



08<sup>th</sup> Dec. 2022

Learned counsel for the appellant. Mr. Muhammad Riaz Khan Painsdakhel, Asst: AG for respondents present.

It is the matter of promotion and private respondents have not been served so far, therefore, they be summoned through TCS for 13.03.2023 before the D.B. The appellant shall deposit the expenses of TCS within three days alongwith correct memo of addresses of the respondents. P.P is given to the parties.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member(Executive)


  
(Kalim Arshad Khan)  
Chairman


13<sup>th</sup> March, 2023

Appellant alongwith his counsel present. Mr. Muhammad Jan, District Attorney for the respondents present.

Vide order dated 08.12.2022, appellant was directed to deposit the expenses of TCS within three days for summoning of private respondents but the same have not been deposited. Learned counsel for the appellant stated that due to misunderstanding the expenses of TCS could not be deposited, therefore, further time may be granted to him to deposit the same. Last chance is give to the appellant to deposit the expenses of TCS within two days for issuance of notices to private respondents alongwith correct memo of their addresses. Thereafter, notice be issued private respondents for 24.05.2023 before the D.B. Parcha Peshi give to the parties.

Correct addresses &  
expense for Tcs not  
submitted.  
Jh.  
Mohamir

  
(Salah-ud-Din)  
Member (J)

  
(Kalim Arshad Khan)  
Chairman


SCANNED  
KPST  
Peshawar

11<sup>th</sup> Oct., 2022

Counsel for the appellant present. M. Muhammad Adeel Butt,  
Addl. A.G alongwith Hikmat Khan, HC for the respondents  
present.

SCANNED  
KPST  
Peshawar

Learned counsel for the appellant requests for adjournment..  
Adjourned. To come up for arguments on 10.11.2022 before the  
D.B.

  
(Fareeha Paul)  
Member (E)


  
(Kalim Arshad Khan)  
Chairman


10.11.2022

Junior to counsel for the appellant present.

Muhammad Adeel Butt learned Additional Advocate  
General for the respondents present.

Former requested for adjournment due to engagement of  
learned senior counsel for the appellant in Hon'ble Peshawar  
High Court Peshawar. Adjourned. To come up for arguments on  
08.12.2022 before the D.B.

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)


30.05.2022

Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 07.06.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)


7.6.22

*Proposed D.B is on leave, therefore the case is adjourned to 25.8.22 for hearing.*

25.08.2022

Appellant in person present. Mr. Hikmat Khan, Head Constable alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for official respondents No. 1 & 2 present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 11.10.2022 before the D.B.


  
(Salah-Ud-Din)  
Member (Judicial)

29.03.2021

Junior to counsel for appellant present.

Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is indisposed. Adjourned. To come up for arguments on 28/06/2021 before D.B.

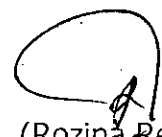
  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

28.06.2021

Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

The Worthy Chairman is on leave, therefore, the Bench is incomplete. To come up for arguments on 28.09.2021 before the D.B.

  
(Rozina Rehman)  
Member(J)

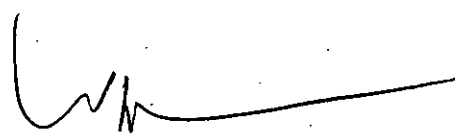
28.9.21

*DB is on Tour case to come up  
For the same on Dated. 2/2/22*

02.02.2022

Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Due to paucity of time, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 30.05.2022.

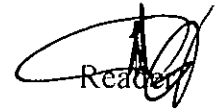
  
(Atiq-Ur-Rehman Wazir)  
Member (E)

  
Chairman

*8  
Rendez*

18.08.2020

. Due to summer vacations, the case is adjourned to 20.10.2020 for the same.

  
Reader

20.10.2020

Junior to counsel for the appellant and Mr. Muhammad Jan, DDA for the respondents present.

The Bar is observing general strike today, therefore, the matter is adjourned to 24.12.2020 for hearing before the D.B.

  
(Mian Muhammad)  
Member

  
Chairman

24.12.2020

Due to summer vacation, case is adjourned to 29.03.2021 for the same as before.

  
Reader

15.01.2020

Appellant absent. Learned counsel for the appellant absent. Lawyers are on strike on the call of Khyber Pakhtunkhwa Bar Council therefore, the case is adjourned. To come up for further proceedings/arguments on 11.03.2020 before D.B. Petitioner be put to notice for the date fixed.

  
Member

  
Member

11.03.2020

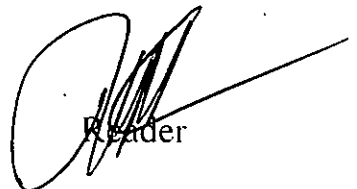
Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior learned counsel for the appellant is not available. Adjourn. To come up for arguments on 27.04.2020 before D.B.

  
Member

  
Member


27.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.08.2020 before D.B.

  
Reader

05.09.2019

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Mr. Mir Faraz Khan, DSP for respondents present. Written reply on behalf of the respondents not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 03.10.2019 before S.B.

  
(Ahmad Hassan)  
Member

03.10.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present.

Representative of respondents seek further time to furnish written reply/comments. Last chance is granted to the respondents for submission of requisite reply/comments on 30.10.2019 before S.B.

  
CHAIRMAN

30.10.2019

Counsel for the appellant present. Addl. AG alongwith Mir Faraz Khan, DSP (Legal) for respondents No. 1 & 2 present and furnished parawise comments on behalf of the said respondents. Placed on record. Remaining respondents have not furnished their respective reply/comments despite last opportunity. The appeal is, therefore, posted to D.B for arguments on 15.01.2020. The appellant may submit rejoinder to the parawise comments of respondents No. 1 & 2, within a fortnight, if so advised.

