


FORM OF ORDER SHEET

Court of _____

Appeal No. 1726/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/08/2023	The appeal of Mr. Nasir Khan is re-submitted today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>25-08-2023</u> .
		By the order of Chairman  REGISTRAR

The appeal of Mr. Nasir Khan Superintendent of Police, FAF Peshawar filed on 04.08.2023 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days:

- 1- Copy of order mentioned in para-4 of the memo of appeal (C to P) along with the appeal be placed on it.
- 2- Annexures-A/3, A/7, B, B/1, D/4, M, I, I and page nos. 90, 99 to 115 are illegible which may be replaced by legible/better one.
- 3- Annexures of the appeal are not in sequence which may be corrected as mentioned in the memo of appeal.

No. 3002 /S.T.

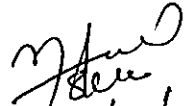
Dt. 7/8 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Syed Noman Ali Bohari Adv.
High Court Peshawar.

Sir,

objection removed & file re submitted


21/8/2023.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR.

Appeal No. 1726 /2023

Mr. Nasir Khan

VERSUS

Police Department.

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4.	Copy of reversion dt: 08.9.2003 & 26.7.2007 And Appeal No.1101/2007 Dt: 23-09-2008	--B to B3-	17-28
5.	Copy of Appeal No.407/2011 Judgment dated 23.5.2012	- C -	29-32
6.	Copy of CPLA order Dated 07-03-2013, Supreme Court of Pakistan Judgment Dated 21-10-2014 and judgments dated 07-10-2020.	- D to D2-	33-39
7.	Copy of CPO Committee Report in Compliance of Supreme Court Judgments dated 19-10-2020 and Revised Notification Dated 22-12-2020	- D3 -	40-49
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APPELLANT

Nasir Khan

THROUGH:

M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT
PESHAWAR.

Syed Nauman Ali Bukhari
Advocate

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

Appeal No. 1726 /2023

Nasir Khan,
Superintendent of Police, FRP Peshawar.

APPELLANT.

VERSUS

1. The Govt: of KPK, through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. The Capital City Police Officer, Peshawar.
4. The Commandant, FRP, KP Peshawar

RESPONDENTS

.....
**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER NO.586/LEGAL/E-I, DATED
15-03-2023, WHEREBY THE APPELLANT WAS
REVERTED FROM THE RANK OF DSP (BS-17) TO
THE RANK OF SUB-INSPECTOR (BS-14) DUE TO
DELIBERATELY INSERTION OF INCORRECT
DATES AND SERVICE DETAILS AND AGAINST
NOT TAKING ANY ACTION ON THE
REPRESENTATION/REVIEW APPEAL OF
APPELLANT WITHIN STATUTORY PERIOD OF
NINETY DAYS.**

RESPECTFULLY SHEWETH:

Brief facts giving rise to present petition are as under:-

1. That the appellant is a law abiding citizen and Government servant of Pakistan and has every legal and Constitutional right, duly protected under the law of land.
2. That the appellant initially joined the Police Department on 05.02.1991 as Constable. Then after completing all due training and courses, according to Police Rules, the appellant got promotion as HC, ASI and also as Offg: SI (BS-14) on List "E" on

20.2.2001. Promoted as Offg: Inspector (BS-16) on 30-07-2010 and also promoted as DSP (BS-17) on 30-01-2018. Copies of the orders are attached as Annexure – A to A -2 .

3. That during service career, the appellant was discriminated time and again and deprived him from the due rights through various tactics by Respondents. In year 2003 the appellant was reverted in Departmental Promotion Committee from the rank of **Sub-Inspector (BS-14)** to the rank of **Head Constable (BS-7)**, with malice, without any guilt. The appellant filed Service Appeal No.1101/2007 in the KPK Service Tribunal Peshawar, which was decided in favor of the appellant on 23.9.2008. The Police Deptt: went in CPLA before the Hon'able Apex Court but the same was also dismissed being barred by time.
(Copies of judgments and order are attached as Annexure- B to B -3).
4. That the appellant also filed Service Appeal No.407/2011 against the order dated 30.7.2010 whereby, the appellant was included in "List F" with immediate effect, instead from the date of confirmation on List "E" as Sub-Inspector on 20.2.2003, and onward including in List "F". The said appeal was also decided in favour of the appellant on 23.5.2012 by the Honorable Service Tribunal. (Copies of judgment and order are attached as Annexure-C to C-7).
5. That the Department also went in CPLA/appeal before the Hon'able Supreme Court of Pakistan against the above mentioned judgment of the Service Tribunal. The Honorable Apex Court had passed the judgment in Civil Appeal No.164-P of 2014 on 07-10-2020. Thereafter the CPO constituted a committee in the light of judgment and the appellant seniority was rectified, Confirmed on List "E" as Sub-Inspector with effect from 20-02-2003 and also brought on List "F" w.e.f 30-12-2005 vide Notification No.CPO/E-I/Seniority/Amendments/corrigendum /2411, dated 22-12-2020.
(Copies of Judgment of Supreme Court dated 07.10.2020 and Notification are attached as Annexure- D to D-4).
6. That the appellant Seniority was fixed/placed at Serial No.37 in Seniority List of DSsP issued vide No.352/SE-I, dated 21-02-2022. The Department also submitted the compliance report to Honorable Supreme Court of Pakistan vide Letter No.8072/Legal,CPO, dated 24-12-2020.
(Copy of Seniority List & letters are attached as Annexure- F to F-1).
7. That with due malice, spitefully and deliberately, the date of SI promotion and Confirmation was changed in new DSP Seniority Lists dated 28-06-2023 & 05-08-2023, due to which the appellant

was deprived from promotion to the rank of SP on 05-09-2022 by incorrect insertions of dates. An Appeal No.242/2023 in this connection is still pending in august KP Service Tribunal Peshawar. **(Copies of orders and Appeal are attached as Annexure- G to G-3).**

8. That in year 2013 an issue of Out of Turn promotion was raised in Honorable Supreme Court of Pakistan in Punjab and Sindh Provinces. The Honorable Apex Court gave directions to all Provincial Chief Secretaries to get positive steps in the light of judgment. The Police Department also get details/information from their respective Ranges/Unites.
9. That the appellant has never got any type of Out of Turn Promotion (Special Case, Gallantry Or Cadet etc) in his entire Service Career, and that is why, the CCPO Peshawar while submitted his report to CPO vide No.4521/EC-I, dated 26-11-2021, the appellant name was not figured therein. **(Copy of report is attached as Annexure-H)**
10. That, later on, the name of appellant was inserted in letter No.5024/EC-I, dated 07-12-2021 by mentioning his details are in FRP. The Worthy IGP KP, sought details from the Commandant FRP/KP Peshawar vide letter No.472/CPO/CPB, dted 10-12-2021. The Commandant FRP KP, who submitted his report to CPO vide No.11127/EC, dated 14-12-2021, that **“after induction he qualified all promotion examinations/courses as per laid down procedure, merit/Seniority bases and promoted to the rank of Offg: Sub-Inspector on List “E” on 20-02-2001 in this unit”**. **(Copy is attached at Annexure- I to I-2)**
11. That, it is also worth to mention here that a legal opinion regarding FRP personnel transferred to their Domicile Districts/Ranges, was given by the CPO Peshawar to RPO Hazara Range vide No.11529/Legal, dated 08-12-2021, wherein it was clarified that **“The establishment of FAR renamed FRP, it has its own hierarchy in wake of promotion in the junior rank, selection for course on the quota of Seats of different courses to this organization allotted by the competent authority and seniority of promotion Lists A,B,C,D,E were also maintained separately within the organization like District till the promulgation of Standing Order No.2/2014”**. Further added that **“if the applicants qualified promotions courses on their own turn with their colleagues and were promoted from one rank to another on the basis of seniority, cum-fitness in accordance with Police Rules 1934 and subsequently were placed at the bottom of Seniority list of the**

District of their Domicile according to their rank thus they do not come with the ambit of Out of turn promotion”
(Copy of opinion is attached as Annexure-J)

12. That the appellant also submitted detail representation/application to IGP KP, to remove his name from list of out of turn promotes, which was sent to CCPO Peshawar vide No.19/CPO/CPB, dated 20-01-2022 for detail report and comments. The CCPO Peshawar submitted report vide No.7423/EC-I, dated 13-04-2022, that “on transfer from FRP to his domicile District CCP Peshawar, his name was placed at the bottom of seniority List “E” of Offg: SIs, between the name of Offg: SI Sher Zaman No.128/P (Retired) and SI Waqar Ahmad No.159/P (Now DSP)”. It is further submitted that “as per this office record he did not get any types of benefits of Cadet, Gallantry or Special Case/out of turn promotion in CCP Peshawar”.
(Copies of appeal, comments are attached aa Annexure-K to K-1)
13. That the CCPO Peshawar submitted the requisite information of out of turn beneficiaries vide 7434/EC-I, dated 13-04-2022, the appellant name was not mentioned in it. The CCPO Peshawar submitted again details of out of turn promotes to CPO vide No. 3307/EC-I, dated 21-02-2023 and vide No.4649/EC-I, dated 12-03-2023 at Serial No.20 “he did not get any benefits in order of out of turn in CCP Peshawar”.
(Copies of report is attached as Annexure- L to L-2)
14. That surprisingly/suddenly the applicant was garbed in out of turn promotion and reverted from the rank of DSP(BS-17) to the rank of Sub-Inspector (BS-14) vide Order No.586/Legal/E-I, dated 15-03-2023. That in reversion Order dated 15-03-2023 at Para No.2 & 6, the cited date and service details were amalgamated with concocted, fabricated and absolutely incorrect details. Copy of order is attached as Annexure – M.
15. The appellant’s colleagues are in rank of Acting SPs and promoted as SPs. But malafidly/discriminately/spitefully, the appellant was reverted from the rank of DSP (BS-17) to the rank of Sub-Inspector without any guilt, rules/justification and on incorrect details bases. No enquiry/explanation or Personal hearing opportunity provided to applicant. This Honorable Service Tribunal Peshawar has already been passed judgments in such like appeals targeted in Apex Court’s judgment vide Appeal No.1225/2017 dated 10-01-2022, and the Police authority implemented with letter in spirit.

16. The appellant agitated the same with all proofs and documents vide Review departmental appeal dated 10-04-2023 but the same remain undecided till the expiry of statutory period.

(Copy of appeal/review is attached as Annexure-N)

17. That now the appellant come to this august Tribunal on the following grounds amongst the other.

GROUND WARRANTING THIS APPEAL:-

- a) The the impugned Order dated 13-03-2023 is against the Law, Rules, norms of justice, material on record, illegal and Coram-non-judice. Hence liable to be set aside.
- b) That the appellant has been condemned unheard and has been punished for no faults on his part. Rather, the establishment has dealt the case of appellant with malafide intentions and to damage his career in a fanciful exercise of authority.
- c) That the impugned order is against the decision of committee constituted on direction of Supreme Court of Pakistan, and the report of which was also submitted to the Apex Court. Therefore, now the respondents cannot take summersault and that too without any justifications.
- d) That the appellant has never got any type of Out of turn promotion in the entire service career as obvious from the reports of CCPO Peshawar and Commandant FRP KP but through impugned order, based on malafide, the appellant garbed in Out of Turn Cases without any grounds and prove and to benefit the blue eyed..
- e) That the impugned Order dated 15-03-2023 and proceeding are totally based on malafide and spitefully, to create more vacancies for their blue-eyed persons under the garb of out of turn promotion etc, which conditions are not applicable to the appellant.
- f) That this reversion order is based on incorrect, concocted and fabricated dates and service details, produced out of the contents and in contradiction to earlier correspondence of the offices as mentioned above.
- g) That it is totally against the law and principal of justice to deprive the appellant from his due rights by various taktics, time and again by Law-fare game and on the basis of wrong/incorrect details since 2003.

- h) That the respondents being responsible authority, narrated incorrect date and service details of appellant on various occasions, as obvious from the record and Service appeals and also amalgamate the facts with concocted/baseless details, which proved the gross misconduct and criminal acts too.
- i) All the Out of Turn beneficiaries were demoted and their seniority fixed with their List "D" colleagues, whereas the appellant, who never got any out of Turn benefits was demoted illegally and seniority fixed with List "C" constables without any rules.
- j) The Legal Opinion to RPO Hazara from CPO vide AIG Legal Memo: dated 08-02-2021 is on record that FRP officials qualified their promotion courses on their turn and have been promoted from one rank to another as per Police Rule 1934 and subsequently placed at the bottom of the seniority list of their Domicile District after their transfer, thus they do not come under the ambit of Out of Turn promotion. But despite the reports of CCPO Peshawar dated 13-04-2022, and report of Commandant FRP KP dated 14-12-2021 as well as this Legal Opinion, the Respondent is maneuvering to revert the appellant under the garb of Apex Court's judgments with malafide to create more and more vacancies for their blue-eyed persons and to adjust them.
- k) That the Impugned Reversion Order and proceedings are in violation of principle, of justice, fair play and spirit of Article 2A, 4, 9, 10A, 25 and 38 of the Constitution of Islamic Republic of Pakistan.
- l) The appellant is being vexed again and again, besides suffering double rather multiple jeopardizes for no fault on his part.
- m) That against the illegal actions of the respondents, the appellant and his colleagues also filed writ petition in the august High Court for emergency interim relief, in which the judgment has been reserved and not announced as yet.
- n) That the appellant seeks permission to advance other grounds and proofs at the time of hearing.


it is, therefore, very humbly prayed that on acceptance of this Appeal, this Honorable Court may very graciously hold, declare and Order:-

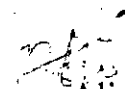
- i. That the Reversion Orders dated 15-03-2023 may be sat-aside and any subsequent proceedings or orders emanating /arising therefrom (impugned Proceeding) are illegal, unlawful, without lawful authority and thus of no legal effect.

