

28.04.2023

Appellant present through counsel.

Fazal Shah Mohmand, learned Additional Advocate General  
for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is  
on leave, therefore, case is adjourned. To come up for arguments  
on 15.06.2023 before D.B. Parcha Peshi given to the parties.

**SCANNED**  
K-3T  
Peshawar

*\*Mutazem Shah\**

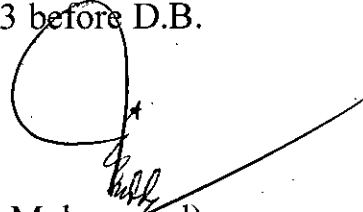


(Rozina Rehman)  
Member (J)

05.12.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 01.02.2023 before D.B.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

SCANNED  
KPBT  
Peshawar

1<sup>st</sup> Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the brief. Last opportunity is granted to the appellant to argue the case on the next date, failing which the appeal will be decided on the available record without arguments. Adjourned. To come up for arguments on 28.04.2023 before D.B.



(Muhammad Akbar Khan)  
Member (E)



(Kalim Arshad Khan)  
Chairman

SCANNED  
KPBT  
Peshawar

25.08.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 27.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (Judicial)

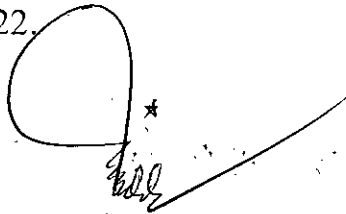
27.10.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

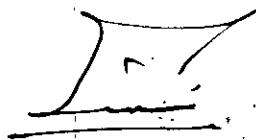
Due to paucity of time, arguments could not be heard.

Adjourned. To come up for arguments before the D.B on

05.12.2022.



(Mian Muhammad)  
Member (E)



(Salah-ud-Din)  
Member (J)

01.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 01.06.2022 for the same as before.

  
Reader.

01.06.2022

Junior to counsel for appellant present.

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

Former requested for adjournment as senior counsel for appellant is not available today. Adjourned. To come up for arguments on 07.06.2022 before D.B.

(Fareeha Paul)  
Member(E)

  
(Rozina Rehman)  
Member (J)

7/6/22

*As per D.B. is on leave, therefore the case is adjourned to 25-8-22 for same.*

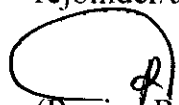


23.06.2021

Mr. Umer Farooq, Advocate for appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment with the request for submission of rejoinder to comments/written reply of the respondents. Request is accorded with the direction to file rejoinder within 5 days in the office failing which the right of filing of rejoinder shall be deemed as struck off. Adjourned. To come up for rejoinder/arguments on 08.11.2021 before D.B.

  
(Rozina Rehman)  
Member(J)


  
Chairman


08.11.2021

Clerk of learned counsel for the appellant present.

Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 01.03.2022 before D.B.

  
(Mian Muhammad)  
Member(E)

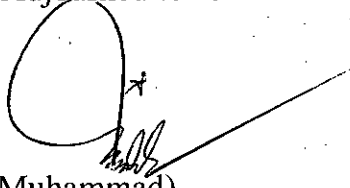
  
(Rozina-Rehman)  
Member(J)


13.10.2020

Junior to counsel for the appellant is present. Mr. Muhammad Jan, DDA alongwith Mr. Israr Shah, Reader for respondents are present.

Junior to counsel for the appellant seeks adjournment as his senior counsel was busy before the Hon'able Peshawar High Court, Peshawar. Adjournment granted.

Adjourned to 23.12.2020 for arguments before D.B.

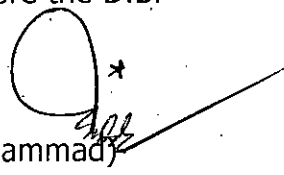
  
(Mian Muhammad)  
Member (E).

  
(Rozina Rehman)  
Member(J)

23.12.2020

Counsel for the appellant and Asstt. AG for the respondents present.

Learned counsel requests for adjournment in order to further prepare the brief. Adjourned to 25.03.2021 for hearing before the D.B.

  
(Mian Muhammad)  
Member(E)

  
Chairman

25.03.2021

Counsel for the appellant present. Mr. Riaz Khan Paindakhel learned Asst. AG for respondents present.

The Worthy Chairman is on leave, therefore, the case is adjourned to 23.06.2021 for arguments before D.B.

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

10.03.2020

Junior counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ibrahim Shah, Superintendent for the respondents present. Representative of the department submitted comments on behalf of respondents No. 1 & 2. The same is placed on record. To come up for rejoinder, if any, and arguments on 23.04.2020 before D.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 05.08.2020 before D.B.

  
Reader

05.08.2020

Due to summer vacation case to come up for the same on 13.10.2020 before D.B.

  
Reader

19.11.2019

Appellant alongwith counsel and Addl. AG for the respondents present.

Learned AAG is required to ensure attendance of representative of the respondents and submission of requisite reply/comments on next date.

Adjourned to 01.01.2020 before S.B.

  
Chairman

01.01.2020

Appellant in person and District Attorney alongwith Qasim Asstt. for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Adjourned to 11.02.2020 on which date the requisite reply/comments shall positively be furnished.