Chairman 

17.05.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Officiating Inspector) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa <sup>Service Tribunal Act 1974</sup>. The appellant was promoted to the rank of Officiating Inspector vide order dated 12.12.2018 with immediate effect. The appellant has filed the present service appeal for antedation of his promotion to the rank of Officiating Inspector w.e.f 12.08.2015 and for his confirmation in the rank of Inspector w.e.f 04.07.2018.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 17.07.2019 before S.B.

  
Member

17.07.2019

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned Asstt. AG requests for time to procure written reply of the respondents. To come up for written reply/comments on 05.09.2019 before S.B.

  
Chairman

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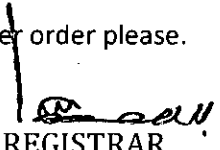

Appellant Deposited  
Security & Process Fee  
7/5/19



Form- A  
FORM OF ORDER SHEET

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

Case No. 477/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/04/2019	<p style="text-align: center;">The appeal of Mr. Fazal Malik resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	10/04/19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/05/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Fazal Malik officiating Inspector Malaknad Range police line Swat received today i.e. on 22.03.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Addresses of respondent no. 3 to 26 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Page no.10 and impugned order dated 12.12.2018 are illegible which may be replaced by legible/better one.

No. 486 /S.T,

Dt. 25-3-2019

25/3/19  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

*Sir,*  
All other objection i.e. objections No. 1 & 3 have been removed, while the objection No. 2 all the ~~objection~~ private respondents may be informed through Inspector General of Police office. Hence the present appeal may be put up before the bench.

*[Signature]*  
19/4/2019.

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

APPEAL NO. 477 /2019

FAZAL MALIK

VS

POLICE DEPTT:

**INDEX**

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	.....	1- 4.
2	Judgment	A	5- 7.
3	Orders	B & C	8- 10.
4	Notifications	D & E	11- 18.
5	Impugned Notification	F	19- 26.
6	Departmental appeal	G	27.
7	Vakalat nama	.....	28.

**APPELLANT**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

**APPEAL NO. 477 /2019**

Mr. Fazal Malik, Officiating Inspector (BPS-16),  
Malakand Region, presently posted at police Lines Kabal, Swat.

..... **APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Malakand Region, at Saidu Sharif Swat.
  
- 3- Mr. Imad Ud Din, Inspector No.368/M.
- 4- Mr. Mohammad Ali, Inspector No.39/M.
- 5- Mr. Kalimullah, Inspector No.31/M.
- 6- Mr. Muhammad Arshad, Inspector No.363/M.
- 7- Mr. Muhammad Abbas, Inspector No.131/M.
- 8- Mr. Bahramand Shah, Inspector No.548/M.
- 9- Mr. Gul Khatab, Inspector No.87/H.
- 10- Mr. Zubair Shah, Inspector No.88/H.
- 11- Mr. Muhammad Rasan, Inspector No.92/H.
- 12- Mr. Abdul Ghafoor, Inspector No.95/H.
- 13- Mr. Zulfiqar Ali, Inspector No.97/H.
- 14- Mr. Tufail Muhammad, Inspector No.99/H.
- 15- Mr. Muhammad Munir, Inspector No.100/H.
- 16- Mr. Sadaqat Nisar, Inspector No.102/H.
- 17- Mr. Muhammad Arshad, Inspector No.103/H.
- 18- Mr. Muhammad Asad Yousaf, Inspector No.104/H.
- 19- Mr. Mudassar Zia, Inspector No.105/H.
- 20- Mr. Muhammad Farooq, Inspector No.106/H.
- 21- Mr. Muhammad Asif, Inspector No.107/H.
- 22- Mr. Gul Shadi Khan, Inspector (BPS-16).
- 23- Mr. Shafi Ur Rehman, Inspector No.111/MR.
- 24- Mr. Muhammad Yaqoob, Inspector No.113/MR.
- 25- Mr. Khaista Wahab, Inspector No.114/MR.
- 26- Mr. Faqeer Muhammad Ameer, Inspector No.30/D.

All care of the O/O Inspector General of Police, Police line,  
Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED NOTIFICATION DATED 12-12-  
2018 WHEREBY THE APPELLANT WAS PROMOTED TO  
THE RANK OF OFFICIATING INSPECTOR (BPS-16) WITH  
IMMEDIATE EFFECT RATHER THAN WITH  
RETROSPECTIVE EFFECT I.E. 12.8.2015 WHEREBY  
PRIVATE RESPONDENTS BEING JUNIORS TO  
APPELLANT HAVE BEEN PROMOTED ON OFFICIATING  
BASIS w.e.f. 12.8.2015 AND WERE CONFIRMED W.E.F.  
4.7.2018 AND AGAINST NOT TAKING ACTION ON THE  
DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE  
STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

**That on acceptance of this appeal the impugned notification dated 12.12.2018 may very kindly be modified/rectified by promoting the appellant to the Rank of Officiating Inspector (BPS-16) w.e.f. 12.8.2015 and the appellant may kindly be confirmed in the Rank of Inspector w.e.f. 4.7.2018 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

1. That the appellant joined the respondent Department as Assistant Sub Inspector at Malakand Region on the proper recommendation of Khyber Pakhtunkhwa Public service Commission and on satisfactory performance and Seniority cum fitness was promoted to the Rank of Sub Inspector (BPS-14).
2. That during service major penalty of reduction in Rank i.e. from the Rank of Sub Inspector to the Rank of Assistant Sub Inspector was imposed on the appellant by the respondents on account of baseless allegations. That appellant firstly agitated his punishment on Departmental level and where after knocked the door of this august Tribunal in appeal No.595/2016. That this august Tribunal vide judgment dated 7.8.2017 allowed the appeal of the appellant with all back benefits. Copy of the judgment is attached as annexure ..... A.
3. That vide order dated 2.10.2017 followed by another order dated 18.10.2017 the appellant was restored to his original Rank of Sub Inspector (BPS-14) with all back benefits

including seniority. Copies of the orders are attached as annexure ..... **B and C.**

