

28.04.2023

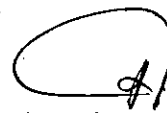
Appellant present through counsel.

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
KPST
Peshawar

Mutazem Shah



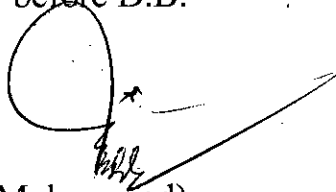
(Rozina Rehman)
Member (J)

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.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

1st 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.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

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)

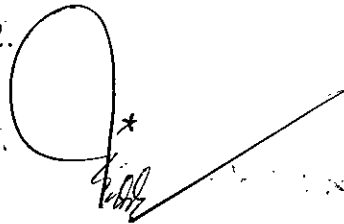
27.10.2022

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.

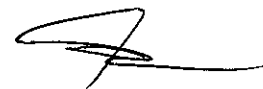
Former requested for adjournment as senior counsel for appellant is not available today. Adjourned. To come up for arguments on 07.06.2022 before D.B.

(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

7.6.22

Proposed DB is an error, therefore, the case is adjourned to 25-8-22 for same.




23.06.2021

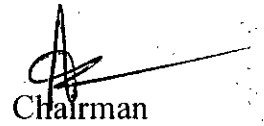
Mr. Umer Farooq, Advocate for appellant present.

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.

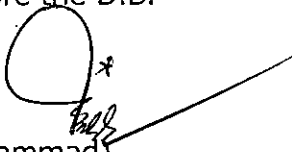

(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member(J)

23.12.2020

Counsel for the appellant kand 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

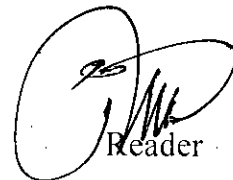
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 05.08.2020 before D.B.



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 01.04.2019 while his date of promotion as Officiating ASI was 01.04.2017. 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.

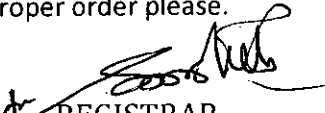


Representative of the respondents seeks time. Adjourned to 19.11.2019 on which date the requisite reply/comments shall positively be submitted.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- _____ 661/2019 _____

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. Shamsheer Ali 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> REGISTRAR</p>
2-	22/05/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/06/19</u></p> <p> 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> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 661 /2019

SHAMSHER ALI

VS

POLICE DEPARTMENT

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Departmental appeal	B	7.
4.	Order	C	8.
5.	Notification	D	9- 10.
6.	Retirement order	E	11.
7.	Vakalat nama	12.

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. Shamsheer Khan, 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

Shamsher Khan

SHAMSHER KHAN

THROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

ORDER

A-9

In pursuance of the decisions of the Departmental Promotion Committee vide minutes of meeting held on 16th 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
	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 Khan Zaman	RM	35.	HC/749 Mushtaq Ahmad	WT
9.	HC/ Allah Dawala (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 Mukhtaj 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 Illaf Hussain	WT	47.	C/343 Muhammad Akbar	WT
17.	C/970 Ahmad 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/976 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 offq: ASI

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

6

3. Promotion of Constables of Transport Mechanic to offq: HC

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

S. Salman Choudhry
(SALMAN CHOUDHRY) PSP

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

No. 847-60

/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) O/C WT Workshop Tele HQrs: Peshawar
- 14) OB/No. 31 /2018.

S. Salman Choudhry
(SALMAN CHOUDHRY) PSP

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

محرمات صاحب اسپیکر جنرل آف پولیس جسٹس جی تو کو ایسا
B-7

جناح عالی

خودمان گزارتھیکہ میں سائل محلہ بعد میں
طور کنٹیل وائٹس آریٹرز مورس $\frac{6}{1977}$ 15 کو صرف سوائے
سائل مورس $\frac{2}{2001}$ کو بہ طرہ شدہ کنٹیل اور مورس
 $\frac{9}{2016}$ کو بہ طرہ شدہ ASI ترقیات سوائے اور مورس
 $\frac{8}{18}$ 30 کو سائل کے بہ طرہ شدہ ASI کو سال پورے
بوجھتے ہیں۔ جبکہ من سائل کی کنفرس مہیشن اور
پروموشن بوجھتے انکوٹری نہ ہونے کے سائل
ماہ اپریل میں ساٹھ سال عمر پورے ہونے پر ایسا ٹرڈ
ہونے والا ہے۔

گورنر آف صوابان ہے عا عزا اذ الاماں ہے کہ سائل کو ہم
طرہ شدہ سب انسپکٹر ترقیات فرقانے کا حکم صادر فرما کر
مشکور فرما دیں
سین لواریشن پولی

25 $\frac{1}{2019}$ RR

الغرض
ASI مشر علی شیفہ پولیس وائٹس ٹریننگ
سکول ہے

ORDER

C-8

In pursuance of the recommendation of departmental promotion/confirmation committee vide minutes of meeting held on 02nd 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 Bakht 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

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:


(SALMAN CHOUDHRY) DSP
Deputy Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.