  
Chairman

11.02.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ibrahim Shah, Superintendent for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time to furnish reply/comments. Last opportunity is granted. To come up for written reply/comments on 10.03.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



20.08.2019

Counsel for the appellant present.

Contends that through order dated 05.04.2019 the appellant was confirmed as ASI with effect from 31.08.2018 while his date of promotion as Officiating ASI was 01.09.2016. In view of judgment by this Tribunal the appellant was entitled for confirmation with effect from the date of his officiation in the rank of ASI which was denied to him. Resultantly, his further promotion was jeopardized and he retired on reaching the age of superannuation as such on 30.04.2019.

In view of the arguments of learned counsel and judgment delivered in Appeal No. 99/2016 on 30.01.2019 instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 15.10.2019 before S.B.

Appellant Deposited  
Security & Process Fee

20/8/19

  
Chairman

15.10.2019

Appellant in person and Addl. AG alongwith Naeem Hussain, Inspector (Legal) for the respondents.

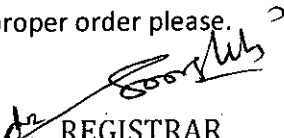

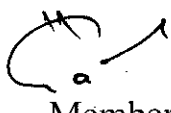
Representative of the respondents seeks time. Adjourned to 19.11.2019 on which date the requisite reply/comments shall positively be submitted.

  
Chairman

**Form- A**  
**FORM OF ORDER SHEET**

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

Case No.- \_\_\_\_\_ 660/2019 \_\_\_\_\_

| S.No.      | Date of order proceedings | Order or other proceedings with signature of judge   |
|------------|---------------------------|--|
| 1          | 2                         | 3  |
| 1-         | 24/05/2019                | <p>The appeal of Mr. Habib-ur-Rehman presented 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;"><br/>REGISTRAR</p> |
| 2-         | 22/05/18                  | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/06/19</u></p> <p style="text-align: right;"><br/>CHAIRMAN</p>  |
| 28.06.2019 |                           | <p>Appellant absent. Learned counsel for the appellant present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for preliminary hearing on 20.08.2019 before S.B.</p> <p style="text-align: right;"><br/>Member</p>        |

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

APPEAL NO. 660 /2019

**HABIB-UR-REHMAN**

**VS**

**POLICE DEPARTMENT**

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| <b>S.NO.</b> | <b>DOCUMENTS</b>    | <b>ANNEXURE</b> | <b>PAGE</b>    |
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| 2            | Impugned order      | <b>A</b>        | 4- 6.          |
| 3.           | Departmental appeal | <b>B</b>        | 7.             |
| 4.           | Order               | <b>C</b>        | 8.             |
| 5.           | Notification        | <b>D</b>        | 9- 10.         |
| 6.           | Retirement order    | <b>E</b>        | 11.            |
| 7.           | Vakalat nama        | .....           | <del>12.</del> |

**APPELLANT**

**THROUGH:**

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

Flat No. 3, Upper Floor,  
Islamia Club Building,  
Khyber Bazar, Peshawar  
0345-9383141

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

**APPEAL NO. \_\_\_\_\_/2019**

Mr. Habib Ur Rehman, Ex: Assistant Sub Inspector,  
O/O the Deputy Inspector General of Police, Telecommunication,  
Khyber Pakhtunkhwa, Peshawar..... **APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Telecommunications, Khyber Pakhtunkhwa, Peshawar.

..... **RESPONDENTS**

**APPEAL UNDER SECTION OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 17.1.2019 WHEREBY JUNIOR TO THE APPELLANT HAS BEEN PROMOTED TO THE RANK OF OFFICIATING SUB INSPECTOR WHILE THE APPELLANT HAS BEEN IGNORED AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYER:**

That on acceptance of this appeal the impugned order dated 17.1.2019 may very kindly be modified to the extent of appellant by directing the respondents to confirm the appellant in the Rank of Assistant Sub Inspector w.e.f. 1.9.2016 instead of 31.8.2018 and allow/grant pro forma promotion to the appellant to the Rank of officiating Sub Inspector w.e.f 17.1.2019 with all monetary benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:-**

- 1- That appellant was the employee of the respondent Department and had served the respondent department as Assistant Sub Inspector for quite considerable period efficiently and up to the entire satisfaction of his superiors.
- 2- That lastly the appellant was promoted to the Rank of officiating sub inspector vide order dated 1.9.2016. That due to pending Departmental inquiry against the appellant the appellant was not confirmed in time. That recently in the said Departmental inquiry the appellant was exonerated by the competent authority. That appellant

was quite hopeful for his confirmation in the Rank of Assistant Sub Inspector from the date of his officiating promotion as ASI and for his onward promotion to the Rank of officiating Sub Inspector.

