sanauallah No. 34/B        | 20.06.1964 | MA               | 27.09.1988 | 04.01.2012 | 31.12.2015 | 28.03.2016 |
| 36. | OSI Saadullah No. 63/B         | 20.09.1960 | 7 <sup>th</sup>  | 21.09.1978 | 22.02.2013 | 28.12.2015 | 22.12.2016 |
| 37. | OSI Safirullah No. 24/B        | 09.09.1965 | 10 <sup>th</sup> | 17.03.1986 | 22.02.2013 | 31.12.2015 | 21.11.2014 |
| 38. | OSI Ibniaz Khan No. 26/B       | 10.03.1968 | FA               | 01.04.1990 | 01.03.2013 | 20.03.2014 | 22.12.2016 |
| 39. | OSI Noor Jehan Shah No. 72/B   | 25.07.1963 | FA               | 24.12.1985 | 19.05.2013 | 14.12.2016 | 22.12.2016 |
| 40. | OSI Abdullah Khan No. 136/B    | 14.08.1963 | 10 <sup>th</sup> | 22.03.1987 | 31.05.2013 | 18.02.2016 | 06.02.2019 |
| 41. | OSI Sardar Ali No. 58/B        | 10.04.1964 | FA               | 23.12.1986 | 31.05.2013 | 28.12.2015 | 12.12.2019 |
| 42. | OSI Habib-ur-Rahman No. 1/B    | 20.07.1964 | 10 <sup>th</sup> | 23.09.1986 | 31.05.2013 | 28.12.2015 | 06.02.2019 |
| 43. | OSI Abdul Majid No. 91/B       | 25.07.1965 | 9 <sup>th</sup>  | 04.08.1983 | 31.05.2013 | 28.12.2015 | 09.08.2018 |
| 44. | OSI Sartaj Jehan No. 47/B      | 09.02.1967 | 10 <sup>th</sup> | 23.12.1986 | 31.05.2013 | 11.01.2016 | 06.02.2019 |
| 45. | OSI Fidaullah No. 37/B         | 15.07.1968 | 10th             | 23.12.1986 | 31.05.2013 | 15.03.2016 | 06.02.2019 |
| 46. | OSI Abdul Saboor No. 95/B      | 16.03.1969 | FA               | 15.06.1988 | 31.05.2013 | 23.06.2016 | 09.08.2018 |
| 47. | OSI Saadullah No. 79/B         | 06.09.1970 | 10th             | 10.12.1988 | 31.05.2013 | 20.03.2014 | 12.12.2019 |
| 48. | OSI Barkatullah No. 33/B       | 09.01.1966 | 10 <sup>th</sup> | 24.12.1985 | 06.09.2013 | 14.12.2016 | 06.02.2019 |
| 49. | OSI Hidayat Ullah 13/B         | 10.03.1970 | F.A              | 11.07.1991 | 06.09.2013 | 20.03.2014 | 12.12.2019 |

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|     |                                  |            |                  |   |            |            |            |  |
|-----|----------------------------------|------------|------------------|---|------------|------------|------------|--|
| 50. | OSI Gul Muhammad No.31/B         | 01.07.1970 | 10 <sup>th</sup> | 30.12.1989                                  | 06.09.2013 | 28.08.2014 | 28.02.2019 | Restored his previous order of confirmation dated 28.08.2014 vide this office order Endst: No.1784-86/EC dated 06.07.2018. |
| 51. | OSI Sajid Khan 39/B              | 16.04.1974 | F.A              | 04.05.1993                                  | 06.09.2013 | 20.03.2014 | 09.08.2018 |  |
| 52. | OSI Saeed Nawaz No. 134/B        | 25.09.1965 | 10 <sup>th</sup> | 19.04.1984                                  | 13.12.2013 | 18.02.2016 | 06.02.2019 |  |
| 53. | OSI Rustum Khan No.90/B          | 10.11.1965 | 10 <sup>th</sup> | 23.12.1986                                  | 13.12.2013 | 27.01.2016 | 06.02.2019 |  |
| 54. | OSI Sher Mali Khan No.54/B       | 01.03.1967 | 10 <sup>th</sup> | 03.04.1990                                  | 13.12.2013 | 28.08.2014 | 12.12.2019 | Restored his previous order of confirmation dated 28.08.2014 vide this office order Endst: No.2271/EC dated 16.08.2018.    |
| 55. | OSI Kamran Ali Shah No.68/B      | 14.03.1968 | B.Com            | 11.07.1991                                  | 13.12.2013 | 20.03.2014 | 09.08.2018 |  |
| 56. | OSI Razaullah No.69/B            | 30.04.1975 | M.A              | 26.12.1996                                  | 13.12.2013 | 20.03.2014 | 09.08.2018 |  |
| 57. | OSI Abdul Samad No.3/B           | 15.09.1980 | MA               | 02.10.2004                                  | 19.12.2013 | 09.03.2016 | 09.08.2018 |  |
| 58. | OSI Rahatullah Shah No. 113/B    | 12.09.1984 | B.A              | 04.02.2014                                  | 04.02.2014 | 22.02.2019 | 12.12.2019 |  |
| 59. | OSI Muhammad Bilal No. 118/B     | 04.03.1989 | M.A              | 04.02.2014                                  | 04.02.2014 | 22.02.2019 | 12.12.2019 |  |
| 60. | OSI Qudratullah No. 119/B        | 20.10.1989 | F.A              | 04.02.2014                                  | 04.02.2014 | 22.02.2019 | 12.12.2019 |  |
| 61. | ASI Imran Khan No. 116/B         | 15.11.1990 | F.Sc             | 04.02.2014                                  | 04.02.2014 | 22.02.2019 |            |  |
| 62. | ASI Fidaullah No. 117/B          | 29.03.1991 | F.A              | 04.02.2014                                  | 04.02.2014 | 22.02.2019 |            |  |
| 63. | ASI Mumtaz Khan No. 115/B        | 05.04.1991 | F.A              | 04.02.2014                                  | 04.02.2014 | 22.02.2019 |            |  |
| 64. | ASI Arifullah Khan No. 114/B     | 02.01.1992 | B.A              | 04.02.2014                                  | 04.02.2014 | 22.02.2019 |            |  |
| 65. | OSI Mir Sahib Khan No.60/B       | 14.04.1968 | 10 <sup>th</sup> | 21.06.1987                                  | 30.12.2015 | 29.03.2016 | 06.02.2019 |  |
| 66. | OSI Islam Noor No.21/B           | 20.03.1964 | FA               | 24.12.1985                                  | 20.01.2016 | 29.03.2016 | 06.02.2019 |  |
| 67. | OSI Niaz Muhammad No.12/B        | 24.04.1983 | BA               | 11.02.2002                                  | 06.06.2016 | 22.06.2016 | 09.08.2018 |  |
| 68. | OSI Qamar Zaman No. 159/B        | 06.10.1963 | 10 <sup>th</sup> | 16.11.1983                                  | 01.07.2016 | 14.12.2016 | 09.08.2018 |  |
| 69. | OSI Ghulam Mohammad No.158/B     | 28.11.1964 | FA               | 30.04.1983                                  | 01.07.2016 | 14.12.2016 | 06.02.2019 |  |
| 70. | OSI Muhammad Azeem Shah No.160/B | 04.04.1965 | 10 <sup>th</sup> | 23.06.1986                                  | 01.07.2016 | 13.01.2017 | 06.02.2019 |  |
| 71. | OSI Shakirullah No. 156/B        | 11.02.1966 | FSc              | 11.01.1986                                  | 01.07.2016 | 11.08.2016 | 06.02.2019 |  |
| 72. | OSI Munammad Zahir Shah No.157/B | 22.01.1967 | FA               | 23.12.1986                                  | 01.07.2016 | 22.08.2016 | 06.02.2019 |  |
| 73. | OSI Shafiullah No.152/B          | 24.04.1982 | BA               | 15.04.2001                                  | 31.12.2016 | 07.02.2017 | 28.07.2019 |  |
| 74. | ASI Dilabaz Khan No.36/B         | 15.02.1978 | M.A              | 23.08.199<br>as FC<br>13.02.2017<br>as PASI | 13.02.2017 | 20.07.2020 |            |  |
| 75. | OSI Amir Jan No.6/B              | 21.02.1968 | F.A              | 24.03.1987                                  | 21.06.2017 | 02.08.2018 | 06.02.2019 |  |
| 76. | OSI Rehman Ullah No.17/B         | 25.04.1968 | 10 <sup>th</sup> | 01.04.1990                                  | 21.06.2017 | 02.08.2018 | 06.02.2019 |  |

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|      |                             |            |                  |            |            |            |            |
|------|-----------------------------|------------|------------------|------------|------------|------------|------------|
| 77.  | OSI Muhammad Ayaz No.30/B   | 18.06.1968 | F.A              | 22.03.1987 | 21.06.2017 | 02.08.2018 | 12.12.2019 |
| 78.  | OSI Muhammad Nawaz No.25/B  | 02.11.1968 | F.A              | 01.10.1989 | 21.06.2017 | 02.08.2018 | 09.08.2018 |
| 79.  | OSI Ghulam Saboor No.20/B   | 11.11.1968 | 10 <sup>th</sup> | 27.09.1988 | 21.06.2017 | 02.08.2018 | 06.02.2019 |
| 80.  | OSI Mohabbat Khan No.19/B   | 26.03.1969 | 10 <sup>th</sup> | 21.06.1987 | 21.06.2017 | 02.08.2018 | 12.12.2019 |
| 81.  | OSI Ghausullah No.29/B      | 15.11.1969 | 10 <sup>th</sup> | 19.12.1987 | 21.06.2017 | 02.08.2018 | 12.12.2019 |
| 82.  | OSI Khalid Zaman No.8/B     | 09.01.1970 | F.A              | 10.12.1988 | 21.06.2017 | 02.08.2018 | 09.08.2018 |
| 83.  | OSI Farid Khan No.27/B      | 20.07.1970 | 10 <sup>th</sup> | 11.07.1991 | 21.06.2017 | 02.08.2018 | 09.08.2018 |
| 84.  | OSI Ghani Rahman No.15/B    | 12.08.1971 | 10 <sup>th</sup> | 01.04.1990 | 21.06.2017 | 02.08.2018 | 12.12.2019 |
| 85.  | ASI Noor Kamal No.155/B     | 19.07.1961 | 9 <sup>th</sup>  | 21.07.1979 | 27.09.2018 | 27.09.2018 |            |
| 86.  | OSI Gul Ayub No.77/B        | 17.04.1963 | 10 <sup>th</sup> | 02.10.1983 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 87.  | ASI Irshad Ali No.16/B      | 06.11.1963 | 10 <sup>th</sup> | 01.02.1985 | 27.09.2018 | 27.09.2018 |            |
| 88.  | OSI Mehrab Khan No.104/B    | 31.03.1965 | 10 <sup>th</sup> | 18.03.1986 | 27.09.2018 | 27.09.2018 | 06.02.2019 |
| 89.  | OSI Hamdullah Jan No.74/B   | 14.08.1965 | 10 <sup>th</sup> | 18.03.1986 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 90.  | OSI Rustum Khan No.144/B    | 03.12.1965 | 10 <sup>th</sup> | 23.12.1986 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 91.  | OSI Rasool Zaman No.75/B    | 02.01.1966 | 10 <sup>th</sup> | 16.03.1985 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 92.  | OSI Muhammad Rehman No.66/B | 03.04.1966 | 10 <sup>th</sup> | 23.12.1986 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 93.  | ASI Said Azam No.59/B       | 01.01.1967 | 10 <sup>th</sup> | 23.12.1986 | 27.09.2018 | 27.09.2018 |            |
| 94.  | OSI Gul Janan No.131/B      | 15.01.1968 | 10 <sup>th</sup> | 18.03.1986 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 95.  | ASI Hameed Ullah No.46/B    | 20.03.1968 | M.A              | 22.06.1991 | 27.09.2018 | 27.09.2018 |            |
| 96.  | OSI Nizam Khan No.61/B      | 04.03.1969 | 10 <sup>th</sup> | 10.12.1988 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 97.  | ASI Abdur Rasheed No.70/B   | 10.08.1969 | 10 <sup>th</sup> | 01.10.1989 | 27.09.2018 | 27.09.2018 |            |
| 98.  | OSI Mehrullah No.84/B       | 1970       | 9 <sup>th</sup>  | 19.10.1988 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 99.  | ASI Munawar Khan No.9/B     | 15.02.1971 | 10 <sup>th</sup> | 01.10.1989 | 27.09.2018 | 27.09.2018 |            |
| 100. | OSI Ghaffar Ali No.78/B     | 22.02.1971 | 10 <sup>th</sup> | 11.07.1991 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 101. | OSI Qaza Khan No.5/B        | 08.04.1971 | 10 <sup>th</sup> | 27.12.1989 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 102. | OSI Abdul Hakim No.151/B    | 01.02.1972 | 10 <sup>th</sup> | 03.01.1991 | 27.09.2018 | 27.09.2018 | 12.12.2019 |
| 103. | ASI Rasool Khan No.18/B     | 04.04.1962 | 10 <sup>th</sup> | 21.12.1980 | 12.12.2019 | 12.12.2019 |            |
| 104. | ASI Muhammad Tahir No.57/B  | 20.12.1964 | 10 <sup>th</sup> | 20.06.1987 | 12.12.2019 | 12.12.2019 |            |
| 105. | ASI Pasham Khan No.53/B     | 21.12.1964 | FA               | 07.03.1985 | 12.12.2019 | 12.12.2019 |            |
| 106. | ASI Muhammad Shah No.14/B   | 03.04.1966 | 10 <sup>th</sup> | 24.12.1986 | 12.12.2019 | 12.12.2019 |            |
| 107. | ASI Almar Khan No.80/B      | 06.02.1968 | 10 <sup>th</sup> | 23.12.1986 | 12.12.2019 | 12.12.2019 |            |
| 108. | ASI Nawab Khan No.85/B      | 25.11.1968 | 10 <sup>th</sup> | 10.12.1988 | 12.12.2019 | 12.12.2019 |            |
| 109. | ASI Asmat Ullah No.50/B     | 14.06.1969 | 10 <sup>th</sup> | 03.01.1991 | 12.12.2019 | 12.12.2019 |            |
| 110. | ASI Muhammad Yousaf No.82/B | 10.03.1970 | 10 <sup>th</sup> | 01.07.1989 | 12.12.2019 | 12.12.2019 |            |
| 111. | ASI Muhammad Ajmal No.41/B  | 15.06.1970 | 10 <sup>th</sup> | 01.10.1989 | 12.12.2019 | 12.12.2019 |            |
| 112. | ASI Ghulam Razaq No.51/B    | 26.01.1972 | 10 <sup>th</sup> | 11.07.1991 | 12.12.2019 | 12.12.2019 |            |
| 113. | ASI Abdul Jalil No.83/B     | 01.04.1972 | 10 <sup>th</sup> | 19.12.1995 | 12.12.2019 | 12.12.2019 |            |
| 114. | ASI Saif ur Rehman No.64/B  | 01.05.1972 | 10 <sup>th</sup> | 28.12.1991 | 12.12.2019 | 12.12.2019 |            |
| 115. | ASI Karim Khan No.7/B       | 17.09.1964 | 10 <sup>th</sup> | 20.05.1984 | 10.02.2020 | 18.02.2020 |            |
| 116. | ASI Abdur Qayyum No.81/B    | 21.09.1965 | 10 <sup>th</sup> | 22.03.1987 | 10.02.2020 | 18.02.2020 |            |
| 117. | ASI Moin Ullah No.88/B      | 10.03.1966 | 10 <sup>th</sup> | 17.04.1984 | 10.02.2020 | 10.03.2020 |            |

