


FORM OF ORDER SHEET

Court of

Appeal No.

1629/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2023	<p>The appeal of Mr. Muhammad Iqbal resubmitted today by Syed Noman Ali Bukhari Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <i>11-08-2023</i></p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1629/2023

Muhammad Iqbal

V/S

Police Deptt:

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Muhammad Iqbal
APPELLANT

Muhammad Iqbal

THROUGH:

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
ADVOCATE, HIGH COURT

Uzma Syed
&
(UZMA SYED)
ADVOCATE, HIGH COURT

(1)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1629 /2023

Mr. Muhammad Iqbal Retired's Assistant Grade Clerk
Kohat Region Kohat R/o Sherkot, District Kohat.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General, Headquarters, KP Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat..

(Respondents)

.....

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 FOR
CONSIDERATION FOR PROMOTION OF THE POST OF
SUPERINTENDENT BPS-17 ON NOTIONAL/PROFORMA
BASIS FROM DUE DATE AND AGAINST THE REJECTION
ORDER DATED 14/07/2023 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT WAS
REJECTED WITHOUT SHOWING ANY REASON.**

PRAYER:

**THAT ON ACCEPTANCE OF THIS SERVICE APPEAL,
REJECTION ORDER DATED 14/07/2023 MAY BE
DECLARED ILLEGAL AND AGAINST THE LAW, THE
SAME MAY PLEASE BE SET ASIDE. AND THE
RESPONDENT MAY BE DIRECTED TO CONSIDER THE
APPELLANT FOR PROFORMA/ NOTIONAL PROMOTION
AS OFFICE SUPERINTENDENT (BPS-17) FROM HIS DUE
DATE WITH ALL BACK AND CONSEQUENTIAL
BENEFITS. ANY OTHER REMEDY, WHICH THIS
AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE
THAT, MAY ALSO, BE AWARDED IN FAVOUR OF
APPELLAN.**

RESPECTFULLY SHEWETH,

FACTS:

1. That the appellant joined the respected Department and working as office assistant since 2009 and has good service record throughout his career with unblemished service.
2. That appellant was included in the DPC for promotion in 2013 vide CPO Peshawar letter No. 12999-13011/E-III, dated 07.06.2013. As per seniority list of Asstt: Grade Clerks stood on 31.05.2012, appellant was existing at S. No. 44, But appellant was not promoted and the officials junior to him were promoted, appellant was not informed as to why deferred from promotion. It is worth mentioning here that the following Asstt: Grade Clerks junior to him in the seniority list stood on 31.05.2012 were conditionally promoted to BPS-17 although their ACRs were missing, as mentioned below:
 - a. Muhammad Naseem Iqbal
 - b. Muhammad Riaz
 - c. Muhammad Bilal
 - d. Anees ul Hassan
 - e. Anwar Baig

Copy of seniority list and promotion order issued vide CPO Peshawar No. 17361-62/E-III, dated 19.07.2013 is attached as annexure-A & B.
3. That at that time appellant submitted an application before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar through proper channel vide DIG Kohat Region Letter No. 8936/EC, dated 08.11.2013 but no reply of the above application has been received.

Copy of application is attached as annexure-C.
4. That thereafter, another DPC was arranged in the year 2014 vide CPO Peshawar Letter No. 62-79/CPB, dated 12.12.2014, in which appellant name was existing at S. No. 17 and No Departmental Enquiry and Medical Fitness Certificate were submitted to CPO Peshawar vide DPO Chitral office Memo: No. 15302/EB, dated 16.12.2014 but appellant was neither promoted nor conveyed any information and the official junior to him were promoted. **Copy of documents is attached as annexure-D.**
5. That thereafter, a departmental proceeding initiated against the appellant and on 06.07.2015 appellant was reverted from BPS-16 to BPS-14 as Senior Clerk and appellant name was deleted from the seniority list of Asstt: Grade Clerks. Appellant was due for promotion to the BPS-17 on 19.07.2013 but not promoted without any reason / justification and the officials junior to me were promoted.

6. That appellant filed appeal before the Service Tribunal Khyber Pakhtunkhwa, Peshawar under Section 4 of the Civil Servant Act 1974 against the reversion order. That the Honorable Tribunal vide judgment dated 21.10.2021 set-aside the impugned order and restored the appellant to the post of Asstt: Grade Clerk (BPS-16) with all back benefits w.e.f. 06.07.2015. **(Copy of judgment is enclosed as Annex-E).**
7. That the Addl: Inspector General of Police, HQrs: Peshawar endorsed the judgment order of Service Tribunal KP Peshawar and passed a proper order in this respect vide No. 22245/E-V, dated 16.03.2022 wherein appellant was restored on his original post with all back benefits and attached appellant with the office of RPO / Kohat for the grant of back benefits. **(Copy of order is attached as annexure-F).**
8. That appellant have received all his financial back benefits i.e. arrears of pay and pension, but his seniority and promotion to the post of Office Superintendent (BPS-17) which was due on 06.07.2013 has not been granted to him, the appellant aggrieved filed departmental appeal for the purpose of promotion to the post of superintendent. Which was rejected vide order dated 14/07/2023 without showing any reason. Hence the present service appeal on the following grounds amongst others. **(Copy of departmental appeal and rejection is attached as annexure-G & H).**

GROUND:

- A) That the impugned rejection order dated 14/07/2023 and not considering the appellant for promotion is against the law, rules and material on record.
- B) That according to Superiors Courts Judgment cited as *1985 SCMR 1158, 2010 PLC C.S 760* and Tribunal judgment in appeal number *1564/2010* that if post is available in promotion quota then civil servant should be promoted on regular base from the date he become eligible and vacancies were available in his quota.
- C) That Valuable rights of the appellant have been affected by not granting him, his due promotion from the date of his actual entitlement.
- D) That the appellant was ignored and deprived from the date when the eligible and entitle for promotion and in illegal manner. Which is such action is part of respondent department is not sustainable in eyes of law.

- E) That, the appellant promoted was delayed but later on the appellant was reverted which is malafide intention that delay was caused by the department for which the appellant should not be punished. said principle is illustrate in Superior court judgment cited as **1997 SCMR 515**.
- F) That according to Superior Court Judgment reported as **1997 SCMR 515** in which it is held that delay in making promotion had entirely due to reason that officer of that department not carry out fairly simple exercise with reasonable period so the appellant is entitled to the promotion from back date.
- G) That it is well settled principle of justice that no one should be suffered from the arbitrary acts of public functionaries and the public functionaries are required to act in accordance with rules and law with fair means. But in case of appellant such principle has been violated.
- H) That the Supreme Court held in many cases that though the Civil Servant could not claim promotion as matter of right but it was incumbent upon the department/Authority. That when they grant promotion, then in that case the promotion should be granted from the due date of Civil Servant / Availability of post. Thus the appellant is entitled to proforma promotion.
- I) That the AIG Establishment wrote in his letter dated 30/10/2014 no officer should be deferred on the ground of pending inquiries but the appellant was deferred. **Copy of letter is attached as annexure-I.**
- J) That, granting promotion to the juniors to the appellant by the department exposes that clear, regular, sanctioned and budgetary posts in BS-17 were lying vacant since 2013.
- K) That the posts was available and the appellant was also eligible for the same at the time of the application but despite that the appellant has been kept deprived from the benefits and an arbitrarily manner which is not permissible in the eyes of law.
- L) That, according to rules the post of office superintendent TO BE Filled in by promotion. Moreover the appellant required length of service for the purpose of promotion was also completed and all his ACR(S) were above the mark, as such the appellant fulfilled all the criteria laid down in the rules for promotion but despite that the appellant did not promote to the post of office superintendent.