- ii. The Respondents be permanently restrained from reverting, the appellant under the garb of Apex Court's Judgments passed in respect of Out of Turn promotes, which is not applicable to the case of appellant as there was neither out of Turn promotions, Cadetship, or Gallantry service in FRP Nor appellant have got any such benefits in CCP Peshawar and got all his promotions after completing course on his own turn.
- iii. That the appellant all service Career and records has already been checked, discussed by Honorable Courts in above cited Service Appeals and petitions and judgments passed is on record. Therefore the appellant may very graciously be restored to his rank of DSP with all back and consequential benefits along with for considering him to SP post from the date when his colleagues/batch mates have been promoted so.
- iv. **Interim Relief:-** keeping in view the facts and circumstances of the Appeal, the Operation of the impugned demotion Order dated 15-03-2023 and any subsequent Orders(s) may be suspended till the disposal of this Appeal.
- v. Any other relief, in favor of the Appellant , deemed just and appropriate.


APPELLANT
Nasir Khan

THROUGH:


M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT
PESHAWAR.


Syed Nauman Ali Bukhari
Advocate

Hilal Zubair, Advocate.

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

Appeal No. _____/2023

Mr. Nasir Khan

V/S

Police Department.


AFFIDAVIT

I Mr. Nasir Khan S/O Nazar Muhammad Khan,
SP FRP Peshawar, (Appellant) do hereby affirm that the contents of
this Appeal are true and correct and nothing has been concealed from
this Augusts Court.

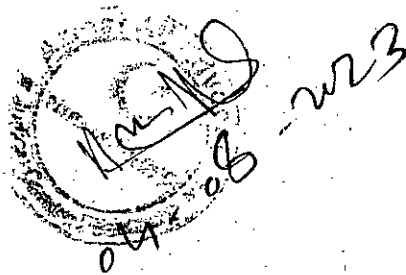

DEPONENT

Mr. Nasir Khan
(Appellant)

IDENTIFIED BY:


M. ASIF YOUSAFZAI
ADVOCATE SUPREME COURT
PESHAWAR.

ATTESTED



99

A-1

ENLISTMENT ORDER.

Candidate Mr. Nazim Khan s/o Nazim Me

Head of Village Mulstani Abad No 3 Kaheshal

Police Station Subzab Teh: Peshawar Distt: Peshawar

RS No. 5, i.e. (Rs. 700-25-1200) w.e. from 2-5-91

Unallotted Constabulary No. 123.

He is enlisted here, on temporary basis and his service could be liable to terminate any time without any notice under Police Rules-12.21.

Height 5-8 1/2 Chest 33 x 35
Age 22-12-72 Education 10th
1991

COMMANDANT
FRONTIER ARMED RESERVE,
PESHAWAR.

Ratio 268
Dated 2-5-1991.

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A-2 - 10

ORDER.

The following Constables of FRP/NWFP are hereby promoted to the Rank of Offg:Head Constables in BES-7 till further order with immediate effect:-

- 1. Const: Nasir Khan No. 394.
- 2. " Zahir Muhammad No. 3004.
- 3. " Zar Mast Khan No. 3090.
- 4. " Nasir Khan No. 2096.

(AHSAN MUKHTAR ASHRAF)
 COMMANDANT,
 FRONTIER RESERVE POLICE NWFP PESHAWAR

28 / OSI, Dated Peshawar the 16-4-1998.

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

- 1. District Officer of Police, FRP-Peshawar Range Peshawar.
- 2. District Officer of Police, FRP Hqrs:Peshawar.
- 3. SPO FRP/Hqrs:Peshawar.
- 4. SPO FRP Hqrs:Peshawar.
- 5. SPO FRP HQ:Peshawar.

O R D E R.

(45)
118
A-3

The following Head Constables of FRP NWFP are hereby promoted as Selection Grade Head Constables in the BPS-9 with immediate effect:-

1. H.C Nasir Khan No. 2096/HQ.
2. " Mohd: Hassan No. 89/PR.
3. " Tayyab Jan No. 2092/HQ.
4. " Fazal Waseed No. 3491/HQ.

AHSAN MUKHTAR ASHRAF
COMMANDANT,
FRONTIER RESERVE POLICE, NWFP,
PESHAWAR.

NO. 988-91 /SC. Dated Peshawar the 17-2- /2000.

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

1. The Supdt: of Police, FRP Peshawar Range.
2. The Dy: Supdt: of Police, FRP Hqrs: Peshawar.
3. Acctt: FRP Hqrs: Peshawar.
4. SRC FRP Hqrs: Peshawar.

Fazal Waseed
~~COMMANDANT,~~
FRONTIER RESERVE POLICE,
NWFP PESHAWAR.

ORDER.

A-4 19

Head Constable Nasir Khan on promotion list "D" No. 2096 of FRP Hqrs: Peshawar is hereby Promoted as offg: A.S.I in the existing vacancy of FRP Hqrs: Peshawar, with immediate effect.


ABSAN MUKHTAR ASHRAF
COMMANDANT,
FRONTIER RESERVE POLICE, NWFP,
PESHAWAR.

NO. 2081-85 / EC, Dated Peshawar the, 4/6/2000.

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

1. The Dy: Supdt: of Police, FRP Hqrs: Peshawar.
2. Accountant FRP Hqrs: Peshawar.
3. SRQ FRP Hqrs: Peshawar.
4. OSI FRP Hqrs: Peshawar.
5. CG FRP Hqrs: Peshawar.
6. RMG FRP Hqrs: Peshawar.

421
5/4/2000


COMMANDANT,
FRONTIER RESERVE POLICE,
NWFP PESHAWAR.

ORDER.

A-5 (13) ~~17/A~~

ASI Mohammad Nasir Khan of FRP Hqrs: Peshawar is hereby Selected for Upper School Course at Police Training College Hangu with immediate effect.

Ahsan
(AHSAN MUHAMMAD ASHRAF)

COMMANDANT,
FRONTIER RESERVE POLICE, NWFP,
PESHAWAR.

NO. 3064-67 /EC, Dated Peshawar the, 17/8 /2000.
Copy forwarded for information and

necessary action to:-

1. The Commandant, PTC Hangu.
2. The Dy: Supdt: of Police, FRP Hqrs: Peshawar.
3. OSI FRP Hqrs: Peshawar.
- ✓ 4. SRC, FRP Hqrs: Peshawar.

8/11/2000

Police Training College Hangu.

18

A-6

678
21/2/01

ORDER.

The following ASIs on promotion list "D" are hereby promoted to the rank of Offg:S.Is till further order with immediate effect. They will be on probation for a period of 2 years as envisages by Rules 13-18 of Police Rules 1934.

1. ASI Nasir Khan (on deputation to Traffic).
2. " Rehmat Ali Khan of FRP Hqrs:(on loan to FRP Malakand Range).

On promotion Sl:No-1 will be remained posted to Traffic, NWFP Peshawar.

(SYED IMTIAZ ALTAF)
DY:COMMANDANT,
FOR COMMANDANT FRP NWFP PESHAWAR.

NO. 760-66 /EC, Dated Peshawar the, 20-2/2001.

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

- ✓ 1. The Asstt:Inspector General of Police, Traffic, NWFP, Peshawar.
2. The Supdt:of Police, FRP Malakand Range Swat.
3. The Dy:Supdt:of Police, FRP Hqrs:Peshawar.
4. Accountant FRP Hqrs:Peshawar.
5. SRC FRP Hqrs:Peshawar.
6. CC FRP Hqrs:Peshawar.
7. OSI FRP Hqrs:Peshawar.

BC

For n/actn/llc

Asstt Inspector General of Police Traffic
NWFP Peshawar,

21/02/01

COMMANDANT
Reserve
F.P. Peshawar

COMMANDANT
Reserve
F.P. Peshawar

18

46 cc
2.8.10

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

(12-c) 15

NOTIFICATION

30/7/2010

No. 18418 /E-II. PROMOTION LIST-F AND PROMOTION
AS OFFG: INSPECTOR:

The names of the following confirmed Sub. Inspectors of Khyber Pakhtunkhwa Police have been approved as per recommendation of the JPC for inclusion in list - F and promotion to the rank of Offg. Inspectors RPS 16 (6050-470-20150) with immediate effect.

S/NO	NAME & NO.	REGION
1.	SI Shabir Hussain Shah No. B/17	Kohat Region
2.	SI Sona Khan No. K/39	Kohat Region
3.	SI Aqil Hussain No. K/17	Kohat Region
4.	SI Faakir Nawaz No. K/18	Kohat Region
5.	SI Mazhar Jehan No. K/19	Kohat Region
6.	SI Gul Sarwar No. K/23	Kohat Region
7.	SI Shoukat Ali Shah No. K/94	Kohat Region
8.	SI Aisar Khan No. K/30	Kohat Region
9.	SI Khalid Usman No. K/31	Kohat Region
10.	SI Nasir Khan No. P/110	CCP/Peshawar
11.	SI Shahid Hussain No. P/114	CCP/Peshawar
12.	SI Riaz Ali No. P/111	CCP/Peshawar
13.	SI Mahanmad Fayaz No. MR 100	Mardan Region
14.	SI Rokhan Zeb No. P/120	CCP/Peshawar
15.	SI Amir Hussain No. P/119	CCP/Peshawar
16.	SI Granullah No. P/115	CCP/Peshawar
17.	SI Fuzal Wahid No. P/116	CCP/Peshawar
18.	SI Gohar Ali No. P/117	CCP/Peshawar
19.	SI Raza Khan No. P/118	CCP/Peshawar
20.	SI Amir Raza Khan No. P/119	CCP/Peshawar

4701
11/2/10

AGP/SJ
ID
Tech: ✓
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Their promotion will take effect from the date they actually assume charge of their higher responsibilities.

Necessary Gazette Notification may be issued accordingly.

Their pending orders will be issued separately.

(ASST. MAJ. GEN. (P) ...)

Address: ...
Pro. Provincial Police Officer
Khyber Pakhtunkhwa Police

No. 18419

Copy of ... forwarded for ...
action ...

1. Captain ...
2. Deputy Inspectors ...
3. Officer ...
4. ...



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Fax: 091- 9210518

Dated Peshawar 30 Jan, 2018

NOTIFICATION

No. 115 /SE-I, In pursuance of the provision contained in Section-5 of the Khyber Pakhtunkhwa (Promotion of Superintendent of Police and Deputy Superintendent of Police) Rules-2007, the Competent Authority i.e. the Inspector General of Police on recommendations of the Departmental Selection Committee meeting held on 03rd January, 2018 is pleased to promote the following Inspectors (BS-16) of Khyber Pakhtunkhwa Police to the Rank of Deputy Superintendent of Police (BS-17) on regular basis with immediate effect.

The officers on promotion shall remain on probation for a period of one year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

The promotion shall take effect from the date they actually assume the charge of their higher responsibilities:-

S#	Name & No.	S#	Name & No.
1.	Mr. Jehanzeb	24.	Mr. Iftikhar Ali
2.	Mr. Nasir Khan	25.	Mr. Nasir Khan
3.	Mr. Shahid Adnan	26.	Mr. Noor Zaman
4.	Mr. Zakir Hussain	27.	Mr. Hazrat Ullah
5.	Mr. Bashir Ahmad	28.	Mr. Liaqat Ali
6.	Mr. Matloob Shah	29.	Mr. Noor Jalil
7.	Mr. Muhammad Hamayun	30.	Mr. Mehmood Nawaz
8.	Mr. Ashiq Hussain	31.	Mr. Muhammad Yousaf
9.	Mr. Mukhtar Ahmad	32.	Mr. Umar Daraz Khan
10.	Mr. Adalat Khan	33.	Mr. Bashir Dad
11.	Mr. Ghulam Muhammad	34.	Mr. Roshan Zeb
12.	Mr. Muhammad Nabi	35.	Mr. Gul Sheed
13.	Mr. Ayaz Mehmood	36.	Mr. Taj Malook
14.	Mr. Shah Mumtaz	37.	Mr. Muhammad Saddique
15.	Mr. Habib-ul-Haq	38.	Mr. Abdur Rehman
16.	Mr. Zafar Ahmad	39.	Mr. Samin Jan
17.	Mr. Farmanullah	40.	Mr. Tayyab Jan
18.	Mr. Muslim Khan	41.	Mr. Fazal Subhan
19.	Mr. Said Rahim	42.	Mr. Alam Zeb
20.	Mr. Hukam Khan	43.	Mr. Saeed Khan
21.	Mr. Wilayat Khan	44.	Mr. Noor Ullah
22.	Mr. Mehar Ali	45.	Mr. Pasham Gul
23.	Mr. Yar Nawab	46.	Mr. Mukhtiar Ahmad

The posting Notification will be issued separately.

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

Endst: No. & date even.

Copy forwarded to the:-

1. Principal Secretary to Governor Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa.

air's

MINUTES OF DEPARTMENTAL PROMOTION COMMITTEE
MEETING HELD ON 11.7.2003 AND 24.7.2003 IN
CFO, PESHAWAR.

A meeting of Departmental Promotion Committee was held on 11.7.2003 and 24.7.2003 in the Conference Room, CFO, Peshawar. The following Officers attended the meeting:-

- 1) Mr. Masud Ahmed Paracha, Addl. IGP, Investigation, NWFP, Peshawar. Chairman.
- 2) Mr. Khalid Masud, DIG of Police, Special Branch, NWFP, Peshawar. Member.
- 3) Mr. Abdul Majid Khan, DIG of Police, Investigation, NWFP, Peshawar. Member.
- 4) Mr. Muhammad Yaqub Khan, AIG/Legal, CFO, Peshawar. Member.

The following cases were discussed in the meeting :-

CASE OF PSI JAVED IQBAL FOR CHANGE OF CADRE.

PSI Javed Iqbal of Mardan Region was appointed as TASI on 10.4.77 and was promoted as SI on 17.11.80. In the year 1994, on his application/request, his cadre from Executive to Prosecution was changed and he was absorbed as PSI vide IGP No. 7305/E-II, dated 31.3.97.

The DIG/Mardan requested Comdt. DPC Sihala for allotment of a seat in the PSI's Course, only for appearance in the final examination for the said PSI.

CC AIRS/ Legal

The IGP Punjab regretted the request of the DIG Mardan stating that there was neither any rule in Police College manual 1979 nor any precedent to allow any Police officer to appear in the final examination who has not joined the course.

As he has not passed the PSI examination, he was not confirmed/promoted, therefore, he submitted an other application duly forwarded by the DIG Mardan, stating therein that his seniority may now be adjusted in Executive cadre and he may be promoted to the rank of Inspector like his colleagues.

The case was referred to the DPC. The case was examined by the DPC which did not agree with his request on the ground that there is no rule/regulation for coming back to Executive cadre.

(N.S.I)

WITHDRAWAL OF DEPARTMENTAL PROMOTION COURSES OF HC UMER DARAZ.

The Comdt: FRP, NWFP, Peshawar sought guidance about the departmental promotion courses of HC Umer Daraz and accelerated promotion from the rank of Constable to Inspector in short span of six years. The Worthy Police Chief recorded the following remarks:-

"Let it be examined by the DPC Comdt: FRP will attend as co-opt: member. The meeting should be convened immediately".

The DPC examined his case and opined that as he has already been reverted to his substantive rank of HC, therefore, no further action is required at the moment.

TRANSFER OF LIEN AND ADJUSTMENT IN THE LIST 'E' OF SI NASIR KHAN FROM FRP TO CCP.

On his own request, O.C. SI Nasir Khan of FRP was transferred from FRP to Regular Police (CCP) being domicile of Peshawar after the receipt of NOC from Capital City Police Officer, Peshawar as well as Commandant, FRP.

On this transfer his name was placed at the bottom of the List 'E' of Offg: ASIs and number 167/P was allotted to him. Later on CCP Officer sought guidance whether the name of the SI be placed on List 'E' of confirmed ASIs or Offg: ASIs.

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Case was submitted to the high ups upon which, the Police Chief ordered that his case and other anomalies be debated and decided by the DPC. The DPC thoroughly examined the case and recommended that his name may be placed in list 'D' of Offg: ASIs on merit of the year in which he has passed the Intermediate Class course with his colleagues. However, the CCP Officer may give him out of turn promotion in accordance with rules if deemed fit.

2. Commandant, FRP may also be directed to examine the system of promotion of Upper Subordinates in FRP and make suitable recommendations to avoid anomalous situation in future.

REQUEST FROM PROFORMA PROMOTION IN RESPECT OF ATTAUR REHMAN OFFICE SUPDT: OF DIG OFFICE, KOHAT.

Mr. Attaur-Rehman Office Supdt: Region Office, Kohat has submitted an application forwarded by DIG Kohat Region that he was ignored from promotion as Office Supdt: by the DPC held in Nov: 2002 on account of adverse remarks for the period from 11.5.97 to 31.12.97. The adverse remarks were subsequently expunged by the Police Chief. He was again deferred from promotion due to

(N.S.P)

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FROM: The Inspector General of Police,
N.W.F.P., Peshawar.

TO: The Capital City Police Officer,
Peshawar.

No. 18322 /E-II, Dated Peshawar, the 08/11/2003.

SUBJECT:- TRANSFER OF MEM.

MEMO. Please refer to your memo.No.7010/01-I,
dated 5-11-2002.

Officiating Sub Inspector Nasir Khan of FRP
was transferred to regular Police Capital City Police Peshawar
on his own request being domicile of Peshawar after the
receipt of NOC from CQP and Commandant FRP/NWFP.

The D.P.C. thoroughly examined the case and
recommended that his name may be placed in List-D of
Officiating ABIs on merit of the year in which he has passed
the Intermediate Class Course with his Colleagues. However,
the CQP Officer may give him out of turn promotion in
accordance with rules if deemed fit.

His service roll and service books are
returned herewith for record.

FR 81 Roll 0
81 BODAS 2

(MUHAMMAD YAKUB KHAN)
AIG/INMAD
FOR INSPECTOR GENERAL OF POLICE,
NWFP, PESHAWAR.

No. 18323 /E-II, Dated Peshawar, the 08/11/2003.

Copy of above is forwarded to Commandant
NWFP Peshawar. He is directed to consider the
promotion of Upper subordination in FRP and make suitable
recommendations to avoid any untoward situation in future.

(MUHAMMAD YAKUB KHAN)
AIG/INMAD
FOR INSPECTOR GENERAL OF POLICE,
NWFP, PESHAWAR.

O R D E R .

In pursuance of CPO/DFC Decision Peshawar vide No. 18322/E-II, dated 08-09-2003 and No. 13161/E-II, dated 12.06.07 Offg: SI Masir Khan No. 167/P who promoted by FRP authorities is hereby reverted to his original rank of IHO with effect from 08-09-2003.

His name has already been placed in the "D" List register in between the names of IHOs Naushad Ali No. 1392 and Shauket Ali No. 408 on merit of the year in which he has passed the intermediate class course with his colleagues according to the decision of CPO.

His D.List Colleagues have already been promoted to the rank of Offg: ASI on 25-05-2005. He was called on 03.9.2007 and 15-9-2007 for attending DFC Meeting But he did not attend the meeting.

Therefore, his promotion case will be decided in the next DFC meeting.

Sd/-

CCPO/Peshawar.

Copy of endst: NO. 10109-17/EC.I, dt. 22-10-2007 from the CCPO/Peshawar to the DIO/SB, NWFP Peshawar and others.

OFFICE OF THE D. I. G OF POLICE SB, NWFP, PESHAWAR.

NO. 4951-53/EB: dated Peshawar the 26/10/2007.

Copy to the:-

1. Supdt: of Police, Security/EB:
2. RIZSE: (He may be inform accordingly)
3. BA/EB:

OFFICE SUPDT:
For Dy: Inspector General of Police,
Special Branch, NWFP, Peshawar.

26/10

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BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR

Appeal No 1101/2007

Date of institution - 13.11.2007
Date of decision - 23.09.2008



Nasir Khan S/o Nazir Muhammad, Ex-Sub Inspector No. 167/P Capital City Police, Peshawar(Appellant)

VERSUS

1. Departmental Promotion Committee through Chairman Additional Inspector of Police, Peshawar.
2. Provincial Police Officer NWFP, Peshawar.
3. Capital City Police, Peshawar..... (Respondents)

Appeal against order No. 18322/E-II, dated 08.09.2003 of Respondents No. 1, whereby the name of appellant was recommended for placing him in list "D" of officiating Assistant Sub Inspectors and orders of Endst. No 101019-17/EC-I, 22.10.2007, dated 26.10.2007 of Respondent No 3, whereby the appellant was reverted from the rank of Sub Inspector, B-14 to the rank of Head Constable B-7 for no legal reasons.

REGISTERED
PESHAWAR

Mr. Saadullah Khan Marwat, Advocate.....For appellant.
Mr. Ghulam Mustafa, A.G.P.....For respondents.

MR. NOOR-UL-HAQ..... MEMBER.
MR. MUHAMMAD HUMAYUN.....MEMBER.

JUDGMENT.

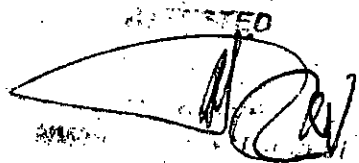
NOOR-UL-HAQ MEMBER:- This appeal has been filed by the appellant against the order dated 08.09.2003 of Respondents No. 1, whereby his name was recommended for placing him in list "D" of officiating Assistant Sub. Inspectors and orders dated 22.10.2007 and

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26.10.2007 of Respondent No 3, whereby he was reverted from the rank of Sub Inspector, B-14 to the rank of Head Constable B-7. He has prayed that the impugned orders may be set aside and his name be restored to the rank of Sub Inspector B-14 and his seniority be restored to list "E" with all admissible service/back benefits.

2. Brief facts of the case are that the appellant has in his credit the educational qualification of graduation etc. On 2.5.1991, the appellant was appointed/enlisted as constable and was serving the force to the best of his ability and efficiency. He has also passed the examinations of "A/1" and "B/1" with credit. After the expiry of the requisite period, he was selected for lower school course and qualified the same on 20.10.1997. On 18.4.1998, the appellant was brought on list "C" and promoted to the rank of Head Constable, B-7. Thereafter, the appellant was selected for intermediate school course and qualified the same on 10.10.1998 and his name was brought on list "D" on 25.05.1999. On 17.02.2000, the appellant was awarded with selection grade B-9. On 4.4.2000, the appellant was promoted to the rank of Assistant Sub Inspector B-11, on officiating basis. Again after passing of the requisite period, the appellant was selected for upper school course and qualified the same on 15.11.2000. After gaining eligibility for further promotion to the next higher rank, the appellant was promoted to the rank of Sub Inspector, B-14 on 20.2.2001. On 20.2.2002, the name of appellant was brought on list "E" and his name was also published in the police gazette. On 12.4.2002, the appellant submitted an application before the Commandant, FRP, Peshawar to transfer him to district police force. An NOC was issued in his favour and subsequently he

REGISTERED



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was transferred by the competent authority on 17.6.2002 to regular police force. On 7.7.2002, the appellant submitted another application to Capital City Police Peshawar that his lien may also be transferred from FRP Headquarters to the Capital City Police, Peshawar. On 21.09.2002, NOC in his favour was tainted and vide order dated 8.10.2002, the Provincial Police Officer, Peshawar transferred his lien from FRP to Capital City Police Peshawar and he was then allotted No. 167/P. On 5.11.2002, the CCPO Peshawar approached to the Provincial Police Officer and Commandant FRP NWFP to seek guidance/regularization of the appellant. On 26.11.2002, the Commandant FRP, NWFP Peshawar issued revised order and showed the name of appellant in list "D" at S. NO. 4 and in list "E" at S. No. 3. Thereafter, a Departmental Promotion Committee held its meeting to thrash out the issue and it was decided on 8.9.2003 that the name of appellant be placed in list "D" of officiating Assistant Sub Inspectors on merit of the year, 1998 in which he had passed the Intermediate School Course with his colleagues. However, Capital City Police Officer, may give him out of turn promotion in accordance with the rules, if deemed fit but no final order was passed on the recommendation of Departmental Promotion Committee. It means that the appellant was reverted from the rank of officiating Sub Inspector to the rank of Head Constable. On 27.09.2003, the appellant replied each and every quarry of the respondents with cogent reasons. On 14.10.2003, the appellant submitted petition against the decision of Departmental Promotion Committee to Provincial Police Officer Peshawar which was forwarded, followed by explanation application on the quarries of DPC etc on

ATTESTED

EXAMINER
NWFP Service Tribunal

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18.10.2004. Numerous applications were submitted by appellant but in vain. On 26.10.2007, the aforesaid applications of appellant were decided by PPO Peshawar. Hence, the instant appeal.

3. The respondents were summoned. They appeared through their representatives, submitted written reply, contested the appeal and denied the claim of the appellant.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant has neat and clean record of service with dozens of commendations certificates since 2.5.1991 till date. After transferring him as well as his lien from FRP to district police in the year, 2002 by the competent authority, the matter should have been decided well within time in the said year and not in the year 2007. Much more loss of service, etc was given to the appellant. The appellant was transferred from FRP as officiating Sub Inspector B-14 to district police force. His name should have been maintained as Sub Inspector in list "E" but he was deprived of numerous benefits of service for no legal reasons due to the lapses of respondent department. The Selection grade, B-9 awarded to appellant on the length of service, was also snatched from him without any justification. The appellant was awarded with the following punishments, etc;

- 1. Reversion from the rank of Sub Inspector;
- 2. Reversion from scale B-14;
- 3. Reversion from rank of Assistant Sub Inspector (ASI);
- 4. Reversion from scale, B-11;
- 5. Forfeiture of upper school course;
- 6. Demotion from list "E";
- 7. 5/6 years mental torture.

APPEAL
P. S. S. P. Peshawar
Peshawar

The impugned order of the authority is also incorrect and illegal as his colleagues namely, Naushed Ali and shaukat Ali, etc have since been promoted and are performing their duties as confirmed Assistant Sub Inspectors in B-11. As and when lien of appellant was terminated, he should have been adjusted in regular police force with all service benefits and designation. He prayed that on acceptance of the appeal, the impugned orders dated 08.09.2003 and 22.10.2007 of respondents be set aside and the appellant be restored to the rank of Sub Inspector B-14 with all back benefits. He has further prayed that the name of appellant be restored to list E with all admissible service benefits from the date of issuance of list "E" notification.

6. The learned A.G.P contended that the appellant was enlisted as a constable in FRP, and was selected for lower school course after qualifying A/I B/I examinations from FRP. The appellant was promoted as Head constable on merit on the strength of FRP. The appellant was selected for Intermediate and upper school course on the strength of FRP. The appellant was brought on list "E" by the Commandant FRP as he was on the strength of FRP. The appellant was transferred to District Police Office Peshawar on his own request. The seniority of the appellant was fixed after the decision of DPC held on 8.9.2003, and his name was placed at the bottom of seniority list "D" list of ASIs. The case of the appellant was considered by the DPC and the seniority of the appellant was fixed as per the decision. The case of the appellant was decided on 8.9.2003 and not in the year 2007. The appellant was promoted as officiating Sub Inspector and was not confirmed in the rank of ASI. So his seniority was fixed as per the DPC

EXAMINED
 P. Service
 Peshawar


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decision dated 8.9.2003. He was transferred to CCPO on his own request and his name was placed on list "D" with his colleagues. The appellant has been promoted as ASI with his collages Nawshad Ali and Shaukat Ali with effect from 25.5.2005 who are not confirmed. The appellant has been adjusted in CCPO and seniority has been given with his colleagues. He prayed that the appeal may be dismissed.

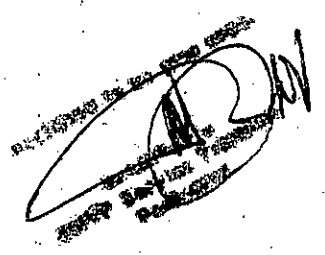
7. After hearing both sides at length, the Tribunal holds that the claim of the appellant is bonafide. He has been condemned unheard. The respondent department has instituted no inquiry into his case. He has not been put on a show cause notice and no opportunity of having heard him personally has been afforded to him. Likewise, the Tribunal in service appeal No. 941/2003 titled Jamdad Khan etc, Vs. Deputy Commandant FRP etc while accepting the appeals, set aside the reversion order. The case of the present appellant is also identical to that of his colleagues whose appeals were accepted.

8. In view of the above discussion, the appellant has made out a case for indulgence of the Tribunal. The appellant is also entitled to the same treatment as meted out to his other colleagues. Accordingly this appeal is accepted as prayed for and the impugned orders are set aside by restoring the appellant's seniority on list "E" with effect from the Notification dated 20.2.2002 to his original position with all back/service benefits. No order as to costs. File be consigned to the record.

ANNOUNCED.
23.09.2008.

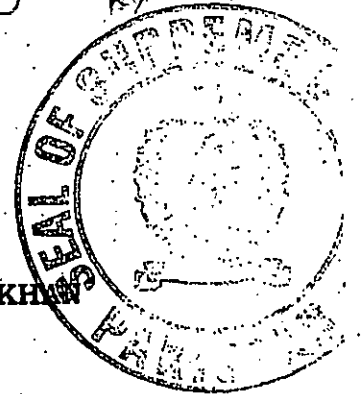

(Muhammad Humayun)
Member.


(Noor-ul-Haq)
Member.



IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE IJAZ-UL-HASSAN
MR. JUSTICE MOHAMMAD QAIM JAN KHAN



CIVIL PETITION NO. 193-P OF 2009
(Against the judgment dated 23.9.2008
passed by the N.W.F.P. Service Tribunal,
Peshawar in Appeal No. 1101/2007)

Departmental Promotion Committee through Chairman
Additional Inspector of Police, Peshawar and others

Petitioners

Versus

Nasir Khan;

Respondent

For the petitioners

Mr. M. Tariq Khan, ASC

For the respondent:

Mr. Roohul Amin Khan, ASC

Date of hearing:

29.4.2009

ORDER

This petition is barred by 104 days and no
plausible ground for condonation of delay has been given by
the learned counsel. Dismissed as barred by time.

sd/- Ijaz-ul-Hassan, J
sd/- Mohammad Qaim Jan Khan

Certified to be true copy

Handwritten signature
Deputy Registrar
Supreme Court of Pakistan
Peshawar

Peshawar
29.4.2009

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ORDER

In pursuance of the order of Service Tribunal NWFP Peshawar Judgment dated 23.09.2008, honourable Supreme Court of Pakistan vide Civil petition No 193/P/2009 and PPO NWFP Peshawar endst: No 13899/E-I dated 04.06.2009, the reversion order from Offg: SI Nasir Khan issued vide this office endst: No 10109/EC-I dated 22.10.2007 is hereby withdrawn. He is given old seniority with his colleagues in Capital City Police Peshawar w.e. from the date of his lien transferred from FRP Police to CCP Peshawar vide PPO NWFP Peshawar endst: No 22163-64/ E-II dated 08.10.2002.

His name will be placed between the names of Offg: SIs Shier Zaman No 128/P and Waqar Ahmad No 159/P.

He has already been allotted Region Number 448/P.

J. Khan
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No *SS/4-17* /EC-I dated Peshawar the *26/8* /2009.

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

- 1 The Provincial Police Officer, NWFP Peshawar.
- 2 The Addl: Inspector General of Police, Special Branch NWFP, Peshawar.
- 3 EC-II.
- 4 AS.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR



Appeal No. 407/2011

Date of Institution. ... 03.3.2011
Date of Decision ... 23.5.2012

Mr. Nasir Khan, Inspector, Special Branch,
Khyber Pakhtunkhwa, Peshawar. (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The CCPO, Khyber Pakhtunkhwa, Peshawar.
3. The Additional I.G (Headquarters) Peshawar.
4. The DPC through its Chairman (Additional IG HQs) Peshawar. (Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.7.2010, WHEREBY THE APPELLANT HAS BEEN INCLUDED IN LIST-F WITH IMMEDIATE EFFECT INSTEAD OF WITH EFFECT FROM 20.2.2003 AND AGAINST THE ORDER DATED 17.1.2011, COMMUNICATED TO THE APPELLANT ON 7.2.2011, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN FILED.

MR. MUHAMMAD ASH YOUSAI ZAI, Advocate ... For appellant

MR. ARSHAD ALI AM, ACP ... For respondents.

SYED MANZOOR ALI SHAH, MR. NOOR ALI KHAN, ... MEMBER MEMBER

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
ATTESTED

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER:- This appeal has been filed by Nasir Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 30.7.2010, whereby his name has been included in List "F" with immediate effect instead of 20.2.2003 and against the order dated 17.1.2011, communicated to the appellant on 7.2.2011, whereby his departmental appeal has been filed. It has been prayed that on acceptance of the appeal, the impugned order dated 30.7.2010 may be modified to the extent that name of the appellant be enlisted in list "F" with effect from 20.2.2003 with all consequential and service benefits.

2. Brief facts of the case are that the appellant initially joined Frontier Reserve Police as Constable on 2.5.1991. After passing lower course at PTC Hangu, he was promoted to the rank of officiating Head Constable on 14.4.1998. In the year 1998, the appellant passed intermediate course at Hangu and his name was brought on list "D" w.e.f. 20.10.1998. On 17.2.2000, he was promoted as Selection Grade Head Constable in BPS-9 and on 4.4.2000; he was promoted as Officiating ASI in the FRP Headquarter, Peshawar. After qualifying Upper School Course at Hangu in the year, 2000, and being eligible for promotion, he was promoted to the rank of Officiating S.I under Police Rules 13.18, vide order dated 20.2.2001, on probation period for two years. His name was brought on List "E" w.e.f. 20.2.2002 and the same was also reflected in the Police Gazette. On 12.4.2002, the appellant filed an application for his transfer to his parent District Police Peshawar. The appellant already passed Lower-Intermediate and Upper School Course and also on list "I". The post was available and the appellant was issued proper NOC and transferred to Capital City Police, Peshawar. He also applied for transfer of his lien to Capital City Police, and vide order dated 8.10.2002, his lien has been transferred from FRP to Capital City Police Peshawar with immediate effect and his name was placed at the bottom of seniority list "E" of Officiating S.Is in Capital City Police and allotted him Provincial Police number 167/P. In pursuance of CPO/DPC decision vide No. 18322/E-II, dated 8.9.2003 and No. 13161/E-II, dated 12.6.2007, the appellant had been reverted to the rank of IHC with effect from 8.9.2003 vide order dated 22.10.2007. After exhausting departmental remedy, he filed service appeal No. 1101/2007 in this Tribunal. The case was accepted as prayed for and the impugned orders were set aside by restoring the appellant's seniority on list "E" w.e.f. the notification dated 20.2.2002 to his original position with all back/service benefits. Vide order dated 30.7.2010, the appellant was promoted to the rank of Officiating Inspector and his name was also brought on list "F" but with immediate effect instead of 20.2.2003. Feeling aggrieved, the appellant filed departmental appeal on 21.8.2010, which was rejected on 17.1.2011, copy received by the appellant on 7.2.2011, hence the present appeal on 3.3.2011, which is well within time.

3. The appeal was admitted to regular hearing on 22.3.2011 and notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Arguments heard and record perused.

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5. The learned counsel for the appellant argued that the appellant was promoted as Offtg. S.I on 20.2.2001. Under Rule 13.18 of Police Rules, 1934. He has to be confirmed on successful completion of two years probation period or reverted back to his substantive rank. Since the appellant has not been reverted therefore, he stood confirmed as Sub Inspector automatically w.e.f. 20.2.2003. He further argued that in the instant case basic right of the appellant has been violated, and there is no need of impleadment of junior colleagues of the appellant as respondents. In support of his arguments, the learned counsel relied on 2006-SCMR 1938. He stated that Inspector Zain Khan, has also filed service appeal for the same relief, which was accepted in limine, and while implementing the judgment dated 29.5.2007, he has been assigned revised seniority into promotion list "F" w.e.f. 15.12.1998. The appellant is also entitled to the same treatment as per judgment of the august Supreme Court of Pakistan as reported in 1996-SCMR-1185. The learned counsel for the appellant further stated that previously, the appellant filed service appeal No. 1101/2007, which was accepted on 23.9.2008 and his seniority restored on list "E" with effect from the notification dated 20.2.2002 to his original position with all back service benefits, but the department did not give all the back service benefits to the appellant despite of several presentation by the appellant. He requested that the appeal may be accepted as prayed.

6. The learned AGP argued that it is true that the appellant qualified Upper College Course in the year 2000, but the FRP was a temporary force till 2007 and all promotions in FRP were given as Officiating/temporary as per government policy. He further argued that name of the appellant was brought on list "F" and was promoted to the rank of Inspector on Officiating basis w.e.f. 30.07.2010. The appellant did not remain as SHO of a Police Station for a period of one year at relevant time and was confirmed in the rank of Sub-Inspector and his name was also included in List "F" after serving for a period of three years w.e.f. 2.12.2005 to 1.12.2008, in Special Branch which was mandatory for confirmation as per Police Rules/Standing Order. So far as his reversion to the rank of IHC is concerned, the appellant was later on restored as per the judgment dated 23.2.2008 of this Tribunal and his grievances have been redressed. He requested that the appeal may be dismissed.

The Tribunal observes that the appellant was promoted as Officiating Sub-Inspector vide order dated 20.2.2001. He would be on probation for a period of two years as per Rule 13.18 of Police Rules 1934. After completing two years period, the appellant stood automatically confirmed in absence of any order regarding extension of his probation period by the competent authority. It is also against the spirit of Police Rules 1934 to keep an official on probation for a long period, which

ATTESTED
 EXAMINER
 Member (Administrative)
 Service Tribunal

also resulted in confirmation and promotion of junior officials prior to the appellant. So far as the period of one year as independent SHO is concerned that also hold no ground because it was for the authority to give the appellant assignment of SHO being the discipline force, the appellant could not post himself as independent SHO to meet the requirement. The Tribunal also noted that the appellant remained independent Incharge of various Sections of Establishments i.e. OSI/FRP, Mess Manager of HQRs, Police FRP, Clothing Godown, Fuji Missal Section, Sector Commander Traffic Police as well as Additional SHO in various Police Stations, which also satisfy the condition of one year independent Service. The appellant has been confirmed w.e.f. 24.11.2008 instead of 20.2.2003, vide notification dated 18.11.2009 and his name was brought on list "F" vide notification dated 30.7.2010 with immediate effect and promoted as Inspector on officiating basis. So junior to the appellant have become senior to him and has been discriminated. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

13. In view of the above, the appeal is accepted, the impugned notification dated 30.7.2010 is modified to the extent of appellant by enlisting his name in list "F" w.e.f. 20.2.2003 with all consequential/back benefits. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
23.5.2012

(NOOR ALI KHAN)
MEMBER

(SYED MANZOOR ALI SHAH)
MEMBER

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal 14.6.2012
Number of Words 1600
Copying Fee 10
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Total 12
Name of Copyist _____
Date of Completion of Copy 14.6.2012
Date of Delivery of Copy 14.6.2012

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IN THE SUPREME COURT OF PAKISTAN, PESHAWAR
(APPELLATE JURISDICTION)

CIVIL PETITION NO.399-P OF 2012

Provincial Police Officer, KPK Peshawar and others

Versus

Nasir Khan

Take notice that the above cited case came up for hearing before the Court on **06.03.2013** and the Court has been pleased to pass the following order:-

“Order Enclosed.”