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(18)

|      |                          |            |                  |            |            |            |
|------|--------------------------|------------|------------------|------------|------------|------------|
| 118. | ASI Abdul Jamil No.35/B  | 10.07.1967 | 10 <sup>th</sup> | 01.10.1989 | 10.02.2020 | 18.02.2020 |
| 119. | ASI Abdul Jalil No.40/B  | 05.12.1968 | 10 <sup>th</sup> | 01.10.1989 | 10.02.2020 | 18.02.2020 |
| 120. | ASI Ilam Din No.87/B     | 10.02.1969 | 10 <sup>th</sup> | 10.12.1988 | 10.02.2020 | 18.02.2020 |
| 121. | ASI Shafeed Ullah No.4/B | 14.07.1970 | 10 <sup>th</sup> | 01.10.1989 | 10.02.2020 | 18.02.2020 |
| 122. | ASI Imtiaz Khan No.32/B  | 01.04.1971 | 10 <sup>th</sup> | 23.12.1991 | 10.02.2020 | 18.02.2020 |
| 123. | ASI Sher Ali No.102/B    | 28.04.1971 | FA               | 01.10.1989 | 10.02.2020 | 10.03.2020 |
| 124. | ASI Sami Ullah No.123/B  | 22.05.1971 | 10 <sup>th</sup> | 01.07.1989 | 10.02.2020 | 18.03.2020 |
| 125. | ASI Farid Ullah No.92/B  | 12.02.1972 | 10 <sup>th</sup> | 11.07.1991 | 10.02.2020 | 10.03.2020 |
| 126. | ASI Mir Tajum No.111/B   | 07.03.1974 | FA               | 03.04.1993 | 10.02.2020 | 10.03.2020 |
| 127. | ASI Abdul Hameed No.28/B | 01.04.1975 | MA               | 11.07.1995 | 10.02.2020 | 18.02.2020 |

(ABDUL GHAFOOR AFRIDI) PSP  
Regional Police Officer,  
Bannu Region, Bannu

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU

No. 2363-73 /EC, dated Bannu, the 27 / 07 / 2020

Copies for necessary action in continuation to this office Notification No.1031-42/EC dated 16.04.2018 to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa Peshawar with 02 spare copies for publication.
3. The Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa Peshawar
4. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa Peshawar
5. The Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar
6. The Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa Peshawar
7. The Commandant, PTC Hangu
8. The District Police Officers, Bannu and Lakki Marwat
9. The Superintendents of Police, Investigation, Bannu and Lakki Marwat

(ABDUL GHAFOOR AFRIDI) PSP  
Regional Police Officer,  
Bannu Region, Bannu

27/7/20

POLICE DEPARTMENT.

BANNU REGION

ORDER.

On termination of prescribed period of probation satisfactorily and in light of report submitted by DPOs Bannu and Lakki Marwat required by Form 19.25(5) on the probationer's working and general conduct, the following Probationer Asstt: Sub: Inspectors are hereby confirmed as Asstt: Sub: Inspectors from the dates of their appointments. However, their inter se seniority, as determined by Public Service Commission, shall be unalterable. Their names are also brought on promotion list "E" with immediate effect. /

S/NO. NAME & NUMBER:

DATE OF APPOINTMENT:

|                                   |            |
|-----------------------------------|------------|
| 1. Muhammad Naeem Khan No. 111/B. | 10-02-2011 |
| 2. Irfan Ullah No. 106/B.         | 22-01-2011 |
| 3. Hamid Ullah No. 112/B          | 10-02-2011 |
| 4. Muhammad Zaheer No. 101/B.     | 10-02-2011 |
| 5. Asmat Ullah No.107/B.          | 21-01-2011 |
| 6. Altaf Ur Rehman No. 122/B      | 10-02-2011 |
| 7. <u>Damsaz Khan 121/B</u>       | 10-02-2011 |
| 8. Rahim Dil No. 120/B            | 10-02-2011 |
| 9. <u>Furqan Javed 105/B</u>      | 10-02-2011 |
| 10. Muhammad Javed No. 109/B.     | 21-01-2011 |
| 11. Muhammad Kamran 110/B         | 21-01-2011 |

Necessary Gazette notification may be issued under intimation to all concerned.

(SAJID ALI KHAN) PSP

Regional Police Officer,  
Bannu Region, Bannu.

No. 1298-99 /EC, dated. 08/05/2014. /

Copy to:-

1. The District Police Officer, Bannu. w/r to his memo No.7362 dated.07-05-2014
2. The District Police Officer, Lakki Marwat w/r to his office memo No. 4977 dated 29-04-2014

(SAJID ALI KHAN) PSP

Regional Police Officer,  
Bannu Region, Bannu.

Copy to:-  
[Signature]

(20)

**POSTING CHART OF SI DAMSAZ KHAN**

| S.No | Place of posting  | From       | To         |
|------|---|------------|------------|
| 1.   | Received from Range Office Bannu RPO Bannu Order Endst: No.885/EC dated 18.03.2016                            |            |            |
| 2.   | ASHO PS Dadiwala  | 19.03.2016 | 10.07.2016 |
| 3.   | SHO PS Tajori   | 11.07.2016 | 13.07.2016 |
| 4.   | Injured in the line of duty as SHO Tajori and close to Police Lines Lakki Marwat on dated 15.07.2016          |            |            |
| 5.   | Reader to DPO Lakki   | 05.09.2016 | 20.10.2016 |
| 6.   | SHO PS Dadiwala   | 21.10.2016 | 29.11.2016 |
| 7.   | SHO PS Lakki  | 30.11.2016 | 29.01.2017 |
| 8.   | Suspended by RPO Bannu vide his order Endst: No.414/EC dated 31.01.2017                                       |            |            |
| 9.   | Re-instated into service vide RPO Bannu order Endst: No.679 dated 17.02.2017                                  |            |            |
| 10.  | SHO PS Naurang  | 20.02.2017 | 21.05.2017 |
| 11.  | RI Police Lines Lakki   | 22.05.2017 | 06.06.2017 |
| 12.  | Transfer to DI Khan vide CPO Peshawar Endst: No.2656-59/E-III dated 07.06.2017                                |            |            |
| 13.  | SHO PS University   | 20.06.2017 | 20.11.2017 |
| 14.  | SHO PS Parou  | 21.11.2017 | 10.06.2018 |
| 15.  | SHO PS City   | 11.06.2018 | 10.08.2018 |
| 16.  | SHO PS Parou  | 11.08.2018 | 30.01.2019 |
| 17.  | Received on transfer on dated 22.01.2019  |            |            |
| 18.  | SHO PS Ghazni Khel  | 23.01.2019 | 11.04.2019 |
| 19.  | Transfer to CTD KPK vide CPO Memo: No.956 dated 10.04.2019  |            |            |
| 20.  | Received on transfer from CTD KPK on 05.12.2019   |            |            |
| 21.  | SHO PS Ghazni Khel  | 06.12.2019 | 12.05.2020 |
| 22.  | SHO PS Naurang  | 13.05.2020 | 30.08.2020 |
| 23.  | SHO PS Lakki  | 31.08.2020 | 12.09.2020 |
| 24.  | Upper College Course PTC Hangu  | 13.09.2020 |            |
| 25.  | SHO PS Lakki  | 30.12.2020 | 27.01.2021 |
| 26.  | Transferred to FRP KPK Peshawar on 28.01.2021   |            |            |
| 27.  | SHO PS Bragi (on loan from FRP KPK)   | 24.08.2021 | 08.12.2021 |
| 28.  | SHO PS Ghazni Khel  | 09.12.2021 | 28.03.2022 |
| 29.  | SHO PS Lakki  | 29.03.2022 | 28.08.2022 |
| 30.  | SHO PS Naurang  | 29.08.2022 | 28.09.2022 |
| 31.  | SHO PS Pezu   | 29.09.2022 | 20.11.2022 |
| 32.  | SHO PS Lakki  | 21.11.2022 | 24.01.2023 |
| 33.  | SHO PS Pezu   | 25.01.2023 | 07.04.2023 |
| 34.  | Transferred to Mardan Region vide CPO Peshawar Notification No.CPO/E-I/Transfer/Posting/897 dated 03.04.2023. |            |            |

PC's Chairman/Member:

*Amir*  
*B*

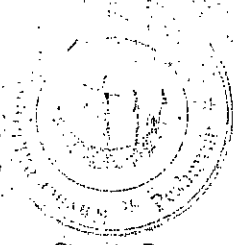
*Page No. 102*

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 12438/2020

Date of Institution ... 13.10.2020

Date of Decision ... 30.11.2021



Furqan Javed S/O Younas Javed Mirza R/O House No.466/C, Jhang Street, Bannu City. ... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Secretary Home Department, Civil Secretariat, Peshawar and two others. ... (Respondents)

*Atiq-ur-Rehman Wazir*

Amin Ur Rehman Yusufzai,  
Advocate

... For Appellant

Muhammad Rasheed,  
Deputy District Attorney

... For Respondents

**ROZINA REHMAN**  
**ATIQU-UR-REHMAN WAZIR**

... **MEMBER (JUDICIAL)**  
... **MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQU-UR-REHMAN WAZIR MEMBER (E)**:- Brief facts of the

case are that consequent upon recommendations of Public Service Commission, the appellant was initially appointed as Assistant Sub Inspector (ASI) in Police Department vide order dated 15-12-2010. After completion of officiating period, the appellant was confirmed as ASI with effect from the date of his regular appointment against such post i.e. 10-02-2011. The respondents instead of his date of confirmation entered his name in E list on 08-05-2014 and on the basis of which a revised seniority list dated 27-07-2020 was drawn, which was bad for his future maneuver for promotion, hence he preferred a departmental appeal, which was filed vide order dated 20-05-2020. The appellant filed review petition

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Page no. 192

dated 23-06-2020, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 20-05-2020 may be set aside and seniority list dated 27-07-2020 may be revised to the extent that the appellant name be placed at list E with effect from the date of appointment i.e. 10-02-2011 and in view whereof, his officiating promotion order dated 03-06-2016 to the rank of Sub Inspector be revised and be given effect from the date of his eligibility and be confirmed as Sub Inspector under Rule-13(18) of Khyber Pakhtunkhwa Police Rules, 1934 with all consequential benefits.

02. Learned counsel for the appellant has contended that the appellant has neither been treated in accordance with law nor has he been extended equal protection of law, rather his legal vested rights have been violated; that as per rule, list E of all ASIs to be published in the police gazette annually in accordance with Rule-13:11 of Police Rules, 1934; that entry of the officers to such list shall be made from the date of confirmation, but the said list has neither been issued nor circulated to the officers concerned; that the impugned list has been prepared in deviation of rules, hence illegal, therefore, required to be rectified to meet the ends of justice; that Rule-12:2(3) of Khyber Pakhtunkhwa Police Rules, 1934 provides criteria for determining seniority of subordinate ranks of police force from the date of their confirmation, which is 10-02-2011 in case of the appellant, which however is recorded as 08-05-2014, which adversely affected seniority/promotion of the appellant; that similarly placed other colleagues of the appellant had approached Peshawar High Court in Writ Petition No. 3720-P/2018, which was disposed of vide judgment dated 24-04-2019 with direction to respondents to revise list E as per date of confirmation, which was rectified vide order dated 05-06-2020, therefore, the appellant having similar case, is also entitled for the same relief within the meaning of judgment of the Apex Court reported as 2009 SCMR 1.

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Page No. 30  
 23

03. Learned Deputy District Attorney for the respondents has contended that the judgment of Peshawar High Court dated 05-06-2020, as referred to by the learned counsel for the appellant was judgment in personam, hence was not applicable in case of the appellant as the appellant was not petitioner in the said writ petition; that name of the appellant was removed from list E vide order dated 01-06-2018 under Rule-16(33) of Khyber Pakhtunkhwa Police Rules, 1934 and reverted back to the rank of ASI, but upon acceptance of his departmental appeal name of the appellant was restored on promotion list E with restoration of his officiating rank of Sub-Inspector with all back benefits vide order dated 23-10-2018; that a committee for the purpose was constituted to settle the issue of placement of officials on list E from the date of confirmation, but the appellant did not request to the committee for placing him on list E; that contention of the appellant to bring his name on list E with retrospective effect is not justified under the rule.

04. We have heard learned counsel for the parties and have perused the record. Criteria for placing names of upper sub-ordinates has been devised in Rule-12:2 of Khyber Pakhtunkhwa Police Rules, 1934, which is reproduced as under:

*Rule-12:2 Seniority in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however, be finally settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regain the seniority which he originally held vis-à-vis any officers promoted or confirmed before him during his deputation.*

Attested  
 Sign

Page No. ~~78~~

(24)

05. We have noted that the issue of seniority based on list E and criteria for placing names of officials on list E was strongly agitated by the official concerned, for which a committee was constituted to settle the issue once and for all. The committee submitted its report vide order dated 31-08-2017 and in light of Rule-12:2 as well as judgments reported as 2002 PLC (C.S) 1403 and 1999 SCMR 1594, very clearly recommended that confirmation of PASIs would be made from the date of their regular appointment against their posts and their placement on list E would be from the date of confirmation and not with immediate effect. Such report was not implemented, until some of the batch-mates of the appellant filed Writ Petition No. 3720-P/2018 with prayers to implement the decision of the committee regarding fixation of seniority, whereas seniority list E be revised and the petitioner be brought and placed at their due place of seniority and also to ensure the circulation of the seniority list prepared in accordance with law and rules. The said writ petition was disposed of vide judgment dated 24-04-2019 with direction to the respondents to implement recommendations of the committee already submitted to them. In pursuance of the said judgment, confirmation as well as placement of the petitioners on list E was rectified and were confirmed from the date of their appointments vide order dated 05-06-2020. Case of the appellant is also the same but respondents did not bother to consider his case on the same analogy. To this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1185 have held that when a court decide a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the tribunal or any other legal forum. In view of the verdict of the apex court, the respondents were required to extend the same benefit to the appellant as well, which however was not

W.H.

