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



Learned counsel for the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asst:  $A\overset{1}{G}$  for respondents present.

It is the matter of promotion and private respondents have not been served so for, 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.

(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.

(Salah-ud-Din) Member (J)

(Kalim Arshad Khan) Chairman

Correct addresses 3 expense for TCS not submitted



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



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

Adjourned. To come up for arguments on 10.11.2022 before the

D.B.

(Farecha 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)

proper DB is au Tour, Therapper the Case is affairmed to 25-8-22 fear game.

25.08.2022

7.6.20

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 22/66/2021 before D.B.

(Atiq ur Rehman Wazir) (Rozina Rehman) Member (J) Member (E)

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) 30×

28 9.21

#### 02.02.2022

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

DB is on Tour case to come up For the Same on Duited . 2/2/22

Due to paucity of time, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 30.0**S**.2022.

(Atiq-Ur-Rehman Wazir)

-Ur-Rehman Wazir) Member (E)



lender

18.08.2020

LC:

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

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.

feade

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

### 11.03.2020

15.01.2020

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.

1ember

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.

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

03.00.2019

05.09.2019

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

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. 17.05.2019

Learned counsel for the appellant present. Preliminary arguments the heard.

SCANNED KPST

Annellant Deposited

, <sup>OCess</sup> Fe**o**  The appellant (Officiating Inspector) has filed the present service Service Tribunal Act 19714 appeal u/s 4 of the Khyber Pakhtunkhwa. 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

## Form-A

### FORM OF ORDER SHEET

Court of\_ Case No. 477/2019 1. 16 . 1. 1 Order or other proceedings with signature of judge S.No. Date of order proceedings 1 2 3 The appeal of Mr. Fazal Malik resubmitted today by Mr. Noor 09/04/2019 1-Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR This case is entrusted to S. Bench for preliminary hearing to be 2-10 04 put up there on 17/05/19 CHAIN ÷.

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

الأم كح

REGISTRAR >5 3 19 SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA PESHAWAR.

#### Mr. Noor Muhammad Khattak Adv.

All other objection i.e. Objections No. 1.83 have been Semored, which the objection No. 2 all the objected private respondents may be hipomed through Inspector General of be hipomed through Inspector General of palece office. Hence the present appeal may be put of hefore the bench.

9/4/2019.

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 477 / 2019

VS

FAZAL MALIK

### POLICE DEPTT:

<u>INDE</u>		
DOCUMENTS	ANNEXURE	PAGE
Memo of appeal		1-4.
Judgment	A	5- 7.
Orders	B & C	8-10.
Notifications	D&E	11- 18.
Impugned Notification	F	19- 26.
	G	27.
Vakalat nama		28.
	DOCUMENTSMemo of appealJudgmentOrdersNotificationsImpugned NotificationDepartmental appeal	Memo of appealJudgmentAOrdersB & CNotificationsD & EImpugned NotificationFDepartmental appealG

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

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

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

### ..... RESPONDENTS

UNDER SECTION 4 OF THE KHYBER APPEAL PAKHTUNKHWA SERVICE TRIBUNAL 1974 ACT, AGAINST THE IMPUGNED NOTIFICATION DATED 12-12-2018 WHEREBY THE APPELLANT WAS PROMOTED TO THE RANK OF OFFICIATING INSPECTOR (BPS-16) WITH RATHER THAN WITH EFFECT IMMEDIATE RETROSPECTIVE EFFECT I.E. 12.8.2015 WHEREBY RESPONDENTS BEING JUNIORS TO PRIVATE 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.

### <u>R/SHWETH:</u> ON FACTS:

1.

3.

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).

That during service major penalty of reduction in Rank i.e. 2. 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 the judgment is attached as Copy of benefits. annexure .....

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

- 6. That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

### **GROUNDS:**

E-

- 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.

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. That the respondents acted in arbitrary and malafide manner while issuing the impugned orders dated.

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.

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

F-

G-

I-

APPELLANT

### FAZAL MALIK

THROUGH: NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

& MIR ZAMAN SAFI

# BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL.

	Service Appeal No	595/2016
D	te 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)

#### <u>Versus</u>

1. Provincial Police Officer, Peshawar and 5 others.

(Respondents)

MR, ABDUR RAUF ARIDI, Advocate

MR. MUHAMMAD ZUBAIR, District Attorney

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

### JUDGMENT

FACTS

CHAIRMAN MEMBER

For appellant.