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- M) That as appellant was eligible for the post office superintendent (BPS-17) since the date when the post became vacant, but the department deferred him for the post of office superintendent (BPS-17) for wrong reason and delayed the case without any reason.
- N) That, now, appellant, being retired civil servant, is only claiming the notional promotion for the purpose of retirement /pensionary benefits/ monetary benefits without disturbing the seniority/ sequence of other officers/officials.
- O) That appellant has not been treated justly and fairly and article 4, 25 and 27 of the constitution of Islamic republic of Pakistan, 1973.
- P) That, according to dictums laid down by the superior courts any civil servant can claim promotion after retirement when the right to be promoted was accrued to him before retirement but the department/ government, due to the reasons best known to it, failed to consider the name of the appellant for promotion.
- Q) That, no reasons, whatsoever has been given by the department for not considering the name of the appellant except the fact of his retirement on attaining the age of superannuation.
- R) That the Hon'able Supreme Court of Pakistan has held in many cases that in absence of any stoppage of promotion order by the Govt/ competent authority, the civil servant is to be entitled from the date of availability of post. Thus the appellant is entitled for proforma promotion w.e. from his due date.
- S) That the same nature case the Hon'ble Tribunal accepted the appeal no 731/2015 and Muhammad Saeed vs Health deptt and superior court judgment titled Anees Ahmad vs Govt of KP and grant notional promotion, so the case of the appellant is also same nature and may be treated the same and may be grant notional promotion to the appellant from his due date.
- T) That the in same nature case as promotion was delayed due to any lapse of the department i.e administrative etc the Hon'ble Tribunal accepted the appeal of akbar ali vs irrigation deptt: and superior court judgment cited as 2023 plc (CS) 336 and grant notional promotion, so the case of the appellant is also same nature and may be treated the same and may be grant notional promotion to the appellant from his due date.
- U) That junior to the appellant was promoted on conditional basis subject to provision of ACR but the appellant was ignored, so the attitude of the respondents is amount to discrimination and violation of Article 25 of the constitution of Islamic Republic of Pakistan.

- V). That the appellant was not treated according to the law and rules and deprive from the legal right of the promotion.
- W). That the appellant seeks permission to advance others 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 with cost.

Muhammad Iqbal
APPELLANT
 Muhammad Iqbal

THROUGH

Syed Noman Ali Bukhari
(SYED NOMAN ALI BUKHARI)
 ADVOCATE, HIGH COURT

&
Uzma Syed
(UZMA SYED)
 ADVOCATE, HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

(7)

Muhammad Iqbal

V/S

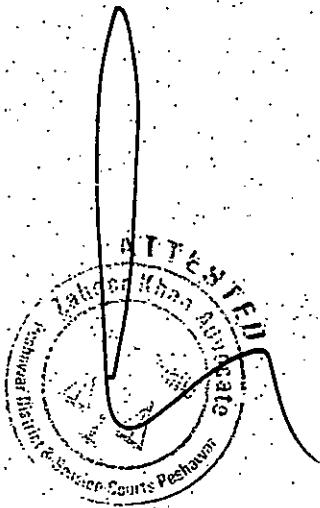
Police Deptt:

AFFIDAVIT

I, Muhammad Iqbal, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT


Muhammad Iqbal



BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

8

APPEAL NO. _____/2023

Muhammad Iqbal

V/S

Police Deptt:


CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.

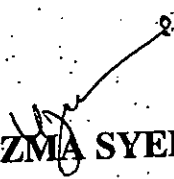

DEPONENT

LIT OF BOOKS:

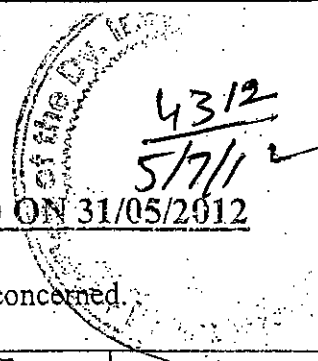
1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

&


(UZMA SYED)
ADVOCATE, HIGH COURT

Annexure - A



SENIORITY LIST OF ASSISTANTS GRADE CLERKS BS-14 AS IT STOOD ON 31/05/2012

NO. 13114 /E-III. The Seniority list of Asstts: The Seniority list of Asstts: is published for information of all concerned.

S.No.	NAME	DATE OF BIRTH WITH DOMICILE	EDU: QUALIF:	DATE OF ENLIST:	DATE OF PROMOTION AS ASSISTANT	REMARKS
1.	Mr. Muhammad Amin	06.10.56 Bannu	10 th	30.01.74 FC 11.11.75 JC 01.04.86 SC	16.01.97	
2.	Mr. Abul Hassan Shah	10.03.56 DIKhan	F.A.	02.12.75 JC 04.12.86 SC	16.11.98	
3.	Mr. Abdul Ghafoor	13.06.56 Mardan	F.A.	22.01.76 JC 04.12.86 SC	05.08.98	
4.	Mr. Muhammad Yousaf	09.09.52 Swat	10 th	10.07.76 JC 28.12.86 SC	16.11.98	
5.	Mr. Muhammad Iqbal	16.03.58 Bannu	10 th	19.07.76 JC 20.04.77 SC	16.11.98	
6.	Mr. Muhammad Tariq	10.04.57 Mansehra	F.A.	03.11.76 JC 20.04.87 SC	16.11.98	
7.	Mr. Muhammad Nisar	14.09.57 Mansehra	10 th	25.11.76 JC 20.04.87 SC	16.11.98	
8.	Mr. Aftab Ahmad	04.04.55 Peshawar	MA/LLB	21.06.75 JC 01.04.86 SC	17.05.99	
9.	Mr. Duran Shah	11.06.56 Peshawar	10 th	02.07.74 JC 29.04.87 SC	25.02.2000	
10.	Mr. Asmat Ullah	01.03.55 Mardan	B.A.	30.12.76 JC 29.04.87 SC	25.02.2000	
11.	Mr. Maazullah Khan	01.04.58 Charsadda	B.A.	30.12.76 JC 29.04.87 SC	25.02.2000	
12.	Mr. Zia Ali Shah	06.05.58 Peshawar	10 th	13.12.76 JC 17.11.87 SC	25.02.2000	
13.	Mr. Khurshid Anwar	10.08.56 Mansehra	10 th	14.02.77 JC 07.02.88 SC	30.08.2000	
14.	Mr. Sahib Zali	15.07.55 DIKhan	10 th	04.07.77 FC 12.03.77 JC	30.08.2000	