Signature

Signature

Page No. ~~25~~


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granted to the appellant and which was not warranted. The issue of confirmation from the date of appointment has already been decided in similar cases vide judgment reported as 2001 PLC (C.S) 245 as well as judgment dated 07-12-2017 of this Tribunal in Service Appeal No. 573/2016 and judgment dated 18-03-2019 in Service Appeal No. 800/2018. In view of the clear judgments and report dated 31-08-2017 of the committee constituted for the purpose, case of the appellant squarely falls within the purview of similarly placed employees and the department cannot ignore the appellant from extending the benefit of that very judgments.

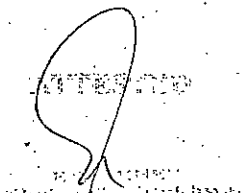
06. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

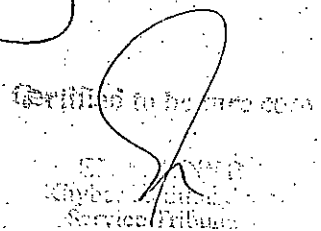
ANNOUNCED  
30.11.2021

Atul  
Raj

  
(ROZINA REHMAN)  
MEMBER (J)

  
(ATIQ-UR-REHMAN WAZIR)  
MEMBER (E)

  
MEMBER (J)

  
MEMBER (E)

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Page No. 38


ORDER  
30.11.2021


Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents present. Arguments heard and record perused.

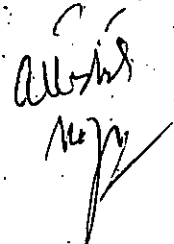
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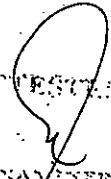
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
30.11.2021

  
(ROZINA REHMAN)  
MEMBER (J)

  
(ATIQU-UR-REHMAN WAZIR)  
MEMBER (E)



  
ENAM-UR-REHMAN  
MEMBER (K)

2016 S C M R 1254

[Supreme Court of Pakistan]

Present: Anwar Zaheer Jamali, C.J., Amir Hani Muslim and Umar Ata Bandial, JJ

GUL HASSAN JATOI and others---Petitioners

Versus

FAQIR MUHAMMAD JATOI and others---Respondents

Civil Petitions Nos.493, 494, 505 to 508, 529 to 533, 601, 906 and 911 to 917 of 2015, decided on 4th November, 2015.

(On appeal against the judgment dated 13-3-2015 passed by the Sindh Service Tribunal, Karachi, in Appeals Nos.130 to 134 of 2014, 2, 237 and 238 of 2015)

**(a) Police Act (V of 1861)---**

---S. 2---Police Rules, 1934, Chaps. XII & XIX---(Sindh) Police Force---Independent units within the police force---Horizontal appointments---Sindh Police force had three independent units i.e. Executive, Technical District and Prosecution (Legal)---Police personnel appointed in a unit in terms of its recruitment (and training) process could not horizontally travel to any other unit either by way of transfer or otherwise.

**(b) Police Act (V of 1861)---**

---S. 12---Police Rules, 1934---Inspector General (IG) Police, powers of---Scope---Police Rules, 1934 did not confer upon the Inspector General (IG) Police any powers to alter the terms and conditions of any of the establishment within the Police Force.

**(c) Police Rules, 1934---**

---Rr. 1.3 & 1.4---Sindh Civil Servants Act (XIV of 1973), Preamble---Non-uniformed employees in the (Sindh) Police Department---Ministerial staff and/or staff of I.T. Department---Such employees were recruited and regulated by the Sindh Civil Servants Act, 1973 and the Rules framed thereunder.

**(d) Police Rules, 1934---**

---R. 1.5 & Chapt. XII---Police personnel in the 'Executive unit' of the police force---Transfer from one establishment to another within the Executive unit---Permissibility---Entry point of all the police personnel in Executive unit was common; they had common recruitment process, police training and practical training as prescribed under the Police Rules, 1934 and once their training after appointment was completed, they were transferred to the different establishments under the said Rules---Posting and transfer to an establishment of a member of police force was permissible under R. 1.5 of the Police Rules, 1934 and it would not change the 'cadre' of a police personnel---Rule 1.5 of the Police Rules, 1934 allowed the police personnel to progress vertically by the rules prescribed and they could be transferred to any of the establishment---No restriction was placed on a police official for his transfer from one establishment to another.

**(e) Police Act (V of 1861)---**

*Altaf  
Jaffer*

allowed accordingly.

*Page no 29*

Shahid Anwar Bajwa, Advocate Supreme Court, Zulfiqar Khalid Maluka, Advocate Supreme Court, M. Munir Peracha, Advocate Supreme Court, Syed Iftikhar Hussain Gillani, Senior Advocate Supreme Court and Syed Razaqat Hussain Shah, Advocate-on-Record for Petitioners (in C.Ps. Nos. 493, 494, 505-506, 906 and 911-917 of 2015).

M.M. Aqil Awan, Advocate Supreme Court for Respondents Nos.1 - 4 (in C.P. No. 494 of 2015).

M.M. Aqil Awan, Advocate Supreme Court for Respondents Nos.1 - 22 (in C.P. No. 506 of 2015).

Abdul Fateh Malik, A.G. Sindh, Adnan Karim, Additional A.G. Sindh, Ghulam Ali Barhman, Additional Secy. (Services), Dr. Amin Yousafzai, DIG, Naeem Ahmed Shaikh, AIG (Establishment), Dr. Mazhar Ali Shah, AIG (Legal) and Aman Ullah Zardai, Focal Person, HD for the Government of Sindh.

Nemo for other Respondents (in all cases).

Dates of hearing: 29th October, 3rd and 4th November, 2015.

*Amir Hani Muslim*

## JUDGMENT

**AMIR HANI MUSLIM, J.**---These Petitions for leave to Appeal are directed against judgment dated 13.3.2005, of the Sindh Service Tribunal, Karachi, whereby 08 Service Appeals filed by the Petitioners/Respondents were disposed of, vide impugned judgment in the following terms:-

- i. Sindh Reserve Police and all other branches of Police Force such as Rapid Respondent Force (RRF), Sindh Reserve Police (SRP), Prosecution Branch, Telecommunication Branch, Female Police, Special Branch (Crime Branch) are separate cadres other than the District Police/Regular Police, although all of them are one Police Force which is an attached department of the Home Department under the Sindh Government Rules of Business, 1986 and Inspector General of Police is head of attached department.
- ii. Since all branches of Police Force are assigned with different and separate functions they are different cadres, therefore, the Provincial Government shall frame recruitment rules and the terms and conditions of their service separately for each cadre, except for those cadres in respect of which separate rules are already there such as Women Police and Prosecution Branch etc.
- iii. After framing of rules pertaining to recruitment and other terms and conditions of service as required under section 2 of Police Act 1861, separate seniority list of each cadre and in each scale/rank shall be issued as required under rule 9 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975 wherein it is provided that in each cadre in a department there shall be a separate seniority list of a group of civil servants doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down.
- iv. There is no provision in law for transfer of officers/officials from one cadre to another cadre, therefore, all the transfers made from Sindh Reserve Police to District Police in violation of law and in pursuance of various Standing Orders are hereby nullified and all such officers are directed to be repatriated to their parent branch i.e. Sindh Reserve Police.
- v. All the Standing Orders issued from time to time by different Inspector Generals of Police/Provincial Police Officers without approval of Provincial Government are declared to be illegal and void to the extent of prescribing the recruitment rules, terms and conditions of service of the officers/men in Sindh Reserve Police including devising of transfer policy and pertaining to

the assignment of seniority in violation of rules.

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vi. The Inspector General of Police Sindh is directed not to issue any Standing Order under section 12 of the Police Act, 1861 without approval of Provincial Government and even with the approval of Provincial Government no orders can be issued by Inspector General of Police pertaining to the recruitment and terms and conditions of service of the members of the Police Force in different branches and cadre, as such powers can be exercised by Provincial Government only by virtue of section 2 of Police Act, 1861.

vii. The Inspector General of Police Sindh is directed to ensure that all the training courses prescribed in the Police Rules 1934, are duly imparted and the rules pertaining to the maintaining of various promotion lists are observed and the seniority lists are prepared strictly in accordance with the provisions contained in Police Rules, 1934, after due observation of Police Rules, by the District Superintendents of Police, Deputy Inspector Generals and the Inspector General himself. It is further directed that promotion list 'E' shall be published in Police Gazette as required under rule 13.11.

viii. The Inspector General of Police is further directed to ensure that no officiating promotion shall be made as a matter of normal course and such orders shall be made strictly in accordance with the Police Rules and merely for the purpose of deciding fitness and ability of officers concerned.

ix. The Inspector General of Police is further directed to ensure that no officer is confirmed in any rank while serving in officiating capacity, without promotion in the substantive rank.

x. The Inspector General of Police Sindh is further directed to ensure that no antedated confirmations and promotions shall be made and the dates of confirmations and promotions shall not be revised by any officer or Committee of the officers.

xi. The impugned seniority list dated 7.2.2014, is set aside and no promotion shall be made on the basis thereof. The officers who were transferred from Sindh Reserve Police to Regular Police shall be promoted on preparation of their seniority list in SRP, after framing of rules by the Provincial Government in respect of Sindh Reserve Police fresh seniority list shall be prepared for the District Police, Initially provisional and after filing of objections the final seniority list and thereafter the promotion in the rank of Deputy Superintendent of Police shall be considered by Departmental Promotion Committee.

xii. The Provincial Government is further directed to provide reasonable quotas of promotion for each branch of Police Force/Cadre in accordance with their strength. In this behalf the direction of Supreme Court of India in the case of Raghunath Parsad Sing v. Secretary Home (Police) Department, Government Bihar, 1989 MLD 2153, should be kept in view. It has been directed by the Supreme Court of India that "reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly."

2. Originally, Petitioners Messrs Faqir Muhammad Jatoi, Masroor Ahmad Jatoi, Sohrab Ali Meo, Lal Bux Solangi, Yar Muhammad Rind filed Service Appeals before the Tribunal, impugning the final seniority list dated 07.02.2014. Rafiq Ahmed Abbasi Respondent No.1 in Civil Petition No.915 of 2015 was also one of the Appellants before the Sindh Service Tribunal.

3. Inspectors Ijaz Ali Memon and Muhammad Azam Khan also filed Appeals before the Tribunal, being aggrieved of the transfer of personnel of the Sindh Reserve Police to the Regular Police Force, due to which their seniority was adversely affected. They also impugned the seniority list dated 07.02.2014.

They prayed that the Sindh Reserve Police be declared as a separate cadre.

4. Brief facts of the case of each of the Petitioners who filed Appeals before the Sindh Service Tribunal are as under:-

**C.P.No.529 of 2015.**

Faqir Muhammad Jatoi v. Province of Sindh

*Page no 8.8*

5. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 25.5.1989, he was promoted to the rank of Sub-Inspector and then promoted as Inspector vide order dated 20.9.2004 w.e.f 12.1.1998. On 30.6.2006, the Inspector General of Police, Sindh, issued a tentative seniority list of Inspectors of Sindh Police, whereafter, on 20.12.2008 another tentative seniority list of Inspectors was issued by the Inspector General of Police, Sindh. This list was withdrawn and a revised seniority list was issued on 20.1.2009. On 20.4.2010, yet another seniority list was issued and the Petitioner was placed at serial No.403 of the said list. The Petitioner raised objections to the said tentative seniority list, which were never responded to. On 23.10.2013, without finalizing the tentative seniority list issued on 20.4.2010, yet another tentative seniority list was issued wherein the Petitioner was placed at serial No.254. Ultimately, a final seniority list was issued on 7.2.2014, on the basis of which a meeting of the Departmental Promotion Committee was convened and more than 80 Inspectors were promoted to the rank of the Deputy Superintendent of Police. The Petitioner filed a departmental Appeal, which was not decided within the statutory period, therefore, he preferred a Service Appeal before the Sindh Service Tribunal, challenging the seniority list dated 7.2.2014 with the prayer to assign him proper seniority. The Appeal of the Petitioner was disposed of, vide impugned judgment.

**C.P.No.530 of 2015.**

Masroor Ahmed Jatoi v. Province of Sindh.

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6. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police after qualifying the requisite examination. On 25.1.1990, he was promoted as Sub-Inspector and on 8.7.1998, he was promoted as Inspector. On his representation, the Petitioner was allowed inter se seniority with his batch-mates w.e.f. 11.1.1996, and he was confirmed as Inspector w.e.f 11.1.1996, vide order dated 20.9.2004. On 22.9.2005, the Petitioner was promoted as Deputy Superintendent of Police out of turn on gallantry basis and was relegated to the post of Inspector in the advent of judgment of this Court in the year 2013.

7. Two or three seniority lists were issued in the interregnum, whereafter on 7.2.2014, a final seniority list was issued on the basis of which more than 80 Inspectors were promoted as Deputy Superintendents of Police. After exhausting the departmental remedy, ultimately, the Petitioner filed an Appeal before the Sindh Service Tribunal, challenging the final seniority list dated 7.2.2014, which was disposed of by the impugned judgment.

**Civil Petition No.531 of 2015.**

Sohrab Ali Mao v. Province of Sindh

8. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 22.5.1989, he was promoted as Sub-Inspector and on 8.7.1998, was further promoted as Inspector. On his representation, the Petitioner was allowed inter se seniority with his batch-mates w.e.f. 11.1.1996, and was confirmed as Inspector w.e.f 11.1.1996, vide order dated 20.9.2004, a series of tentative seniority lists of Inspectors were issued and, lastly, on 7.2.2014, a final seniority list of Inspectors was issued on the basis of which 80 Inspectors were promoted as Deputy



Superintendents of Police. The Petitioner challenged the said seniority list before the Sindh Service Tribunal, by filing an Appeal, which was disposed of by the impugned judgment.

**Civil Petition No.532 of 2015.**

Yar Muhammad Rind v. Province of Sindh and others.