The actual date of hearing will be communicated later on.

Dated: Peshawar 07/03/2013


(KHALID MAHMOOD)
DEPUTY REGISTRAR

To,

Nasir Khan, Inspector Special Branch, KPK, Peshawar.

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE IQBAL HAMEEDUR RAHMAN

CIVIL PETITION NO. 399-P OF 2012

PPO KPK and others **...Petitioners.**

VERSUS

Nasir Khan **...Respondent.**

For the Petitioners: Mr. Naveed Akhtar, Addl. AG.

For the Respondent: N.R.

Date of Hearing: 06.03.2013.

ORDER

The respondent was initially appointed as Constable in the year 1991 in the Frontier Reserve Police, which was a temporary force until 2007. After being promoted to the post of Officiating Sub-Inspector in the said force on 20.02.2001, he applied to and was inducted in the regular police force of Khyber Pakhtunkhwa. Thereafter he was brought on the List 'F' on 30.07.2010 with immediate effect. The respondent questioned this Notification before the Khyber Pakhtunkhwa Service Tribunal praying that he was entitled to be brought on the List with effect from 20.02.2003 when he had completed his probation of two years as Officiating Sub-Inspector. The respondent's appeal was allowed in terms of its prayer.

2. The learned Additional Advocate General points out that the order of the Tribunal is not in consonance with the Police Rules, 1934 and under Rule 13.10(2) an Assistant Sub-Inspector is not entitled to be confirmed on a substantive vacancy in the rank of Sub-Inspector unless he has been tested for at least a year as an officiating

ATTESTED

Deputy Registrar,
Supreme Court of Pakistan,
Peshawar

sub-inspector in independent charge of a police station. It is pointed out that by 20.03.2003 the respondent had not fulfilled the condition laid down in the said Police Rule as he had not served as an officer incharge of the police station for the said period. That he stood qualified for such confirmation by 23.02.2008 and therefore was rightly brought on the List 'F' in the year 2010. Notice.

C.M.A. NO. 485-P OF 2012

Since we have given notice, the operation of the impugned judgment is suspended.

sd/- Nasir-ul-Mulk, J
 sd/- Iqbal Hameedur Rahman, J



PESHAWAR
 14 March, 2013.
 M. Hussain

Handwritten signature and date '14/3'.

Certified to be true copy
 Deputy Registrar,
 Supreme Court of Pakistan,
 Peshawar

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE SH. AZMAT SAEED

CIVIL APPEAL NO.164-P OF 2014

Provincial Police Officer KPK Peshawar etc. ...Appellant(s)

VERSUS

Nasir Khan ...Respondent(s)

For the appellant(s): Mr. Mujahid Ali Khan, Addl.A.G. KPK

For the respondent(s): Mr. Waheed-ud-Din Khattak, ASC

Date of hearing: 21.10.2014

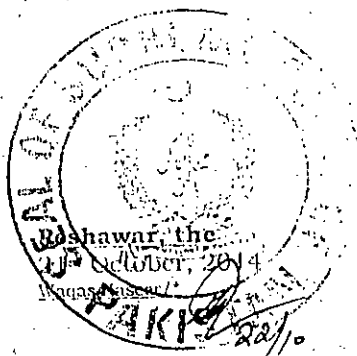
ORDER

During the course of hearing, we have come across that on account of the result of present appeal being in favour of the appellants, the seniority of certain other police officials shall be affected. Let the appellants place on record list of all those who are likely to be affected within 15 days and the office shall issue notice to all of them. Re-list.

SD/- MIAN SAQIB NISAR, JUDGE
SD/- SH. AZMAT SAEED, JUDGE

Certified to be true copy

Muhammad
Deputy Secretary
Supreme Court of Pakistan,
Peshawar



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IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE FAISAL ARAB
MR. JUSTICE IJAZ UL AHSAN

Civil Appeal No.164-P of 2014

Against judgment dated 23.05.2012 of Khyber
Pakhtunkhwa Service Tribunal, Peshawar, passed
in Appeal No.407 of 2011.

Provincial Police Officer, Khyber Appellant(s)
Pakhtunkhwa, Peshawar, etc

Versus

Nasir Khan Respondent(s)

For the Appellant(s): Mr. Shumail Ahmed Butt, AG, KP
Riaz Ahmed, SI

For the Respondent(s): Mr. Waseem ud Din Khattak, ASC

On Notice: Mr. Issac Ali Qazi, ASC *(appeared without power of attorney for affected)* s/w Nasir Ahmed Khan, DPO Orakzai; Muhammad Arif Wazir, SP; Muhammad Arif, CPO Peshawar; Muhammad Khalid, SP; Muhammad Shafiq, SP; Nazir Ahmed, SP; Shafiqullah Khan, DPO; Darwesh Khan, SP; Mujeeb ur Rehman, DSP; Sajjad Ahmed, SP; Nazir Khan, SP; Tariq Habib, DPO; Tariq Iqbal, DPO; Banaras Khan, SP; Mashar Jehan, DSP; M. Aleem Jan, DSP; Aslam Nawaz, SP; Abdul Salam Khalid, SP; Shaikat Ali, DPO; Rozia Altaf, DSP; Shazia Khurshid, DPO; Waqar Ahmed, SP; M. Tahir Shah, SP; Muhammad Ismaeel, DSP; Raham Hussain, DSP; Shehzad Noshad Ollani, DSP; Rahmatullah, DSP; Kabir, Muhammad, DSP; Safer Khan, DSP; Hameedullah, ADC; Hamida Bux, DSP; Zafar Khan, DSP; Muhammad Maroof; Bakht Zada; Niaz Muhammad, Dir PTS; Bakht Zada, SP; Muhammad Ayaz, SP; M. Ajmal Akhtar, SP; Mushtaq Ahmed, SP; Muhammad Saeed, DSP; and Muzamil Shah, SP

Date of Hearing: 07.10.2020

ORDER

GULZAR AHMED, CJ.- After hearing the submissions of learned counsel for all the parties before us, it appears that the case is simple that of determination of seniority. The Respondent was brought on list "E" on officiating basis on 20.02.2001. Subsequently, he was reverted which was challenged by him by way of filing a Service Appeal before the Khyber Pakhtunkhwa Service Tribunal, Peshawar, ("the Tribunal"). Such service appeal was decided by the Tribunal vide judgment dated 23.02.2008 whereby he

was restored to list "E" with effect from the date of notification dated 20.02.2002. The Respondent was confirmed in the position of Sub Inspector with effect from 24.11.2008. He challenged this notification and prayed for granting him confirmation with effect from 20.02.2003. The Tribunal by the impugned judgment dated 13.05.2012 modified the notification to the extent that name of the Respondent was enlisted in the list "F" with effect from 20.02.2003 with all consequential back benefits.

2. The learned counsel appearing for all the parties before us mutually agree that name of the Respondent could not have been brought in list "F" with effect from 20.02.2003 rather his confirmation in list "E" could be made on 20.02.2003 and thereafter further seniority and promotion has to be determined in accordance with the rules applicable to the police officials. The very determination of seniority and promotion after confirmation of the Respondent in list "E" on 22.02.2003 has not been determined as yet and all the learned counsel appearing for the parties before us suggested that for this determination the matter may be remanded to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, who after hearing all police officials who may be affected by such determination will

pass an order in accordance with the applicable rules to the police officials. Order accordingly.

3. The aforesaid exercise shall be completed by the IGP, KP positively within a period of three months from today and a report in this respect shall be submitted to the Registrar of this Court for our perusal in Chambers.

4. The listed appeal in the above terms stands disposed of. All pending CMAs are also disposed of.

Sd- Gulzar Ahmed, HCJ.
Sd- Faisal Arab, J
Sd- Ijaz ul Ahsan, J

Uky
9/10/2000




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

No. 333-3 / Legal dated Peshawar, the 19 / 10 / 2020.
ORDER

A committee comprising of the following officers is hereby constituted to deliberate upon this case and ^{put up} ~~give~~ the findings ^{recommendation} within seven days for onward submission to Registrar Supreme Court of Pakistan as per order of Hon'ble Court.


1. Commandant FRP, Khyber Pakhtunkhwa, Peshawar. (Chairman)
2. Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa, Peshawar. (Member)
3. Assistant Inspector General of Police, Legal Khyber Pakhtunkhwa, Peshawar. (Member)


(DR. ISHTIAQ MARWAT) PSP, PPM
Additional Inspector General of Police HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Commandant FRP, Khyber Pakhtunkhwa Peshawar.
2. Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa, Peshawar.
3. Assistant Inspector General of Police, Legal Khyber Pakhtunkhwa, Peshawar.


(DR. ISHTIAQ MARWAT) PSP, PPM
Additional Inspector General of Police HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.



OFFICE OF THE
COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
EMAIL: COMDTRPOFFICIAL@GMAIL.COM
PH. NO. 091-9211775 FAX NO. 091-9214114

No. 10809 /EC, dated Peshawar the, 23 / 11 /2020.

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

Subject: - COMMITTEE REPORT

Memo: -

Enclosed please find herewith Committee Report regarding Civil Appeal No. 164-P of 2014 titled Provincial Police Officer, Khyber Pakhtunkhwa versus Nasir Khan DSP which was disposed of on 07.10.2020 for signature of the members and acknowledgement, please.

COMMANDANT,
Frontier Reserve Police,
Khyber Pakhtunkhwa,
Peshawar.

COMMITTEE REPORT

1. In compliance of the judgment rendered by the Honorable Supreme Court of Pakistan in Civil Appeal No. 164-P of 2014 captioned as Provincial Police Officer, Khyber Pakhtunkhwa Peshawar as appellant Vs Nasir Khan Respondent which was disposed of by the Apex Court on 07.10.2020 in the following terms:-

"The very determination of seniority and promotion after confirmation of the Respondent in List "E" on 22.02.2003 has not been determined as yet and all learned councils appearing for the parties before us suggested that for this determination the matter may be remanded to the Inspector General of Police Khyber Pakhtunkhwa Peshawar, who after hearing all Police Officials who may be affected by such determination will pass an order in accordance with applicable rules to the Police Officials. Order accordingly. The Apex Court further held that the aforesaid exercise shall be completed by the Inspector General of Police, Khyber Pakhtunkhwa positively within a period of three months from today and a report in this respect shall be submitted to the registrar of this Court for our perusal and chamber."

2. Consequently and in order to implement the direction of the Apex Court in the case as aforementioned in letter and spirit the Addl: IGP / HQrs; vide Order No. 5333-35 / Legal, dated 19.10.2020 constituted a committee comprising of the following officers to thresh out the issue and determine the rightful place of Respondent DSP Nasir Khan in the seniority list which had been agitated by a number of petitioners mostly the probationer ASIs recruited in various batches such as 1991, 1994 and 1998 etc:-

- | | |
|---------------------------------------|------------|
| 1. Commandant, FRP Khyber Pakhtunkhwa | (Chairman) |
| 2. AIG/Establishment, CPO Peshawar | (Member) |
| 3. AIG/Legal, CPO Peshawar | (Member) |

3. The facts in brevity leading to the instant case appear that it is a simple matter of determination of seniority of Respondent DSP Nasir Khan whose name was brought on promotion list "E" on officiating basis on 20.02.2001 however he was reverted later on which was challenged by him by way of filing a Service Appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar. Such Service Appeal was decided by the Tribunal dated 23.02.2008 whereby his name was restored to promotion list "E" with effect from date of notification dated 20.02.2002. The Respondent was confirmed in the position of Sub-Inspector with effect from 24.11.2008, however he also challenged this Notification before the Service Tribunal and prayed for granting him confirmation with effect from 20.02.2003. The tribunal by the impugned judgment dated 13.05.2012 modified the notification to the extent that name of the Respondent was enlisted in the list "F" with effect from 20.02.2003 with all consequential back benefits. However, it was a misreading and omission on the part of the learned Tribunal by not fully appreciating the facts of the case coupled with the prayer of the petitioner claiming seniority in the position of confirmed Sub-Inspector as of 20.02.2003 the Tribunal instead directed the inclusion of his name in list "F" with effect from 20.02.2003 enabling him to overtake many probationer ASIs some of whom were even recruited long before his induction in the rank of Constable in the year 1991.
4. It was due to this anomaly that both the parties mutually agreed before the Apex Court that the name of the Respondent could not have been brought in promotion list "F" with effect from 20.02.2003 rather his confirmation in promotion list "E" could be made on 20.02.2003 and thereafter further seniority and promotion has to be determined in accordance with rules applicable to Police Officials. It was in compliance of this direction of the Apex Court that a Committee as aforesaid was constituted with the mentioned officer to report on the determination of further seniority of Respondent DSP Nasir Khan in the promotion list "F" in accordance with the principles laid down by the Police Rules 1934.