4. That where after the appellant time and again requested the concerned respondents for his promotion to the Rank of Officiating Inspector from the date when his other colleagues and junior colleagues were promoted i.e. w.e.f 12.8.2015. That it is also very pertinent to mention that the private respondents being junior to the appellant have been confirmed in the Rank of Inspector (BPS-16) w.e.f 4.7.2018. Copies of the Notifications are attached as annexure ..... **D and E.**
5. That vide impugned Notification dated 12.12.2018 the appellant was promoted to the Rank of Officiating Inspector (BPS-16) with immediate effect rather than with retrospective effect i.e. w.e.f. 12.8.2015. That appellant feeling aggrieved filed Departmental appeal before the appellate authority but no reply has been received so far. Copies of the impugned Notification and Departmental appeal are attached as annexure ..... **F and G.**
6. That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

#### **GROUND:**

- A- That impugned Notification dated 12.12.2018 issued by the respondents are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That, the treatment meted out to the appellant is clearly based on discrimination and malafide and as such the respondents violated the principle of natural justice.
- D- That appellant is fully entitled for the grant of ante dated promotion in the Rank of Inspector (BPS-16) w.e.f. 12.8.2015 in light of the judgment of this august Tribunal dated 7.8.2017.
- E- That appellant is fully entitled for his ante dated seniority and officiating promotion to the Rank of Inspector in light of the prevailing police Rules.

- F- That the respondents acted in arbitrary and malafide manner while issuing the impugned orders dated.
- G- That respondents violated Article 38(e) of the Constitution of Islamic Republic of Pakistan, 1973, according to which state is bound to eliminate disparity in the income and earning of individuals including persons in the services of the Federation, thus in light of the above quoted judgment the respondents are duty bound to grant ante dated promotion to the appellant in the Rank of Inspector (BPs-16) with all back benefits.
- H- That according to Section-9 of the Civil servant Act, 1973 read with Rule-7 of the appointment, promotion and transfer Rules appellant is fully entitle for the grant of ante dated promotion.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for, please.

Dated: 18.3.2019

**APPELLANT**

**FAZAL MALIK**

**THROUGH:**

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH YOUSAFZAI**

**& MIR ZAMAN SAFI  
ADVOCATES**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT SWAT

Service Appeal No 595/2016

Date of Institution... 23.05.2016

Date of decision... 07.08.2017

Fazal Malik, ASI Incharge Police Post, Dewali Police Station Shah Dheri, District, Swat. (Appellant)

Versus

1. Provincial Police Officer, Peshawar and 5 others. (Respondents)

MR. ABDUR RAUF AFRIDI,  
Advocate

For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN,

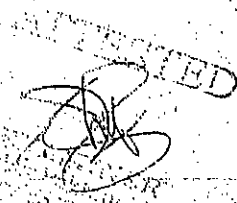
CHAIRMAN  
MEMBER

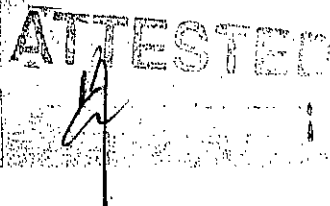
JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was reverted to lower rank by awarding him major penalty on 24.02.2016 which was appealed against departmentally. And departmental appeal was rejected on 29.04.2016 and thereafter the present appeal has been filed before this Tribunal. The disciplinary proceedings were initiated against the appellant on the basis of anonymous complaint dated 24.12.2015, alleging that the appellant had taken bribe from a timber smuggler and has also sold some timber in

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ATTESTED  




the market. The enquiry was conducted and finally the impugned order was passed.

ARGUMENTS

3. The learned counsel for the appellant argued that the enquiry officer in fact had exonerated the appellant from the charges vide enquiry report dated 20.2.2016 and there-after under the pressure of high ups changed his enquiry report with another report dated 22.2.2016 recommending him for major punishment. That the second enquiry could not be conducted under the law.

4. On the other hand the learned District Attorney argued that the enquiry was conducted in accordance with law. There is no enquiry report dated 22.2.2016 in the record of the police. That no enquiry report dated 22.2.2016 has been provided to the learned District Attorney by the department.

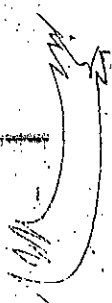
CONCLUSION

5. Without adverting to the merits of the case in detail, it is an admitted position that enquiry dated 20.2.2016 was submitted by the enquiry officer which is also available in the record of District Attorney. This Tribunal asked the representative of the Police Department present in the court about the enquiry report dated 22.2.2016 but he was unable to trace the same. However, he admitted that the enquiry report dated 20.2.2016 is present on their record. In such a situation when both the parties have admitted the enquiry report dated 20.2.2016 another enquiry report could not be submitted after 2 days without the proper order of the higher authority under the rules. The enquiry report dated 20.2.2016 clearly exonerate the accused from the charges leveled against him and the impugned order based on any other enquiry report is illegal and not sustainable in the eyes of law.

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*[Handwritten Signature]*  
EXAMINER

ATTESTED  
*[Handwritten Signature]*



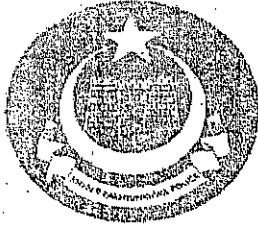
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6. Resultantly the appeal is accepted, the impugned order is set aside and the appellant shall be deemed to have been reinstated in his position from where he was reverted from the date of reversion with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

Sd/- *Muhammad Khalid Khan,*  
Chairman

Sd/- *Abul Riz Khan,*  
Member

ATTESTED



B-8

**OFFICE OF THE  
DISTRICT POLICE OFFICER, SWAT**  
Ph: 0946-9240393 & Fax No. 0946-9240402,  
Email: dposwat@gmail.com

ORDER.