*Page No 32*

9. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 25.1.1990, he was promoted as Sub-Inspector and on 8.7.1998, he was further promoted as Inspector. On 8.7.2000, he was confirmed as Inspector, on acceptance of his representation, whereby, he was allowed seniority with his batch-mates w.e.f. 11.1.1996. Many seniority lists were issued in the intervening period and ultimately on 7.2.2014, a final seniority list of Inspectors was issued on the basis of which more than 80 Inspectors were promoted as Deputy Superintendents of Police. The Petitioner challenged the final seniority list dated 7.2.2014, by way of an Appeal before the Sindh Service Tribunal, which was disposed of by the impugned judgment.

**Civil Petition No.533 of 2015.**

Lal Bux Solangi v. Province of Sindh

10. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 22.5.1989, he was promoted to the rank of Sub-Inspector and on 8.7.1998 was further promoted as Inspector. On his representation to the Competent Authority, the Petitioner was allowed seniority with his batch-mates w.e.f 11.1.1996 and was confirmed as Inspector w.e.f 12.1.1998, vide order dated 20.9.2004.

11. After a series of tentative seniority lists, on 7.2.2014, a final seniority list was issued, on the basis of which more than 80 Inspectors were promoted as Deputy Superintendents of Police. The Petitioner challenged the said seniority list by filing a Service Appeal before the Sindh Service Tribunal, which was disposed of by the impugned judgment.

**Civil Petition No.494 of 2015**

Gul Hassan Jatoi v. Aijaz Ali Memon and others

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12. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police and on 8.7.1989, he was promoted as Sub-Inspector on officiating basis. On 20.9.2004, he was confirmed as Sub-Inspector. He was finally promoted as Deputy Superintendent of Police, vide Notification dated 24.3.2014. He was one of the Respondents before the Sindh Service Tribunal, in Service Appeals filed by the Petitioners Faqir Muhammad Jatoi and others; which were disposed of by the Tribunal, vide impugned judgment.

**Civil Petition No.507 of 2015.**

Abdul Razzak Bugti v. Yar Muhammad Rind

13. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police. On 25.5.1989, he was promoted as Sub-Inspector and transferred to the District Police. In the year 2001, he was promoted as Inspector. His name was included in the seniority list of Inspectors dated 7.2.2014, which was forwarded to the Home Department. On 25.1.2015, a meeting of the DPC was convened in which 155 Inspectors were considered for promotion, however, they were not notified due to restraining orders passed by the Service Tribunal in Service Appeal 134 of 2014 filed by Lal Bux Solangi. He was one of the Respondents in the Service Appeals filed by Faqir Muhammad Jatoi and others, which were disposed of by the Tribunal, vide impugned judgment.

**Civil Petitions Nos.906 and 911 to 917 of 2015.**

Government of Sindh v. Yar Muhammad Rind and others.

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14. The Government of Sindh has filed the above-said Petitions against the impugned judgment, pleading that the Respondents in the Petitions were appointed as A.S.I. in the Sindh Reserve Police on various dates. After issuance of the provisional seniority lists of the Respondents, objections were called and upon receipt of the objections, a Committee was constituted to finalize the seniority list, which was issued on 07.02.2014. It has been further pleaded that on 20th September, 1972, an order was issued by the Sindh Government, creating vacancies for a Special Striking Force in the Sindh Police, which has been wrongly construed as a special cadre; that in the aftermath of separation of East Pakistan, language riots disrupted in the Province Sindh and certain other parts of the country, due to which it was deemed necessary to have Police Force available to supplement the existing Police Force in Police Stations and Districts in the advent of dire need. This force was created for three months but the same continued thereafter; that vide notification dated 11.07.1973, the nomenclature of the Special Striking Force was changed to the Sindh Constabulary and designations of the officers of the Force were also changed. In the said notification it was further provided:-

"The Force shall be administered as one provincial reserve and its disposition will be decided by the I.G.P from time to time according to necessity.

The Force shall be administered as a part of the Police Force and provisions of Police Act, the Police Rules and other relevant law shall apply. The officers of this constabulary shall exercise such powers of command, control, punishment and appeals etc. are exercisable by the officers of equivalent rank."

15. It has been further pleaded that, thereafter, a Provincial Armed Reserve (PAR) was also created, which was subsequently merged in the Sindh Constabulary; that finally on 30.04.1985, the Sindh Constabulary and Anti-Dacoit Force was re-designated as the Sindh Reserve Police and designations of the officers of the force were also changed; that thereafter various administrative and standing orders were issued by the Inspector General of Police and concerned Deputy Inspector Generals of Police, without approval of the Sindh Government, which were merely administrative orders, for efficient organization and guidance of the officers; that during the years 1984 to 1987, all appointments were made in the Sindh Reserve Police and no appointment was made in the Districts, due to administrative reasons and after the year 1987, no new recruitment had taken place in the Sindh Reserve Police; that Assistant Sub-Inspectors and Constables were recruited, from time to time and assigned to work in the Sindh Reserve Police, which arrangement was also adopted in the Province of Punjab; that the Respondents claiming seniority filed Appeals before the Sindh Service Tribunal, which were disposed of vide impugned judgment.

16. The Appellants before the Tribunal have filed Civil Petitions Nos.529, 530, 531, 532, 533 of 2015, against the impugned judgment. One of the Petitioners in Civil Petitions Nos.493, 494, 505 and 506 of 2015, is Gul Hassan Jatoi, who was one of the Respondents before the Tribunal. Civil Petitions Nos.507 and 508 were filed by Abdul Razzaq Bugti, who was also Respondent before the Tribunal. Civil Petition No.601 of 2015 is filed by Abdullah, against the impugned judgment. The Province of Sindh has challenged the impugned judgment of the Sindh Service Tribunal, before this Court in Civil Petitions Nos.906 and 911 to 917 of 2015.

17. The learned ASC Shahid Anwar Bajwa, Counsel for the Inspector General of Police, Sindh, and for the Petitioner Gul Hassan Jatoi in C.P.L.A. Nos. 493, 494, 505 and 506 of 2015, has contended that the Police Order 2002 was repealed through the Sindh (Repeal of the Police Order 2002 and Revival of the Police Act 1861) 2011 and it was the Police Act of 1861 which is currently in force. He made reference to various provisions of the Police Act 1861. He stated that under section 2 of the Police Act,

1861, the entire Police Establishment shall be one force; whereas, section 4 of the Act provides that the Inspector General of Police is the Administrator of the Police force, Section 5 defines the powers of the Inspector General of Police and Section 12 empowers the Inspector General of Police to frame rules and pass orders, subject to approval of the Provincial Government.

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18. The learned ASC Mr. Bajwa has contended that Rule 12 of Chapter XII of the Police Rules 1934, deals with the appointments and enrolments in the Police Force. Rule 12.1 deals with the general recruitment, Rule 12.3 relates to recruitment to the Prosecution service and Rule 12.3(B) pertains to appointment in Technical service. He further submits that Rule 17, Chapter XVII of the Police Rules pertains to the Reserve Police. The Sub-Rules of Rule 17 provide permanent reserve, a second reserve mobilized under the orders of Inspector General of Police, and a third reserve mobilized on the orders of the Government. He has further contended that there was no order by the Provincial Government creating the Sindh Reserve Police as a separate cadre. He then relied upon Rules 13.18 and 12.3 contending that these rules are relevant with reference to determining the seniority of the Police Personnels.

19. The learned Counsel contended that Rule 9(4) of the Fundamental Rules 1922 and Rule 9 of the Sindh Civil Service Rules 1950, define "Cadre". In support of his submission that the Sindh Reserve Police is not a separate cadre, Mr. Bajwa placed reliance on Muhammad Bachal Memon and others v. Syed Tanveer Hussain Shah and others (2014 SCMR 1539), PIAC thr. its Chairman and others v. Samina Masood and others (PLD 2005 SC 831) (Para 11), Dr. Ahmad Salman Waris, Assistant Professor, Services Hospital, Lahore v. Dr. Naeem Akhtar and 5 others (PLD 1997 SC 382) (Para 11, pg.90). He submitted that other provinces are treating their Reserve Police as part of their regular police and in support of the aforesaid contention he has relied upon Sardar Khursheedul Hassan v. IGP and others 1991 PLC (C.S.) 208, Muhammad Ali Qureshi and 18 others v. Secretary, Home Department, Govt. of Punjab, Lahore and others 1994 PLC (C.S.) 449. He states that in light of the law laid down by this Court in the case of Tariq Azizuddin and others, (2010 SCMR 1301), every employee ought to be considered for promotion, subject to the Rules. He submitted that wings created in the Police Force by the Inspector General of Police under section 12 of the Police Act 1861, with the sole purpose of improving the efficiency of the Police Force as a whole.

20. The learned ASC Mr. Bajwa submitted that C.P.L.A Nos. 916 to 917 of 2015 and 454 and 506 of 2015 also arise out of the impugned judgment of the Tribunal. He states that the Respondents Aijaz Ali Memon and Muhammad Azam Khan had originally filed Writ Petitions before the Sindh High Court, which were later transferred/converted as appeals before the Sindh Service Tribunal at Karachi and disposed of. The contention in the said service appeals, which were originally Writ Petitions, was that the Sindh Reserve Police was a different cadre. He submitted that on the other hand, C.P.L.As. Nos. 906, 911 to 914, 493 and 505 of 2015, pertain to persons who were recruited in the Sindh Reserve Police along with other Private Respondents. He drew our attention to para 4, at pg. 80 of the impugned judgment (Pg.102 of C.P.L.A. No.493/2015) to press the point that one of the Appellants before the Tribunal, namely Yar Muhammad Rind, was unable to show from the record, as to when he was confirmed or promoted and that the onus lay on him to prove his own case.

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21. The learned ASC Mr. Bajwa, then drew our attention to pg.216 of C.P.L.A. No.493 of 2015, submitting that one of the Appellants before the Tribunal namely Lal Bux Solangi filed an application to withdraw his Appeal, which was not decided. He states that under Rule 1, Order 23 of the Code of Civil Procedure, 1908, if a party applies for withdrawal of its Appeal, it ought to have been accepted. Mr. Bajwa contended that it was only Lal Bux Solangi who had filed an Application for grant of interim injunction, which was granted by the Tribunal and, as such, if his Application to withdraw the Appeal was decided, the stay granted on his Application in Appeal would automatically stand vacated on withdrawal of his Appeal.

22. Mr. Bajwa further contended that Rafique Ahmed Abbasi (one of the Appellants before the Service Tribunal and the Respondent in C.P.L.A. No.915/2015) had no service record at all.

23. The learned Advocate General Sindh, Mr. Abdul Fateh Malik, commenced his arguments by responding to one of our queries as to how many Ranges were there in the Sindh Police. He has referred to Rule 1.3 of the Police Rules 1934 and states that each District under the Police Rules is divided into an administrative establishment. He states that Rule 1.4 of the Police Rules 1934, pertains to Ranges and further relied upon Rule 2.1 of the said Rules. He submitted that Rule 1.3 of the Police Rules 1934, was amended on 22.08.1998, vide notification issued by the Government of Sindh, under section 46 of the Police Act, 1861. 35

24. The learned Advocate General submitted that by virtue of Section 2 of the Police Act 1861, the entire police establishment was one force and to substantiate his contention relied upon Rule 1.5 of the Police Rules 1934. He then read out Rule 17.9 of the Police Rules 1934, contending that the Rule pertains to the First Armed Reserve. He, with some noticeable hesitation, stated that there were in all 5 Ranges in the Sindh Police. He conceded that Standing Orders issued by the Inspector General of Police at times were without prior sanction of the Government.

25. One of us (Amir Hani Muslim, J) inquired from the learned Advocate General Sindh, that if the Police, as per his own contentions, was one force, then why was the seniority of a police officer disturbed upon his transfer from one Range to another? In response, the learned Advocate General Sindh, very candidly conceded that the issue of seniority in the aforesaid situation is something that needs to be attended to. On further enquiry as to how seniority of a Police Officer on transfer is affected, the Advocate General Sindh has relied upon Rule 12.2 of the Police Rules 1934.

26. The Advocate General was asked to pin point the Police Rule under which an Officer's seniority on his transfer from one District to another District or from one Range to another Range is required to be placed at the bottom of the seniority list maintained by the District or the Range to which he is transferred. At this juncture, a representative of the Home Department Sindh intervened and submitted that, although there was no provision in the Police Rules 1934, which provides for placing the seniority of a Police Personnel at the bottom on his transfer to another District or Range, recourse in this respect could be made to the Civil Servant Seniority Rules 1975, which do provide such mechanism. The Advocate General Sindh, however, unequivocally submitted that there should be one seniority list. The Advocate General Sindh further contended that there are a large number of cases where officers were not confirmed after lapse of 2 years. Alid  
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27. The learned Advocate General Sindh, concluded his arguments by submitting that the learned tribunal erred in law in holding (at para 72(i) of the impugned judgment) that all branches of the Police are separate cadres and contended that it was only the Prosecution Branch, the Telecom Branch and the Female Police which could be categorized separately as cadres and prayed that the said finding of the Tribunal should be set aside. He further submitted that para 72 (ii) of the impugned judgment may also be set aside. The learned Advocate General Sindh placed reliance on the case reported as IGP, Punjab, Lahore and others v. Mushtaq Ahmed Warraich and others (PLD 1985 SC 159) (Pg.161) and Muhammad Nadeem Arif and others v. IGP, Punjab, Lahore and others (2011 SCMR 408) (Pg:415).

28. In regard to the confirmation of Police Officers, Mr. Naeem Sheikh, AIG (Establishment) Sindh Police, contended that under Rule 12.8 of the Police Rules 1934, the probation period for persons appointed directly as Assistant Sub-Inspectors was 3 years whereas, under Rule 13.18 period of probation of a Assistant Sub-Inspector appointed by promotion was 2 years. He submitted that there was wisdom in the said Rule, as someone who had been promoted to the post of Assistant Sub-Inspector, would naturally have accumulated more experience than compared to persons directly appointed as Assistant Sub-Inspectors and as such the probation period for directly appointed Assistant Sub-Inspectors should in principle be longer. The AIG (Establishment) states that the probation period provided in the Police Rules is followed. The AIG further stated that all cases with respect to seniority etc. should be reverted back to the date of appointment. He concluded by stating that Rules 1.3 to 1.6 of the Police Rules 1934, should be implemented in letter and spirit.