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Signature

S.No.	NAME	DATE OF BIRTH WITH DOMICILE	EDU: QUALIF:	DATE OF ENLIST:	DATE OF PROMOTION AS ASSISTANT	REMARKS
33.	Mr. Mushtaq Ahmad	05.03.57 Swat	BA	28.01.78 JC 07.04.88 SC	15.12.2005	
34.	Mr. Muhammad Zahir Shah	07.05.1956 Dir	FA	26.05.1976 JC 07.02.1988 SC	21.05.2007	
35.	Mr. Muhammad Nadir Shah	Chitral 01.02.1956	10 th	14.05.1977 JC 07.02.1988 SC	21.05.2007	
36.	Mr. Bashir Ahmad	05.04.54 Charsadda	FA	29.7.75 FC 22.8.77 JC	27.06.2007	
37.	Mr. Muhammad Naseer	14.11.58 Peshawar	10 th	21.09.77 JC 07.04.88 SC	20.11.2007	
38.	Mr. Sardar Khan	09.11.55 Bannu	10 th	8.3.77 JC 26.6.88 SC	15.08.2007	
39.	Mr. Muhammad Saleem	05.04.56 Karak	10 th	13.11.75 FC 16.04.78 JC 26.06.88 SC	18.11.2007	
40.	Mr. Biland Iqbal	04.02.1955 Dir Upper	BA	07.05.1978 JC 26.06.1988 SC	21.05.2007	
41.	Mr. Sadaqat Hussain	14.06.56 Manseltra	B.A	27.11.78 JC 26.06.88 SC	06.11.2007	
42.	Mr. Muhammad Fayaz <i>H. Khan</i>	20.05.59 DIKhan	10TH	30.11.78 JC 26.06.88 SC	04.06.2007	
43.	Mr. Gul Khan	15.01.57 Peshawar	FA	18.01.79 JC 27.03.90 SC	06.11.2007	
44.	Mr. Muhammad Iqbal	20.11.1960 Kohat	FA	04.02.1979 JC 05.09.1988 SC	21.05.2007	
45.	Mr. Muhammad Naseem Iqbal	01.02.1958 Swat	10 th	10.04.79 JC 05.09.88 SC	04.04.2007	
46.	Mr. Muhammad Riaz	01.09.1959 Swat	FA	24.04.1979 JC 05.09.1988 SC	21.05.2007	
47.	Mr. Muhammad Bilal	04.01.56 Peshawar	10th	22.11.74 FC 01.05.79 JC	27.06.2007	
48.	Mr. Anees-ul-Hassan	08.04.1961 Kohat	FA	02.05.1979 JC 05.09.1988 SC	21.05.2007	
49.	Mr. Muhammad Yousaf	03.04.56 Abbottabad	10 th	14.06.79 JC 05.09.1988 SC	18.12.2008	

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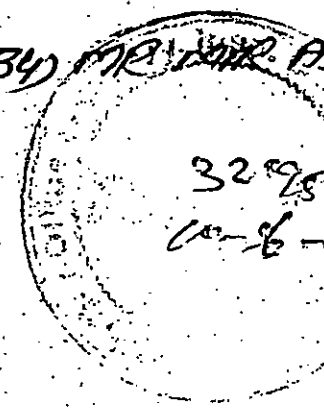
S.No.	NAME	DATE OF BIRTH WITH DOMICILE	EDU: QUALIF:	DATE OF ENLIST:	DATE OF PROMOTION AS ASSISTANT	REMARKS
67.	Mian Aurangzeb	08.12.56 Peshawar	10 th	21.11.81 JC 17.07.90 SC	17.11.2007	
68.	Mr. Shah Sawar	08.07.57 Bannu	10 th	02.09.75 FC 10.12.81 JC	18.12.2007	
69.	Mr. Hamidullah	01.01.60 Peshawar	10 th	13.12.81 JC 17.07.90 SC	17.11.2007	
70.	Mr. Said Rahman	08.05.56 Swat	BA	16.02.76 FC 13.12.81 JC 17.07.90 SC	08.11.2007	
71.	Mr. Muhammad Ali Shah	04.04.58 Peshawar	10 th	10.07.79 JC 05.09.88 SC	03.01.2008	
72.	Mr. Atlas Khan	04.01.1964 Bannu	10 th	10.03.82 JC 17.07.90 SC	08.11.2007	
73.	Mr. Abdul Ghani	08.12.53 Charsadda	FA	02.05.82 JC 01.10.91 SC	08.11.2007	
74.	Mr. Imad ud Din	02.10.62 Charsadda	10 th	06.05.82 JC 21.08.90 SC	06.11.2007	
75.	Mr. Muhammad Iqbal-II	04.04.55 Swat	10 th	20.11.76 Class-IV 19.08.78 JC 06.02.91 SC	08.11.2007	
76.	Mr. Muhammad Imran	12.12.60 Mansehra	10 th	14.03.79 FC 01.06.79 JC	18.12.2007	
77.	Mr. Hazoor Khan	01.11.53 Peshawar	10 th	18.09.80 JC 16.02.91 SC	17.11.2007	
78.	Mr. Muhammad Tariq	06.04.60 Bannu	10 th	16.02.78 FC 01.12.82 JC 16.02.91 SC	08.11.2007	
79.	Mr. Bashir Muhammad	01.04.56 Mansehra	10 th	15.07.79 FC 01.01.80 JC	10.12.2007	
80.	Mr. Tariq Anwar	06.09.53 Nowshera	BA	04.05.81 JC 11.07.91 SC	08.11.2007	
81.	Mr. Riaz Muhammad -II	12.02.63 Mardan	FA	01.04.82 JC 11.07.91 SC	08.11.2007	
82.	Mr. Ahmad Ghani	02.03.60 Swat	10 th	10.11.78 N/Q 01.05.79 JC 01.10.91 SC	17.11.2007	
83.	Mr. Zia Muhammad	10.05.56 Peshawar	10 th	16.04.78 JC 24.10.91 SC	17.11.2007	

FM:- POLICE PESH 071500/300 B IN 7-6-1

TO: DISG MDN, HZA, KHT, BXU, DIK, MKD

NO-12999-13011/E-III DT-7-6-13 W: 213 W WILLINGNESS
 CONTINUATION OF THIS OFFICE S/MON/492-500/E-III DT 21-5-1
 THE FOLLOWING ASSISTANT GRADE CLERKS OF YOUR REGION
 UNITS ARE DUE FOR PROMOTION AS OFFICE SUPERINTENDENTS
 IT IS REQUESTED TO FURNISH THEIR WILLINGNESS CERTIFICATE
 SUBJECT TO OUT POSTING WITH IN A WEEK TIME POSITIVELY.
 SL NO (1) NAME (2) DATE OF BIRTH WITH DOMICILE (3)
 (2) MR HABIB ALI (3) 9-2-1958 (KHT) (3) MR ABDOUL HAMID
 30-5-1956 (DIK) (4) MR NOWSHERWAN (5) 15-3-1957 (BXU)
 (6) MR MOHD IQBAL (7) 4-6-1957 (DIK) (8) MR MUSHIQA AHMAD (9)
 5-3-1957 (SWAT) (9) MR MOHD ZAHIR SHAH (10) 7-5-1956 (DIR)
 10) MR NADIR SHAH (11) 1-2-1956 (CHL) (13) MR SARDAR KHAN (14)
 9-11-1955 (BXU) (14) MR MOHD SALEEM (15) 5-4-1956 (KPK)
 15) BILAL IQBAL (16) 4-2-55 (UPDIR) (16) MR SADAKAT HUSSAIN
 14-6-1956 (MINSR) (17) MR MOHD FAYAZ (18) 20-5-1959 (DIK)
 19) MR MOHD IQBAL (19) 20-11-1960 (KHT) (20) MR MOHD NASEEM IQBAL
 21-2-1958 (SWAT) (21) MR MOHD RIAZ (22) 1-9-1959 (SWAT) (23)
 MR ANEES-UL-HASAN (24) 8-4-1961 (KHT) (24) MR MOHD YOUSAF
 3-4-1956 (ABID) (25) MR ANWAR BAG (26) 20-10-1955 (SWAT)
 27) MR SHAMSUR-REHMAN (27) 11-11-1958 (CHL) (28) MR MOHD JAMAL
 20-7-1954 (CHL) (30) MR ADIL-UR-REHMAN (31) 15-9-1957 (BXU)
 31) MR SARDAR-UR-REHMAN (32) 23-1-1958 (MDN) (32)
 MR ABDUL GAHAFAR (33) 15-11-1956 (BXU) (34) MR MOHD A
 6-10-1958 (BXU)

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

NOTIFICATION

B 14

No. 17361 /E-III, PROMOTION AS OFFG: OFFICE SUPDT: BPS-16. Having been recommended by the DPC held on 05.07.2013 and approved by PPO Khyber Pakhtunkhwa the following Assistant Grade Clerks are hereby promoted as Offg: Office Supdts: in (BPS-16) Rs. (10,000-800-34000) with immediate effect:-

Their promotion will take effect from the date they actually take over the charge of their higher responsibilities.