- 3- That astonishingly vide impugned order dated 17.1.2019 junior to the appellant has been promoted to the Rank of Officiating Sub Inspector while the appellant has been ignored inspite of the fact that the appellant is exonerated by the inquiry committee and thus he is eligible for promotion to the next higher Rank of Sub Inspector. Copy of the impugned order dated 17.1.2019 is attached as annexure ..... **A.**
- 4- That feeling aggrieved the appellant filed Departmental appeal before the appellate authority i.e. respondent no.1 but during the pendency of Departmental appeal the respondents issued order dated 5.4.2019 whereby the appellant has been confirmed in the said Rank Assistant Sub Inspector w.e.f. 31.8.2018 instead of w.e.f. 1.9.2016. That vide Notification dated 10.4.2019 the appellant was brought on promotion to list "E". Copies of the Departmental appeal, order and notification are attached as annexure ..... **B, C & D.**
- 5- That vide office order dated 30.4.2019 the appellant has been retired from service w.e.f. 4.5.2019 on superannuation basis without availing promotion to the Rank of Officiating Sub Inspector w.e.f. 17.1.2019. Copy of the retirement order is attached as annexure ..... **E.**
- 6- That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 17.1.2019 and 5.4.2019 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the 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 impugned orders dated 17.1.2019 and 5.4.2019 whereby not confirming the appellant in the Rank of Assistant Sub inspector w.e.f. 1.9.2016 and not granting/allowing *pro forma promotion to the* rank of officiating Sub inspector w.e.f 17.1.2019 is violative of Law and Rules.
- D- That the respondents discriminated the appellant on the subject by not confirming the appellant in the Rank of Assistant Sub inspector

w.e.f. 1.9.2016 and not granting/allowing pro forma promotion to the rank of officiating Sub inspector w.e.f 17.1.2019.

E- That the respondents acted in arbitrary and malafide intentions by not confirming the appellant in the Rank of Assistant Sub inspector w.e.f. 1.9.2016 and not granting/allowing pro forma promotion to the rank of officiating Sub inspector w.e.f 17.1.2019.

F- That the respondents violated Article 38(e) of the Constitution of Pakistan, 1973 by not confirming the appellant in the Rank of Assistant Sub inspector w.e.f. 1.9.2016 and not granting/allowing pro forma promotion to the rank of officiating Sub inspector w.e.f 17.1.2019.

G- 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 be accepted as prayed for.

Dated: 15.05.2019

**APPELLANT**

  
**HABIB UR REHMAN**

**THROUGH:**

  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

ORDER

A-9

In pursuance of the decisions of the Departmental Promotion Committee vide minutes of meeting held on 16<sup>th</sup> January, 2019 duly approved by the competent authority, the promotion of the following is hereby ordered against the existing vacancies with immediate effect, on the basis of approved combined seniority.

**A. TELECOMM: SECTION**

**1. Promotion of ASI of Telecomm: to Offg: SI**

| S/No. | Name/Rank       | Trade |
|-------|-----------------|-------|
| 1     | ASI Abdul Wahid | WT    |

**2. Promotion of Head Constables of Telecomm: Section to the rank of offg: ASI**

| S/No. | Names /Rank             | Trade | S/No. | Names /Rank             | Trade |
|-------|-------------------------|-------|-------|-------------------------|-------|
| 1     | HC/281 Liaqat Ali       | Comp  | 28.   | HC/515 Abdul Qayum      | WT    |
| 2     | HC/801 Pervaiz Khan     | GD    | 29.   | HC/118 Tila Mohd        | WT    |
| 3.    | HC/837 Jehangir Khan    | FITT  | 30.   | HC/640 Zahir Shah       | WT    |
| 4     | HC/ 890 Muhammad Ishaq  | FITT  | 31.   | HC/174 Mushtaq Ahmad    | TP    |
| 5     | HC/237 Hamesh Gul       | FITT  | 32.   | HC/175 Rizwan Haider    | TP    |
| 6     | HC/782 Said Wali Shah   | WT    | 33.   | HC/147 Farman Ullah     | WT    |
| 7     | HC/273 Gul Bahadar      | WT    | 34.   | HC/ 904 Sher Nawaz      | WT    |
| 8.    | HC/469 Khani Zaman      | RM    | 35.   | HC/749 Mushtaq Ahmad    | WT    |
| 9     | HC/ Allah Dawaia (FATA) | WT    | 36.   | HC/727 S. Zahir Shah    | WT    |
| 10.   | HC/787 Zaheer Uddin     | WT    | 37.   | HC/617 Hamayun          | WT    |
| 11.   | HC/361 Muhammad Nisar   | WT    | 38.   | HC/736 Doulat Khan      | WT    |
| 12.   | HC/241 Shahid Ali       | GD    | 39.   | HC/ 231 Rashid Khan     | WT    |
| 13.   | HC/534 Muhd Buzurg      | WT    | 40.   | HC/ Abdul Lateef (FATA) | WT    |
| 14.   | HC/168 Manzar Hussain   | RM    | 41.   | HC/ 304 Saeed Ahmad     | WT    |
| 15.   | HC/446 Habibullah       | WT    | 42.   | HC/540 Said Muhammad    | WT    |
| 16.   | HC/753 Aman Ullah       | RM    | 43.   | HC/927 Anjum Farooq     | RM    |
| 17.   | HC/421 Akbar Ali Shah   | RM    | 44.   | HC/46 Asmatullah        | WT    |
| 18.   | HC/389 Abdul Hakeem     | WT    | 45.   | HC/773 Waqar Muhammad   | WT    |
| 19.   | HC/334 Fida Muhammad    | DR    | 46.   | HC/555 Hisal Muhammad   | WT    |
| 20.   | HC/934 Mukhtar Khan     | WT    | 47.   | HC/806 Muhammad Tahir   | WT    |
| 21.   | HC/20 Abdullah Jan      | GD    | 48.   | HC/ 108 Wilayat Shah    | WT    |
| 22.   | HC/990 Said Anwar       | WT    | 49.   | HC/ 82 Muhammad Shahid  | WT    |
| 23.   | HC/853 Shah Nawaz       | WT    | 50.   | HC/897 Anwar Iqbal      | WT    |
| 24.   | HC/266 Ghulam Hasham    | WT    | 51.   | HC/ 102 Liaqat Ali      | WT    |
| 25.   | HC/47 Zarshed           | WT    | 52.   | HC/767 Kifayat Ullah    | WT    |
| 26.   | HC/735 Amir Zaman       | RM    | 53.   | HC/933 Abdul Karim      | WT    |
| 27.   | HC/690 Muhammad Fayyaz  | RM    |       |                         |       |