In compliance with Judgment of Khyber Pukhtunkhwa, Service Tribunal in service appeal No. 595/2016 and direction received from CPO vide Endst: No. 1979/Legal, dated 30-08-2017. Assistant Sub Inspector Fazal Malik of this District now on deputation to Special Khyber Pukhtunkhwa, Peshawar is hereby re-instated in the Rank of Sub Inspector from the date of his reversion to substantive Rank with all back/consequential benefits.

District Police Officer, Swat.

OB No 160  
Dated 29.9. /2017

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

No 14989-92 /E, dated Gulkada the 2.10. /2017.

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

1. Inspector General of Police, Khyber Pukhtunkhwa, Peshawar.
- ✓ 2. Additional Inspector General of Police Special Branch Khyber Pukhtunkhwa, Peshawar.
3. Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
4. AIG/Establishment Khyber Pukhtunkhwa, Peshawar.

District Police Officer, Swat.

ATTESTED

C-9

COPY OF ORDER ENDST: NO.14989-92/E, DATED 02.10.2017 FROM DPO  
SWAT TO ADDL IGP/SB, KPK, PESHAWAR AND OTHERS.

ORDER.

In compliance with judgment of Khyber Pakhtunkhwa Service Tribunal in service appeal No.595/2016 and direction received from CPO Endst: No.1979.Legal, dated 30.08.2017, Assistant Sub Inspector Fazal Malik of this District now on deputation to Special Branch Khyber Pakhtunkhwa, Peshawar is hereby re-instated in the rank of Sub Inspector from the dated of his reversion to substantive Rank with all back / consequent benefit.


Sd/-  
District Police Officer Swat.

OFFICE OF THE ADDL. INSPECTOR GENERAL OF POLICE SPECIAL BRANCH  
KHYBER PAKHTUNKHWA PESHAWAR.

No.6833-57/SB. Dated, Peshawar the 18/10/2017.

Copy for information & necessary action to the:-

1. Addl: SP/HQrs.
2. Acctg/SB.
3. CC/SB.
4. SB Office Malakand.
5. IO/SB.
6. EA/SB.
7. IT/SB.

  
Sr. Superintendent of Police/Admin:  
For Dy: Inspector General of Police  
Special Branch Khyber Pakhtunkhwa  
Peshawar

R. No. 209. G.O. M/K/D

Dt. 24-10-17

**ATTESTED**



10

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

No. /E-II dated Peshawar the /06/2018

ORDER

Fazal Malik confirmed Sub-Inspector on List "F" while posted as SHO Police Station Malamjaba, on 22.12.2015 took in custody daina No. 167/PSM-L full of timbers and instead of legal action he took an amount of Rs.25000/- as illegal gratification from one timber smuggler namely Sher Alam s/o Janbar r/o Bakral, Kakot, Malamjaba and let free 21 timbers. Similarly, he sold some timbers on one Shah Said s/o Bashir r/o Surdherai, Shafiqo, Malamjaba. Enquiry was conducted against him and he was awarded major punishment by DPO/Swat, Swat of reversion to his substantive rank of ASI.

He preferred an Appeal in the Service Tribunal and the Service Tribunal, set aside the impugned order with directions to re-instate him in his position from where he was reverted from the date of reversion with all back benefits. In compliance with judgement of Service Tribunal, ASI Fazal Malik No. 72/M was restored to the rank of Sub-Inspector with all back benefits vide District Police Officer, Swat O.B No. 160 dated 29.09.2017.

As per recommendation of DPC dated 07.06.2018, the seniority of appellant disturbed due to award of penalty of reversion from the rank of Sub-Inspector to Assistant Sub-Inspector and removal from List "F" is hereby restored as the said penalty is no more in field.

Sd/-  
SALAH-UD-DIN KHAN  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. 599-603E-II, dated Peshawar the 11/06/2018.

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

1. The Regional Police Officer, Malakand Region, Swat.
2. The Registrar Central Police Office, Peshawar.
3. The Office Supdt: Secret Branch CPO, Peshawar
4. The Office Supdt: Career Planning Branch, CPO, Peshawar.
5. D.O.P File.

(IRFAN UR-RASOOL KHAN) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

ATTACHED

D-11

(NASIR KHAN DURRANI)  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

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

NOTIFICATION

No. 2170 E-III, ADMISSION TO LIST "F" AND PROMOTION AS OFFG:  
INSPECTOR (BPS-16):- Dated: 12/08/2015

As per recommendation of the DPC dated 10.08.2015 duly approved by the W/Inspector General of Police Khyber Pakhtunkhwa the following confirmed Sub-Inspectors of KPK Police are hereby included to list "F" and promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Fazal Rahim No. D/24	D.I.Khan	Recommended for inclusion of his name into List "F".
2.	SI Mumtaz Khan No. D/25	D.I.Khan	Recommended for inclusion of his name into List "F".
3.	SI Abdul Aziz No. MR/08	Mardan	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
4.	SI Razeem Khan No. H/01	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
5.	SI Muhammad Rafi No. H/05	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
6.	SI Muhammad Ishaq No. H/06	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector subject to completion of ACR for the period 09.09.2014 to 31.12.2014.
7.	SI Nisar Ahmad No. H/38	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
8.	SI Chanwaiz Khan No. H/40	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
9.	SI Akhtar Zaman No. H/59	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector subject to completion of ACR for the period 2013, as approved by Competent Authority vide CPO Order No. 2093-95/E-III, dated 07.08.2015. However, he will be confirmed in the rank of Inspector after he complete his one (01) year tenure in any of the institution mentioned in Standing Order No. 21/2014.
10.	SI Daraz Khan No. H/78	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector subject to completion of ACR for the period 2014.
11.	SI Sarwaiz Khan No. H/82	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
12.	SI Fazal-ur-Rehman No. H/83	Hazara	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.

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*[Signature]*

			complete his one (01) year tenure in any of the institution mentioned in Standing Order No. 21/2014.
67.	SI Noor Ahmad No. 525/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
68.	SI Muhammad Nasir No. 528/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector, as approved by Competent Authority vide CPO Order No. 2093-95/E-III, dated 07.08.2015. However, he will be confirmed in the rank of Inspector after he complete his one (01) year tenure in any of the institution mentioned in Standing Order No. 21/2014.
69.	SI Akbar Zeb No. 533/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector, as approved by Competent Authority vide CPO Order No. 2093-95/E-III, dated 07.08.2015. However, he will be confirmed in the rank of Inspector after he complete his one (01) year tenure in any of the institution mentioned in Standing Order No. 21/2014.
70.	SI Musharaf Khan No. 534/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
71.	SI Rahmat Ali No. 536/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector, as approved by Competent Authority vide CPO Order No. 2093-95/E-III, dated 07.08.2015. However, he will be confirmed in the rank of Inspector after he complete his one (01) year tenure in any of the institution mentioned in Standing Order No. 21/2014.
72.	SI Muhammad Younas No. 538/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector subject to completion of ACR for the period 09.05.2012 to 30.08.2012.
73.	SI Haider Zaman No. 539/M	Malakand	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector, as approved by Competent Authority vide CPO Order No. 2093-95/E-III, dated 07.08.2015. However, he will be confirmed in the rank of Inspector after he complete his one (01) year tenure in any of the institution mentioned in Standing Order No. 21/2014.
74.	SI Muhammad Nawab No. 120/M	Malakand	Recommended for inclusion of his name into List "F".
75.	SI Miraj Muhammad No. 353/M	Malakand	Recommended for inclusion of his name into List "F".
76.	SI Amjad Iqbal No. 351/M	Malakand	Recommended for inclusion of his name into List "F".
77.	SI Mukaram Shah No. 374/M	Malakand	Recommended for inclusion of his name into List "F".
78.	SI Fazal Malik No. 72/M	Malakand	Recommended for inclusion of his name into List "F".
79.	SI Imad-ud-Din No. 368/M	Malakand	Recommended for inclusion of his name into List "F".
80.	SI Muhammad Ali 39/M	Malakand	Recommended for inclusion of his name into List "F".
81.	SI Kalimullah No. 31/M	Malakand	Recommended for inclusion of his name into List "F".
82.	SI Muhammad Arshad No. 363/M	Malakand	Recommended for inclusion of his name into List "F".

Batch - Mats  
P.R.

ATTESTED  
*[Signature]*

83.	SI Muhammad Abbas No. 131/M	Malakand	Recommended for inclusion of his name into List "F".
84.	SI Hazrat Hussain No. 79/M	Malakand	Recommended for inclusion of his name into List "F".
85.	SI Bahramand Shah No. 548/M	Malakand	Recommended for inclusion of his name into List "F".
86.	SI Badshah Muhammad No. 552/M	Malakand	Recommended for inclusion of his name into List "F".
87.	SI Mohsin Fawad No. MR/191	Mardan	Recommended for inclusion of his name into List "F".

**PROMOTION CASES OF SUB-INSPECTORS TO THE RANK OF INSPECTOR  
OF TELECOMMUNICATIONS.**

S.NO	NAME	UNIT	RECOMMENDATION
i.	SI Zamin Ullah	Telecommunications	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
ii.	SI Abdur Rehman	Telecommunications	Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
iii.	SI Khalid Khan	Telecommunications	Recommended for inclusion of his name into List "F" subject to completion of ACR for the period 11.09.2012 to 31.12.2012.

Their promotions will take effect from the date, they actually take over charge of higher responsibilities.


Necessary Gazette Notification may be issued accordingly.

Sd/-  
**NASIR KHAN DURRANI**  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. 2171-80 /E-III. Dated Peshawar, the 12/08/2015.

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

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspectors General of Police, DIKhan, Mardan, Hazara & Malakand Region.
3. Deputy Inspector General of Police Tele-Communication Khyber Pakhtunkhwa Peshawar.
4. Office Supdt: Secret CPO, Peshawar alongwith their original Character Rolls.
5. Office Supdt: E-II and CPB Branch CPO, Peshawar.
6. Incharge SRC/CPO, Peshawar.
7. U.O.P files.

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

**ATTESTED**



E-14

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

**NOTIFICATION**

No. 2517 /E-III, PROMOTION AS OFFG: INSPECTOR (BPS-16) Dated: 04/07/2016

As per recommendation of the DPC dated 23.06.2016 duly approved by the Worthy Inspector General of Police Khyber Pakhtunkhwa, the following confirmed Sub-Inspectors are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Saif-ur-Rehman No. D/22	D.I.Khan	Recommended his name for promotion as Offg: Inspector. However, he will have to complete his one (01) year mandatory tenure in any of the institution mentioned in Standing Order No. 21/2014. Moreover, according to Standing Order No. 3/2015, he will have to earn one (01) point.
2.	SI Muhammad Imran No. D/23	D.I.Khan	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No 3/2015, he will have to earn one (01) point.
3.	SI Syed Sagheer Abbas Shah No. D/26	D.I.Khan	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn two (02) points.
4.	SI Fazal Rahim No. D/24	D.I.Khan	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn one (01) point.
5.	SI Mumtaz Khan No. D/25	D.I.Khan	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn one (01) point.