No. 17362 /E-III Transfer/postings: On promotion as Offg: Office Supdt: (BPS-16), their transfer posting detail given below are hereby ordered with immediate effect.

S/No	Name	D.O. Birth & DOMICILE	Present posting as Assistant Grade Clerk	Remarks	Posted on promotion as Office Supdt: To
1.	Mr. Muhammad Tariq	10.04.57 Mansehra	DPO Office Mansehra	Promoted conditionally subject to the provision of good ACRs for the following periods/years within 03 months:- 18.09.2009 to 31.12.2009, 01.01.2010 to 24.06.2010 01.01.2012 to 05.07.2012	Region Office Abbottabad
2.	Mr. Asmat Ullah	01.03.55 Mardan	Region Office Mardan	Promoted	DPO Office Mardan
3.	Mr. Maazullah Khan	01.04.58 Charsadda	Audit Cell CPO	Promoted	Audit Cell CPO
4.	Mr. Zia Ali Shah	06.05.58 Peshawar	Add: IGP/Inv: Office	Promoted	On promotion retained in Inv: CPO while Office Supdt: Inv: Muhammad Hadi is transferred to CCP
5.	Mr. Sahib Zali	15.07.55 D.I.Khan	D.I.Khan	Promoted	DPO Office D.I.Khan
6. ✓	Mr. Muhammad Younis	20.04.55 Abbottabad	Investigation office Harripur	Promoted conditionally subject to the provision of good ACRs for the following periods/years within 03 months:- Year 2009, Year 2010 Year 2011 & Year 2012	AIG/Traffic
7.	Mr. Zahir Khan	20.08.56 Peshawar	DCT SB	Promoted conditionally subject to the provision of good ACRs for the following period/year within 03 months:- 01.01.2008 to 05.08.2008, 01.01.2009 to 31.12.2009 Year 2011.	DCT SB
8. ✓	Mr. Muhammad Yousaf	29.04.54 Mansehra	DPO office Mansehra	Promoted conditionally subject to the provision of good ACRs for the following period/year within 03 months:- 01.01.2008 to 06.04.2008 19.09.2009 to 31.12.2009 01.01.2010 to 24.06.2010 Year 2011 & Year 2012	DCT SB
9.	Mr. Ali Akhtar	01.01.1957 Abbottabad	Region office Abbottabad	Promoted	DPO Office Abbottabad
10.	Mr. Muhammad Mustafa	15.05.57 Abbottabad	DPO office Kohistan	Promoted conditionally subject to the provision of good ACRs for the following period/year within 03 months:- 01.01.2008 to 04.08.2008 Year 2011 & Year 2012	SP/Traffic Office Peshawar

(15)

Name	D.O. Birth & DOMICILE	Present posting as Assistant Grade Clerk	Remarks	Posted promotion Office Supdt.
11. Mr. Saif ur-Rehman	10.01.56 Peshawar	Works Cell CPO	Promoted.	Work Cell C.
12. Mr. Inamullah	20.01.56 Charsadda	PQR	Promoted conditionally subject to the provision of good ACRs for the year 2009 within 03 months:-	Telecommur
13. Mr. Sadaqat Hussain	14.06.56 Mansehra	DPO Office Harripur	Promoted conditionally subject to provision of good ACRs for the following periods/years within 03 months:- 01.01.2008 to 06.04.2008, 01.01.2009 to 23.08.2009 01.01.2010 to 15.07.2010, Year 2011 & year 2012	PTC Hangu.
14. Mr. Muhammad Bilal	04.01.56 Peshawar	Budget Branch CPO	Promoted.	On pro posted to Branch CPO Jamshed Pas Budget is pos Office Supdt: CPO
15. Mr. Anees-ul-Hassan	08.04.1961 Kohat	Region office Kohat	Promoted conditionally subject to provision of good ACRs for the year 2008 within 03 months:-	Kohat Reg
16. Mr. Anwar Baig	20.10.55 Swat	Malakand region	Promoted conditionally subject to the provision of good ACRs for the following period/years:- Year 2008, Year 2009 01.01.2010 to 05.09.2010 & 29.09.2012 to 31.12.2012	CPO

(KHALID MASOOD)
Addl: IGP/Headquarters,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 17363 / E-III dated Peshawar the 19 / 2013:

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

1. Addl: IGP/HQs. Khyber Pakhtunkhwa, Peshawar.
2. Addl: IGP/Investigation Khyber Pakhtunkhwa, Peshawar.
3. Addl: IGP/Special Branch, Khyber Pakhtunkhwa Peshawar.
4. Capital City Police Officer, Peshawar.
5. Deputy Inspector General of Police, DCT SB Khyber Pakhtunkhwa, Peshawar.
6. Deputy Inspector General of Police, DIKhan Region, DIKhan.
7. Deputy Inspector General of Police, Malakand Region, Swat.
8. Deputy Inspector General of Police, Hazara Region, Abbottabad.
9. Deputy Inspector General of Police, Mardan Region.
10. Deputy Inspector General of Police, Traffic Khyber Pakhtunkhwa, Peshawar.
11. Commandant PTC Hangu.
12. AIG/Telecommunication Khyber Pakhtunkhwa, Peshawar.
13. SSP/Traffic Peshawar.
14. Accountant General, Khyber Pakhtunkhwa Peshawar.
15. Registrar CPO, Peshawar.
16. Office Supdt: Secret CPO, Peshawar.
17. Accountant CPO, Peshawar.

Phone No: 9260112.

Fax No: 9260114.

C 16

From: - The Dy. Inspector General of Police,
Kohat Region, Kohat.

To: - The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

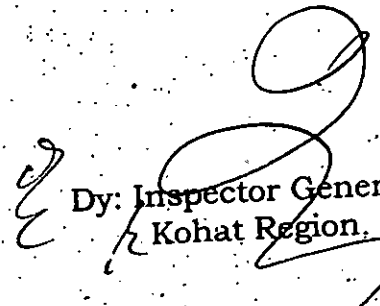
No. 8936 /EC, Dated Kohat the 8 / 11 /2013.

Subject: - ORDER

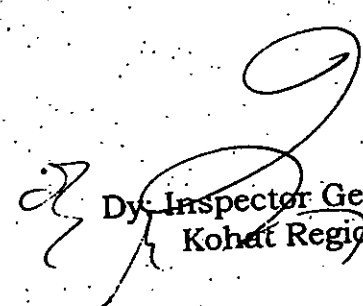
MEMORANDUM

It is submitted that a representation of Asstt: Grade Clerk Muhammad Iqbal of Investigation Wing, Karak, requesting therein for promotion as Offg. Office. Supdt: is enclosed herewith for favour of perusal and further necessary action please.

No. 8937 /EC,


Dy. Inspector General of Police,
Kohat Region, Kohat.

Copy to the Supdt: of Police, Inv: Wing, Karak for information
w/r to his office Memo: No: 2857/Inv: dated 06.08.2013.


Dy. Inspector General of Police,
Kohat Region, Kohat.

17

To,

The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

Through:- Proper channel

Subject:- REPRESENTATION.

R/Sir,

With great veneration I submit the following few lines for your sympathetic consideration please.-

1. That I have been appointed as Junior Clerk on 04.02.1979 and promoted as Senior Clerk on 05.09.1988 and then promoted as Assistant Grade Clerk on 21.05.2007.

2. I have served with zeal in zest and get all the Annual report good/satisfactory.

3. I have been deferred from promotion to the post of office Superintendent during the DPC held at CPO Peshawar on 05.07.2013 due to the reason that my ACRs for the periods from 01.04.2008 to 10.04.2008, 14.06.2009 to 14.09.2009 and 01.12.2012 to 31.12.2012 (03 period) were not available on record.

4. Due to the reason mentioned above the following most Junior Assistant Grade Clerks were given advantage and promoted as office superintendent vide office Notification No.17361-17363/E-III, dated 19.07.2013 (Copy enclosed) Seniority list also enclosed.

1. Muhammad Bilal
2. Anees-ul-Hassain.
3. Anwar Baig

It is astonishing to mention here that ACRs of the above named Assistant Grade Clerks were also missing for the periods mentioned below against their name but they were given promotion conditionally:-

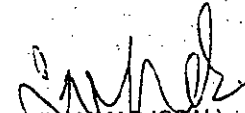
- | | |
|--------------------|--|
| 1. Anees-ul-Hassan | Period 01.01.2008 to 31.08.2008 |
| 2. Anwar Baig | Period 01.01.2008 to 31.12.2008
01.01.2009 to 31.12.2009
01.01.2010 to 05.09.2010
29.09.2012 to 31.12.2012. |

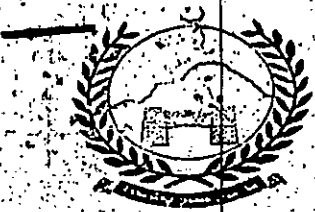
It is worth to mention here that no intimation regarding my missing ACRs has been received for their completion.

Keeping in view the above circumstance, it is humbly requested that I may kindly be given my legal rights and promoted with my colleagues according to the seniority list please.

Dated: 05.08.2013.

Yours Obediently.


(MUHAMMAD IQBAL)
Asstt: Grade Clerk
Inv: Office Karak.



Phone No. 0943-412077
Fax No. 0943-412228

From: - The District Police Officer,
Chitral

To: - The Regional Police Officer,
Malakand at Saïdu Sharif Swat

No. 15302 /EB, dated Chitral the 16/12 /2014

Subject: - NO DEPARTMENTAL ENQUIRY AND MEDICAL
FITNESS CERTIFICATE

Memo:-

Kindly refer to your office Endst; No. 10368-70/E, dated
12.12.2014 on the subject cited above.

It is submitted that Medical Fitness Certificate and no pending
departmental Enquiry certificates in respect of the following Assistant Grade
Clerks are enclosed herewith as desired please.

1. Muhammad Nadir Shah
2. Muhammad Iqbal.

Moreover, Assistant Grade Clerk Muhammad Nadir Shah is not
willing for promotion as office superintendent. His option for not willing is also
enclosed please.

Encls: 05


District Police Officer,
Chitral &

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MEDICAL FITNESS CERTIFICATE

Certified that I examined Assistant Grade Clerk Muhammed Viji

He is physically fit for promotion.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL CHITRAL

MEDICAL FITNESS CERTIFICATE

Certified that I examined Assistant Grade Clerk Muhammed Viji

• He is physically fit for promotion.


MEDICAL SUPERINTENDENT
DHQ HOSPITAL CHITRAL

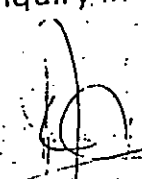
NO PENDING DEPARTMENTAL ENQUIRY CERTIFICATE

It is certified that there is no pending departmental enquiry in this District against Assistant Grade Clerk Muhammad Iqbal.


District Police Officer,
Chitral

NO PENDING DEPARTMENTAL ENQUIRY CERTIFICATE

It is certified that there is no pending Departmental Enquiry in this District against Assistant Grade Clerk Muhammad Iqbal.


District Police Officer,
Chitral

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA, PESHAWAR

Central Police Office, Peshawar

No. 3876-65/ Dated Peshawar the 30/10/2014

To

The Addl IGP/Special Branch, Khyber Pakhtunkhwa, Peshawar.

The Addl IGP/Operations, Khyber Pakhtunkhwa, Peshawar.

The Addl IGP Investigation, Khyber Pakhtunkhwa, Peshawar.

The Addl IGP/Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.

The Addl/IGP/Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.

The CCPO, Peshawar.

The Commandant, PTC, Hangu.

All R.P.Os in Khyber Pakhtunkhwa.

All D.P.O in Khyber Pakhtunkhwa.

Subject: **ENQUIRY**

Memo:

The Departmental Selection Committee meeting held on 16.10.2014 the Committee unanimously decided that all Hands may be informed that in future instead of just forwarding enquiry report they should send complete enquiry file and detail of the final action taken on it.

The RPOs should personally ensure that no officer under his command is deferred from promotion because of being under enquiry on frivolous charges.

(SYED HASSAN SHAH)

AIG/Establishment
For Provincial Officer
Khyber Pakhtunkhwa
Peshawar

No. **3866-68/14,**

Copy of the above is forwarded to the:-

1. Addl IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.



PPO KPK PESHAWAR

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2001

Office of the Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

No. _____
Date 2/11/2014

No. 68-79 /CPB, dated Peshawar the 12/12/2014.

To: The Addl. Inspector General of Police, Special Branch,
Khyber Pakhtunkhwa, Peshawar.
The Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
The Regional Police Officers, Mardan, Hazara, Malakand, Kohat, Peshawar & D.I. Khan
The Director, Campus Peace Corps, Peshawar
The Registrar, Central Police Office, Peshawar.
The Superintendent, Secret, Central Police Office, Peshawar.

Subject: **NO DEPARTMENTAL ENQUIRY & MEDICAL FITNESS CERTIFICATE**

Memo

Please furnish No Departmental Enquiry and Medical Fitness Certificate in respect of the following Assistant Grade Clerks (BS-16) and Stenographers (BS-16) in connection with their promotion as Officer Superintendent (BPS-17) within 03 days, positively:

ASSISTANT GRADE CLERKS

S.No	Name	Present Posting	S.No	Name	Present Posting
✓ 1.	Muhammad Nisar	Manselra	17.	Muhammad Iqbal	Kohat
✓ 2.	Khurshid Anwar	Manselra	18.	Noseem Iqbal	Swat
✓ 3.	Imamullah Jan	Special Branch	19.	Muhammad Riaz	Swat
X 4.	Babar Bilal	FRP Swat	20.	Muhammad Younis	Abbottabad
✓ 5.	Aftaulah Jan	Bannu	21.	Misaal Khan	Campus
✓ 6.	Habib Ali	Kohat	22.	Saams-ur-Rehman	Chitral ✓
✓ 7.	Abdul Hamid	D.I.Khan	23.	Aziz Ullah	Bannu
X 8.	Nowsheenwan	Bannu	24.	Imamullah-II	CPO
✓ 9.	Muhammad Ilyas	D.I.Khan	25.	Aziz-ur-Rehman	Bannu
✓ 10.	Mushtaq Ahmad	Swat	26.	Sardar-ur-Rehman	Mardan
X 11.	Muhammad Nadir Sana	Chitral ✓	27.	Abdul Ghaffar-II	Bannu
X 12.	Sardar Khan	Bannu	STENOGRAPHERS		
✓ 13.	Muhammad Saleem	Karak	1.	Muhammad Riaz-I	Abbottabad
✓ 14.	Muhammad Fayaz	D.I.Khan	2.	Kamran Ali	FRP
✓ 15.	Hastam Khan	Special Branch	3.	Muhammad Riaz-II	Bannu
✓ 16.	Gul Khan	Special Branch			

No. 10368-70 /E, dt. 12/12/2014
 copy to DPO Chitral.
 Heads of District: D.I(Kh) and Chitral for inspection and report on 15-12-2014 positively.
 Office Spdt:
 For: Regional Police Officer

SYED FIDA HASSAN CHAUDHARY
 AIG/Establishment,
 For Provincial Police Officer,
 Khyber Pakhtunkhwa, Peshawar.