For respondents.

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

### · .

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 snuggler and has also sold some timber in



ATTESTED

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

### ARGUMENTS

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 himit for major punishment. That the second enquiry could not be conducted under the law.
 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 Autorney 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.

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. Self Chill Reb Khan, Self Chill Reb Khan, Mancher . ATTERTED



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OFFICE OF THE DISTRICT POLICE OFFIGER, 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.

160 OB No 29.9. /2017 Dated

# OFFICE OF THE DISTRICT POLICE OFFICER, SWAT. No <u>14989-92</u>/E, dated Gulkada the <u>2.10.</u>/2017.

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

- 1 Inspector General of Police, Khyber Pukhtunkhwa, Peshawar.
- 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.

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District Police Officer, Swat.

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

### <u>O R D F R.</u>

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.

### OFFICE OF THE ADDL: INSPECTOR GENERAL OF POLICE SPECIAL BRANCH KHYBERIPAKHTUNKHWA PESHAWAR.

No.6833-37/EB. Dated, Peshawar the 18 /10/2017.

Copy for information & necessary action to the:-

- 1. Addl: SP/HQrs.
- 2. Accu:/SB.
- 3, CC/S3.
- 14. 5B Office Malakand.
- 5. 1.0/SB.
- 6. EA/°B
- 7. 1T/SB,

Sr. Superintendent of Police/Admn: For Dy: Inspector General of Police Special Branch Khyber Pakitumkhwa Peshawar

Sd/-District Police Officer Swat.

R. NO 209. GO. MICD D.t. 24-10-17

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

### /E-II . . dated .

### Peshawar the 7.967.2018

#### <u>ORDER</u>

No

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 i/o Bakral, Kakot, Malamjaba and let free 21 timbers. Similarly, he sold some timbers on one Shah Said s/o Bashar i/o Surdherai, Shafinlo, Malamjaba, Enquiry was conducted against him and he was awarded major punishment by DPO/Swelt. Swalt of reversion to his substantive rank of ASI.

The preferred an Appeal in the Service Tribunal and the Service Tribunal, set aside the impughed 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 faist "F" is hereby restored as the said penalty is no more in field.

A.

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

(IRFAN ÚRÍA/I KHÁN) PSP AIG/Establishment.

For Inspector/General of Police. 7 Khyber Pakhtunkhwa: 7 Peshawar

No.<u>597-603</u>/F-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, Peshawart
- The Office Supdr: Career Planning Branch, CPO, Peshawar, 5, 11:01P File.

### 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.

(NASIR KHAN DURRANI)