No. 4423-30 /Tele/EC, dated Peshawar 10/14 /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

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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. *[Signature]*

7. OS/Tele. *[Signature]*
06/03/2019

8. SP/MT. *[Signature]*

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

9. W/DIG/Telecomm:

DIG Tele next DPC

m 4/3

ORDER

ASI Shamsheer Ali 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 Shamsheer Ali 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.

5311-24
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: Hq's: Peshawar.
11. GAS/Telecomm: Peshawar.
12. OASI/Telecomm: Peshawar.
13. OIC Control Peshawar.
14. O.B.No. 196/2019.

VAKALATNAMA

Before the JJP Service Tribunal, Peshawar

WRIT PETITION _____ OF 2019

Shamsur Ali

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Rafia Deft:

(RESPONDENT)
(DEFENDANT)

I/We Shamsur Ali

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

SHAMSHERALI

CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

&

SHAHZULLAH YOUSAFZAI

ADVOCATES

MIR ZAMAN SARI
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. 661/2019

Shamsher..... (Petitioner)

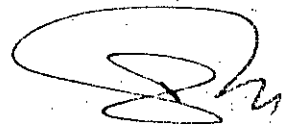
Versus

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

INDEX

S.No.	Description of documents	Annex	Pages
1.	Memo of comments	-	1 to 3
2.	Confirmation into the rank of ASI	A	4
3.	Petitioner name on List "E"	B	5
4.	Police Rules 13-18	C	6
5.	Petitioner Retirement order	D	7
6.	Affidavit		8

Respondent Through



Department
Representative

1

BEFORE THE HONORABLE SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 661/ 2019.

Shamsher Ali(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 01.04.2017, confirmed in the rank of ASI w.e.f 01.04.2019, 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 01.04.2017 and after completion of probation period

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under Police Rules (13-18), confirmed in the rank of ASI w.e.f 01.04.2019 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 illogical as his confirmation in the rank of ASI has been done w.e.f 01.04.2019 and not from 01.09.2016 hence, this Para 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 vide Order No. 5311-24/ Tele/EC dated 30.04.2019 **(Annexure-D)**.
6. That the instant Service Appeal of appellant is not maintainable on the Following Grounds.

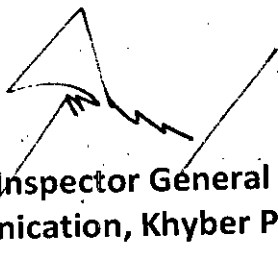
GROUND:-

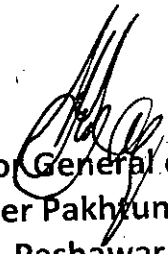
- A. Incorrect. That the impugned order dated 17.01.2019 & 05.04.2019 are quite legal and in accordance with law/ rules hence, tenable under the relevant law.
- B. Incorrect. That appellant has been treated in accordance with law and no Article of Constitution of Islamic republic of Pakistan, 1973 has 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.

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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)**

ORDER

In pursuance of the recommendation of departmental promotion/confirmation committee vide minutes of meeting held on 02nd 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 Bakht Taj	01.04.2017	01.04.2019
7.	ASI Sardar Bahadar	01.04.2017	01.04.2019
8.	ASI Shamsher 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.

(5) '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 / 11 / 2019

The names of the following confirmed ASIs of Police Telecommunication, are hereby brought
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:
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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:

o/c
(SALMAN CHOUDHRY) DSP
Deputy Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar

No. 4423-30, /Tele/EC, dated Peshawar 10 / 11 / 2019.

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 8. OASI Telecomm: Peshawar.

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Vol. II

THE POLICE RULES, 1934

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).

ORDER

ASI Shamsheer Ali 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 Shamsheer Ali 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.

No. 5311-24 /Tele/EC, dated Peshawar the 30 / 4 /2019.

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3. DSP/Telecomm: Peshawar.
4. Office Supdt: Telecomm: Peshawar.
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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. 196 /2019.

8

BEFORE THE HONOURABLE SERVICE TRIBUNAL PESHAWAR,

Service Appeal No. 661/2019

Shamsher..... (Petitioner)

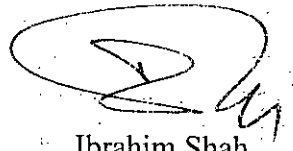
Versus

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: