


# FORM OF ORDER SHEET

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

**Appeal No. 1156/2023**


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/05/2023	<p>The appeal of Mr. Falak Naz resubmitted today by Mr. Muhammad Arif Jan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____</p> <p>By the order of Chairman  For REGISTRAR</p>

The appeal of Mr. Falak Naz Belt No. 172 Driver Head Constable at City Traffic Police Peshawar received today i.e. on 02.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Memorandum of appeal be got signed by the appellant.
- 4- Affidavit be got attested by the Oath Commissioner.
- 5- Annexures of the appeal may be attested.
- 6- Copy of impugned order is not attached with the appeal which may be placed on it.
- 7- Copy of departmental appeal against the impugned order is not attached with the appeal.
- 8- Copy of final/rejection order is not attached with the appeal which may be placed on it.
- 9- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 10- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1336 /S.T.

Dt. 5/5 /2023.

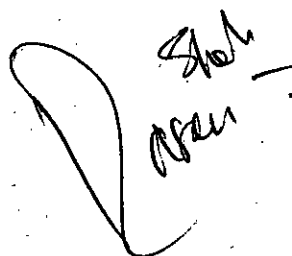
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Arif Jan Adv.  
High Court Peshawar.

R/sir, all the above mentioned objection has been removed, resubmitted after removal all the queries of the concerns.

BASEER AHMED SHAH  
ADVOCATE

22-5-2023

  
Baseer

BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No. 1156/2023

FALAK NAZ

VERSUS

Provincial Police Officer KPK & OTHERS

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Appellant

Through

Muhammad Arif Jan

&

Baseer Ahmad Shah

Advocates High Court

Peshawar

-/-

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

Service Appeal No \_\_\_\_\_/2023

Falak Naz, Driver Head Constable, City Traffic Police, Peshawar.

.....Appellant

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
  2. Capital City Police Officer, Peshawar.
  3. Assistant Inspector General of Police (Establishment) CPO, Peshawar.
- .....Respondents

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE NON PROMOTION OF THE APPELLANT AS ASI AND AS SUB INSPECTOR FROM DUE DATE AND FOR WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.**

**PRAYER:-**

On acceptance of this appeal, respondents may kindly be directed to promote/confirm the appellant as Assistant Sub Inspector and as Sub Inspector from due date with all back benefits.

**Respectfully Submitted:-**

1. That the appellant was initially appointed as Constable Driver on 16-07-1986 and was confirmed on 23-06-1992 and was posted to CPO where he is till posted and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. **(Copies of orders are enclosed as Annexure A).**
2. That the appellant qualified and fulfilling all the requisite criteria for promotion to the post of Head Constable who was promoted as Head Constable on 08-06-1991 and was confirmed on 04-02-1999. **(Copy of order is enclosed as Annexure B).**

3. That the appellant being qualified, eligible and entitled for promotion to the post of Assistant Sub inspector (ASI) (shoulder) on 10-08-1998. **(Copy of order is enclosed as Annexure C).**
4. That astonishingly, the appellant since 1998 has not been Confirmed as ASI and also not promoted as Sub Inspector for no good reason and justification till date. It is worth mentioning that the appellant is going to be retired from service on 26-03-2024 and even juniors to the appellant have been promoted to subject post.
5. That the appellant being aggrieved and having recurring cause of action also filed departmental appeal, before respondents which has been responded despite the lapse of more than the statutory period of ninety days. **(Copy of departmental appeal is enclosed as Annexure D).**
6. That the omissions and commissions of department of not promoting the appellant as ASI and as Sub Inspector from due date, is against the law, facts and principles of justice on grounds inter-alia as follows:-

**GROUND:**

- A. That the omission and commissions of the respondents are illegal, unconstitutional, and unlawful, without lawful authority and of no legal effect, therefore need the interference of this honorable Court.
- B. That the appellant is denied treatment in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That the appellant is perfectly senior, fit and eligible and coming up to the criteria has got every right to be promoted/confirmed as ASI and Sub Inspector (SI) from due date.
- D. That even juniors to the appellant have been confirmed/promoted as ASI and as SI but the appellant is treated differently for reasons other than fair and bonafide.

- E. That a number of posts of ASI and SI have fallen vacant during the service of the appellant which posts were filled from nears and dears of respondents.
- F. That the appellant is perfectly fit, eligible and coming up to the criteria besides being the most senior incumbent, thus entitled to be promoted as ASI and SI.
- G. That there is no omission and commission on part of the appellant and the appellant could not be punished for the fault of others if any.
- H. That the appellant is having about 37 years of service with unblemished service record.
- I. That the appellants seek the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

***It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.***

**Dated: 02-05-2023**

قلب ناز

**Appellant**

**Through**

**Arif Jan  
&  
Baseer Ahmad Shah  
Advocates, High Court  
Peshawar**

Shah  
Arif

**LIST OF BOOKS:**

- 1. Constitution 1973.
- 2. other books as per need

**CERTIFICATE:**

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

22-05-23



**ADVOCATE**


Shah  
Arif

**AFFIDAVIT**

I, Falak Naz Belt No 172, Driver Head Constable at City Traffic Police Peshawar do hereby affirm and declare on oath that the contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

  
DEPONENT



  
22-05  
2023

-5-

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

Service Appeal No \_\_\_\_\_/2023

FalakNaz.....Appellant

**V E R S U S**

PPO and others.....Respondents

**Application for the condontion of delay if any**

**Respectfully Submitted:-**

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the appellant approached respondents for his promotion and he was time and again assured that he will soon be promoted but to no avail.
4. That the promotion being recurring cause of action for which no limitation runs while denying such right to the appellant and the loss is caused to the appellant every month.
3. That even otherwise law as well as the superior Courts dictas favors decision of cases on merit instead of technicalities.

***It is therefore prayed, that on acceptance of this application, the delay if any in filing of instant appeal may kindly be condoned.***

Dated: 22-05-2023

فلک ناز  
Appellant

Through

Muhammad Arif Jan  
Advocate, Peshawar.

**AFFIDAVIT**

I, Falak Naz, Driver Head Constable, City Traffic Police, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

فلک ناز  
DEPONENT





6 -

Better Copy

Appointment as a driver / constable wef 16-07-1986 at Rs 460/- PM

Order No 3810 dated 16-07-1986

attested to be  
true copy.  
Raven  
Sud

Driver

11  
15  
18

Driver Const's Falak may No 2005 is  
hereby confirmed as a Driver  
Const's vide this office OB No 3160  
dt 23.6.92

J. Am  
For SSP Peshawar

HC 61407  
P.O. No. H-5100007 of Rs  
from 11212004  
Capital City Police  
Peshawar

Attached to Sd  
True Copy

Pay Fixed in B.P.S No 7  
vide F.D (P.P.S) dated 9-7-2005  
Issued by Govt of F. Deptt.  
Peshawar at Rs 4795/-  
from 157-05  
For Capital City Police  
Peshawar.

Rasul

HC 49357  
P.O. No. H-5100007 of Rs  
from 11212005  
Capital City Police  
Peshawar

HC 50757  
P.O. No. H-5100007 of Rs  
from 11212006

2005  
OFFICE OF THE ASSISTANT GENERAL  
N.W.F.P. (S.P. 1003)  
PAY FIXED IN ADVISED BASIC  
OF RS 2415-115-5865  
AT RS 4795/-  
With Next Incr. 2005  
2005

Accounts  
Pay Fixation Party No  
Peshawar

7  
Better copy

Driver constable Falak Naz No 2005 is here by confirmed as a driver constable vide this office OB no 3160 dated 23-06-1992.

Attested to be true copy.

R. Khan  
Khan

Annex B

2005 16-03

700-25-11111  
Dated 2005  
M.F.P. Dept

*[Signature]*

Attended to be  
the person

*[Signature]*

1133 35-49-1770  
1-6-91

*[Signature]*

Promotion

Promoted to the Rank of Head Const.  
with B.P.S. (7) with immediate effect  
at Rs. 7275/PM

*[Signature]*

OB No. 3160/07  
23-6-92

Via... 7275  
W.E. From... 7000  
91  
SP. Post.

Confirmation

Confirmed vide OB No. 3160/07. 23-6-92

Better Copy

**Promotion:**

Promotion to the rank of head constable with BPS 07 with immediate effect at Rs 1245/PM

OB No 2409

Dated 08-06-1991

Assessed to be  
True Copy  
Rosen  
Rosen

SUPERINTENDENT OF POLICE,  
HANS: PERSAWAR.

Dated 4.2.1999.

O.B.NO. 5211

Driver Head Constable Nalaka Miaz No.2005 has  
been completed his two years normal period for confirmation  
as Head Constable according to P.R. 13.18.  
As per the report of CMC he is hereby  
confirmed with immediate effect.

O R I E R.

*Handwritten:* Attached to be  
true copy

*Handwritten:* [Signature]

aga  
04th

Index C

O R D E R

Driver Head Constable Palak Naz No. 2005  
is hereby promoted as ASI (Shoulder) with  
immediate effect:-

O.B.NO. 8593

Dated 12-8-98

Attached to be  
true copy

*[Handwritten signature]*  
*[Handwritten signature]*

SUPERINTENDENT OF POLICE,  
MORSE, PESHAWAR.

(2005)  
Office of the Accountant General  
N. W. F. P. Peshawar.  
Pay Fixed in the revised basic pay scale 2001  
of Rs. 22207.20 *(5200 B-7)*  
at Rs. 3780/- P.M. W.E.F. 1-12-2001  
with next increment on 1-12-2002

Can Fin. notice

Accounts Officer  
Pay Fixation Party N. W. F. P. Peshawar

Head Constable with immediate effect  
411

(Circle of B.O. No. 541) 4.2.99

20551 Peshawar

Transfer to A.S.G Traffic K.P.U. PPO K.P.U.  
order No 7861-65/K-11 dt 23/4/12

Service From 16/1/86 30/4/12 has been  
Verified & The Record is on  
The Record of Police  
Muz: Gopur, Peshawar

SP/HA  
*[Signature]*

To:

- 12 -

✓ Alex D

✓ Urfan  
Appears

**Chief Capital Police Peshawar  
(Through Proper Channel)**

**Subject:- Appeal for Confirmation as Driver ASI from due date  
with subsequent promotion as Driver Sub Inspector**

**Respectfully Submitted:-**

1. That the appellant has passed his Secondary School Certificate in the year 1993 and was appointed/enlisted as Driver Constable in District Police Peshawar on 16-07-1986 and was confirmed as Constable on 23-06-1992 and since appointment he performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. **(Copy of Enlistment order & Extract from Service Book is enclosed as Annexure A & B).**
2. That the appellant was promoted as Driver Head Constable (BPS-07) vide order issued vide OB NO 2409 dated 08-06-1991 and was confirmed as Driver Head Constable vide Order dated 04-02-1999. **(Copy of Order dated 08-06-1991 & Order dated 04-02-1999 is closed as Annexure C & D).**
3. That the appellant was promoted as ASI vide order issued vide OB No 8593 dated 10-08-1998 but since then he has not been confirmed as ASI despite the fact that the vacancies of Driver ASI,s and Driver Sub Inspectors are very much available.
4. That the appellant is the most senior Driver and is perfectly fit, senior, eligible and coming up to the criteria for promotion as ASI and Sub Inspector from the date the vacancies are available.
5. That the appellant is at the verge of retirement who is going to retire from service on 26-03-2024, so keeping in view his long service career, besides the availability of the vacancies of Driver ASI,s and Driver Sub-Inspector, the appellant is entitled to be promoted as ASI and then as Sub Inspector from due dates with all service benefits.

**It is therefore prayed that on acceptance of this appeal, the appellant may kindly be ordered to be Confirmed as Driver**



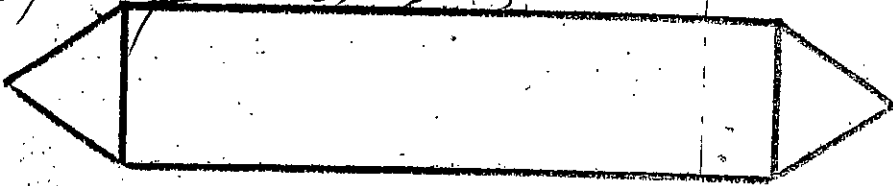
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ASI and as Driver Sub Inspector from the date of availability of vacancies with all back benefits.

Dated:-19-12-2022

*Falak Naz*  
Falak Naz Belt No 172,  
Driver Head Constbal  
Presently posted to City  
Traffic - Police Peshawar.  
Cell No 03129186736.

بدرالت حرکات گواہوں کے لئے



27 جنوری 2017ء

بیتام حکومتی

مورخہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آنکہ

لکھنؤ

آن مقام *سید* کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ ہر قسم کی تصدیق بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برابری اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھ دیا کہ سند ہے۔

بیتام حکومتی

20

المرقوم *Accepted*  
*Allan*

*Shah*