### NOTIFICATION

### No. 2170 E-III, ADMISSION TO LIST "F" AND PROMOTION AS OFFG: INSPECTOR (BPS-16):- Dated 22/ 8/2015

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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				complete his one (01) year tenure in any of the
				insuration mentioned in Standing Order
	· · · · ·		· ·	No. 21/2014.
	67.	SI Noor Ahmad	Malakand	Recommended Cost 1
		No. 525/M		Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector
	·			and promotion as Orig: inspectora
	68.	SI Muhammad Nasir	Malakand	Recommended for inclusion of his name into List "F"
1		No. 528/M		and promotion as Offg: Inspector, as approved by
			·	Sompcient Authority vide CPO Orden
				NO. 2093-95/E-TTL dated 07 08 2016 training
•			;	will be confirmed in the rank of Inspector - then be
· · ·				volupice als one lot Vear tennire in any of the
· ·			· ·	institution mentioned in Standing Order No. 21/2014.
. · ·				116. 21/2014.
	. 69.	SI Akbar Zeb No. 533/M	Malakand	Recommended for inclusion of the
			•	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 often be
-				complete his one (01) year tenure in any of the
	, '			uscitution mentioned in Standing Orden
				No. 21/2014.
· ·	70.	SI Musharaf Khan	Malakand	Percentrated
		No. 534/M		Recommended for inclusion of his name into List "F" and promotion as Offg: Inspector.
	71.	SI Rahmat Ali No. 536/M	Malakand	Recommended for inthe
1				Recommended for inclusion of his name into List "F" and promotion at Offici language
1				and promotion as Offg: Inspector, as approved by Competent Authority vide CPO Order
			· · ·	110, 2093-95/E-111, dated 07.08 2015, However, 1
	<b>1</b>			will be confirmed in the rank of Inspector after t
	· · ·			complete his one (U1) year tenure in any of the
	4			monution mentioned in Standing Order
	<u> </u>			No. 21/2014.
	72.	SI Muhammad Younas	Malakand	Recommended for inclusion of his name into List "F"
	,	No. 538/M		and promotion as Offg: Inspector subject to completion
	73.	SI Haider Zaman		
		No. 539/M	Malakand	Recommended for inclusion of his name into I ist "I'm
• •		110.059/14	• •	and promotion as Ulig: inspector, as approved by
				Competent Authority vide CPO Orden
		· · · ·		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 one of the
				institution mentioned in Standing Order
· · · · · · · · · · · · · · · · · · ·				110. 21/2014.
¥ .	74	SI Muhammad Nawab	Malakand	Recommonded G
		No. 120/M		Recommended for inclusion of his name into List "F".
• •	75.	SI Miraj Muhammad	Malakand	Recommended for inclusion of the
1 i .	<u> </u>	No. 353/M		Recommended for inclusion of his name into List."F".
	76.	SI Amjad Iqbal	Malakand	Recommended for inclusion of his name into List "F".
		No. 351/M		The formation of the fo
	77.	SI Mukaram Shah	Malakand	Recommended for inclusion of his name into List "F".
· ·		No. 374/M	÷	F".
12	( 78.)	SI Fazal Malik No. 72/M	Malakand	Recommended for inclusion of his name into List"F".
S .P	5 795	SI Imad-ud-Din		
N. You	P Ver	No. 368/M	Malakand	Recommended for inclusion of his name into List "F".
batel-Mai	80.	SI Muhammad Ali 39/M	Malata	
	-l	All 59/M	Malakand	Recommended for inclusion of his name into List "F".
t a	81.	SI Kalimullah No. 31/M	Malakand	
3	· .			Recommended for inclusion of his name into List "F".
Y. winner	82.	SI Muhammad Arshad	Malakand	
1		No. 363/M	, maiakana	Recommended for inclusion of his name into List "F".
• • • • • • • • • • • •	1.11.11.11.11.11.11.11.11.11.11.11.11.1	المراجع والمراجع المراجع المراجع المراجع المراجع المراجع المراجع المراجع المراجع والمراجع المراجع المراجع	1	
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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.
٥	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

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Copy of above is forwarded for information and necessary action to the:-Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.

/E-III. Dated Peshawar, the 12 / 08 /2015.

- 2. Deputy Inspectors General of Police, DIKhan, Mardan, Hazara & Malakand Region.
- 3. Deputy Inspector General of Police Tele-Communication Khyber Pakhtunkhwa Peshawar.

'n,

- 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.

### 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	0	NAME & NO.	REGION	RECOMMENDATION
1	1. SI Saif-ur- D.I.Khan		D.I.Khan	Recommended his name for promotion as Offg:
.]		Rehman No.		Inspector.
ļ		D/22		However, he will have to complete his one (01)
	ļ			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	D.I.Khan	Recommended his name for promotion as Offg: 1
		Imran No. D/23		Inspector.
ŀ	Ì			However, according to Standing Order No
		•* ·		3/2015, he will have to earn one (01) point.
	3.	SI Syed Sagheer	D.I.Khan	Recommended his name for promotion as Offg:
	1	Abbas Shah No.		Inspector.
	·.	D/26		However, according to Standing Order No.
				3/2015, he will have to earn two (02) points.
	4, <sup>·</sup>	SI Fazal Rahim	D.I.Khan	Recommended his name for promotion as Offg:
	· . · ·	No. D/24		Inspector.
				However, according to Standing Order No.
÷*	·			3/2015, he will have to earn one (01) point.
	5.	SI Mumtaz	D.I.Khan	Recommended his name for promotion as Offg:
1	· .	Khan No. D/25		Inspector.
	•			However, according to Standing Order No.
· · ·			· [ · · · · · ·	3/2015, he will have to earn one (01) point.

•					
		SI Muhammad	Malakan	i Re	commended his name for promotion as Offg:
	·	Nawab	· · · · · · · · · · · · · · · · · · ·		spector.
		No.120/M	· .		
	7.	SI Miraj	Malakan	d Re	ecommended his name for promotion as Offg:
	· }	Muhammad No.			spector.
	, .	353/M			1
. ·	8.	SI Amjad Iqbal	Malakan	d R	ecommended his name for promotion as Offg:
	o. 1	No. $351/M$	, fullandi.	. 1	spector.
		NO. 551/M		H H	owever, he will have to complete his one (01)
	÷.				ear mandatory tenure in Elite Force as per
		•		S	tanding Order No. 21/2014.
		} .			
	<u> </u>	CI Multionom	Malaka	ad F	Recommended his name for promotion as Offg:
	9.	SI Mukaram	maiana		nspector.
• ,	•	Shah No.		·   *	••••••••••••••••••••••••••••••••••••••
		374/M SI Imad-ud-Din	Malaka	nd	Recommended his name for promotion as Offg:
Ł	(10.)		maiana		inspector.
		No. 368/M			
/ 		01.04.1	Malaka	nd	Recommended his name for promotion as Offg:
	11.		wataka		Inspector.
. 	<u> </u>	Ali 39/M	N/-lole		Recommended his name for promotion as Offg:
	12.		Malaka	· ·	Inspector.
 		No. 31/M	Malak		Recommended his name for promotion as Offg:
	13		Malak	anu	Inspector.
Ì	ſ	Arshad			Hispector.
-	<u> </u>	No.363/M	Malak		Recommended his name for promotion as Offg:
ļ	14	· · · · · · · · · · · · · · · · · · ·	wiatak	anu	Inspector.
Ì	1	Abbas No.		· ]	
Ļ		131/M	Malal	and	Recommended his name for promotion as Offg:
	15	0	watat	, and	Inspector
	1				However, according to Standing Order No.
		548/M		• •	3/2015; he will have to earn three (03) points.
ł			ļ		
		6. SI Gul Khatab	Haz	ara	Recommended his name for promotion as Offg:
	1			,	Inspector.
	·	No. H/87 7. SI Zubair Sha	h Har	zara	Recommended his name for promotion as Offg:
	1				Inspector
			d Ha	zara	Recommended his name for promotion as Offg:
	1 3	.8. SI Muhamma		641 G	Inspector.
		Rasan No. H/	92		However, according to Standing Order No
			· ·		3/2015, he will have to earn one (01) point.
	· .				
		10 STAL		zara	Recommended his name for promotion as Offg
	1.	19. SI Abdul		uutu	Inspector.
		Ghafoor No.			
		H/95	1; U	azara	Recommended his name for promotion as Off
		20. SI Zulfiqar A		adara	Inspector.
		No. H/97	ł		
			<u>.</u> ,		

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≂	SI Tufail Muhammad No.		Recommended his name for promotion as Offg:
~	Muhammad No.	· ·	Inchactor
~			
	H/99	· · · · ·	However, he will have to complete his one (01)
~		1	year mandatory tenure in any of the institution
	i .	•	mentioned in Standing Order No. 21/2014.
			Moreover, according to Standing Order No.
ļ			3/2015, he will have to earn one (01) point.
		.	•
22.	SI Muhammad	Hazara	Recommended his name for promotion as Offg:
24.	Munir No.	IIdzara	Inspector.
diaman .		· ·	'However, he will have to complete his one (01)
	H/100		year mandatory tenure in Investigation Wing
1			year manualory tenure in investigation wing
.			as per Standing Order No. 21/2014.
			Description of Office
23.	SI Sadaqat	Hazara	Recommended his name for promotion as Offg:
	Nisar No.		Inspector.
	H/102	· · · .	However, he will have to complete his one (01)
•			year mandatory tenure in any of the institution
		••	mentioned in Standing Order No. 21/2014.
	1		Moreover, according to Standing Order No.
· ·		1 - A	3/2015, he will have to earn one (01) point.
24.	SI Muhammad	Hazara	Recommended his name for promotion as Offg:
. ,	Arshad No.		Inspector.
· /.	H/103	t	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	Hazara	Recommended his name for promotion as Offg:
. 23.	Asad Yousaf	ind dara	Inspector.
	No. H/104		mspector.
26.		Hazara	Recommended his name for promotion as Offg:
20.	/   ·	Hazasa	Inspector.
	No. H/105	Harana	Recommended his name for promotion as Offg:
27,		Hazara	
11	Farooq No.		Inspector.
	H/106	Y.Y	Description of the name for many stick of Office
28	1 ·	Hazara	Recommended his name for promotion as Offg:
9	Asif No. H/107		Inspector.
		· ·	However, according to Standing Order No.
· ·		1	3/2015, he will have to earn one (01) point.
·			
29	<b>y</b> 1	Kohat	Recommended his name for promotion as Offg:
	Khan		Inspector.
30		Mardan	
	Rehman No.	· ·	Inspector.
	MR/111		
3		Mardan	Recommended his name for promotion as Offg:
	Yaqoob No.		Inspector.

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

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/HOrs: For inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

#### 2518-33 /E-III No.

XIII

Copy of above is forwarded for information to the:-

- Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar. i. Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa 🗄 ii.
- Peshawar.
- Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa ïH. Peshawar.
- Addl: Inspector General of Police, Elite Force, Khyber Pakhtunkhwa iv. Peshawar.
- Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar. ' V.
- Regional Police Officers, Mardan, Hazara, Malakand, Kohat & D.I.Khan vi. Regions.
- vii. PSO to Worthy Inspector General of Police, Khyber Pakhtunkhwa.
- Registrar CPO, Peshawar. viii.
- Office Supdt: Secret CPO, Peshawar. ix.
- Office Supdt: E-II CPO Peshawar. х.
- Office Supdt: CPB Branch CPO, Peshawar. жi.
- xii.

Incharge Central Registry CPO Peshawar. PRo To WIPB ILPIL. DSP/5PADATION Recom

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



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#### BRICE OF THE INSPECTOR GENERAL OF POLI KHYBER PAKHTUNKINWA VTRAL POLICE OFF СĒ PESHAWAR

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091-9210239 Fax: 091-921092 lated Peshawar the

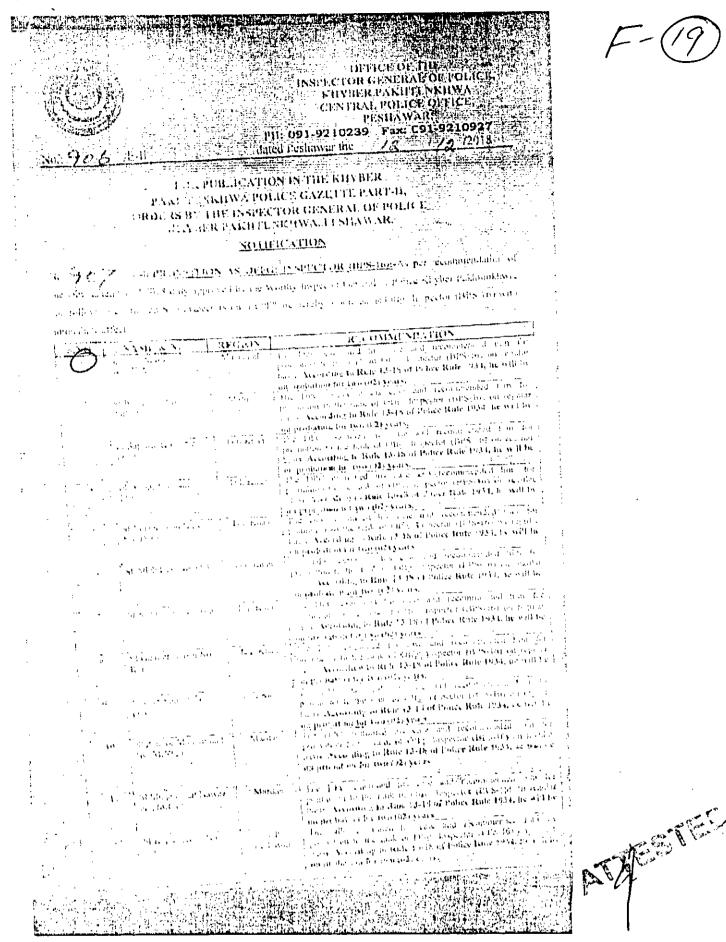
#### CATION IN THE KHYBER LOKADBPI PARITUNKHWA POLICE GAZETTE PART-II; ORDERS BY THE INSPECTOR GENERAL OF POLICE. KHYBER PAKITUNKHWA, PESHAWAR.