29. — On a query of the Court as to whether there was any training or examinations prescribed for persons appointed in the Sindh Reserve Police, Mr. Naeem Sheikh, AIG (Establishment) Sindh Police, apprised us that under Rule 19.25 of the Police Rules, 1934, persons appointed to the Regular Police were required to undergo training for a period of one year at Police Training School and 2 years of practical training. However, he frankly conceded that none of these requirements were complied with for the induction of persons to the Sindh Reserve Police, as the same was not an investigative force. He, however, submitted that when the Sindh Reserve Police was transferred to the districts, it became apparent that they were not adequately trained and as a consequence thereof, Standing Order No.125 of 1994, was issued mandating certain training courses for persons belonging to the Sindh Reserve Police. He further made an unequivocal statement that all officers appointed to the Sindh Reserve Police, subsequent to 1994, have undergone the requisite training courses and as of today, the training for induction into both the Sindh Reserve Police and the Regular Police is similar.

30. At the very outset, Mr. Iftikhar Gillani, Counsel for the Petitioner in C.P. No.601 of 2015, stated that his client was not a party to the proceeding before the Tribunal but was adversely affected by the impugned judgment and has therefore filed the instant Petition. He contended that his arguments would be confined to whether the Tribunal was vested with the jurisdiction to dispose of the Service Appeals in the manner it has done so.

31. He contended that section 5 of the Sindh Service Tribunal Act and section 5 of the Federal Service Tribunal Act 1973, are in Pari Materia and the said provision is to be read in conjunction with Article 175(2) of the Constitution. He contended that directions of the nature, which had been given by the Tribunal in the impugned judgment, may only be given by the Honorable Superior Courts whilst exercising their Constitutional Jurisdiction under Articles 184(3) and 199 of the Constitution. He further submitted that the Tribunal can only give directions in personam and not directions in rem and that the Tribunal has gone beyond its jurisdiction and given directions which only this Court can give under Article 187 of the Constitution i.e. directions which are not prayed for.

32. He submitted that even the Honorable High Courts cannot give directions which are not prayed for but, on the contrary, may only mould the relief. Mr. Iftikhar Hussain Gillani, learned Senior ASC contended that the Tribunal has proceeded to do complete justice, a power that is only vested with this Court under Article 187 of the Constitution. In support of his submissions, he placed reliance on the case reported as Dossani Travels Pvt. Ltd and others v. M/s Travels Shop Pvt Ltd. and others (PLD 2014 SC 1) (Para 4, Pg.39).

33. Mr. Iftikhar Hussain Gillani, learned Senior ASC, in rebuttal to Mr. Aqil Awan's submission that, by virtue of Article 212 of the Constitution, the Tribunal was vested with powers much wider in scope than those exercised by the Superior Courts of this Country, submitted that this might be true, but only with respect to an individual and not to entire cadre of Police Force.

34. Mr. Zulfiqar Khalid Maluka, learned ASC for the Petitioner in C.Ps. Nos:507 to 508 of 2015, submitted that he adopts the arguments of Mr. Iftikhar Hussain Gillani, learned Senior ASC for the Petitioner in C.P.No.601 of 2015.

35. Mr. Muhammad Munir Paracha, learned ASC for the Petitioners in C.Ps. Nos.529 to 533 of 2015, contended that the learned Tribunal had erred by holding that Sindh Reserve Police was a different cadre. He submitted that section 2 of the Police Act 1861, was clear that the entire Police Establishment shall be deemed to be one force. With reference to seniority, he contended that Range wise seniority was clearly creating problems.

36. Mr. M. M. Aqil Awan, learned ASC for the Respondents in C.Ps. Nos.494 and 506 of 2015, contended that there were two issues before the Tribunal. The first issue was whether the Sindh Reserve Police was a separate cadre, which the Tribunal answered in the affirmative by holding that it was a separate cadre. The second issue before the Tribunal, was whether the standing orders issued by the

Inspector General of Police, Sindh, were legal or not. On this count, the Tribunal was of the view that they were illegal. The learned Counsel submitted that there was no dispute with respect to the legality of the Standing Orders and it was agreed that they were illegal, therefore, the only point that remained to be answered was whether the Sindh Reserve Police was a separate cadre or not.

37. Mr. M. M. Aqil Awan, learned ASC, contended that persons ranging from Head Constable to the level of Inspector fell within the category of Upper Subordinates and that the seniority for such Upper Subordinates was to be maintained under Rule 12.2(3) of the Police Rules 1934. In support of his submissions, he placed reliance on IGP, Punjab, Lahore and others v. Mushtaq Ahmed Warraich and others (PLD 1985 SC 159) (Pg.177) and Neimat Ali Goraya and others v. Jaffar Abbas, Inspector/Sergeant Traffic etc. (1996 SCMR 826). He submitted that the prevalent practice was that the tentative seniority list was being made the basis of promotion.

38. With respect to the Sindh Reserve Police being a separate cadre, Mr. M. M. Aqil Awan, learned ASC, contended that the Sindh Reserve Police maintained a different seniority list, which indicates that it is a separate cadre. He further contended that absorption does not take place within the same cadre and as such, the fact that persons are absorbed into the Regular Police from the Sindh Reserve Police, in itself implies that the Sindh Reserve Police is a separate cadre. He contended that the Inspector General of Police has referred to the Sindh Reserve Police as a separate cadre in his Standing Orders, in addition to it being consistently treated as a separate cadre at the departmental level. In this behalf he drew our attention to para 46 of the impugned judgment.

39. To an observation of this Court that the Police should have a centralized seniority mechanism in place, Mr. M. M. Aqil Awan, ASC, submitted that the duration of training and courses for persons inducted and appointed to the Sindh Reserve Police and the Regular Police are different. The Regular / District Police is required to complete courses A, B and C as prescribed under Rule 19.25 of the Police Rules 1934, and there is no such requirement for the Sindh Reserve Police. The learned Counsel further submitted that although under section 2 of the Police Act 1861, the Police Establishment is one Police Force, the IT, Prosecution and Women Branch are different cadres, each having their own recruitment rules within that one Police Force. The factum of there being multiple cadres within one Police Force is not a departure from Section 2 of the Police Act 1861.

40. In order to draw a distinction between a wing of the Police and a cadre, Mr. M.M.Aqil Awan, ASC, stated that Traffic Police and the Anti Terrorist Squad were wings of the Police and they shared the same seniority list with the Regular Police and as such were part of the same. He submitted that the Sindh Reserve Police, on the contrary, maintained its own seniority list and therefore this was further proof of its being a separate cadre and not a wing of the Regular Police.

41. Mr. M.M. Aqil Awan, learned ASC for the Respondents, submitted that all the irregularities in the preparation of the seniority list by the Police are brought to light upon a reading of paras 41 to 45 of the impugned judgment and that these findings have not been controverted either before the Tribunal or before this Court. He submitted that the Inspector General of Police has unbridled and blind powers. He contended that it was the Inspector General of Police who sanctioned horizontal movement and it was he, who made wings within the Police. He further submitted that, if there was a clog or fetter on the unbridled powers of the Inspector General of Police, it was under Section 12 of the Police Act 1861, which mandates the prior approval of the Provincial Government. In this behalf Mr. M. M. Aqil Awan, learned ASC placed reliance on Khalil-ur-Rehman Khan, D.S.P. and others v. Province of Punjab through Home Secretary and others (PLD 1985 SC 195) at pg.204. He stated that the aforesaid judicial pronouncement has laid down the scope of Section 12 of the Police Act 1861, and the same has been continuously violated by the Inspector General of Police. He submitted that it was the Inspector General of Police who made the Sindh Reserve Police and it was he, who had been transferring Assistant Sub-Inspectors back and forth. The learned Counsel submitted that the question that begged to be answered was how the continuous violation of section 12 of the Police Act 1861, may be stopped. He stated that one way to stop the said violation had been laid down by the Tribunal through the impugned judgment.

42. Mr. M. M. Aqil Awan, learned ASC submitted that the Tribunal while deciding the Appeals pending before it had not ignored section 2 of the Police Act 1861. He stated that section 2 of the Act does not stipulate that there shall be one cadre, but that there shall be one Police Force. His contention was that section 2 of the Act was to be read with Rule 1.3 of the Police Rules 1934, and it was through this Rule that cadres had been created. He further contended that the word "Cadre" and "Administrative Unit" have not been defined, either in the Police Act 1861, or in the Police Rules 1934. He submitted that if the Police Rules were silent on a subject, the Civil Service Laws would hold the field, as long as the latter were not inconsistent with the former. Mr. M. M. Aqil Awan, learned ASC, submitted that "Cadre" has been defined under Rule 9(4) of the Fundamental Rules 1922, as well as under Rule 9(8) of the Sindh Civil Services Rules 1950, with the latter definition also having been adopted by the Tribunal in the impugned judgment. He placed reliance on a recent judgment of this Court, reported as Muhammad Bachal Memon and others v. Syed Tanveer Hussain Shah and others (2014 SCMR 1539) (Pg.1549) wherein "Cadre" has been defined and submitted that on the touchstone of the aforesaid judgment, the said definition would also apply to the Police Act 1861, and the Police Rules 1934.

43. The learned ASC, further contended that ipso facto, the Police Rules 1934, did not apply to the Sindh Reserve Police, as it came into being through a Standing Order issued in 1970. He submitted that persons appointed to the Sindh Reserve Police had undergone only a year of training which was in clear contravention of Rule 12.8 of the Police Rules 1934. He, with great force and fervor, contended that the Sindh Reserve Police cannot be a part of the Regular Police Force as it had not seen the rigors of Rule 12.8 of the Police Rules 1934. With reference to confirmation, Mr. M. M. Aqil Awan, learned ASC, contended that Rule 19.25 had to be read with Rule 13.18 of the Police Rules 1934. He next contended that the Inspector General of Police's unfettered powers ought to be curtailed with respect to transfers and the creation of wings etc. He submitted that one way of achieving the aforesaid objectives is that recruitment rules should be made, thereby channelizing the Inspector General of Police's unbridled powers. He submitted that even otherwise, the Inspector General of Police cannot alter the conditions of service of persons in the Police Force. He submitted that, on the touchstone of Article 240(b) of the Constitution, the same was within the sole competence and exclusive domain of the provincial legislature.

44. Replying to the arguments of Mr. Ifikhar Hussain Gillani, learned Senior ASC for the Petitioner in C.P.No.601 of 2015, on the question of the jurisdiction of the Tribunal to issue directions as it had whilst disposing of the Appeals, Mr. M. M. Aqil Awan submitted that by virtue of Article 212 of the Constitution there was a bar on the High Court, and on this Court as well, to issue directions of the like that can be issued by the Service Tribunal. He submitted that the Tribunal's powers, whilst adjudicating upon a lis before it, were wide ranging in scope and in support of his submission he relied upon Pakistan Railways thr. its GM v. Ghulam Rasul (1997 SCMR 1581) (1587) and Ali Muhammad v. Commissioner, Afghan Refuges NWFP and others (1995 SCMR 1675). Mr. M. M. Aqil Awan, learned ASC concluded his arguments by submitting that, on the question of the Sindh Reserve Police being a different cadre than the Regular Police Force, the Tribunal dealt with the said question in a comprehensive manner and referred to paras' 52 to 53, 56, 64, 66 and 68 of the impugned judgment.

45. We have heard the learned Counsel for the Appellants, the learned Advocate General, Sindh, and the Counsel representing the Respondents at length and with their assistance have perused the record.

46. Before we could travel into the scheme of the Police Act and the Rules framed thereunder, it has been conceded by the learned Advocate General, Sindh, that the Standing Orders issued at times by the different I.G Police were without the approval of the Provincial Government and, therefore, did not have any legal status. In view of this conceding statement of the Advocate General, no argument was advanced by either party to the validity or otherwise of the Standing Orders issued by the I.Gs Police at times.

47. On the examination of the scheme of the Police Act 1861, we have noticed that Section 2 of the Police Act speaks of the constitution of the police force. Section 2 is reproduced hereunder:-



"The entire police establishment under a Provincial Government shall, for the purposes of this Act, be deemed to be one police force and shall be formally enrolled and shall consist of such number of officers and men, and shall be constituted in such manner, as shall from time to time be ordered by the Provincial Government."

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Section 3 confers powers on the Provincial Government to supersede or control any police functionary. Section 4 confers powers upon the Inspector General of Police as its administrative head. Section 7 speaks of appointments within the police force. Section 12 confers powers on the I.G.P. to frame such orders and rules from time to time, subject to the approval of the Provincial Government, relative to the organization, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them.

48. On scanning the Police Rules, 1934, we have noticed that Chapter-I of the Rules relates to departmental organization of the police. Rule 1.1 defines General Police District with further clarification that all ranks of police employed in the province are appointed or enrolled under section 2 of the Act. Rule 1.2 confers powers on the I.G.P. which are in the nature of command, discipline and administration. Rule 1.3 defines General Police District Division, which provides the structure of the Sindh Police categorized in different establishments:-

- i. Training Schools (including Provincial Finger Print Bureau)
- ii. Special Branch.
- iii. Crimes Branch.
- iv. District Police.
- v. Reserve Police Establishment (inserted through Government notification dated 22.09.1998, by amending the Rules).

*Atty. Gen. M. J.*

49. Rule 1.4 defines the administration of the aforesaid establishments.

- a. The district of the province as grouped in range headed by the Officer of the rank of Deputy Inspector General of Police.
- b. The affairs of Police Training Centre, Sihala, initially was headed by the Officer of the rank of the Deputy Inspector General of Police. In Sindh subsequently different Police Training Centers were established, which now are under the command of Deputy Inspector General of Police Training Branch.
- c. Crime Branch is headed by the officer of the rank of Deputy Inspector General of Police.
- d. Special Branch is headed by the officer of the rank of Deputy Inspector General of Police.
- e. The reserve police establishment now styled as Sindh Reserve Police is headed by Deputy Inspector General of Police.

50. Rule 1.5 prescribes the limits of jurisdiction and liability to transfer, which for the sake of convenience is reproduced hereunder:-

"All police officers appointed or enrolled in Pakistan general police district constitute one police force and are liable to, and legally empowered for, police duty anywhere within the province. No sub-division of the force territorially or by classes, such as mounted and foot police, affects this principle."



51. Rule 1.6 defines the administration and functions of D.I.G Police appointed in different establishments specified in Rule 1.3, which is reproduced hereunder:-

*Pageno 40*

**"Deputy Inspectors-General-Duties and functions of.-** The Deputy Inspector-General of Police. Crime, Special Branch and Crime Branch and Special Branch.