610
 15/12/14
 RIK
 per m/a
 CHITRAL

CR # 762/CP

Phone No: 9260112.
Fax No: 9260114.

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. 890 /RK, Dated Kohat the 25/07/2018.

Subject: - APPLICATION.

MEMO:

Enclosed please find herewith an application alongwith connected papers in r/o Senior Clerk Muhammad Iqbal of Investigation Wing Karak in connection with his promotion issue, for favour of perusal please.

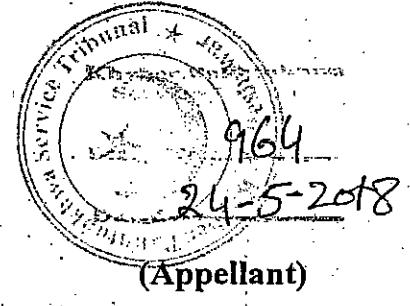
Amal K
Regional Police Officer,
Kohat Region

E

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 769 /2018

Mr. Muhammad Iqbal Assistant Grade Clerk
(now Senior Clerk) District Police Chitral.
R/O Sherkot, District Kohat.



VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General, Headquarters, KPK, Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 04.5.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 06.07.2015, WHEREBY THE MAJOR PENALTY OF REDUCATION TO LOWER POST OF SENIOR CLERK (BPS-14) HAS BEEN IMPOSED UPON THE APPELLANT WAS REJECTED FOR NO GOOD GROUND.

Handwritten signature and date 24/5/18

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 04.05.2018 AND 06.07.2015 MAY BE SET ASIDE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO RESTORE THE APPELLANT ON HIS POST OF ASSISTANT (BPS-16) WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Handwritten signature and date 24/5/18

ATTESTED
 MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

Handwritten mark

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 769/2018

Date of Institution ... 24.05.2018

Date of Decision ... 21.10.2021



Muhammad Iqbal, Assistant Grade Clerk (now Senior Clerk)
District Police Chitral. R/O Sherkot, District Kohat.

... (Appellant)

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and
two others:

.... (Respondents)

SYED NOMAN ALI BUKHARI,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

CHAIRMAN
MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts as alleged by the appellant in his appeal are that the appellant served as Assistant Grade Clerk/Accountant in the office of SP Investigation Wing Kohat and was later on posted as Assistant Grade Clerk in the Office of SP Investigation Karak; that upon report of Internal Auditor Range Office Kohat, Regional Police Officer Kohat Region Kohat sent a complaint to the Deputy Inspector General Headquarters Khyber Pakhtunkhwa Peshawar against the appellant, which led to the initiation of disciplinary action

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Services Tribunal
Peshawar

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against the appellant on the allegations of misappropriation of an amount of Rs. 30,71,480/-; that on conclusion of the inquiry, the inquiry committee recommended that the appellant be exonerated from the charges leveled against him, however Deputy Inspector General Headquarters Khyber Pakhtunkhwa Peshawar sent back the inquiry to the Regional Police Officer Kohat Region Kohat for review of the observations made by the inquiry committee and submission of final recommendations; that the inquiry committee then nominated Accountant DPO Office Karak as well as Accountant DPO Office Hangu as experts for assistance of the Members of the inquiry committee; that the inquiry committee rechecked supporting bills/vouchers of various heads of accounts without associating the appellant in the whole process of rechecking and submitted its report to the Regional Police Officer Kohat Region Kohat, who sent letter dated 06.01.2015 to the Provincial Police Officer Khyber Pakhtunkhwa Peshawar, where in it was recommended that the appellant as well as the then SP Investigation Kohat were found guilty of oversight and mismanagement in the drawl and disbursement of T.A/D.A fund, therefore, the appellant should be given major punishment, while action should also be taken against the then SP Investigation Kohat and that the amount of T.A/D.A may also be ordered to be recovered from the concerned officers/officials; that the appellant was issued final show-cause notice by the competent Authority, who submitted his reply and denied the allegations leveled against him; that vide impugned order dated 06.07.2015, the appellant was awarded major punishment by reverting him from the post of Assistant Grade Clerk BPS-16 to the post of Senior Clerk BPS-14, which was challenged by the appellant through filing of departmental appeal, however the same was not responded, therefore, the appellant filed Service Appeal bearing No. 1404/2015, which was decided on 07.03.2018 by issuing direction to the appellate Authority for deciding the departmental appeal of the appellant within a period of three months; that the

J. I.

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

departmental appeal of the appellant was rejected vide order dated 04.05.2018, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the inquiry committee so constituted for the inquiry in to the matter by the competent Authority had already recommended for exoneration of the appellant from the charges leveled against him, however the competent Authority in utter violation of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, returned the inquiry report to the Regional Police Officer Kohat for review and submission of final recommendations; that the Regional Police Officer Kohat was already complainant in the matter, therefore, sending back the inquiry to him for review and submission of recommendations was against the relevant rules and principles of natural justice; that the Regional Police Officer Kohat was not appointed as inquiry officer in the matter, however it is astonishing that he sent letter dated 06.01.2015 to the Provincial Police Officer Khyber Pakhtunkhwa Peshawar, making recommendations of awarding of major punishment to the appellant; that the appellant had performed his duty with honesty and devotion, which is manifested from the fact that the experts audit party of the Auditor General of Pakistan as well as Accountant General Khyber Pakhtunkhwa Peshawar have found regularized the period during which the appellant remained as Pay Officer in the office of SP Investigation Kohat; that the appellant was not at all associated during the review proceedings of the earlier inquiry, therefore, he was condemned unheard as no opportunity of self defense was provided to him; that the whole exercise was manipulated at the behest of Regional Police Officer Kohat Region Kohat and the appellant was wrongly and illegally awarded the impugned penalty; that while passing the impugned order, the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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competent Authority has not at all complied the provision of FR-29, which has rendered the impugned order as nullity in the eye of law.

4. On the other hand, learned Additional Advocate General for the respondents has argued that there were complaints of misappropriation and corruption against the appellant, which led to the initiation of disciplinary action against the appellant; that a proper legal inquiry was conducted in the matter by providing opportunity of self defense as well as personal hearing to the appellant; that the appellant was found guilty of oversight and mismanagement in disbursement of T.A/D.A fund, therefore, he was rightly awarded major penalty of reduction from the post of Assistant Grade Clerk to the post of Senior Clerk; that the orders passed by competent as well as appellate Authority are strictly in accordance with law/rules, therefore, the same may be kept intact and the appeal in hand may be dismissed with cost.

[Handwritten signature]

5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that the appellant served as Pay Officer with effect from 01.07.2012 to 06.06.2013 in the office of SP Investigation Wing Kohat and was then transferred to the office of SP Investigation Karak. In wake of Internal Audit for the year 2012-2013, disciplinary action was initiated against the appellant under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the charges, which are reproduced as below:-

[Handwritten signature]

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

"1. Vide para-02 of the Internal Audit, you have drawn TA bills of amounting to Rs. 2,76,605/- on the names of Police Officials/Ministerial staff while according to Attendance Register they were present on duty in the office.