AL-IN CONFIRMATION AS INSPECTORES. As per recommendation of the dated 26,10.2018 duly approved by the Worthy Inspector General of Police Khyber DPC Pakhtunkhwa, the following Officiating Inspectors are hereby confirmed as Inspector from the care as noted against each their names. 

		and the second
NAME & NO.	REGION	DO CONFIRMATION
	Hazara	05,04,2010
Muhrmmad Irlan No.K/87	Kohat	25.05.2017-
	Kohat	25.07.2018
	Mardan	25.05.2017
Muhammard Munir No. H/100	Hazara 🐃	04.07.2018
Section Niser No 1-102	Hazara	.04.07.1018
Nubadamad Arshad No. H/103	- Hazara	C4.07.2018
Muhammad Asil No HV107	Hazara	04.07.2018*
Muhamand Risz No.14/109	Hazara	25.07.2013
1 Sher Nanadar No. M/462	Malakand	12:08:2617
Fazal Rabbi No.M/494		12.08.20.7
Muhammad Nawab No.M/120	·····	04.07.2018
Imad-ud-Din NorM/368	and the second state and the	04.07.2018
Muhamad Arshad No.M/363	Majakana	
Hazrat Hussain No.NI/79	and the second s	25.07.20.8
Behramand Shah No.M/548	Midiakano	
Muhammad Rawail No.14/123		15.12.2017
Muhammad Hanif No.H/136	A DESCRIPTION OF THE OWNER OWNER OF THE OWNER OWNER OF THE OWNER OWNE	<u>15.12.2017</u> 15.12.2017
Ghani Said No. MR/105		04.07.2013
Shafi ur Rohman No.MR/111	Mardan	04.07.20.3
	Muhammad Arshad-No.H/103 Muhammad Asif No.H/103 Muhammad Asif No.H/107 Muhammad Asif No.H/109 Sher Sanadar So.M/462 Fazal Rabbi No.M/494 Muhammad Nawab No.M/120 Imad-dd-Din No:M/368 Muhammad Arshad Ne.M/363 Hazrat Hussain No.M/79 Behramand Shah No.M/548 Muhammad Rawail No.H/123 Muhammad Rawail No.H/136 Ghani Said No. MR/105	Zahir-ur-Rehman No.H/86HazaraMuhammad Irfan No.K/87KohatAli Alimad No.K/108KohatShad Ali No.MR/41MardanMuhammad Munir No.H/100HazaraSadagat Nisar No.H/102HazaraSadagat Nisar No.H/102HazaraMuhammad Arshad No.H/103HazaraMuhammad Asif No.H/107HazaraMuhammad Asif No.H/109HazaraMuhammad Asif No.H/109HazaraMuhammad Asif No.H/109HazaraMuhammad Asif No.H/109HazaraMuhammad Asif No.H/109HazaraMuhammad Asif No.H/109HazaraMuhammad Asif No.M/462MalakandFazal Rabbi No.M/494MalakandMuhammad Arshad No.M/120MalakandMuhammad Arshad No.M/120MalakandImad-2d-Din No:M/368MalakandMuhammad Arshad No.M/363MalakandMuhammad Arshad No.M/123HazaraMuhammad Arshad No.M/1363MalakandMuhammad Arshad No.M/1363MalakandMuhammad Arshad No.M/1363MalakandMuhammad Arshad No.M/1363MalakandMuhammad Arshad No.M/136HazaraMuhammad Kawail No.H/136HazaraMuhammad Rawail No.H/136HazaraMuhammad Hanil'No.H/136Hazara

Their gazend notification according to Police rules may please be issued

(SADIQ HUSSAIN) AIO/ Establishment Inspector General of Fold Khyber Fakhtankhwa /Peshawar. & date even.  $\mathbf{n}$ opy torwarded to the:-01. All Addl: Inspectors General of Police in Kintel 02. All Deputy inspectors General of Police in Khyler-Pakhunkhwa, 02. All Deputy inspectors General of Police in Khyber Pakhunkhwa, 11-0.1 803. All Regional Police Officers, in Khyber Pakhunkhwa: 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. Registear CPO Poshawar. Reg 09. Office Supdt: Secret CPO. 10. Office Supdt: Career Planning Branch, CPO. 0310 4 7-0 2 -1421a 11. UGP files. 27-11-2078



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I		그는 그는 것 같아요. 나라도 집안 것 못해 주요 가 들었다.
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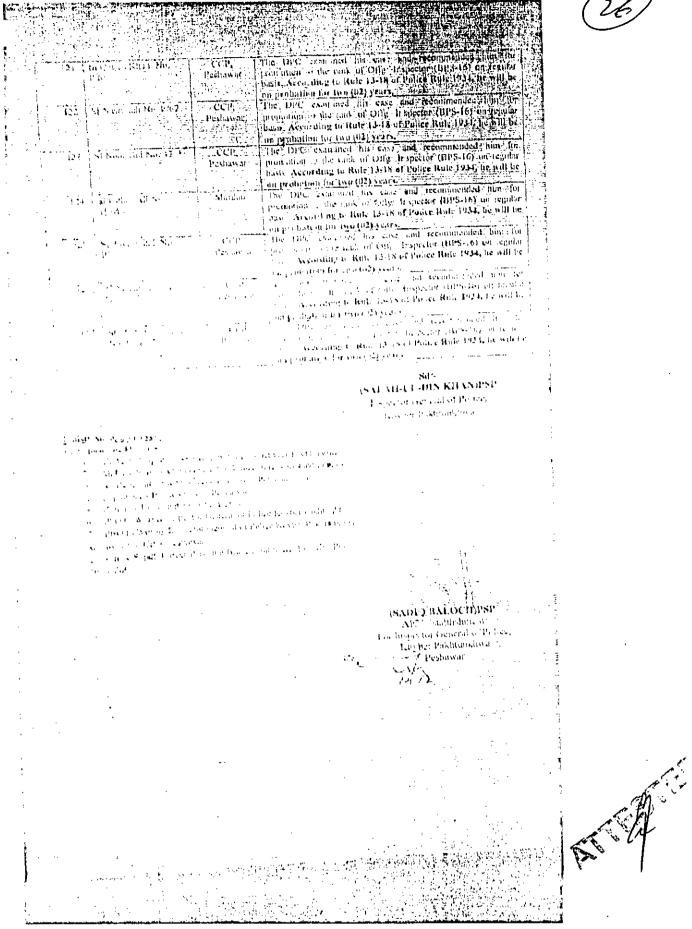
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### The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

### Subject: <u>Departmental appeal against the impugned Notification dated 12.12.2018</u> 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 havebeen 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.

Obalien

FAZAL MALIK Inspector, Police Lines Kabal, Swat. VAKALATNAMA

érvice Tribunel, peshawar. The Before

OF 2019

anal Malik

(APPELLANT) (PLAINTIFF) (PETITIONER)

### **VERSUS**

(RESPONDENT) Volice Department (DEFENDANT)

I/We <u>fagal Malik</u> 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 SA

**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

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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

#### VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others

### .....Respondents

..... Appellant

### PARAWISE REPLY BY RESPONDENT NO.01 & 02

### Respectfully Shewith,

### PRELIMINARY OBJECTIONS.

That the appeal is badly barred by Law & limitation.

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

#### FACTS:

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- 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.
- That the respondents may be allowed to add any other grounds at the time of I. 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 Ceneral 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

### <u>AFFIDAVIT</u>

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 Malakana 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

### 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)

General of Police Deputy Inspectfor Malaka Region 0.2) (Responde