The Deputy Inspector-General, Crime Branch is responsible, through the staff of his department, for the intelligence organization of the criminal administration; in this capacity he is called upon to assist both the Provincial Government and the district authorities. He is also authorized to call upon the district or railway police for action in such matters, whether in respect of crime or intelligence as may, from time to time, be considered to his charge. In respect of crime, Department of Police Crime Branch will keep the Deputy Inspectors General of Police a Special Branch, a Crime Branch the ranges concerned fully informed of all action which his department is taking within the sphere of their jurisdiction.

The Deputy Inspector-General of a range is responsible to the Inspector General for the administration, training and discipline of the police of his range and for the efficiency of their organization and operations for the prevention and detection of crime. In the exercise of this responsibility a Deputy Inspector General will interfere as little as possible with the executive authority of the Superintendents under him, and will permit such modifications of practice and organization to suit local conditions as he may consider advisable, and as the law and these rules allow. He will use his powers of control to secure a uniform standard of efficiency and the fullest co-operation between districts and branches of the force in the circulation of information and in action against criminals.

To ensure that efficiency shall not be impaired by undue variation in methods or practice in different parts of the province, Deputy Inspector-General of Ranges and of the Crime Branch shall maintain close touch with each other by informal meetings and formal conferences. They shall freely exchange information relating to the criminal administration, and shall ensure that co-operation between ranges and branches of the force is as close as that between the district within a range. Before issuing any circular order having the effect of altering in principle any matter of departmental practice or affecting the administration of the law, Deputy Inspector General shall obtain the approval of the Inspector General. Copies of all such circular orders and of instructions of general importance whether previously approved by the Inspector General or not, shall be sent to the Inspector-General and other Deputy Inspectors-General for information."

52. The rule defines the parameters of the powers of all the Deputy Inspector General of Police in the Police Force with the distinction that the Range Deputy Inspector General of Police has the power of administration, training and discipline of the forces within his statutory Range, which shall include all the Police personnel initially in his range and transferred to any other establishment under the Police Rules. The aforesaid arrangement under Rule 1.6 further has to be read with Rule 1.5, which provides that all police officers appointed or enrolled in any establishment shall be construed as one police force of the District and is obliged to and legally empowered for Police duty anywhere within the province. This Rule even restricts the sub-division in Police territorially by creating class such as mounted and foot police, which may otherwise militate the scheme of the Police Act.

53. The appointments and enrollments of the Police Personnel are regulated by Rule 12 of the Police Rules, 1934 of Chapter XII, which deals with three different sets of recruitment processes described thereunder:-

- a. Recruitment in prosecution (Legal Branch), Rule 12.6(3)(C).
- b. Recruitment of Technical District, Rule 12.3 (B)

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c. Recruitment of upper subordinate in Police, Rule 12.6.

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There is a difference in the training courses of the personnel appointed in the aforementioned units as prescribed in the Police Rules.

- a. Training of personnel:-
  - i. Constables, Rule 19.2
  - ii. Upper subordinate, Rule 19.25
- b. Training of officers in prosecution (Legal Branch), Rule 19.26.
- c. Training of the officers in Technical District, Rule 12.3 (B) (2).

Rules 12.6 (3) (e) suggests that:

"(e) After recruitment no Inspector (Legal) shall be allowed change of cadre from Inspector (Legal) to the Executive of any other Branch in the Police Department."

54. On the basis of the aforementioned criteria of recruitment and training in terms of the Rules referred to hereinabove, it can be easily concluded that the Sindh Police force has three independent units i.e. Executive, Technical District and Prosecution (Legal). On scanning of the rules, it can be further concluded that the Police personnel appointed in terms of the aforesaid recruitment process cannot horizontally travel to any other unit referred to hereinabove either by way of transfer or otherwise.

55. We may, however, observe that Rule 12.8 of the Police Rules, 1934 provides recruitment process and training program from Constable to Inspector in the Police Establishment (Executive Unit) is common.

56. There are six (06) promotion lists maintained in the Police Department as per seniority and qualification (Trainings and Promotional Courses) of the personnel in various ranks i.e.:-

- i. List-A, maintained in the District for Constables having 3 years' successful completion of probationary period and found fit for promotion to the List-B. (Rule 13.6).
- ii. List-B, maintained in the District for Constables, who are present in List-A and found eligible to be sent to Lower School Course, which is a promotional training for promotion to the rank of HC. (Rule 13.7).
- iii. List-C, maintained in the District for Constables, who have qualified Lower School Course and are eligible for promotion to the rank of Head Constable. (Rule 13.8).
- iv. List-D, prepared in the District and forwarded to the Range DIGP for approval and maintenance of seniority list. This list includes Head Constables eligible for the promotion to the rank of ASI after successful completion of Intermediate School Course. (Rule 13.9).
- v. List-E, maintained by the Range DIGPs, containing confirmed ASIs, who are eligible for promotion to the rank of Sub-Inspectors. (Rule 13.10).
- vi. List-F, prepared by CPO on the recommendation of Range DIGPs and maintained by Central Police Office (CPO) on centralized basis, containing confirmed Sub-Inspectors, who have qualified Upper School Course and are eligible for the promotion to the rank of Inspectors. (Rules

13.15).

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57. Under the Police Rules, 1934, the seniority of the Constable and Head Constable is maintained in the District, whereas seniority of ASI and SI is maintained by the Range DIG. The seniority of the Inspector in Police is maintained by the Central Police Office. The training and examination of the Executive Unit is provided in Chapter XIX of the Police Rules.

58. Now with this background, we feel that we should also examine as to how Sindh Reserve Police was raised. In order to understand the establishment of Sindh Reserve Police, we have gone through Chapter XVII, which deals with the Head Quarters Establishments and Reserves in Police Force. It appears that under the aforesaid Chapter reserves are created in the following chronology.

59. Rule 17.9 (1) of the Police Rules, 1934 spells out the first armed reserve, Rule 17.10 speaks of mobilization of the second reserve and Rule 17.11 defines the mobilization of third reserve. In the aforesaid rules, the first armed reserve is the Regular Police in District maintained by the Superintendent of Police or Senior Superintendent of Police of the District and is moved under the orders of the respective range DIG of Police or Inspector General of Police. The mobilization of second reserve takes place under the orders of the Inspector General of Police, whereas mobilization of third reserve is under the orders of the Provincial Government (Chief Minister through Inspector General of Police).

60. The aforesaid three "Provincial Reserves", by a Notification dated 01.7.1980 were combined together and made part of Sindh Constabulary Force with effect from 01.7.1980. The "Provincial Armed Reserves" on its merger became the Sindh Constabulary; before the merger of the aforesaid unit, it was regulated by the District Police under Rules 17.9, 17.10 and 17.11 of the Police Rules, 1934. By another Notification dated 03.4.1985 of the Sindh Government, the 'Sindh Constabulary' was renamed as 'Sindh Reserve Police' and was given under the command of DIG, Training and Sindh Reserve Police.

61. We were informed during the hearing that the recruitment process adopted for the aforesaid personnel of Sindh Reserve Police was common to that of a District Police in terms of the Police Rules as initially they were given the training through Police Training Centers. There is an additional requirement of acquiring practical training in terms of Rule 19.25, which the Sindh Reserve Police personnel did not acquire till 1992.

62. The issue cropped up when on 30.6.2010, a Standing Order No.243 of 2010 was issued by the then Inspector General of Police declaring Training Branch Establishment as a Range. On account of this Standing Order, the DIG, training branch establishment was unauthorizedly conferred administrative powers of DIG range. The DIG training branch started recruitment of the Police Constables as provided under the Police Rules. He also started maintaining the seniority of all the Police personnel serving in the training branch establishment against the language of the Police Rules. The Standing Order referred to hereinabove was admittedly issued without the approval of the government, which is a mandatory requirement. Even otherwise aforementioned Standing Order is beyond the authority of the Inspector General of Police as the Rules do not confer upon him powers to alter the terms and conditions of any of the establishment within the Police Force. The situation further aggravated when the then DIG, Sindh Reserve Police usurped the administrative powers of the range DIG unilaterally. He started recruiting the Police personnel in the manner provided under the Police Rules, which was beyond his authority. The seniority of the Police personnel serving within the Sindh Reserve Police establishment, which ought to have been maintained in their respective Ranges, was also maintained by him illegally. Neither any Standing Order nor any other instrument authorized the DIG, Sindh Reserve Police to exercise administrative powers of the nature. Likewise, the Special Branch also recruited the Police personnel and maintained their seniority within their establishment through the DIG heading the establishment. However, the DIG Crime Branch establishment neither exercised the administrative powers of the Range DIG nor recruited any Police personnel, even the seniority of the Police personnel serving in the establishment was not maintained by him. In other words, the very Standing Order of 30.6.2010 declaring training branch establishment as a Range ex-facie was in violation of section 2 of the Police Act, 1861

read with Rule 1.5 of the Police Rules, 1934, whereas the administrative powers unilaterally exercised by the DIG, Sindh Reserve Police establishment and Special Branch establishment were against the spirit of the Police Act and Rules.

*Page No 101 (43)*

63. In the aforesaid events, when these three establishments usurped the powers of the range DIG without any sanction of law, the entire purpose of the Police Act and the Rules of 1934 was defeated. Under the Police Rules all foot Constables appointed by this establishment were given the training as provided to the Executive Police Force, however, the Sindh Reserve Police establishment also recruited ASIs in the same manner as is being done by the other establishments, but they were not given the practical training as provided under Police Rule 19.25. Subsequent thereto, after the issuance of Standing Order 1992, the practical training under Rule 19.25 was made mandatory for the Police personnel of Sindh Reserve Police establishment.

64. During hearing of the appeals, the AIG (Establishment) informed us that some Police personnel of the Sindh Reserve Police sought their transfer from Sindh Reserve Police establishment to executive Police establishment. Upon this request, a Standing Order No.119 of 1992 dated 08.9.1992 was issued by the Inspector General of Police acceding to their request subject to their obtaining practical training provided under the Police Rules. Since the issuance of the Standing Order all the Police personnel recruited in the Sindh Reserve Police establishment were made to undertake practical training and at present within the establishments all the personnel of the Police have obtained practical training in terms of Chapter XIX of the Police Rules, 1934.

65. We are disturbed in the manner the powers were being exercised by the DIGs heading different establishments under the nose of the government, which was not only against the Police Rules but such practice has actually divided the Police Force. The establishments, were created to facilitate the smooth working of the Police. There is no concept of cadre within the Police, which is one indivisible force. However, as referred to hereinabove the Police Rules prescribe three modes in recruiting the Police personnel. The first recruitment mode is appointment of the Executive Police, the second recruitment mode, which has a different set of Rules refers to appointment of technical District Police and the third mode brings the recruitment of the Inspectors/Sub-Inspectors Prosecution (Legal). There can be employees in the Police Department, which are non-uniformed like ministerial staff and/or I.T. Department but they are recruited and regulated by the Sindh Civil Servants Act, 1973 and the Rules framed thereunder.

66. The learned Service Tribunal has misconstrued Rule 1.3 of the Police Rules; under which different establishments were made in the Police Force to facilitate the smooth working. By erroneous assumption of the powers under the Standing Order or otherwise, the DIGs, who were heading the establishments construed the establishment as Ranges. Additionally, all the administrative powers conferred on the Range DIG, i.e who heads the Executive Police Range, were encroached on by the heads of these establishments created under the Rule 1.4. The said DIGs of the establishments also started maintaining seniority and making recruitments to these establishments, in negation of the clear language of the Police Rules. These actions of the heads of the establishments ex-facie militate the provisions of Police Act and Rules which provide the Police Force as one indivisible Force. The learned Service Tribunal losing sight of the fact that these establishments cannot be construed as Ranges in the first place had directed the government to give them the status of cadres, inter alia, on the ground of their respective functions performed by the personnel in these establishments. The concept of cadre has neither been defined in the Police Act nor by the rules framed thereunder. Though the term 'Cadre', has been used in Police Rule 12.6(3)(e). Even in the Sindh Civil Servants Act, 1973 or the rules framed thereunder, the cadre has not been defined. However, the term 'Cadre' has been defined in Rule 9(4) of the Fundamental Rules, 1992. The said Rule defines "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit."

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67. We have further noticed that the concept of 'Cadre' within the Police service could only be introduced if it is established that the recruitment process, the training and practical training of the members of Police Force is distinct. Under the Police Rules, entry point of all the Police personnel in

Executive Police is common. They have common recruitment process, police training and practical training as prescribed under the Rules and once these trainings after their appointments are completed, they are transferred to the different establishments under the Rules. The posting and transfer to an establishment of a member of Police Force is permissible under Police Rule 1.5 would not change the Cadre of a police personnel. The Rule 1.5 allows the police personnel to progress vertically by the rules prescribed and could be transferred to any of the establishment. There is no restriction placed on a police official for transfer from one establishment to other.

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68. Moreover, section 12 of the Police Act, 1861 leaves no doubt or ambiguity as to the fact that the Police Force is an indivisible entity that is commanded by Inspector General of Police, who has vast powers; subject to the approval of the government, he can frame orders or rules with regard to the organization, classification and distribution of police force. In other words, the aforesaid provision enables the IG Police to cater to the situation, where it is expedient for him to issue such orders and make such rules, with the approval of the government, as are required to meet the contingencies related to, inter alia, prevention and detection of crimes.

69. The learned Tribunal has erred in treating the different establishments created under the Police Rules, 1934 as various Cadres classified on functional basis; whereas the overall scheme of Police Act, 1861 and the Rules 1934 envisage the police forces as one indivisible body possessing various establishments performing the assigned functions such as District Police, Police Training Center, Crime Branch, Special Branch, Reserve Police and so on. Each of these establishments are in fact integral parts of the police force, and under no rules of construction they can be construed as separate or independent Cadres.

70. Therefore, the directions of the learned Tribunal to the government to create Cadres in substitution of the establishments is neither warranted by the Act nor by the Rules and will lead to anomalies as has happened in the case in hand, where the DIGs of different establishments started exercising the administrative powers of the Range DIGs.

71. We are clear in our mind that there should be common seniority of Police Personnel serving in all the establishments to be maintained by District Police, the Range DIG and Central Police Office (C.P.O.) strictly as provided by the Rules in Chapter XIII, as discussed in Para 56 supra. Therefore, the Sindh Government and the competent authority under the Police Rules shall prepare the common seniority list of the Police Personnel serving in different establishments within three (03) months of the date of this judgment in terms of Police Rules and report compliance.

72. Likewise, we are clear in our mind that all the establishments, other than the executive police establishment, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion.