2. Vide Para-03 of the Internal Audit, you have drawn amounting to Rs. 15,99,950/- under the code cost of Investigation un-necessary for only

Hiring of Private Vehicles and not for any other purpose which is against the orders/instructions of the Worthy Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar duly conveyed to all Heads of Police Officers Khyber Pakhtunkhwa, Peshawar vide Endst: 3307-47/C-I dated 10.05.2007.

3. Vide para-05 of the Internal Audit, you have drawn amounting to Rs. 11,00927/- under head of A03807-POL Charges and didn't produce the record of it.

4. Vide para-07 of the Internal Audit, you have drawn amounting to Rs. 93,998/- under head of A039901-Office Stationary by over writing and Manipulations in the Stock Register. Besides, any application is not available to whom the Stationary items were issued. Even a single application duly sanctioned/issued by any Competent Authority is not available on the record as well as any APR."

7. An inquiry committee comprising of Additional SP Kohat and acting SP CTD Kohat was constituted for inquiry against the appellant. On conclusion of the inquiry, the inquiry committee submitted its report to the competent Authority with the findings that the allegations leveled against the appellant were not based on facts, therefore, he may be exonerated from the charges leveled against him. The competent Authority, however sent back the inquiry report to the Regional Police Officer Kohat Region Kohat vide letter No. 3925/E-V dated 30.10.2014 with the request to look in to the matter, review the inquiry report and to make final recommendations. The procedure required to be adopted by competent Authority on receipt of the inquiry report from the inquiry officer or inquiry committee has been prescribed in Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. On perusal of the aforementioned rule, we are of the opinion that the procedure so adopted by the competent Authority by sending the inquiry report to the Regional Police Officer Kohat Region Kohat for review and making final recommendations was not in

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

consonance with Rule-14 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The Regional Police Officer Kohat was not an inquiry officer in the matter, therefore, the order of the competent Authority, seeking review of the inquiry from him and asking him to submit final recommendations in the matter was against the relevant rules and the proceedings so carried out in compliance of such order of the competent Authority would be nullity in the eye of law. It is also astonishing that it was DIG Kohat Region Kohat, who vide letter No. 173/RA dated 06.01.2015 submitted recommendations to the Provincial Police Officer Khyber Pakhtunkhwa Peshawar, recommending that awarding of major punishment to the appellant.

[Handwritten signature]

8. Even otherwise too, the appellant was though charged for major misappropriation of an amount of RS. 3071480/-, however the inquiry committee had come to the conclusion that he was found guilty of oversight and mismanagement only in the disbursement of the fund amounting to Rs. 276605/- allocated in the head of T.A/D.A. The inquiry committee has not found the appellant guilty of any misappropriation or embezzlement and has also not given any findings that the appellant was having any connivance with the officers/officials, who had allegedly drawn T.A/D.A without any legal entitlement for the same.

9. Moreover, the impugned order dated 06.07.2015 passed by the competent Authority would show that the competent Authority has not specified the period for which the order of reversion of the appellant shall remain in field. The competent Authority has thus not followed F.R-29, which is reproduced for ready reference as below:-

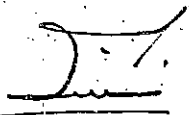
"F.R. 29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration it shall operate to postpone


ATTESTED
[Handwritten signature]
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

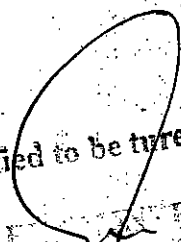
future increments and if so to what extent".

10. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. During pendency of the appeal, the appellant has been retired from service with effect from 19.11.2020 (A.N) vide notification dated 27.11.2020, therefore, he shall be deemed to have been restored to the post of Assistant Grade Clerk with all back benefits and retired as such with effect from 19.11.2020 (A.N). Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
21.10.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(AHMAD SULTAN TAREEN)
CHAIRMAN

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 13/12/21
3600
38
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42
13/12/21
Date of Delivery of Copy 13/11/21



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

No. 2243-49/E-V, dated Peshawar the 16 / 03 / 2022

ORDER

This order is hereby passed in compliance with the Judgment dated 21.10.2021 of the Khyber Pakhtunkhwa Services Tribunal, Peshawar in Service Appeal No. 769/2018 under title "Senior Clerk Muhammad Iqbal VS PPO & others" whereby the Tribunal has set-aside Order No. 4558/E-V dated 06.07.2015 of DIG/HQrs: KPK, as the appellant was **reverted from the post of Assistant Grade Clerk to lower post of Senior Clerk** due to some charges.

Later on the appellant has filed representation/appeal and the same was rejected/filed by Additional IGP/HQrs: Khyber Pakhtunkhwa vide Order No. 2243-49/E-V dated 04.05.2018. The appellant filed the service appeal before the Khyber Pakhtunkhwa Services Tribunal, which was accepted by the Tribunal.

Operative para of the said judgment dated 21.10.2021, is reproduced below:-

"In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders. During pendency of the appeal, the appellant has been retired from service with effect from 19.11.2020 (A.N) vide Notification dated 27.11.2020, therefore, he shall be deemed to have been restored to the post of AGC with all back benefits and retired as such with effect from 19.11.2020 (A.N). Parties are left to bear their own costs."

For filing CPLA in the Supreme Court of Pakistan against the said judgment dated 21.10.2021, a meeting of the Scrutiny Committee was held on 22.12.2021 at 11:00 am in the office of Secretary, Law Department. Minutes of the Committee communicated to Home Department vide letter No. SO(Lit)/LD/8-13/Home/2021/92-95 dated 04.01.2022, wherein the following was decided by the Committee:-

"It was decided with consensus by the Scrutiny Committee that the subject case may be returned to the Administrative Department as unfit."

Thus, keeping in view of the above and in compliance with the Judgment dated 21.10.2021 of the Khyber Pakhtunkhwa Services Tribunal, Peshawar, original post of Assistant Grade Clerk of the appellant is hereby restored with all back benefits.

For the purpose of all back benefits, he is attached with RPO/Kohat.

Sd/-

(SABIR AHMED) PSP

Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar

Encl. No. & date even.

Copy forwarded to the:-

- Additional Inspector General of Police, HQrs:, Khyber Pakhtunkhwa.
- Regional Police Officer, Kohat w/r to his office letter No. 1754/EC dated 31.01.2022.
- Assistant Inspector General of Police, Legal, Khyber Pakhtunkhwa, Peshawar.
- Office Superintendent Secret Branch CPO Peshawar.