- L-4
5. The petitioners (as per the attached list) were personally examined by the Committee in order to ascertain their view points. These petitioners who were inducted mostly in the rank of ASI through Public Service Commission as early as 1991 and onward claimed seniority against Respondent DSP Nasir Khan on the ground that the Respondent was recruited initially in the rank of Constable in the year 1991 whereas the petitioners who were directly recruited ASIs shall rank senior to the former on the basis of services laws / rules laid down by Police Rules 1934, the Khyber Pakhtunkhwa Civil Servant Act 1973 and the Khyber Pakhtunkhwa Appointment, Promotion and Transfer Rules 1989. The claim of these petitioners is plausible and convincing to the extent that they were entitled for confirmation and admission to list "E" from the date of appointment. The Respondent on the contrary was supposed to travel an arduous journey by qualifying the initial four promotions list e.g. "A", "B", "C", & "D" before qualifying to be admitted to the promotion list "E". This Committee is however constrained to comment upon the inclusion of the Respondent name in list "E" leading subsequently to his confirmation in the rank of Sub-Inspector as per the judgment of the Tribunal and the Honorable Supreme Court of Pakistan, and therefore in view of this the mandate of the Committee is to look into the prospects of admission of the Respondent's name to the promotion list "F" in accordance with law, hence this report.
 6. The law as regards admission to the promotion list "F" is spelled out by Rule 13.15 of Police Rules 1934, which pre-supposes only one condition; that is the name of confirmed Sub-Inspectors considered fit for promotion to the rank of Inspector shall be submitted by the district Superintendent of Police to the Deputy Inspector General of Police who after thorough evaluation if agreed to the Superintendent of Police recommendations shall send such list to the Inspector General of Police with his own recommendations. Now the parties in no unequivocal terms have agreed that the inclusion of the name of the Respondent in promotion list "F" with effect from 20.02.2003 in the light of the tribunal judgment was not accurate rather his confirmation in promotion to list "E" could have been made on 20.02.2003. From this it follows that the

Respondent counsel conceded that his claim of admission into the promotion list "F" with effect from 20.02.2003 was due to a clerical or any other mistake and; that the Respondent is ready to rectify the same and claim further seniority in promotion list "F" after his confirmation in the promotion List "E" as of 20.02.2003 in light of the Court Judgments.

- 7. Police Rules 12.2 (3) laid down that seniority amongst the lower sub-ordinates shall be reckoned from the date of appointment, Respondent DSP Nasir Khan was initially recruited in the rank of constable in 1991 and should have remained with his original batch-mates subject to qualification to various promotion lists provided by Chapter 13 of the Police Rules 1934. The scheme of things revolving around seniority and promotion under the Police Rules envisioned an elaborate system of seniority leading to promotion under the District and Range Police finally leading to a unified and common promotion list "F" which is maintained by the CPO for the whole of the Province. The problem in the instant case is due to the fact that Frontier Reserve Police which was established in 1987, was allowed to regulate and governed under the Police Rules 1934 and later on through various Standing Orders issued from time to time the Unit was authorized not only to maintain promotion lists on the pattern of the District & Ranges but was also given pro-rata share in various promotion courses, also enabling original recruits of FRP to undergo these trainings and claim seniority thereon. The Respondent DSP Nasir Khan is also an original recruit of the FRP who had done his lower and Inter Courses in the FRP allotted quota and after promotion to the rank of officiating Sub-Inspector he was transferred to the C.C.P.O in 2001.
- 8. Generally, seniority in Police is determined on the basis of courses and inclusion of name in various promotion lists. Since Respondent Nasir Khan had relatively better and accelerated opportunities for selection to various service courses in the FRP, which mainly comprised of illiterate officials, his transfer to C.C.P.O naturally put him in a better place vis a vis even those who were recruited long before him. The law however provides different principles for

determination of seniority among the upper sub-ordinates which are laid down in Police Rules 12.2 (3) and jotted down below for better understanding:-

- I. Seniority shall be reckoned from the date of appointment in the first place which means that the one who is appointed earlier shall be considered senior to those who are appointed later in point of time;
- II. A promotee officer shall be considered senior to the directly recruited officer if both appointed on the same date;
- III. Officers appointed directly in one batch have their seniority determined on the basis of age; the overage shall be considered senior to the rest of the batch who are junior in age; and
- IV. Seniority shall be finally determined from the date of confirmation provided the seniority inter-se of several officers confirmed on the same date being that allotted to them on first appointment.

9. According to the judgment of the Apex Court dated 07.10.2020 wherein Respondent Nasir Khan DSP was assigned seniority in promotion List "E" with effect from 20.02.2003, which means that on the mentioned date he was confirmed Asstt. Sub-Inspector and promoted as Offg. Sub-Inspector. Further in accordance with Police Rules 13.8 the Respondent was to remain on probation for a period of two years ending on 20.02.2005. Although Police Rules 13.14 (2) laid down the pre condition of SHO period for one year in non-domicile district of the officer for confirmation in the Rank of Sub-Inspector, but the Tribunal Judgment brushed aside this aspect of the matter therefore the Respondent Officer was eligible for confirmation in the Rank of Sub-Inspector with effect from 20.02.2005, the effective date on which his two years probation was ended.

10. Going by this, the Respondent further seniority and admission to promotion List "F" is to be seen after the date of his confirmation in the Rank of Sub-Inspector. According to Seniority List "F" which stood on 31.12.2005 issued by CPO vide

No. 1845-62/E-II dated 02.02.2006, the name of Respondent DSP Nasir Khan would fall at Serial No. 309 above the name of Ishtiaq Ahmad at Serial No. 310, and below the name of Falak Niaz at Serial No. 309. It is further clarified that the name of DSP Nasir Khan at Serial No. 309 above the name of Ishtiaq Ahmad is due to the fact that the later officer is also on the strength of CCPO, Peshawar who was promoted as confirmed Sub-Inspector on 23.08.2005 almost Six (06) months later than the former officer.

Likewise on perusal of the seniority list of DSsP as it stood on 30.04.2020 issued by CPO vide No. 840/SE-I dated 30.04.2020 the name of Respondent DSP Nasir Khan will be placed at Serial No. 41 below the name of Falak Niaz at Serial No. 40 and above the name of Ishtiaq Ahmad now at Serial No. 41.

Although the above seniority shall be in accordance with the Judgment rendered by the Tribunal and Apex Court, yet the Respondent Officer would be able to rank Senior to the entire probationers batches of ASIs of 1995 and afterwards.

11. It merit a mention that at that time the Respondent was in the rank of Constable the 1995 batch of Probationer ASI were technically on promotion List "E" from the date of their appointment. Due to this the interests and valid seniority of the probationary ASIs could be seriously compromised if they are denied their due right of confirmation from the date of appointment. Hypothetically speaking if the officers of 1995 batch are confirmed and admitted to promotion List "E" from the date of their appointment, every Officer of the batch shall naturally rank senior by Seven (07) years from the Respondent Nasir Khan whose admission and confirmation in the said list is with effect from 20.02.2003.

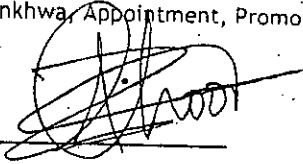
RECOMMENDATIONS: -

In view of what is discussed above it is recommended to place the name of Respondent DSP Nasir Khan in place suggested vide Para No. 10 of the report which will be in accordance and compliance of the Court judgment. However,

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in order to protect the interests of the probationary ASIs it is recommended that every Officer's name may be brought on promotion List "E" from the date of his appointment which is in accordance with the principles of justice and service laws on the subject such as Section-7 (3) and (5), 8 (4) of Khyber Pakhtunkhwa Civil Servant Act-1973 & Rule-16 and 17(1) explanation-III (2) of the Khyber Pakhtunkhwa, Appointment, Promotion & Transfer Rules-1989.

(ZAHOR BABAR AFRIDI)
AIG/Establishment
Khyber Pakhtunkhwa
Peshawar



(Member)

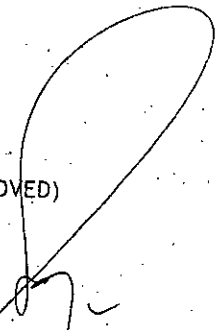
(JAVED AHMAD)
AIG/Legal
Khyber Pakhtunkhwa
Peshawar



(Member)

(APPROVED)

(SAJID ALI KHAN)
COMMANDANT
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar
(CHAIRMAN)



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Dated Peshawar the 22/12/2020


NOTIFICATION

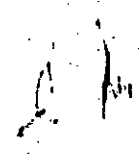
No. SP/15/Sanctity/Amendment/Corrigendum 24/11, In compliance with the judgment of Honorable Supreme Court of Pakistan, Peshawar Civil Appeal No.164-P/2014 dated 07-10-2020 and on the recommendation of committee constituted vide No 5333-35/ dated 10-10-2020, the capacity of Mr. Nasir Khan DSP (BS-17) is hereby revised vide Notification No. SP/15/Sanctity/34 dated 27-01-2020, the name of Mr. Nasir Khan DSP (BS-17) is placed below the name of Mr. Falak Niaz DSP (BS-17) and above the name of Mr. Ishtiaq Ahmed DSP (BS-17)

Sd/-
(DR. ISHTIAQ AHMAD) ^{PSP/PPM}
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa.

No & date given.

- 1. Copy forwarded to the
- 1. Additional Inspector General of Police HQs, Khyber Pakhtunkhwa
- 2. Capital City Police Officer Peshawar
- 3. Deputy Inspector General of Police HQs, Khyber Pakhtunkhwa
- 4. Commandant IGP Khyber Pakhtunkhwa
- 5. AIG Legal Cell Peshawar (Enclosed original complete file).
- 6. Additional Registrar Supreme Court of Pakistan Peshawar Registry
- 7. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar
- 8. Registrar PIR Peshawar
- 9. File to be moved through AIG Legal CPO Peshawar.
- 10. P.A AIG Establishment Khyber Pakhtunkhwa
- 11. Suppl. Board & Suppl. F-11 CPO Peshawar
- 12. IGP File.


ZAHOOR BABAR AFRIDI, PSP
Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa





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

Training, Khyber Pakhtunkhwa
Peshawar.

In: No. 845 /Trg.

Di: 21/3/22

No.

586 / Legal / P. 1 dated the 15/03/2023.

ORDER

In compliance with Order Sheet of Hon'ble Supreme Court of Pakistan dated 26.01.2023 in *Suo Moto Contempt* proceedings vide Cr.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide this office Letter No. CPO/CPB/75, dated 14.02.2023; to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their batch mates/ among immediate seniors and juniors who were promoted during their intervening period by maintaining original inter-se-seniority.

2. In view of the above, case regarding Out of Turn Promotion of Mr. Nasir Khan DSP was examined. As per details provided by office of CCP Peshawar vide letter bearing No.4649/EC-I dated 12.03.2023 on subject "collection of data of police officers falling under the definition of out of turn promotion". He was enlisted as Constable on 02.05.1991 in FRP. He qualified his A-1 examination vide OB No. 221 dated 26.03.1995 and B-1 examination vide OB No. 228 dated 18.03.1997. He qualified his Lower College Course on 20.10.1997. He was promoted as Officiating Head Constable 14.04.1998 and completed his intermediate college course and his name was brought on List "D" on 25.05.1999. He was promoted as Officiating ASI on 04.04.2000 and confirmed as ASI on 25.05.2005. As per his available service record, he was again confirmed as ASI on 20.02.2002 and his name was brought on List "E" on 25.04.2008. He was promoted Officiating SI on 20.02.2001 and again promoted as SI on 05.04.2008. His name was brought on List F on 30.07.2010. He qualified Upper College Course on 15.11.2000. His career progression is full of gross irregularities and flagrant violations of Police Rules. At present, he stands at S. No. 67 in the seniority list of DSSP vide CPO Peshawar No. 1594-SE-I, dated 05.08.2022. After withdrawal of Out of Turn Promotions his name will be placed above the name of his original colleague confirmed SI Shad Muhammad No. P/410 present at S. No. 57 in the seniority list "F" of Sub-Inspectors issued vide No. 424/E-II/CPO/seniority dated 01.12.2022.

3. In this regard, Para 122 of Judgment of Hon'ble Supreme Court of Pakistan 2015 SCMR 456 is reproduced as under;

122. The issue of out of turn promotions has been dealt with by us in detail in the judgment sought to be reviewed and we reached the conclusion that it was violative of Articles 240, 242, 4, 8, 9 and 25 of the Constitution. Mr. Adnan Iqbal Chaudhry, learned Advocate Supreme Court has contended that section 9-A of the Act has not been struck down by this Court, while declaring the out of turn promotions as unconstitutional. We are mindful of this fact as we have held that the Competent Authority can grant awards or rewards to the Police Officers, if they show act of gallantry beyond the call of duty. However, we had struck down the very concept of 'out of turn promotion' being violative of Constitution for the reasons incorporated in paras 158 to 164 of the judgment under review.

4. As per Para No. 73 of Judgment of Hon'ble Supreme Court of Pakistan 2018 SCMR 1218 (Intra Court Appeals No.4 of 2017 etc) when any legislative instrument is declared unconstitutional, it is declared void ab initio. The Para No. 73 is being reproduced as under;

73. The contention of Khawaja Haris Ahmad, learned Sr. ASC that in Para No. 123 of Shahid Pervaiz's case (supra) this Court had wrongly observed that "we have already declared void ab initio the legislative instruments that provided for out of turn promotions." because nowhere in the earlier judgment was such a declaration made, is also without force. Suffice it to say that in Para 104 of Shahid Pervaiz' Case (Supra); it was observed that: "104. Through the successions of its orders, this Court has consistently maintained the unconstitutionality, and the consequential nullity of the instruments providing for the out of turn promotion." Moreover, in Para 129 of the judgment of Ali Azhar Khan Baloch's case (supra), this Court was pleased to observe that when any legislative instrument is declared unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio. The relevant part of Para 129 is being reproduced hereunder: "129. Now, it is a settled law of this Court that no right or obligation can accrue under an unconstitutional law. Once this Court has declared a legislative instrument

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as being unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone to any liability."

5. Similarly, Hon'ble Supreme Court of Pakistan Judgment reported as 2017 SCMR 456 vide Para No. 98 declared Out of Turn Promotions as null and void in the following terms which is reproduced as under:

98. In a series of judgments, this Court has declared out-of-turn promotions as being unconstitutional, un-Islamic, and void ab initio. The principle of unconstitutionality attached to the instrument providing for out of turn promotion was laid down first in the case of Muhammad Nadeem Arif vs. I.G of Police (2011 SCMR 408). The view taken in this judgment was followed in another case reported as Ghulam Shabbir vs. Muhammad Munir Abbasi (PLD 2011 SC 516); wherein it was held that out of turn promotion was not only against the Constitution, but also against the Injunctions of Islam; and that reward or award should be encouraged for meritorious public service but should not be made basis for out of turn promotion.

6. Mr Nasir Khan DSP was given chance of personal hearing on 12.03.2023. He was informed about his personal hearing through Wireless Police Control besides other possible means. However, he did not attend hearing despite being informed. Perusal of his record reveals that as mentioned in Para No. 2 of this Order, he was enlisted as Constable on 02.05.1991 in FRP. He qualified his A-I examination vide OB No. 221 dated 26.03.1995 and B-I examination vide OB No. 228 dated 18.03.1997. He qualified his Lower College Course on 20.10.1997. He was promoted as Officiating Head Constable 14.04.1998 and completed his intermediate college course and his name was brought on List "D" on 25.05.1999. He was promoted as Officiating ASI on 04.04.2000 and confirmed as ASI on 25.05.2005. As per his available service record, he was again confirmed as ASI on 20.02.2002 and his name was brought on List "E" on 25.04.2008. He was promoted Officiating SI on 20.02.2001 and again promoted as SI on 05.04.2008. His name was brought on List F on 30.07.2010. He qualified Upper College Course on 15.11.2000. His career progression is full of gross irregularities and flagrant violations of Police Rules. At present, he stands at S. No. 67 in the seniority list of DSsP vide CPO Peshawar No. 1594-SE-I, dated 05.08.2022. After withdrawal of Out of Turn Promotions his name will be placed above the name of his original colleague confirmed SI Shad Muhammad No. P/410 present at S. No. 57 in the seniority list "F" of Sub-Inspectors issued vide No. 424/E-II/CPO/seniority dated 01.12.2022.

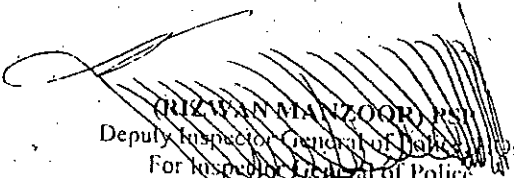
7. Consequently, his Out of Turn Promotion/Confirmation Orders as mentioned in Para-06 of this Order are withdrawn through this Order and he is demoted from the rank of DSP to the rank of Sub-Inspector with immediate effect. After withdrawal of his Out of Turn Promotions, his name is placed above the name of his original colleague confirmed SI Shad Muhammad No. P/410 present at S. No. 57 in the seniority list "F" of Sub-Inspectors issued vide No. 424/E-II/CPO/seniority dated 01.12.2022.

Sd-

Akhtar Hayat Khan, PSP
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

C.C

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. Secretary, Home & TAs Department, Government of Khyber Pakhtunkhwa, Peshawar.
4. Additional Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
5. Additional Inspector General of Police, Operations Khyber Pakhtunkhwa, Peshawar.
6. All Regional Heads, Khyber Pakhtunkhwa, Peshawar.
7. All Heads of Police Units, Khyber Pakhtunkhwa.
8. PSO to W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
9. AIG/ Legal, CPO, Peshawar.
10. Registrar, CPO, Peshawar.


RIZWAN MANZOOR, PSP
Deputy Inspector General of Police
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

To The Worthy Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

(c) The Capital City Police Office,
Peshawar.

Subject: **REVIEW/APEAL ON REVERSION ORDERS FROM THE RANK OF
DSP TO RANK OF S.I WITHOUT ANY COGENT LEGAL GOUNDS
VIDE NO.586/LEGAL DT: 15-03-2023 IN GARB OF OUT OF TURN
CASE.**

Respected Sir,

With profound respect it is submitted that I am not a Cadet, nor got any
Gallantry, Special Case or any types Out of Turn promotion in my entire
Services carrier.

1. In this connection the CCP Peshawar Office submitted report to CPO vide letter No.7423/EC-I, dated 13-04-2022 and vide letter No.3307/EC-I dated 21--02-2023 as well as the Commandant FRP KP also reported to CPO vide letter No.11127/EC, dated 14-12-2021 that my promotion and seniority remain on merit and never got any type of Out of Turn promotions (Copy at Flag "A", "B" and "C" for ready reference).

2. Despite my crystal clear record and unblemished service, I was targeted malafidly/spitefully and garb of in Out-of Turn promotion case and reverted from the rank of senior DSP (BS-17) to the rank of Sub-Inspector(BS-14) with narration of absolutely incorrect, fabricated dates and details in issued orders No.586/Legal/E-I, dated 15-03-2023 without any law and rules or personal hearing opportunity.

3. My Service Promotion bio-data in CPO prescribed/requisite (25) Columns Tabulated proforma is attached and submitted by Worthy Commandant FRP KP to CPO from my service Record as well.

4. Lamentably, I remained suffered (from 2003 to-date) by various tactics and LAWFARE plays. In DPC Dt: 24-07-2003, I was reverted from the rank of Sub-Inspector to the rank of Head Constable vide Order No.10109-17/EC-I, dated 22-10-2007. For justice I submitted Appeal in KP Service Tribunal, Peshawar vide No.1101/2007 and the impugned reversion orders is set aside vide judgment dated 23-09-2008.

5. The Chief Capital City Police Officer Peshawar given bottom Senioity with colleagues as Offg: SI on List "E" between the names of SI Sher Zamin No.128/P (Retired) and SI Waqar Khan No.159/P (DSP/Acting SP/DPO Tank) vide Orders No.8814-17/EC-I, dated 26-06-2009.

6. The onward journey of Promotion/Confirmation as SI, List "F", promotion as Inspector, Qualifying 2nd Advance Course, promotion as DSP and qualifying 6th Junior Command Course from PPSA Peshawar has been done in CCP Peshawar on senioity and merits bases.

SSP (Coord) -
Pls verify and
resolve as per
rules & merits.

DSP/Legal
To check memo
provided by
of DSP and write
any memo and
point out
in order
issued
any

7. Similarly my seniority was also reviews by KP Service Tribunal Peshawar vide Appeal No.407/2011, judgement dated 23-05-2012 and finally Honorable Supreme Court of Pakistan vide Civil Appeal No.164-P/2014, issued the judgments on 07-10-2020. A committee was constituted by CPO in the light of Supreme Court Judgments and a Notification No. CPO/E-I/Seniority/Amendment/corrigendum/2411, dated 22-12-2020 was issued about my seniority. The authority also submitted compliance reports in Supreme Court of Pakistan vide letter No.8072/Legal, dated 30-12-2020.

8. The narration of date/details at Para #2 & 6, in recent reversion orders I-e "confirmed as ASI on 25-05-2005" is incorrect and taken/written from CCPO reversion dated 22-10-2007 cited above at Serial.No.4. Similarly "confirmation as ASI on 20-02-2002 and brought on List "E" on 25-04-3008" are absolutely incorrect and out of context, which was done at the time when I was reverted in CCP but it was razed by Service Tribunal vide Judgement dated 23-09-2008. Narrating "Promotion as ASI and SI again and again and irregularity noticed" in reversion order, are absolutely fabricated, incorrect, out of context, just garb me in out of turn case without a fair-play for the spirit of Justice and without any guilt.

9. My intermediate colleagues of List "D" year 1998, are promoted DSPs and Acting SPs i-e Mr.Hukam Khan SP/CPO, Mr.Rauf Khan SP/Ellite, Mr.Zareef Khan DSP and Mr.Qazi Asmat DSP etc, as well as the List "E" colleagues are SPs and DPOs i-e DPO Samad Khan and DPO Waqar khan etc, but malafidly/discriminatory/spitefully I was reverted as Sub-Inspector without any rules/justification and incorrect details bases. No explanation or Personal hearing opportunity provided to applicant.

It is, therefore, humbly requested that keeping in view my lengthy service, unblemished records and cited above facts, the reversion Orders No.586/Legal/E-I dated 15-03-2023 may very kindly be withdrawn without further action. I shall be ever pray for your long life and prosperity.

Your Obediently,


(Nasir Khan)

Acting SP, CPO Peshawar
04
7/10/23

With profound respect it is submitted that I submitted presentation
your good self for review and correction of date/data of service on
In this connection a Committee was constituted vide Order No. 5322
Coordt., dated 20.04.2023.

It is therefore, humbly requested that permission may kindly be
appear before the said Committee for personal hearing and explanation.

I shall be ever pray for your long life and prosperity for this kindness.


(NASIR KHAN)
DSP (Acting SP) CPO,
Peshawar.

*use inform him
that he will be
contacted whenever
the meeting is
called*
du/s

K

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SENIORITY LIST OF DSSP BS-17 OF KHYBER PAKHTUNKHWA POLICE

Dated: 21/02 /2022

No. 352 /SE-I. The Seniority List of DSSP BS-17 of Khyber Pakhtunkhwa Police is hereby published for information to all concerned

S.No	Name of Officers	Date of Birth	Domicile	Qual.	D/O Promotion as DSP	Promotion of Notification	Remarks
1.	Mr. Janas Khan	10.02.1965	Abbottabad	BA	20.01.2011	Notification No S/432/2011 dt: 20.01.2011	
2.	Mr. Munir Hussain	30.05.1966	Mansehra	BA	07.11.2012	Notification No. S/8083/2012 dt: 07.11.2012	Revised seniority was granted vide Notification No. SE-1/64 dated 18.01.2021
3.	Mr. Mukhtiar Ahmad	04.02.1969	Abbottabad	FA	30.06.2011	Notification No S/3887/2011 dt: 30.06.2011	
4.	Mr. Muhammad Sufman	28.07.1970	Mansehra	B.Sc	30.06.2011	Notification No S/3887/2011 dt: 30.06.2011	
5.	Mr. Asif Gohar	07.08.1964	Mansehra	10 th	20.01.2011	Notification No S/432/2011 dt: 20.01.2011	
6.	Mr. Aamir Shahzad	09.08.1968	Peshawar	MA	30.06.2011	Notification No S/3887/2011 dt: 30.06.2011	
7.	Mr. Amir, Muhammad Khan	07.01.1970	Buner	BA	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
8.	Mr. Sanallah	10.01.1969	Lakki	BA	31.03.2012	Notification No. S/2383/2012 dt: 31.03.2012	Revised seniority was granted vide Notification No. CPO/E-1/ Revised Seniority/ 11, dated 27.01.2020.
9.	Mr. Gul Naseeb	09.11.1968	Bannu	F.Sc	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
10.	Mr. Waqar Ahmad	03.01.1968	Nowshera	BA	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
11.	Mr. Muhammad Shafiq	13.01.1963	Bannu	BA	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
12.	Mr. Muhammad Arif	10.03.1969	Peshawar	MA	19.03.2012	Notification No S /6949/2012 dt: 25.09.2012	
13.	Mr. Tahir ur Rahman	28.02.1969	Haripur	BA	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
14.	Mr. Darvesh Khan	14.06.1962	Mardan	MA/IR/LLB ₁	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
15.	Mr. Tauheed Khan	20.10.1963	DIKhan	BA	19.03.2012	Notification No S /1957/2012 dt: 19.03.2012	
16.	Mr. Salah-ud-Din	15.01.1970	Tank	MA	07.11.2012	Notification No. S/8083/2012 dt: 07.11.2012	
17.	Mr. Noor Jamal	10.01.1966	Mardan	MA	31.03.2012	Notification No. S/2383/2012 dt: 31.03.2012	
18.	Mr. Muhammad Arif	22.04.1964	Bannu	BA	07.11.2012	Notification No. S/8083/2012 dt: 07.11.2012	
19.	Mr. Tariq Habib	05.09.1968	Peshawar	MA	31.03.2012	Notification No. S/2383/2012 dt: 31.03.2012	
20.	Mr. Nisar Ahmad	02.11.1973	Charsadda	BA	31.03.2012	Notification No. S/2383/2012 dt: 31.03.2012	
21.	Mr. Aslam Nawaz	01.03.1972	Bannu	MA/LLB	31.03.2012	Notification No. S/2383/2012 dt: 31.03.2012	
22.	Mr. Tariq Iqbal	13.04.1974	Peshawar	M.Sc/LLB	31.03.2012	Notification No. S/2383/2012 dt: 31.03.2012	
23.	Mr. Qaid Kamal	01.01.1963	Charsadda	BA	07.11.2012	Notification No. S/8083/2012 dt: 07.11.2012	
24.	Mr. Shafiqullah	01.04.1971	DIKhan	MA	07.11.2012	Notification No. S/8083/2012 dt: 07.11.2012	
25.	Mr. Tahir Iqbal	20.01.1969	Haripur	B.Sc	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	Revised seniority was granted vide Order No. 909/E dt dated 12.12.2018
26.	Mr. Qamar Hayat	08.04.1971	Haripur	BA	07.11.2012	Notification No. S/8083/2012 dt: 07.11.2012	