73. Being the custodian of the service record etc. of the Police personnel, the District police/Range DIG, shall make selection for Police personnel for police training and practical training, and no other establishment shall be authorized to make such selection. By way of clarification it may be observed that the matters related to seniority, promotion or trainings in respect of Police Inspector, the competent authority is Inspector General of Police, as provided in the Rules 1934.

74. It has been observed that in many cases the Police personnel have completed their statutory period of probation but they were not confirmed for want of notification, and as result of which such officials have suffered in terms of delayed promotion or loss of seniority, which is a sheer negligence and abuse of power on the part of the competent authorities concerned. Hence, we are of the view that this practice must be brought to an effective end so that injustice may not be perpetrated against such officials. Therefore, in future those Police Personnel who have completed their statutory period of probation, whether it is three years or two years, they shall stand confirmed whether or not a notification to that effect is issued.

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75. We have further observed that a cherry picking is made in the case of selection of Police personnel for police training or practical training despite the fact they have completed their required period to be eligible for such trainings, which amounts to denying them of timely promotion for the next scale; hence, we direct that in future, competent authority shall ensure that the Police personnel who have completed their required period to be eligible for trainings shall be forthwith sent for the trainings; and in case such police officials are bypassed for such trainings on account of default by the department, or to extend a favour to the junior, or negligence by the authority concerned, their inter se seniority and the accompanying financial entitlements shall not be effected on account of their late joining or completion of training.

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76. For the reason stated hereinabove, we allow all these appeals and set aside the judgment of the learned Sindh Service Tribunal. It is expected from the Sindh Government and the Inspector General of Police, Sindh that the directives contained in this judgment shall be implemented in its letter and spirit without any undue delay and the seniority list of all the Police personnel belonging to any of the establishment created in terms of Rule 1.4 of the Police Rules, 1934 shall be prepared within the time stipulated in the judgment.

77. Copies of this judgment be sent through fax and otherwise to the Sindh Chief Secretary, Home Secretary, Sindh, Inspector General of Police, Sindh and Advocate General, Sindh, for their information and compliance.

MWA/G-7/SC

Appeal allowed.

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JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

WP No. 3720-P/2018

Qazi Muhammad Arif and others

Vs

Government of Khyber Pakhtunkhwa through Chief  
Secretary, Khyber Pakhtunkhwa, Peshawar.

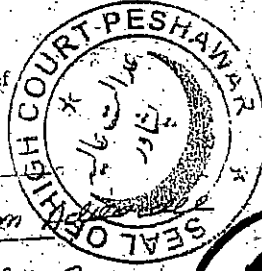
Date of hearing 24.04.2019

Petitioner (by)

Respondents (by)

Zariq Ahmad Khan

Kerman Hayat AGG.



JUDGMENT

MUSARRAT HILALI:- Petitioner, Qazi Muhammad Arif and others, through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed for issuance of directions to the respondents to implement the decision of the committee board regarding fixation of seniority whereas the seniority list "B" be revised and the petitioners direct appointee through Public Service Commission be brought and placed at their due place of seniority and also to ensure the circulation of the seniority list prepared in accordance with law and rules.

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Page No  
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M. H. Hestad

Attested

ATTESTED  
EXAMINER,  
Peshawar High Court

In essence, it is the petitioners' case that they were appointed as Assistant Sub-Inspector on 26.03.2011 through Public Service Commission and subsequently on completion of satisfactory probation period, they were confirmed w.e.f 26.03.2011 from the date of appointment, but were placed in their own seniority list and not properly placed at "E" list which needs to be prepared and maintained to the candidates who can further sent for upper college course for promotion and placing in the regular list of SIs. It is alleged in the petition that the petitioner filed representation before the respondents department on which the competent authority constituted committee for the purpose of fixation of the seniority list, who recommended that "E" list be revised and the appellants/petitioners including others if any, be brought and placed at their due place and the candidates who being officiating promotion may be brought on seniority list "E" after completion of officiating/probation period according to police rules. For the purpose, petitioners approached several times to the respondents to implement the decision of the committee regarding the fixation of the

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*(Signature)*

**ATTESTED**  
**EXAMINER**  
**Rawalpindi High Court**

*(Signature)*



seniority of the petitioners but in vain. Feeling aggrieved, petitioner has filed the instant writ petition for redressal of their grievance.

Arguments heard and appended documents gone through.

3. The worthy AAG while taking us to para-6 of the comments submitted that pursuant to representation submitted by the petitioners, a committee was constituted by respondents on 10.08.2017 to thoroughly examine the stance of the petitioners in the light of relevant rules. He added that the committee submitted recommendations and the same have already been followed by the respondents in letter and spirit.

4. When confronted learned counsel for the petitioners with the above stated position, he submitted that though recommendations have been made by the committee but respondents have not yet implemented it.

5. In the circumstances, we direct the respondents to implement the recommendations of the

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ATTESTED  
EXAMINER  
Peshawar High Court

committee already admitted by them in the comments in  
letter and spirit.

*Legend*

6. Accordingly, the instant writ petition is  
disposed of in the above terms.

*13/6/20*  
*[Signature]*

Announced  
24.04.2019

JUDGE

**CERTIFIED TO BE TRUE COPY**

MAJID  
PROSECUTOR GEN. COURT. RAIPUR  
Authorised Under Article 167  
of the Constitution of India

12 JUN 2020

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*[Signature]*

Attested  
*[Signature]*

(DU) Hon'ble Mr. Justice Ikramullah Khan  
Hon'ble Justice Musarrat Hali.

Nuar Shah, PS

BEFORE THE HON'BLE PESHAWAR HIGH COURTPESHAWARW.P No. 3720P /2018Page No. (50)  
(58)

1. Qazi Muhammad Arif S/o Qazi Ghulam Sarwar, belt No. 790-P R/o CCPO Peshawar.
2. Saeed Jan S/o Ibrahim Khan, Belt No. 795-P R/o CCPO Peshawar
3. Aiza Alam S/o Mawaz Alam, Belt No. 783-P R/o CCPO Peshawar.
4. Asif Khan S/o Ghulam Muhammad, Belt No. 788-P R/o CCPO Peshawar
5. Mumtaz Khan S/o Musharaf Khan, Belt No. 791-P R/o CCPO Peshawar.
6. Nauman Khan S/o Sharif Ahmad, belt No. 803-P R/o CCPO Peshawar
7. Muhamamd IShaq S/o Zahirullah, belt No. 796-P R/o CCPO Peshawar
8. Muhammad Umar S/o Fazal Gul, belt No. 755-P R/o CCPO Peshawar
9. Ayub Khan S/o Mian Khan, belt No. 789-P R/o CCPO Peshawar
10. Masood Khan S/o Shah Muhammad, belt No. 756-P R/o CCPO Peshawar
11. Ahmadullah Khan S/o Kiramatullah, belt No. 797-P R/o CCPO Peshawar

FILED TODAY  
Deputy Registrar  
06 JUL 2018

RE-FILED TODAY  
Registrar  
18 JUL 2018

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2  
12. Inamullah S/o Haji Muhammad Khan, belt No. *Page No*

787-P R/o CCPO Peshawar

13. Saleem Khan S/o Nowrang Khan, belt No. 786-P

R/o CCPO Peshawar

14. Imtiaz Ahmad S/o Liaqat Ali, belt No. 784-P R/o

CCPO Peshawar

15. Asif Ali Khan S/o Fazal Ali, belt No. 785-P R/o

CCPO Peshawar

16. Abdullah Jalal Khan S/o Major (R) Javed Jalal, belt

No. 793-P R/o CCPO Peshawar.

..... Petitioners

**VERSUS**

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.

2. Provincial Police Officer, Govt of Police Khyber Pakhtunkhwa Peshawar.

3. Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar.

4. Chief Capital Police Officer, Peshawar.

5. District Inspector General Headquarter, Peshawar.

..... Respondents

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

FILED TODAY  
Deputy Registrar  
06 JUL 2018

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*[Signature]*

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OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597

POLICE DEPTT.

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II.  
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

Dated 25/10/2020.

No. 7097 /EC-I, Revised "E" List seniority of PASIs:- In light of judgment passed by Peshawar High Court Peshawar in writ petition No. 3720-P/2018 Title Qazi Muhammad Arif VS Govt. of KPK & others as approved by the W/CCPO, Peshawar, the "E" list seniority of the following PASIs is hereby revised w.e from as noted against each:-

| S#  | Name & No.                              | Date of list "E" | Date of Revised list "E" |
|-----|---|------------------|--------------------------|
| 1.  | Offg; SI Masood Khan No. 756/P.         | 13-08-2014       | 13-03-2010               |
| 2.  | Offg; SI Muhammad Umer- 755/P           | 13-08-2014       | 20-02-2010               |
| 3.  | Offg; SI Ahmad Ullah Khan-797/P         | 13-08-2014       | 26-03-2011               |
| 4.  | Offg; SI Abdullah Jalal Khan -793/P     | 13-08-2014       | 26-03-2011               |
| 5.  | Offg; SI Nauman Khan No. 803/P          | 13-08-2014       | 26-03-2011               |
| 6.  | Offg; SI Imtiaz Ahmad No. 784/P         | 13-08-2014       | 26-03-2011               |
| 7.  | Offg; SI Saeed Jan No. 795/P            | 13-08-2014       | 26-03-2011               |
| 8.  | Offg; SI Muhammad Ashfaq No. 796/P      | 13-08-2014       | 26-03-2011               |
| 9.  | Offg; SI Ahsan Alam Khan Khan No. 783/P | 13-08-2014       | 26-03-2011               |
| 10. | Offg; SI Qazi Muhammad Arif No. 790/P   | 13-08-2014       | 26-03-2011               |
| 11. | Offg; SI Asif Ali Khan No. 785/P        | 13-08-2014       | 26-03-2011               |
| 12. | Offg; SI Mumtaz Khan No. 791/P          | 13-08-2014       | 26-03-2011               |
| 13. | Offg; SI Saleem Khan No. 786/P          | 13-08-2014       | 26-03-2011               |
| 14. | Offg; SI Inam Ullah No. 787/P           | 13-08-2014       | 26-03-2011               |
| 15. | Offg; SI Muhammad Asif Khan No. 788/P   | 13-08-2014       | 26-03-2011               |
| 16. | Offg; SI Ayub Khan No. 789/P            | 13-08-2014       | 26-03-2011               |

CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No. 7098-7104 /EC-I,

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

1. Addl: Inspector General of Police, Hqs: Khyber Pakhtunkhwa, Peshawar.
2. AIG/legal, Peshawar.
3. SSP/Operation & Investigation, Peshawar.
4. DSP/Legal, Peshawar.
5. Asstt: Secret Branch, & EC-II, CCP, Peshawar;

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2009 S C M R 1

[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan, Muhammad Qaim Jan Khan  
and Ch. Ejaz Yousaf, JJ

GOVERNMENT OF PUNJAB, through Secretary Education, Civil Secretariat, Lahore  
and others----Petitioners

Versus

SAMEENA PARVEEN and others----Respondents

Criminal Petitions Nos.71-L and 72-L, Civil Petitions 215-L, 216-L, 217-L, 218-L, 224-L  
to 236-L of 2006, decided on 29th April, 2008.

(On appeal from the judgment, dated 29-1-2008 of the Lahore High Court, Lahore  
passed in Cr.O.P. No.370/W and 561/W of 2007, Writ Petitions Nos.11525, 11263,  
11516, 11662, 11663, 11766, 11881, 11835, 12136 and 12185 of 2007, 86, 123, 274,  
345, 599, 643 and 11619 of 2008).

Civil service---

---Administration of justice---If a Tribunal or the Supreme Court decides a point of law  
relating to the terms and conditions of a civil servant who litigated, and there were  
other civil servants, who may not have taken any legal proceedings, in such a case, the  
dictates of justice and rule of good governance demand that the benefit of the said  
decision be extended to other civil servants also, who may, not be parties to that  
litigation, instead of compelling them to approach the Tribunal or any other legal forum.  
--All citizens are equal before law and entitled to equal protection of law as per Art.25 of  
the Constitution.

Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and  
others 1996 SCMR 1185 and Tara Chand and others v. Karachi Water and Sewerage Board,  
Karachi and others 2005 SCMR 499 fol.

Mst. Muqqadas Akhtar and another v. Province of Punjab through Secretary Education  
Department, Government of Punjab and another 2000 PLC (C.S.) 867 ref.

Ms. Afshan Ghazanfar, A.A.-G., Punjab and Rana Abdul Qayyum, D.S. (Education) Punjab for

~~Amir~~  
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Alfesta  
2/2/08  
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Petitioners.

S.M. Tayyab, Senior Advocate Supreme Court for Respondents (In Cr.Ps Nos.71-L, 72-L and C.P.224-L of 2008).

Nemo for other Respondents.

ORDER

ABDUL HAMEED DOGAR, C.J.---Through this order we intend to dispose of above captioned petitions filed against common judgment, dated 29-1-2008, passed by learned Judge in Chambers of Lahore High Court, Lahore whereby Cr.O.P. No.370/W and 561/W of 2007, Writ Petitions Nos.11525, 11263, 11516, 11662, 11663, 11766, 11881, 11835, 12136 and 12185 of 2007, 86, 123, 274, 345, 599, 643 and 11619 of 2008 filed by respondents were allowed and the impugned orders passed by petitioner/authority were set aside.

2. Briefly, stated facts giving rise to the filing of instant petitions are that respondents were appointed as PTC Teachers during the year 1995/1996 after completion of all legal requirements and they joined their respective place of posting. After sometime, their appointments were cancelled being bogus vide order No.277/E-1, dated 3-4-1998. This order was assailed before learned Lahore High Court, Lahore and same was declared to be without lawful authority in the case reported as Mst. Muqqadas Akhtar and another v. Province of Punjab through Secretary Education Department, Government of Punjab and another 2000 PLC (C.S.) 867. The relevant paragraph is reproduced as under:--

"Consequently the petitioners are declared to be in service and the action of the Headmasters/Incharge of the Schools stopping the petitioners from performance of their duties as PTC Teachers on the basis of the above said impugned order, is declared to be without lawful authority. It is, however, clarified that the department is at liberty to proceed against petitioners, if so desired, on individual basis under the relevant law and under the Punjab Civil Servant (Efficiency and Discipline) Rules, 1975."