**3. Promotion of Constables of Telecomm: Section to the rank of offg: Head Constable**

| S/No | Names /Rank          | Trade | S/No. | Names /Rank         | Trade |
|------|----------------------|-------|-------|---------------------|-------|
| 1    | C/494 Nazar Muhammad | WT    | 32.   | C/184 Hakeem Shah   | WT    |
| 2    | C/ Sajjad            | WT    | 33.   | C/869 Shahid Ali    | WT    |
| 3.   | C/840 Saif Ullah     | WT    | 34.   | C/199 Khisro Nawaz  | WT    |
| 4.   | C/180 Nisar Ali      | WT    | 35.   | C/684 Tasal Badshah | WT    |

|     |                           |    |     |                        |    |
|-----|---------------------------|----|-----|------------------------|----|
| 5   | C/656 Javaid Khan         | WT | 36. | C/634 Hayat Khan       | WT |
| 6.  | C/958 Shahmsul Alameen    | WT | 37. | C/ Akbar Ali (FATA)    | WT |
| 7.  | C/ Mohd Zahir Shah (FATA) | WT | 38. | C/94 Maqsood Khan      | RM |
| 8.  | C/959 Faramosh Khan       | WT | 39. | C/993 Iftikar Ali      | WT |
| 9   | C/961 Fazal Haq           | WT | 40. | C/994 Saeed ullah Khan | WT |
| 10  | C/216 Muhammad Numan      | WT | 41. | C/996 Bahramand (FATA) | WT |
| 11. | C/965 Hassan Mehmood      | WT | 42. | C/999 Noor ul Anwar    | WT |
| 12. | C/947 Fazal Rabi          | WT | 43. | C/259 Salahuddin       | WT |
| 13. | C/745 Mehraban Shah       | WT | 44. | C/1 Sajjad Ahmad       | WT |
| 14  | C/38 Wisal Muhammad       | RM | 45. | C/963 Wisal Khan       | WT |
| 15. | C/968 Muhammad Ayub       | WT | 46. | C/672 Muhammad Riaz    | WT |
| 16. | C/969 Iltaf Hussain       | WT | 47. | C/343 Muhammad Akbar   | WT |
| 17. | C/970 Ahmadi Hayat        | WT | 48. | C/627 Inayat ullah     | WT |
| 18. | C/971 Shahid Ali          | WT | 49. | C/1001 Naveed Ali      | WT |
| 19. | C/972 Noor Islam          | WT | 50. | C/1003 Muhammad Usman  | WT |
| 20  | C/977 Zahir Shah          | WT | 51. | C/1004 Zahir Gul       | WT |
| 21. | C/975 Abdullah            | WT | 52. | C/1006 Irshad Hussain  | WT |
| 22. | C/974 Saleem Khan         | WT | 53. | C/1005 Ijaz Ahmad      | WT |
| 23  | C/980 Dawa Khan           | WT | 54. | C/1007 Misal Khan      | WT |
| 24  | C/983 Khalid Shah         | WT | 55. | C/1011 Wakeel Ghani    | WT |
| 25. | C/984 Rehmat Ullah        | WT | 56. | C/1012 Shaukat Iqbal   | WT |
| 26. | C/986 Sabz Ali            | WT | 57. | C/733 Riaz Mohd        | WT |
| 27. | C/988 Sharafat            | WT | 58. | C/1016 Shah Saud       | WT |
| 28. | C/951 Khalid Jan          | WT | 59. | C/ Farhad Ali          | WT |
| 29. | C/989 Mumtaz Khan         | WT | 60. | C/1017 Sher Zada       | WT |
| 30. | C/176 Saeed Ullah         | WT | 61. | C/ 1021 Asmat Ullah    | WT |
| 31. | C/964 Shams ur Rehman     | WT | 62. | C/44 Iftikhar Ali      | WT |