ATTESTED

15

	SI Muhammad Nawab No.120/M	Malakand	Recommended his name for promotion as Offg: Inspector.
7.	SI Miraj Muhammad No. 353/M	Malakand	Recommended his name for promotion as Offg: Inspector.
8.	SI Amjad Iqbal No. 351/M	Malakand	Recommended his name for promotion as Offg: Inspector. However, he will have to complete his one (01) year mandatory tenure in Elite Force as per Standing Order No. 21/2014.
9.	SI Mukaram Shah No. 374/M	Malakand	Recommended his name for promotion as Offg: Inspector.
10.	SI Imad-ud-Din No. 368/M	Malakand	Recommended his name for promotion as Offg: Inspector.
11.	SI Muhammad Ali 39/M	Malakand	Recommended his name for promotion as Offg: Inspector.
12.	SI Kalimullah No. 31/M	Malakand	Recommended his name for promotion as Offg: Inspector.
13.	SI Muhammad Arshad No.363/M	Malakand	Recommended his name for promotion as Offg: Inspector.
14.	SI Muhammad Abbas No. 131/M	Malakand	Recommended his name for promotion as Offg: Inspector.
15.	SI Bahramand Shah No. 548/M	Malakand	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn three (03) points.
16.	SI Gul Khatab No. H/87	Hazara	Recommended his name for promotion as Offg: Inspector.
17.	SI Zubair Shah No. H/88	Hazara	Recommended his name for promotion as Offg: Inspector.
18.	SI Muhammad Rasan No. H/92	Hazara	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn one (01) point.
19.	SI Abdul Ghafoor No. H/95	Hazara	Recommended his name for promotion as Offg: Inspector.
20.	SI Zulfiqar Ali No. H/97	Hazara	Recommended his name for promotion as Offg: Inspector.

ATTESTED

16

1.	SI Tufail Muhammad No. H/99	Hazara	Recommended his name for promotion as Offg: Inspector. However, he will have to complete his one (01) year mandatory tenure in any of the institution mentioned in Standing Order No. 21/2014. Moreover, according to Standing Order No. 3/2015, he will have to earn one (01) point.
22.	SI Muhammad Munir No. H/100	Hazara	Recommended his name for promotion as Offg: Inspector. However, he will have to complete his one (01) year mandatory tenure in Investigation Wing as per Standing Order No. 21/2014.
23.	SI Sadaqat Nisar No. H/102	Hazara	Recommended his name for promotion as Offg: Inspector. However, he will have to complete his one (01) year mandatory tenure in any of the institution mentioned in Standing Order No. 21/2014. Moreover, according to Standing Order No. 3/2015, he will have to earn one (01) point.
24.	SI Muhammad Arshad No. H/103	Hazara	Recommended his name for promotion as Offg: Inspector. However, he will have to complete his one (01) year mandatory tenure in any of the institution mentioned in Standing Order No. 21/2014.
25.	SI Muhammad Asad Yousaf No. H/104	Hazara	Recommended his name for promotion as Offg: Inspector.
26.	SI Mudassar Zia No. H/105	Hazara	Recommended his name for promotion as Offg: Inspector.
27.	SI Muhammad Farooq No. H/106	Hazara	Recommended his name for promotion as Offg: Inspector.
28.	SI Muhammad Asif No. H/107	Hazara	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn one (01) point.
29.	SI Gul Shadi Khan	Kohat	Recommended his name for promotion as Offg: Inspector.
30.	SI Shafi ur Rehman No. MR/111	Mardan	Recommended his name for promotion as Offg: Inspector.
31.	SI Muhammad Yaqoob No. MR/113	Mardan	Recommended his name for promotion as Offg: Inspector.

ATTESTED

17

32.	SI Khaista Wahab No. MR/114.	Mardan	Recommended his name for promotion as Offg: Inspector. However, according to Standing Order No. 3/2015, he will have to earn three (03) points.
33.	SI Faqeer Muhammad Ameer No. D/30	D.I.Khan	Recommended his name for inclusion into list "F" and promotion as Offg: Inspector.

Their promotion will take effect from the date they actually take over charge of higher responsibilities.  
Necessary Gazette Notification may be issued accordingly.

Sd/-  
Mian Muhammad Asif  
Addl: IGP/HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. 2518-33 /E-III

Copy of above is forwarded for information to the:-

- i. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar.
- ii. Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa Peshawar.
- iii. Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa Peshawar.
- iv. Addl: Inspector General of Police, Elite Force, Khyber Pakhtunkhwa Peshawar.
- v. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar.
- vi. Regional Police Officers, Mardan, Hazara, Malakand, Kohat & D.I.Khan Regions.
- vii. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa.
- viii. Registrar CPO, Peshawar.
- ix. Office Supdt: Secret CPO, Peshawar.
- x. Office Supdt: E-II CPO Peshawar.
- xi. Office Supdt: CPB Branch CPO, Peshawar.
- xii. Incharge Central Registry CPO Peshawar.

XIII Pro to CO/PPB ILPH.  
XIV DSP/operation Room

(NAJEEB-UR-REHMAN BUGVI)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

ATTESTED



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

18

No. 846 /E-II

PH: 091-9210239 Fax: 091-9210927  
dated Peshawar the 12 / 11 / 2018

FOR PUBLICATION IN THE KHYBER  
PAKHTUNKHWA POLICE GAZETTE PART-II,  
ORDERS BY THE INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA, PESHAWAR.

13

NOTIFICATION

CONFIRMATION AS INSPECTOR: As per recommendation of the  
DPC dated 26.10.2018 duly approved by the Worthy Inspector General of Police Khyber  
Pakhtunkhwa, the following Officiating Inspectors are hereby confirmed as Inspector from the date  
as noted against each their names.

S.NO	NAME & NO.	REGION	DO CONFIRMATION
1.	Zahir-ur-Rehman No.H/86	Hazara	05.04.2010
2.	Muhammad Irfan No.K/87	Kohat	25.05.2017
3.	Ali Ahmad No.K/108	Kohat	25.07.2018
4.	Shad Ali No.MR/41	Mardan	25.05.2017
5.	Muhammad Munir No.H/100	Hazara	04.07.2018
6.	Sadqat Nisar No.H/102	Hazara	04.07.2018
7.	Muhammad Arshad No.H/103	Hazara	04.07.2018
8.	Muhammad Asif No.H/107	Hazara	04.07.2018
9.	Muhammad Riaz No.H/109	Hazara	25.07.2018
10.	Sher Sahadat No.M/462	Malakand	12.08.2017
11.	Fazal Rabbi No.M/494	Malakand	12.08.2017
12.	Muhammad Nawab No.M/120	Malakand	04.07.2018
13.	Imad-ud-Din No.M/368	Malakand	04.07.2018
14.	Muhammad Arshad No.M/363	Malakand	04.07.2018
15.	Huzrat Hussain No.M/79	Malakand	25.07.2018
16.	Behramand Shah No.M/548	Malakand	04.07.2018
17.	Muhammad Rawail No.H/123	Hazara	15.12.2017
18.	Muhammad Hanif No.H/136	Hazara	15.12.2017
19.	Ghani Said No. MR/105	Mardan	15.12.2017
20.	Shafiqur Rehman No.MR/111	Mardan	04.07.2018

Their gazette notification according to Police rules may please be issued.

OB/E.C  
For n/a action

**ARRESTED**  
No. 11174-851E  
dt 20-11-18

(SADIQ HUSSAIN) DSP  
AIO/ Establishment  
for Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar.

OFFICE OF THE DPO  
Dy: 3795  
Date 22/11/2018

Endst: No. & date even.  
Copy forwarded to the:-

- 01. All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
- 02. All Deputy Inspectors General of Police in Khyber Pakhtunkhwa.
- 03. All Regional Police Officers, in Khyber Pakhtunkhwa.
- 04. Capital City Police Officer, Peshawar.
- 05. Commandants, FRP and PTC Hangu.
- 06. PSO to Worthy Inspector General of Police Khyber Pakhtunkhwa.
- 07. PRO to Worthy Inspector General of Police Khyber Pakhtunkhwa.
- 08. Registrar CPO Peshawar.
- 09. Office Suptd: Secret CPO.
- 10. Office Suptd: Career Planning Branch, CPO.
- 11. LOP files.

12/11  
E.C.  
All B.S.  
All S.P.  
Per n/a action

OB No 702  
27-11-2018 18/11/18

F-19



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

PH: 091-9210239 Fax: 091-9210927 (dated Peshawar the 13/12/2018)

No. 906

PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-B, ORDERS BY THE INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA, PESHAWAR.

SOLICITATION

907 RECOMMENDATION AS JUDGE INSPECTOR (IPS) 100-A per recommendation of the... (text is mostly illegible due to heavy noise)

S.No.	NAME & N.	REGION	RECOMMENDATION
1	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
2	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
3	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
4	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
5	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
6	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
7	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
8	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
9	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)
10	[Illegible]	[Illegible]	... According to Rule 13-15 of Police Rule 1934, he will be... (text is mostly illegible)

ATTESTED







26

121	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
122	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
123	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
124	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
125	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
126	CCP, Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

Sd/-  
**ISAF ALI-U-DIN KHAN**  
 Inspector General of Police  
 Rawalpindi

(SAD) BALUCHISTAN  
 All Establishments  
 Inspector General of Police,  
 Rawalpindi  
 Peshawar

**ATTENDED**

To

The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

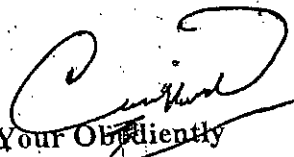
Subject: Departmental appeal against the impugned Notification dated 12.12.2018 whereby I was promoted to the Rank of Officiating Inspector (BPS-16) with immediate effect rather than with retrospective effect i.e. 12.08.2015.

Respected Sir,

It is most humbly stated that I have joined your good self Department as Assistant Sub Inspector at Malakand Region on the proper recommendation of Khyber Pakhtunkhwa Public Service Commission and on satisfactory performance and Seniority cum fitness I was promoted to the Rank of Sub Inspector (BPS-14). During service major penalty of reduction in Rank i.e. from the Rank of Sub Inspector to the Rank of Assistant Sub Inspector was imposed on me by the concerned authority on account of baseless allegations. I was firstly agitated my punishment on Departmental level and where after knocked the door of Honorable KP Service Tribunal in appeal No.595/2016 which was allowed by the Honorable Tribunal vide judgment dated 7.8.2017 with all back benefits. That vide order dated 2.10.2017 followed by another order dated 18.10.2017 I was restored to my original Rank of Sub Inspector (BPS-14) with all back benefits including seniority and where after I was time and again requested the concerned authority for promotion to the Rank of Officiating Inspector from the date when my other colleagues and junior colleagues were promoted i.e. w.e.f 12.8.2015. My junior colleagues have been confirmed in the Rank of Inspector (BPS-16) w.e.f 4.7.2018. Respected Sir, that vide impugned Notification dated 12.12.2018 I was promoted to the Rank of Officiating Inspector (BPS-16) with immediate effect rather than with retrospective effect i.e. w.e.f. 12.8.2015. I am feeling aggrieved from the impugned order dated 12.12.2018 preferred this Departmental appeal before your good self.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order dated 12.12.2018 may very kindly be modified/rectified to the extent that I may be promoted as officiating inspector from the dated when my colleagues/junior colleagues were promoted i.e. 12.08.2015 and also confirmed in the rank of inspector w.e.f. 04.07.2018.