In view of above judgment, the respondents were absolved of the charges of bogus appointments. But later on once again the services of respondents were terminated vide order, dated 3-8-2005, which order was challenged before learned Lahore High Court, Lahore through Writ Petition No.16864 of 2005. The said writ petition was allowed vide judgment, dated 11-12-2006 and the impugned order, was declared as illegal and without lawful authority. Similarly, one of the teachers namely Mst. Naseem Akhtar assailed the

order, dated 3-8-2005 before Punjab Service Tribunal, Lahore through Appeal No.903 of 2006 which was also allowed vide judgment dated 4-9-2006. The said judgment was maintained by this Court in Civil Petition No.1960-L of 2006 vide judgment, dated 2-11-2006. On 26-9-2007 once again the services of respondents were terminated. Feeling aggrieved they filed above mentioned petitions before the learned Lahore High Court, Lahore which were allowed vide impugned judgment as stated above.

3. It is mainly contended by learned A.A.-G. Punjab appearing on behalf of petitioners that the jurisdiction of the learned High Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 in matters involving determination of terms and conditions of civil servants. She further contended that the appointments of the respondents were bogus and fake as they were never selected by the competent authority, therefore the orders of dismissal passed by departmental authority were in accordance with law, which did not call for any interference by this Court.

4. On the other hand, Mr. S. M. Tayyub, learned Senior Advocate Supreme Court appearing on behalf of some of the respondents supported the impugned judgment and contended that appointments of respondents had taken place in accordance with rules and prescribed procedure. They submitted their applications in pursuance of advertisement of the posts of PTC Teachers. They passed the required test and were appointed by the competent authority. According to him, the respondents were in service for about 9-10 years and during this period no objection was raised, and subsequently on vague allegations they were dismissed from service. He further contended that cases of respondents were at par with Mst. Naseem Akhtar which was decided by this Court in Civil Petition No. 1960-L of 2006 vide judgment, dated 2-11-2006.

5. We have considered the arguments of both the parties and have gone through the record and proceedings of the case in minute particulars. The matter has already been decided by this Court in the case of Mst. Naseem Akhtar (supra), and it has been held that the appointment orders of the respondents as PTC Teachers were genuine. It was held by this Court in the case of Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and others 1996 SCMR 1185 that if a Tribunal or this Court decides a point of law relating to the terms and conditions, of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may not be parties to that litigation instead of compelling them to approach the Tribunal or any other legal forum. This view was reiterated by this Court in the case of Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 and it was held that according to Article 25 of the Constitution of Islamic Republic of Pakistan, 1973 all citizens are equal before law and entitled to equal protection of law.

Attested  
by

Attested  
by



Page NO ~~60~~ 58

In this view of the matter, we are of the view that no ground for interference in the impugned judgment is made out. Accordingly, the petitions being devoid of force are dismissed and leave to appeal refused.

M.B.A./G-13/SC

Petitions dismissed



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Atst  
nys

Before the Regional Police Officer Bannu Region Bannu.

THROUGH PROPER CHENNEL

Page No. 10

Amir  
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Payer:

Appellant name be placed at list "E" w.e.f from the date, of confirmation i.e 10.02.2011 and in view whereof, his officiating promotion order dated be 03.06.2016 to the rank of sub inspector be revised and be given effect from the date of his eligibility and be confirmed as sub inspector under rule 13.18 of police rules, 1934 with all consequential benefit.

The appellant name be placed below the name of OSI Muhammad Sallim no 31/B admitted to list "E" on 08.02.11 promoted as OSI 08.02.11 and confirmed as SI on 31.05.2013 and above the name of OSI Javed Iqbal no 55/B, admitted to list "E" on 31.03.2011 promoted as OSI on 10.09.2013 vide seniority list "E" no 827/EC dated 06.04.2015

R/Sir,

1: With due respect it is stated that I was enlisted as PASI through Public Service Commission Khyber Pakhtunkhwa Peshawar through Adv No. 4/2008 Serial No. 01 vide order 14-15/EC dated 04.01.2011 (copy attached as A).

2: After successful three years probationary courses the appellant was confirmed as ASI on 10.02.2011 and admitted to list "E" on 08.05.2014. Vide order no 1298-99/EC dated 08.05.2014 (copy attached as B).

3: Judgment of apex supreme court 2016 SCMR 1254 Ghulam Hasan Jatoi VS Faqir Muhammad Jatoi and judgment dated 30.11.2020 of Service Tribunal KPK Peshawar sub inspector Furqan Javed vs RPO Bannu and others reveal that the name of confirmed ASI will be admitted to list "E" from the date of his confirmation. (copies attached as C&D).

4: Record reveal that appellant name is admitted to list "E" w.e.f 08.05.2014 instead of 10.02.2011 and placed his name at S.No. 100 of seniority list "E" issued vide no 827-35/EC dated 06.04.2015 (Copy attached as E).

It is therefore requested that according to judgment of Apex Court and Service Tribunal Khyber Pakhtunkhwa Peshawar appellant may be assign his due seniority as prayed for.

Dated: 10-03-2023

Yours Sincerely

(Damsaz Khan)  
Sub inspector No.8/90  
SHO Police Station Pezu  
District Lakki Marwat  
0331 9397152



OFFICE OF THE  
DISTRICT POLICE OFFICER  
LAKKI MARWAT

Phone No. 0969-538240

Fax No. 0969-538244

No. 167 /PA Dated Lakki Marwat the

14 /03/2023.

To: The Regional Police Officer,  
Bannu Region, Bannu.

Subject: APPLICATION IN RESPECT OF SI DAMSAZ KHAN.  
Memo:

Page No. 08  
58

Kindly enclosed find herewith an application along with relevant documents in respect of Sub-Inspector Damsaz Khan No B/90 of this district police which is self explanatory, requesting therein for assigning his due seniority according to Judgment of Apex Court and Service-Tribunal Khyber Pakhtunkhwa Peshawar (Photocopies attached) is submitted herein for your kind perusal and further appropriate action, please.

Wanni  
District Police Officer,  
Lakki Marwat.

Ali  
Ali

From: The Regional Police Officer,  
Bannu Region, Bannu.

To: The District Police Officer, Lakki Marwat.

No. 900 /EC, dated Bannu, the 27/03/2023.

Subject: APPLICATION OF SI DAMSAZ KHAN NO.B/90.

Memo:

Please refer to your office letter No.167/PA, dated 14.03.2023.

After perusal of the case, this office record reveals that in compliance of CPO Peshawar directions vide No.CPO/CPB/63 and No. CPO/CPB/64, dated 13.02.2023, the seniority of all officers falling on list "E" has been revised vide this office Order Endst: No.512-15/EC, dated 21.02.2023. The applicant stands at S.No.117 in the seniority list "E" before the name of SI Mohammad Zahcer No.B/40 and after the name of SI Furqan Javed No.B/74.

The applicant officer may be informed accordingly

Regional Police Officer  
Bannu Region,  
Bannu  
Ph: No.0928-9270076  
Fax No.0928-9070075  
Email: rpobannu2@gmail.com

*SBC*  
*inform the applicant*  
*file*

District Police Officer  
Lakki Marwat

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Annex

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Page 1460

OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
COORDINATION, CCP/PESHAWAR  
Phone No: 091-9213757

No. 638 /R. Dated Peshawar the 31 / 08 /2017

To: The Capital City Police officer  
Peshawar

Subject: COMMITTEE REPORT REGARDING FIXATION OF SENIORITY

The issue of seniority between the directly recruited ASIs and those promoted from HCs on officiating basis, was referred by the competent authority vide endst no. 1913/PSO, dated 10.08.2017 to the committee, comprising the following members.

- |    |   |          |
|----|---|----------|
| a) | Senior Superintendent of police (Coordination)  | Chairman |
| b) | Senior Superintendent of police (Investigation) | Member   |
| c) | DSP (legal)                                     | Member   |
| d) | Establishment Clerk                             | Member   |

2. The committee called some of the applicants and heard their stance and also consulted relevant rules.

- i. The PASIs are directly recruited after qualifying the prescribed public service examination, against 25% quota of the total sanctioned strength on recommendation of KP Public Service Commission. During their training they have to undergo various courses like A, B, C, D.
- ii. According to 12.08 PR 1934, these appointments are made on probationary basis. After three years of probationary period and successful completion of the requisite courses, these officers are confirmed from the date of their appointment. Their inter seniority is based on their merit list.

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"Inspectors, sergeants, SIs and ASIs who are  
be considered on probation for 03 years,"

However, a unique practice is in vogue which disturbs the seniority of  
directly recruited officers. According to rules, all confirmed ASIs join E list.

The PASIs are confirmed from the date of appointment but they are  
enlisted on E list after completion of three years probationary period.

When they are confirmed from the date of appointment, they should  
naturally join E list from the date of appointment. In the meanwhile the  
officiating ASIs complete their two years probationary period and are  
confirmed as ASIs and immediately brought on E list.

Seniority on E list is the basis for determining an ASI's turn for further  
promotion courses and naturally for promotion too.

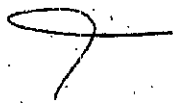
iii. Rule 12.2 (3) PR 1934, states that:

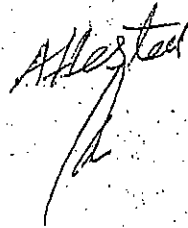
"Seniority in the case of upper subordinates will be reckoned in the  
first instance from date of first appointment, officer from a lower rank  
being considered senior to persons, appointed direct in the same  
rank." This relevant para clearly speaks of the appointment of directly  
recruited officers, in this case (ASIs) against sanctioned posts whereas  
rank promotion is officiating, in the sense as temporary. Appointment  
carries precedence over officiating promotion in the same rank.

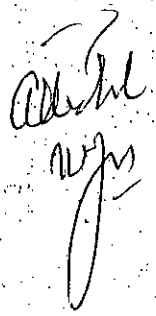
Permanent promotions of the officiating officers can take effect from the  
date, on which they complete 02 years on availing the status of permanent  
and seniority shall start from this date of completion of probation period.  
The officiating promotion can be withdrawn and they can be reverted to  
the rank of HC. The PASIs cannot be reverted.

iv. Officiating promotion is not regular promotion and thus officiating ASIs  
are unconfirmed ASIs or they are still permanent HCs and are to remain  
on the D list till their confirmation.

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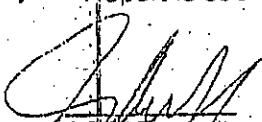
The Honorable Supreme Court of Pakistan and Federal Services Tribunal, on various occasions have clearly commented that there is no rule laying down that confirmation would be a date different from the date of appointment hence confirmation other than appointment shall be illegal in light of provision 12.2(3) PR 1934. (2002 PLC (CS1403, 1999 SCMR 1594)).

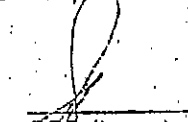
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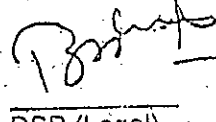
It is clear that directly appointed ASIs are ASIs who cannot be reverted as they are appointed ASIs against sanctioned reserved quota which should not be mixed up with the rest at least in the rank of their appointment i.e ASI.

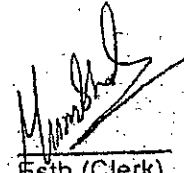
- It is suggested that the list E be revised and the probationer ASIs (applicants), including others if any, be brought and placed at their due places.
- The Establishment Section should ensure circulation of seniority list i.e List E in this case, as directed in PR 13,11, so that the officers are not kept in dark.
- The seniority list should be prepared strictly in accordance with the rules to avoid any tempering.

Report is submitted for perusal and further orders.

  
SSP (Co-Ord)  
(Chairman)

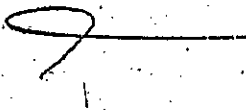
  
SSP (Inves)  
Member

  
DSP (Legal)  
Member

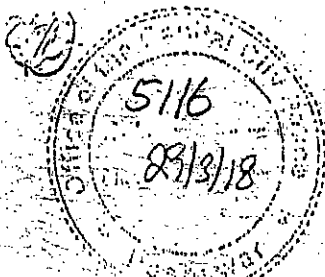
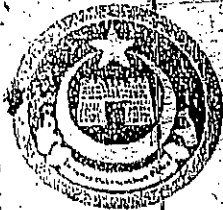
  
Estb (Clerk)  
Member

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

No. 57/CPB dated Peshawar the 29/03/2018

Page No. 585

To: ✓ The Capital City Police Officer,  
Peshawar.

Subject: REQUEST FOR IMPLEMENTATION OF THE COMMITTEE DECISION

Memo:- Please refer application of Qazi Muhammad Arif and Masood Khan on the subject noted above (copy enclosed).

In this connection it is submitted that seniority of upper subordinates in the rank of ASI be reckoned from the date of confirmation. Police Rule 12.2(3) is also very much clear on the subject. In this regard guidance has already been provided to all Regional Police Officers for compliance vide CPO Memo: No. 14269-75/E-II, dated 19.06.2013 (copy enclosed).

Moreover, the promotion/confirmation of officers in the rank of ASI and SI is dealt within region.

(AHSAN SAIFULLAH) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

Endst: No. and dated even

Copy forwarded to:-

1. Deputy Inspector General of Police, HQs., Khyber Pakhtunkhwa, Peshawar.
2. ISO to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

- C.C.P.O. \_\_\_\_\_
- SSP/O \_\_\_\_\_
- SSP/ \_\_\_\_\_
- SP/Cantt \_\_\_\_\_
- SP/City \_\_\_\_\_
- SP/Rural \_\_\_\_\_
- SP/Sec \_\_\_\_\_
- SP/HQ \_\_\_\_\_
- SP/O \_\_\_\_\_
- SP/HQ \_\_\_\_\_
- DSP/LOS \_\_\_\_\_
- P.O./C.C. \_\_\_\_\_
- PA/EC-II \_\_\_\_\_
- P.C.Cell \_\_\_\_\_

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EC-I 29/3/18

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Wakalat nama

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In the K.P. Service Tribunal Peshawar

D. Amraz ..... Appellants

VS

Govt of K.P. High I.G.P. & others Respondent

1 D. Amraz, s/o Sarwar, The Appellants the above case hereby appoint, Mr. Nazir Ahmad Advocate, Peshawar High Court Peshawar as Counsel in subject proceedings and authorize him to appear, plead, compromise, withdraw or refer the matter for arbitration for us without any liability for his default and with the authority to engage/appoint any other advocate/counsel at our expense if necessary and receive all sums and amounts payable to us and to all such acts which he may deem necessary for protecting our interests in the matter. He is authorized to file Appeal, Revision, Review and Application for restoration or Application for setting-aside ex-parte decree proceedings on our behalf.

Nazir Ahmad  
Appellant

Dated: 28/6/23  
Accepted and Attested

Nazir Ahmad  
Nazir Ahmad  
Advocate. Peshawar  
Cell: 0301-8571879  
0332-8540783