(IRFAN FARIQ) PSP
AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

100

EC
17/03

To:-

The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

4554/CP
07-10-22

51

32

Subject:-

**SERVICE APPEAL NO. 769/2019 MUHAMMAD IOBAL VERSUS
INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA
AND OTHERS.**

Respected Sir,

Humbly, it is submitted:-

1. That I was reverted from the post of Asstt: Grade Clerk (BPS-16) to Senior Clerk (BPS-14) vide DIG / HQrs: order Endst: No. 4559-67 / E-V, dated 06.07.2015 (copy enclosed as Annex-A).
2. That I submitted appeal before the Service Tribunal Khyber Pakhtunkhwa, Peshawar under Section 4 of the Civil Servant Act 1974 against the above order.
3. That the Honourable Court vide judgment dated 21.10.2021 set-aside the impugned order and restored me to the post of Asstt: Grade Clerk (BPS-16) with all back benefits w.e.f. 06.07.2015. (Copy of judgment is enclosed as Annex-B)
4. That the Addl: Inspector General of Police, HQrs: Peshawar endorsed the judgment order of Service Tribunal KP Peshawar and passed a proper order in this respect vide No. 22245/E-V, dated 16.03.2022 and attached me with the office of RPO / Kohat for the grant of back benefits. (Copy enclosed as Annex-C)
5. That I have received all my financial back benefits i.e. arrears of pay and pension, but my seniority and promotion to the post of Office Superintendent (BPS-17) which was due on 06.07.2013 has not been granted to me.
6. In this respect the following information / documents regarding my promotion to the post of Office Superintendent are submitted herewith for sympathetic consideration:-
 - i. That my name was included in the DPC for promotion in 2013 vide CPO Peshawar Signal No. 12999-13011/E-III, dated 07.06.2013. (Copy enclosed as Annex-D).
 - ii. That as per seniority list of Asstt: Grade Clerks stood on 31.05.2012, my name was existing at S. No. 44, Copy enclosed as Annex-E but I was not promoted and the officials junior to me were promoted, copy enclosed. I was not informed as to why deferred from promotion.

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iii. That at that time I submitted an application before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar through proper channel vide DIG Kohat Region Letter No. 8936/EC, dated 08.11.2013 but no reply of the above application has been received.

iv. It is worth mentioning here that the following Asstt: Grade Clerks junior to me in the seniority list stood on 31.05.2012 were conditionally promoted to BPS-17 although their ACRs were missing, copy of their promotion order issued vide CPO Peshawar No. 17361-62/E-III, dated 19.07.2013 is annexed :-

- a. Muhammad Naseem Iqbal
- b. Muhammad Riaz
- c. Muhammad Bilal
- d. Anees ul Hassan
- e. Anwar Baig

v. After that another DPC was arranged in the year 2014 vide CPO Peshawar Letter No. 62-79/CPB, dated 12.12.2014 (copy enclosed as Annex-F) in which my name was existing at S. No. 17. My No Departmental Enquiry & Medical Fitness Certificate were submitted to CPO Peshawar vide DPO Chitral office Memo: No. 15302/EB, dated 16.12.2014 (copy enclosed) but I was neither promoted nor conveyed any information and the official junior to me were promoted.

vi. That on 06.07.2015 I was reverted from BPS-16 to BPS-14 as Senior Clerk and my name was deleted from the seniority list of Asstt: Grade Clerks.

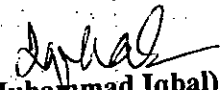
Prayer:

I was due for promotion to the BPS-17 on 06.07.2013 but not promoted without any reason / justification and the officials junior to me were promoted.

Keeping in view the above facts, I may very kindly be promoted to the post of Office Superintendent (BPS-17) in the light of Judgment passed by KP Service Tribunal Peshawar and obliged.

Dated 04/08/2022

Encl: (47) Pages


(Muhammad Iqbal)
Asstt: Grade Clerk (Rtd)
Kohat Region

Address: Village & Post Office Sher Kot, Tehsil & District Kohat.
Mobile No. 0333-9624667



14 34
OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. CPO/CPBI 243

Dated

Peshawar 14 July, 2023.

To: Mr. Muhammad Iqbal
Assistant Grade Clerk (Retired)
Village & Post Office Sher Kot, Tehsil & district Kohat.

Subject: SERVICE APPEAL NO. 769/2018 MUHAMMAD IQBAL VERSUS INSPECTOR
GENERAL OF POLICE, KHYBER PAKHTUNKHWA AND OTHERS.

Memo:- Please refer to your application regarding promotion to the rank of Office
Superintendent has been filed by the Competent Authority.

M. Afsar Jan
15/07/23
(AFSAR JAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Better Copy

(21)

OFFICE OF THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA, PESHAWAR

No. 68-79

/CPB, dated Peshawar the 12/12/2014

To,

The Additional General of Police, Special Branch
Khyber Pakhtunkhwa, Peshawar.
The Commandant FRP, Khyber Pakhtunkhwa Peshawar.
The Regional Police Officer Mardan Hazara Malakand, Kohat Bannu and D.I Khan.
The Director Campus Peace Corps, Peshawar.
The Registrar Central Jail Peshawar.
The Superintendent Secret Central Police Office, Peshawar.

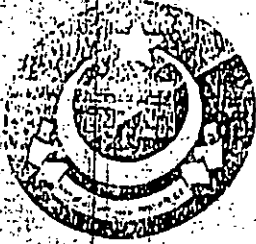
Subject: - NO DEPARTMENTAL ENQUIRY AND MEDICAL FITNESS CERTIFICATE

Memo: Please furnish no departmental Enquiry and Medical Fitness certificate in respect of the following Assistant Grade Clerks (BPS-16) in connection with their promotion as ASSISTANT GRADE CLERK.

S. No	Name	Present posting	S.No	Name	Present posting
1.	Muhammad Nisar	Mansehra	17	Muhammad Iqbal	Kohat
2.	Khurshid Anwar	Mansehra	18	Naeem Iqbal	Swat
3.	Inamullah Jan	Special Branch	19	Muhammad Riaz	Swat
4.	Bakht Biland	FRP Swat	20	Muhammad Yousaf	Abbottabad
5.	Atta Ullah Jan	Bannu	21	Misal Khan	Campus
6.	Habib Ali	Kohat	22	Shams Ur Rehman	Chitral
7.	Abdul Hamid	D.I Khan	23	Aziz Ullah	Bannu
8.	Nowsherwan	Bannu	24	Inamullah II	CPO
9.	Muhammad Ilyas	D.I Khan	25	Aziz Ur Rehman	Bannu
10.	Mushtaq Ahmad	Swat	26	Sardar Ur Rehman	Mardan
11.	Muhammad Nadir Khan	Chitral	27	Abdul Ghaffar II	Bannu
12.	Sardar Khan	Bannu		Stenographer	
13.	Muhammad Saleem	Karak	1	Muhammad Riaz-I	Abbottabad
14.	Muhammad Ayaz	D.I Khan	2	Kamran Ali	FRP
15.	Hastam Khan	Special Branch		Muhammad Riaz-II	Bannu
16.	Gul Khan	Special Branch			

SYED FIDA HASSAN

AIG Establishment
For Provincial Officer
Khyber Pakhtunkhwa, Peshawar



Attention to S Habib Sidiq Haral C.O.

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

1212 CPO
35

No. SI/3826-6/11. Dated Peshawar the 30/10/2014.

To:-

- The Addl: IGP/Special Branch, Khyber Pakhtunkhwa, Peshawar.
- The Addl: IGP/Operations, Khyber Pakhtunkhwa, Peshawar.
- The Addl: IGP/Investigation, Khyber Pakhtunkhwa, Peshawar.
- The Addl: IGP/Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
- The Addl: IGP/Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
- The CCPO, Peshawar
- The Commandant, PTC, Hangu.
- All R.P.Os in Khyber Pakhtunkhwa.
- All D.P.Os in Khyber Pakhtunkhwa.

Subject:-

ENQUIRY

Memo:-

The Departmental Selection Committee meeting held on 16.10.2014 the Committee unanimously decided that All Heads may be informed that in future instead of just forwarding enquiry report, they should send complete enquiry file and detail of the final action taken on it.

The RPOs should personally ensure that no officer under his command is deferred from promotion because of being under enquiry on frivolous charges.

(SYED FICRA HASSAN SHAIK)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. SI/3866-63/114,

Copy of above is forwarded to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.

No. 13639-41/114

CM/114