**B. TRANSPORT MECHANIC.**

**2. Promotion of ASI of Transport Mechanic to Offq: SI**

| S/No. | Name/Rank    | Trade |
|-------|--------------|-------|
| 1.    | ASI Jehanzeb | VM    |



2. Promotion of Head Constable of Transport Mechanic to offg: ASI

6

| S/No. | Name/Rank            | Trade               |
|-------|----------------------|---------------------|
| 1.    | HC/786 Israr Hussain | Motorcycle Mechanic |

Promotion of Constables of Transport Mechanic to offg: HC

| S/No. | Name/Rank           | Trade |
|-------|---------------------|-------|
| 1.    | C/566 Shahid Ahmad  | M.M   |
| 2.    | C/725 Kifayat Ullah | Wldr. |

*Salman Choudhry*  
(SALMAN CHOUDHRY) PSP

Deputy Inspector General of Police,

Telecomm: Khyber Pakhtunkhwa, Peshawar.

No. 247-60

/Tele/OASI, dated Peshawar the 17/11 2019.

Copies of the above are forwarded to following: -

- 1) Accountant General of Khyber-Pakhtunkhwa, Peshawar.
- 2) The Deputy Secretary Admin/B&A, FATA Secretariat, Law and Order Department, Warsak Road, Peshawar
- 3) Accountant Tele Peshawar.
- 4) SP/MT & Telecomm: Peshawar.
- 5) DSP/Telecomm: Peshawar.
- 6) Office superintendent Tele Peshawar.
- 7) Office superintendent MT Peshawar.
- 8) GASI/Tele Peshawar.
- 9) ACR/Clerk Tele Peshawar.
- 10) Lines Officer Telecomm: Peshawar.
- 11) SRC/Telecomm: Peshawar.
- 12) MTO Telecomm: Peshawar
- 13) OI/C WT Workshop Tele HQrs: Peshawar
- 14) OB/No. 31 /2018.

*Salman Choudhry*  
(SALMAN CHOUDHRY) PSP

Deputy Inspector General of Police,

Telecomm: Khyber Pakhtunkhwa, Peshawar.



C-8

ORDER

In pursuance of the recommendation of departmental promotion/confirmation committee vide minutes of meeting held on 02<sup>nd</sup> April, 2019 duly approved by the competent authority, the following Assistant Sub Inspectors of this unit are hereby confirmed in their substantive ranks against the existing vacancies from the dates as mentioned against each after completion of probation period under Police Rules (13-18).

| S/No. | Ranks/Names.          | Date of Promoted as offg: ASI. | Confirmed With effect from |
|-------|-----------------------|--------------------------------|----------------------------|
| 1.    | ASI Habib ur Rehman   | 01.09.2016                     | 31.08.2018                 |
| 2.    | ASI Zar Khan          | 01.02.2017                     | 31.01.2019                 |
| 3.    | ASI Abdul Tawab       | 01.02.2017                     | 31.01.2019                 |
| 4.    | ASI Bakhtiar Ali Shah | 01.04.2017                     | 01.04.2019                 |
| 5.    | ASI Rehman Shah       | 01.04.2017                     | 01.04.2019                 |
| 6.    | ASI Bakth Taj         | 01.04.2017                     | 01.04.2019                 |
| 7.    | ASI Sardar Bahadar    | 01.04.2017                     | 01.04.2019                 |
| 8.    | ASI Shamsheer Khan    | 01.04.2017                     | 01.04.2019                 |

For Deputy Inspector General of Police,  
Telecommunications, Khyber Pakhtunkhwa,  
Peshawar.

No. 4225-31 /Tele/OASI dated Peshawar. 5/4/2019

Copies forwarded to following for information and necessary action.

1. The Deputy Secretary Admin/B&A, FATA Secretariat, Law and Order Department, Warsak Road, Peshawar
2. SP/MT & Telecomm: KP, Peshawar.
3. Officer Superintendent Tele.
4. Officer Superintendent MT.
5. DSP/Tele Peshawar.
6. Establishment Branch Tele.
7. OB No. 157 2019.

For Deputy Inspector General of Police,  
Telecommunications, Khyber Pakhtunkhwa,  
Peshawar.

D-9

POLICE DEPTT:TELECOMMUNICATIONS

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

NOTIFICATION

No. \_\_\_\_\_, Dated Peshawar the \_\_\_\_\_ / \_\_\_\_\_ /2019

The names of the following confirmed ASIs of Police Telecommunication are hereby brought on Promotion to List "E" according to their due seniority with immediate effect:-

| S/No. | Name                | Place of posting      |
|-------|---------------------|-----------------------|
| 1.    | ASI Habib ur Rehman | Peshawar HQrs:        |
| 2.    | ASI Zar Khan        | Peshawar HQrs:        |
| 3.    | ASI Abdul Tawab     | Peshawar HQrs:        |
| 4.    | ASI Bakhtiar Ali    | Peshawar HQrs:        |
| 5.    | ASI Rehman Shah     | Peshawar HQrs:        |
| 6.    | ASI Bakhtaj Khan    | On deputation to FATA |
| 7.    | ASI Sardar Bahadar  | Peshawar HQrs:        |
| 8.    | ASI Shamsheer Khan  | Peshawar HQrs:        |

*(Signature)*  
 (SALMAN CHOUDHRY) DSP

Deputy Inspector General of Police,  
 Telecomm: Khyber Pakhtunkhwa, Peshawar.

No. 4423-30 /Tele/EC, dated Peshawar 10/4 /2019.

Copies of the above is forwarded to following for information and necessary action.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Addl: IGP Investigation, Khyber Pakhtunkhwa, Peshawar (with two spare copies for publication in Gazette Part-II)
3. The Deputy Secretary Admin/B&A, FATA Secretariat, Law and Order Department, Warsak Road, Peshawar.
4. SP/MT & Telecomm: Khyber Pakhtunkhwa, Peshawar.
5. DSP Telecomm: Khyber Pakhtunkhwa, Peshawar.
6. Officer Superintendent Tele and MT, Peshawar.
7. Establishment Branch Tele.
8. OASI Telecomm: Peshawar.

NOTE SHEET TELECOMM: & TRANSPORT

10

Subject:

APPLICATION FOR CONFIRMATION AS ASI AND PROMOTION TO THE RANK OF SUB INSPECTOR.

1. PUC an application submitted by ASI, Habib Ur Rehman in which he stated that he was promoted to the rank of offg: ASI on 01.09.2016 and Two (2) years completed for conformation in the rank of ASI on 01.09.2018. But due to departmental enquiry his conformation in the same rank and promotion was pending .
2. Now his enquiry is filed by the competent authority at F/A.
3. Furthermore he request that he may confirmed in his rank of ASI and as well as promoted to higher rank of Sub Inspector because he is the senior most in the seniority list at F/B.
4. According to this office record his Bio Data is as under:-

| Name            | Date of Appointment | Date of Promotion as Offg: ASI | Date of Confirmation as ASI due |
|-----------------|---------------------|--------------------------------|---------------------------------|
| Habib Ur Rehman | 15.06.1977.         | 01.09.2016                     | 01.09.2018                      |

5. Submitted for your kind perusal and order please.

  
 6. Establishment Clerk

7. OS/Tele.

*[Handwritten signature]*  
06/03/2019

8. SP/MT.

*Su*

9. W/DIG/Telecomm:

*Para 3 may be approved as is going to be retired in next two months after completion of 42 years service*

*DIG Tele next DPC*

*m 4/3*

ORDER

E-11

ASI Habib-Ur-Rehman of this unit posted at Police Control Peshawar is attaining the age of superannuation i.e. 60 years on 04.05.2019. He is hereby retired from service with effect from 04.05.2019 as per his service record.

365 days encashment is hereby sanctioned to ASI Habib-Ur-Rehman as per the terms of Finance Department letter No. SO(FR) FD 5-92/2005/Vol-V, dated 13.12.2012. Rs.404,280/- (Four Lac, Four Thousand Two Hundred Eighty).

Certified that he could but did not proceed on L.P.R and exercised option in favour of encashment.

Deputy Inspector General of Police  
Telecomm: Khyber Pakhtunkhwa, Peshawar.

5326-39

No. /Tele/EC. dated Peshawar the 30 / 4 /2019.

Copy forwarded for information and necessary action to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. SP/Telecomm: Peshawar.
3. DSP/Telecomm: Peshawar.
4. Office Supdt: Telecomm: Peshawar.
5. PA to DIG/Telecommunication, Khyber Pakhtunkhwa, Peshawar.
6. Accountant Telecomm: Peshawar.
7. Pension Clerk Telecomm: Peshawar along with service roll and Service Book.
8. Establishment Clerk, Telecomm: Peshawar.
9. ACR Clerk Telecomm: Peshawar.
10. OIC Computer Cell Telecomm: Hqrs: Peshawar.
11. GASI/Telecomm: Peshawar.
12. OASI/Telecomm: Peshawar.
13. OIC Control Peshawar.
14. O.B.No. 197 /2019.

**VAKALATNAMA**

*Before the Khyber Pakhtunkhwa Service Tribunal  
Peshawar*

APPEAL No \_\_\_\_\_ OF 2019

*Habib - ur - Rehman*

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

*Police Department*

(RESPONDENT)  
(DEFENDANT)

I/We *Habib - ur - Rehman*

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

*Habib - ur - Rehman*  
**CLIENT**

*[Signature]*  
**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**  
&

**SHAHZULLAH YOUSAFZAI**  
ADVOCATES

*Mr. Zaman Safi*  
*Advocate*

**OFFICE:**

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

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 660/2019

Habib Ur Rehman ..... (Petitioner)

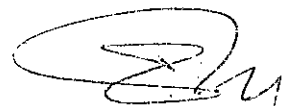
Versus

Provincial Police Officer & Others..... (Respondents)

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| 3.    | Petitioner name on List " E"      | B     | 4      |
| 4.    | Police Rules 13-18                | C     | 5      |
| 5.    | Affidavit                         |       | 6      |

Respondent Through



Department  
Representative



**BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR**

1

Service Appeal No. 660/ 2019.

Habib Ur Rehman .....(Appellant)

VERSUS

Provincial Police Officer and others.....(Respondents)

SUBJECT: **COMMENTS ON BEHALF OF RESPONDENTS ARE AS UNDER**

**RESPECTIVELY SHEWETH:**

**PRELIMINARY OBJECTIONS:-**

- a) That the appeal is not based on facts.
- b) That the appeal is not maintainable in the present form.
- c) That the appeal is bad for miss-joinder and non-joinder of necessary parties.
- d) That the appellant is estopped to file the appeal by his own conduct.
- e) That the appellant has not come to this Honorable Tribunal with clean hands.
- f) That the appellant has got no cause of action to file present Service Appeal.

**FACTS:-**

1. Subject to proof.
2. Subject to proof.
3. Incorrect. That in pursuance of recommendations of DPC/ Confirmation Committee held on 02.04.2019, the appellant was promoted to the rank of Officiating ASI on 01.09.2016, confirmed in the rank of ASI w.e.f 31.08.2018, vide Office Endst: No. 4225-31/ Tele/ OASI dated 05.04.2019 (**Annexure-A**) after completion of probation period under Police Rules (13-18) and consequently appellant was brought on promotion list E according to his seniority vide Office Notification No. 4423-30/ Tele/ EC dated 10.04.2019 (**Annexure-B**). As for as the stance of appellant in respect of impugned Order dated 17.01.2019, wherein, he stated that juniors to him promoted to the rank of Officiating Sub-Inspectors by ignoring him is incorrect as appellant was brought on Promotion List-E on 10.04.2019.
4. Incorrect, hence, rebutted. In-fact the appellant was promoted to Officiating ASI on 01.09.2016 and after completion of probation period under Police Rules (13-18), confirmed in the rank of ASI w.e.f 31.08.2018

hence, the plea of appellant wherein, he praying to be confirmed in the rank of ASI w.e.f 01.09.2016 instead of 31.08.2018 is incorrect in the light of above mentioned Police Rules (13-18) (Annexure-C).

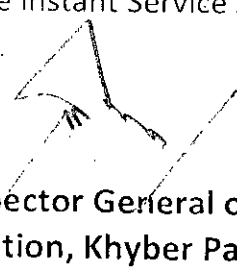
- 5. That the appellant was not eligible to be promoted to the rank of Officiating Sub-Inspector as he has been retired from service w.e.f 04.05.2019, on superannuation basis.
- 6. That the instant Service Appeal of appellant is not maintainable on the Following Grounds.

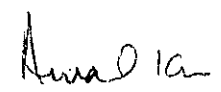
**GROUND:-**

- A. Incorrect. That the impugned order dated 17.01.2019 & 05.04.2019 are quite legal and in accordance with law/ rules hence, tenable under the relevant law.
- B. Incorrect. That appellant has been treated in accordance with law and no Article of Constitution of Islamic republic of Pakistan, 1973 has been violated by the answering respondents.
- C. Incorrect, This Para has already been explained above at Para No. 3 of Facts.
- D. Incorrect. Appellant was not eligible to be promoted to the rank of Officiating Sub Inspector w.e.f 17.01.2019 hence he was rightly not considered for promotion to the next higher rank by the answering respondents.
- E. Incorrect. As explained in preceding Paras.
- F. Incorrect. No Article has been violated by the answering respondents.
- G. The respondents seek permission to raise additional Grounds at the time of arguments/ hearing.

**PRAYER:-**

In view of the above, it is humbly prayed that on acceptance of Para-wise comments, the instant Service Appeal may kindly be dismissed being meritless.

  
 Deputy Inspector General of Police,  
 Telecommunication, Khyber Pakhtunkhwa,  
 Peshawar.  
 (Respondent No. 2)

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

3 (A)

ORDER

In pursuance of the recommendation of departmental promotion/confirmation committee vide minutes of meeting held on 02<sup>nd</sup> April, 2019 duly approved by the competent authority, the following Assistant Sub Inspectors of this unit are hereby confirmed in their substantive ranks against the existing vacancies from the dates as mentioned against each after completion of probation period under Police Rules, (13-18).

| S/No. | Ranks/Names.          | Date of Promoted as offg: ASI. | Confirmed With effect from |
|-------|-----------------------|--------------------------------|----------------------------|
| 1.    | ASI Habib ur Rehman   | 01.09.2016                     | 31.08.2018                 |
| 2.    | ASI Zar Khan          | 01.02.2017                     | 31.01.2019                 |
| 3.    | ASI Abdul Tawab       | 01.02.2017                     | 31.01.2019                 |
| 4.    | ASI Bakhtiar Ali Shah | 01.04.2017                     | 01.04.2019                 |
| 5.    | ASI Rehman Shah       | 01.04.2017                     | 01.04.2019                 |
| 6.    | ASI Bakth Taj         | 01.04.2017                     | 01.04.2019                 |
| 7.    | ASI Sardar Bahadar    | 01.04.2017                     | 01.04.2019                 |
| 8.    | ASI Shamsheer Khan    | 01.04.2017                     | 01.04.2019                 |

For Deputy Inspector General of Police  
Telecommunications, Khyber Pakhtunkhwa,  
Peshawar.

No. 4225-31 /Tele/OASI dated Peshawar. 5/4/2019.

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5. DSP/Tele Peshawar.
6. Establishment Branch Tele.
7. OB No. 157/2019.

For Deputy Inspector General of Police,  
Telecommunications, Khyber Pakhtunkhwa  
Peshawar.

(4) "B"

POLICE DEPTT:

TELECOMMUNICATIONS

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

NOTIFICATION

No. 4422, Dated Peshawar the 10 / 1 / 4 / 2019

The names of the following confirmed ASIs of Police Telecommunication are hereby brought on Promotion to List "E" according to their due seniority with immediate effect:-

| S/No. | Name                | Place of posting      |
|-------|---------------------|-----------------------|
| 1.    | ASI Habib ur Rehman | Peshawar HQrs:        |
| 2.    | ASI Zar Khan        | Peshawar HQrs:        |
| 3.    | ASI Abdul Tawab     | Peshawar HQrs:        |
| 4.    | ASI Bakhtiar Ali    | Peshawar HQrs:        |
| 5.    | ASI Rehman Shah     | Peshawar HQrs:        |
| 6.    | ASI Bakhtaj Khan    | On deputation to FATA |
| 7.    | ASI Sardar Bahadar  | Peshawar HQrs:        |
| 8.    | ASI Shamsheer Khan  | Peshawar HQrs:        |

*S. Choudhry*  
o/c (SALMAN CHOUDHRY) IAS  
Deputy Inspector General of Police,  
Telecomm: Khyber Pakhtunkhwa, Peshawar.

No. 4423-30 /Tele/EC, dated Peshawar 10 / 1 / 4 / 2019.

Copies of the above is forwarded to following for information and necessary action.

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2. Addl: IGP Investigation, Khyber Pakhtunkhwa, Peshawar (with two spare copies for publication in Gazette Part-II)
3. The Deputy Secretary Admin/B&A, FATA Secretariat, Law and Order Department, Warsak Road, Peshawar.
4. SP/MT & Telecomm: Khyber Pakhtunkhwa, Peshawar.
5. DSP Telecomm: Khyber Pakhtunkhwa, Peshawar.
6. Officer Superintendent Tele and MT, Peshawar.
7. Establishment Branch Tele.
8. OASI Telecomm: Peshawar.

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The gist of adverse reports shall be communicated in writing to the officers concerned subject to the conditions specified in paragraph 7 of Punjab Government Consolidated Circular No. 1 and their acknowledgment shall be taken and attached to their personal files.

(4) The names and designation of the officers writing reports shall invariably be typed or written in block letters below their signatures.

(5) Reporting Officers shall comment generally on the way in which the officer has carried out his various duties during the year and shall give an estimate of his personality, character and abilities, including detective powers and ability to conduct prosecutions. The report shall contain an opinion on any point specially required at any particular time, e.g., fitness to pass an efficiency bar. Particular mention shall be made of the officer's relations with his fellow officers and the general public and of his honesty.

13-18. Probationary period of promotion.—All Police Officers promoted in rank shall be on probation for two years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the officer or revert him. In no case shall the period of probation be extended beyond two years and the confirming authority must arrive at a definite decision within that period whether the officer should be confirmed or reverted. While on probation officers may be reverted without departmental proceedings. Such reversion shall not be considered reduction for the purpose of rule 16-4.

This rule shall not apply to constables and Sub-Inspectors promoted to the selection grade, whose case is governed by rules 13-14.

13-19. Special promotion to recipients of the King's Police and Fire Service Medal and the Indian Police Medal.—(1) A constable receiving the award of the King's Police and Fire Service Medal shall be promoted in the first substantive vacancy of head constable within occurs in the district in which he is serving subsequent to the award of the medal being gazetted.

(2) A constable awarded the Indian Police Medal shall, if not already in the selection grade, be promoted to that grade on probation as prescribed in rule 14-5 (7).

6

**BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. 660/2019

Habib ur Rehman ..... (Petitioner)

Versus

Provincial Police Officer & Others..... (Respondents)

**AFFIDAVIT**

I, Ibrahim Shah office superintendent (BPS-17) of Police Telecommunication KPK Peshawar representative of respondent Department do here by solemnly declare that the contents of accompanying comments on behalf of Respondents Department are correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

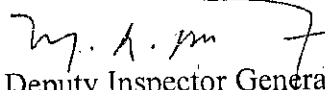
DEPONENT



Ibrahim Shah  
OS: Telecomm:

**AUTHORITY**

It is certified that Ibrahim Shah Office Superintendent Tele (BPS-17) of Police Telecommunication is hereby nominated to submit the comments in the Khyber Pakhtunkhwa Service Tribunal on behalf of the respondents department in case service Appeal No. 660/2019 in case titled Habib ur Rehman VS Provincial Police Officer and others.

  
Deputy Inspector General of Police  
Telecomm: Khyber Pakhtunkhwa  
Peshawar