Dated: 18.12.2018.

  
Your Obediently

FAZAL MALIK  
Inspector, Police Lines Kabal, Swat.

**VAKALATNAMA**

Before the KP Service Tribunal, Peshawar.

OF 2019

Fazal Malik

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Police Department

(RESPONDENT)  
(DEFENDANT)

I/We Fazal Malik

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_/\_\_\_/2019



**CLIENT**

**ACCEPTED**

**NOOR MOHAMMAD KHATTAK**

**SHAHZULLAH KHAN YOUSAFZAI**

**&**

**MIR ZAMAN SAFI**  
**ADVOCATES**

**OFFICE:**

Flat No.3, Upper Floor,  
Islamia Club Building, Khyber Bazar,  
Peshawar City.  
Phone: 091-2211391  
Mobile No. **0345-9383141**

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

**Service Appeal No. 477/2019**

Fazal Malik officiating Inspector (BPS-16) Malakand Region, presently posted at  
Police Lines Kabal, Swat

..... **Appellant**

**VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others

..... **Respondents**

**INDEX**

<b>S.No:</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page</b>
1	Para-wise Comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5

  
**Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.****Service Appeal No. 477/2019**

Fazal Malik officiating Inspector (BPS-16) Malakand Region, presently posted at  
Police Lines Kabal, Swat

..... **Appellant****VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others

..... **Respondents****PARAWISE REPLY BY RESPONDENT NO.01 & 02****Respectfully Shewith,****PRELIMINARY OBJECTIONS.**

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no Cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That Judgment dated 07/08/2017 in service appeal No.595/2016 of Honorable Tribunal has been implemented in true spirit

**FACTS:**

1. Pertains to service record of appellant, hence needs no comments.
2. Correct to the extent that appellant was awarded major punishment on the charges of proved allegations but the said punishment was set aside by the Honorable Tribunal and the same judgment was implemented in true spirit by the respondent department.
3. Pertains to record, hence needs no comments.
4. Incorrect. After the implementation of Tribunal's Judgment, appellant was promoted to the rank of officiating Inspector by DPC on 12/02/2018 and placed on probation for two years under Police Rules 13-18. The private

respondents have already completed probation period and were confirmed in their officiating ranks. Appellant has been given due seniority with his colleagues. Moreover, the confirmation and promotion is subject to fulfillment of mandatory courses and period as per Standing Order 21/14, Police Rules 13-10 (2), 13-16A and 19-25A

- 5. As stated above.
- 6. The appellant has wrongly challenged the legal and valid order of the respondent through misconceived grounds.


**GROUNDS:**

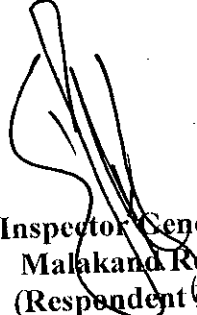
- A. Incorrect. The order of respondents is based on facts, justice and in accordance with law/rules.
- B. Incorrect. The respondents has treated the appellant in accordance with facts and rules and never violated any constitutional rights of the appellant.
- C. Incorrect. During conducting of DPC, respondents have not discriminated the appellant nor violated the principles of natural justice. Seniority cum physical fitness of appellant fulfillment of mandatory courses as well as period of posting as per Standing Order 21/14, Police Rules 13-10 (2), 13-16A and 19-25A is essential for confirmation and promotion.
- D. The judgment of Honorable Tribunal has been implemented and due seniority with colleagues have been given to appellant by the respondent department.
- E. Incorrect. After re instatement into service on 18/10/2017, appellant case was submitted to DPC and on 12/12/2018, he was considered for promotion to the rank of officiating inspector and placed on probation for two years. Before completing of probation period, he could not be confirmed as Inspector.
- F. Incorrect. The orders have been passed in accordance with facts, rules and Judgment of honorable Tribunal without any malafide or ill will.
- G. Incorrect. Respondents have not violated any provision of constitution while providing due seniority and officiating promotion to the appellant.

- H. Incorrect. Appellant is lower subordinate in Police Department for which special law/ rules i.e Police Rules 1934 and 1975 are applied. Police Rules did not carry provision/rule of anti dated promotion to lower subordinate.
- I. That the respondents may be allowed to add any other grounds at the time of final arguments.

**PRAYER:**

Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)**

  
**Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)**

**Service Appeal No. 477/2019**

Fazal Malik officiating Inspector (BPS-16) Malakand Region, presently posted at  
Police Lines Kabal, Swat

..... Appellant


**VERSUS**

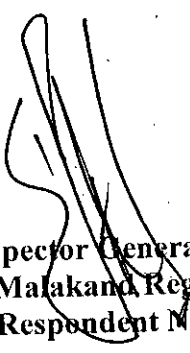
Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others

..... Respondents

**AFFIDAVIT**

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.

  
**Inspector General of Police  
Khyber Pakhtunkhwa Peshawar  
(Respondents No.1)**

  
**Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)**



**Service Appeal No. 477/2019**

Fazal Malik officiating Inspector (BPS-16) Malakand Region, presently posted at  
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..... Appellant


**VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others

..... Respondents

**AUTHORITY LETTER**

We, the above respondents do hereby authorize Mr. Mir Faraz Khan DSP/Legal Swat & Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.

  
**Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)**

  
**Deputy Inspector General of Police  
Malakand Region  
(Respondent No. 2)**