S.No.	Name of Off.	Date of Birth	Domicile	Qual.	D.O Promotion as DSP	Promotion of Notification	Remarks
27.	Mr. Zahid-ur-Rehman	25.03.1970	Haripur	M.Sc	08.04.2016	Notification No. 373/SE-I dt: 08.04.2016	Revised seniority was granted vide this office Notification No. CPQ/E-I/Revised Seniority/1761 dated 17.09.2021 conditionally and provisionally subject to the outcome of C/LA No. 277-P/2018 file by Police Department before Supreme Court of Pakistan
28.	Mr. Zulfiqar Khan Jadoon	15.06.1963	Abbottabad	BA	25.03.2013	Notification No. S/1791/2013 dt: 25.03.2013	
29.	Syed Mukhtiar Shah	18.10.1967	Haripur	MA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	Revised seniority was granted vide this office Notification No. 369/E-II dated 20/09/2020
30.	Mr. Nazir Ahmad	02.02.1970	Abbottabad	MA/B.Ed	07.11.2012	Notification No. S/8083/12 dt: 07.11.2012	
31.	Mr. Saeed Akhtar	02.02.1971	Haripur	M.Sc	07.11.2012	Notification No. S/8083/12 dt: 07.11.2012	
32.	Mr. Niaz Gul	07.03.1971	Abbottabad	B.Sc	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	Revised seniority was granted vide this office Notification No. CPQ/E-I/Revised Seniority/1775 dated 29.11.2021 conditionally and provisionally subject to the outcome of C/LA No. 298-P/2018 file by Police Department before Supreme Court of Pakistan
33.	Mr. Muhammad Ishtiaq	04.05.1973	Manshra	B.Sc	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	Revised seniority was granted vide this office Notification No. CPQ/E-I/Revised Seniority/504 dated 29.04.2019 conditionally and provisionally subject to the outcome of C/LA No. 298-P/2018 file by Police Department before Supreme Court of Pakistan
34.	Mr. Muhammad Ayaz	03.03.1975	Abbottabad	B.Sc	07.11.2012	Notification No. S/8083/12 dt: 07.11.2012	
35.	Muhammad Jamil Akhtar	22.02.1977	Haripur	B. Sc	07.11.2012	Notification No. S/8083/12 dt: 07.11.2012	
36.	Mr. Falak Niaz	01.04.1969	Swabi	MA	07.11.2012	Notification No. S/8083/12 dt: 07.11.2012	
37.	Mr. Nasir Khan	20.12.1972	Peshawar	BA	30.01.2018	Notification No. 115/SE-I dt: 30.01.2018	Revised seniority was granted vide No. CPQ/E-I/2411 dated 22.12.2020.
38.	Mr. Ishtiaq Ahmad	01.11.1971	Lakki	BA	07.11.2012	Notification No. S/8083/12 dt: 07.11.2012	
39.	Mr. Iftikhar Shah	30.04.1966	Mardan	M.A	25.03.2016	Notification No. 312/SE-I dt: 25.03.2016	Assigned revised seniority vide Notification No. 575/CPB dated 19.05.2017
40.	Mr. Shaukat Ali	05.03.1971	Swabi	B.Sc	30.11.2012	Notification No. S/8772/2012 dt: 30.11.2012	
41.	Mr. Abdul Samad	14.04.1969	Swabi	MA	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	
42.	Mr. Mushtaq Ahmad	15.03.1970	Swabi	MA	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	
43.	Mr. Sajjad Ahmad	01.04.1968	Swabi	MA	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	
44.	Mr. Abdur Rashid Marwat	30.03.1963	Lakki	10 th	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	
45.	Mr. Muzamil Shah	08.03.1972	Swabi	M.A	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	
46.	Mr. Niaz Muhammad	11.02.1971	Swabi	MA/LLB	25.03.2013	Notification No. S/1791/13 dt: 25.03.2013	
47.	Mr. Shah Hassan	01.05.1968	Mardan	MA	08.04.2013	Notification No. S/2119/13 dt: 08.04.2013	
48.	Sajjad Ahmad Sahibzada	02.02.1971	Swabi	BA	08.04.2013	Notification No. S/2119/13 dt: 08.04.2013	
49.	Mr. Nazir Khan	18.10.1970	Mardan	MA	19.07.2013	Notification No. S/2119/13 dt: 19.07.2013	
50.	Mr. Abdul Hai Khan	01.08.1972	D.I. Khan	MA	19.07.2013	Notification No. S/2119/13 dt: 19.07.2013	
51.	Mr. Saleem Aman Ullah	23.03.1970	Peshawar	FA	19.07.2013	Notification No. S/2119/13 dt: 19.07.2013	

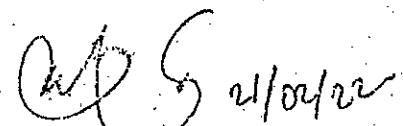
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S.No.	Name of Officers	Date of Birth	Domicile	Qual.	D.O Promotion as DSP	Promotion of Notification	Remarks
52.	Muhammad Javed	03.06.1963	Mansehra	10 th	27.10.2015	Notification No. 4029/SE-I dt: 27.10.2015	Revised seniority was granted vide Notification No. 118/SE-I dated 17.07.2020.
53.	Mr. Zia Hassan	01.11.1974	DirKhan	M.A/ Pol Science)	02.01.2014	Notification No. S/20/14 dt: 02.01.2014	
54.	Mr. Waqar Ahmad	12.04.1974	Charsadda	MA	02.04.2015	Notification No. 2573/SE-I dt: 02.04.2015	Revised seniority was granted to the light of D.C meeting held on 30.06.2020
55.	Mr. Abdus Salam Khalid	24.06.1976	Lakki	M.A	25.03.2016	Notification No. 312/SE-I dt: 25.03.2016	Assigned revised seniority vide Notification No. 261/SE-I dated 07.01.2018
56.	Arbab Shafiullah Jan	09.10.1966	Peshawar	BA	02.01.2014	Notification No. S/20/14 dt: 02.01.2014	
57.	Mr. Rafiullah	12.03.1968	Peshawar	FA	02.01.2014	Notification No. S/20/14 dt: 02.01.2014	
58.	Mr. Muhammad Khalid	01.01.1970	Chitral	MA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
59.	Syed Inayat Ali Shah	10.01.1972	D.I.Khan	MA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
60.	Muhammad Tahir Shah	01.03.1972	Bannu	BA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
61.	Mr. Nisar Muhammad	20.01.1973	Lakki	BA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
62.	Mr. Khan Khel	10.04.1969	Mardan	BA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
63.	Muhammad Aleem Jan	11.04.1967	Peshawar	B.Sc	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
64.	Mr. Tajamul Khan	30.09.1965	Swabi	MA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
65.	Mr. Hameed Ullah	25.04.1974	Mardan	BA	24.01.2014	Notification No. S/418/14, dt: 24.01.2014	
66.	Muhammad Atiq Shah	01.09.1978	Charsadda	FA	06.02.2014	Notification No. S/677/14 dt: 06.02.2014.	
67.	Mr. Ijaz Ahmad	05.04.1963	Mansehra	FA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
68.	Mr. Arshad Mehmood	15.08.1964	Mansehra	FA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
69.	Mr. Shakeel Ahmad	14.04.1969	Charsadda	B.Sc	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
70.	Mr. Muhammad Saeed	04.05.1969	Mardan	BA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
71.	Mr. Khabir Muhammad	01.01.1972	Abbottabad	BA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
72.	Ms. Nazia Naureen	01.12.1970	Abbottabad	FA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
73.	Mrs. Shahzadi Noshad	10.04.1972	Hangu	BA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
74.	Mr. Rahim Hussain	11.05.1970	Shangla	BA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
75.	Mr. Amjad Hussain	24.03.1971	Mansehra	FA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
76.	Mr. Rizwan Habib	19.04.1974	Mansehra	BA	12.09.2014	Notification No 1092/E-II dt 12.09.2014	
77.	Mr. Jehangir Khan	10.11.1965	Abbottabad	10 th	24.10.2014	Notification No S/3528/14 dt:24.10.2014	
78.	Mr. Rahmat Ullah	05.03.1971	Nowshera	FA	24.10.2014	Notification No S/3528/14 dt:24.10.2014	
79.	Mr. Shah Mumtaz	20.02.1965	Dir Lower	BA	30.01.2018	Notification No. 115/SE-I dt: 30.01.2018	Revised seniority was granted vide Notification No. 58-1/2430 dated 24.12.2020
80.	Mr. Rasheed Iqbal	15.01.1974	Mardan	M.Sc	25.03.2016	Notification No. 312/SE-I dt: 25.03.2016	Revised seniority was granted vide Notification No. 20/SE-I dated 01.01.2017
81.	Mr. Alamzeb	12.02.1980	Mardan	F.Sc	24.10.2014	Notification No S/3528/14 dt:24.10.2014	
82.	Mr. Zahir Shah	01.04.1962	Buner	FA	24.10.2014	Notification No S/3528/14 dt:24.10.2014	
83.	Mr. Zafar Khan	10.01.1963	Buner	10 th	24.10.2014	Notification No S/3528/14 dt:24.10.2014	
84.	Mr. Asad Mehmood	08.03.1968	Swabi	BA	24.10.2014	Notification No S/3528/14 dt:24.10.2014	
85.	Mr. Muhammad Aslam	08.04.1962	Karak	FA	02.04.2015	Notification No. 2573/SE-I dt: 02.04.2015	

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S.No.	Name of Officers	Date of Birth	Domicile	Qual.	D.O. Promotion as DSP	Promotion of Notification	Remarks
247.	Mr. Zarceef Khan	01.01.1969	Swabi	BA	18.02.2022	Notification No.332/SE-I dt: 18.02.2022	
248.	Mr. Asif Mehmood	25.04.1975	Bannu	FA	18.02.2022	Notification No.332/SE-I dt: 18.02.2022	
249.	Mr. Sabir Gul	04.03.1984	Mardan	B.Sc	18.02.2022	Notification No.332/SE-I dt: 18.02.2022	

NOTE:- Any officer who has any objection regarding his seniority/missing of name/date of birth etc, he must submit his representation within one month after the issuance of this list, otherwise no representation will be entertained after the specific period.


 (IRFAN TARIQ) PSP
 AIG/Establishment
 For Inspector General of Police,
 Khyber Pakhtunkhwa,
 Peshawar

Endst. No. & date even.
Copy to all concerned



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

No. 8072 / Legal

dated the 30 / 12 / 2020.

To: The Registrar,
Supreme Court of Pakistan,
Islamabad.

Subject: COMPLIANCE REPORT CIVIL APPEAL NO. 164-F/ 2014
TITLED PROVINCIAL POLICE OFFICER KHYBER
PAKHTUNKHWA VS NASIR KEAN VIDE JUDGMENT
DATED 07.10.2020 OF APEX COURT.

Memo: It is submitted that the subject Appeal was fixed for hearing on 07.10.2020, before Supreme Court of Pakistan, Peshawar Registry and was disposed of in the following terms:-

"The very determination of seniority and promotion after confirmation of the Respondent in List 'E' on 22.02.2003, has not been determined as yet and all learned councils appearing for the parties before us suggested that for this determination the matter may be remanded to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, who after hearing all Police Officials who may be affected by such determination will pass an order in accordance with applicable rules to the Police Officials. Order accordingly. The Apex Court further held that the aforesaid exercise shall be completed by the Inspector General of Police positively within a period of three months from today and a report in this respect shall be submitted to the Registrar of this Court for our perusal and chamber".


Facts leading to the case appear that it is a simple matter of determination of seniority of the respondent Nasir Khan DSP whose name was brought on promotion list 'E' on officiating basis on 20.02.2002 however, he was reverted later on which was challenged before Khyber Pakhtunkhwa Service Tribunal, Peshawar. On 30.02.2008, Service Appeal was decided and his name was restored to promotion list "E" w.e.f date of Notification dated 20.02.2002. Respondent was confirmed as Sub-Inspector w.e.f. 24.11.2008 however, he also assailed the same before Khyber Pakhtunkhwa Service Tribunal with the prayer for confirmation w.e.f 20.02.2003. Vice impugned

judgment dated 13.05.2012 of Khyber Pakhtunkhwa, Service Tribunal, Peshawar modified the notification to the extent that the name of the respondent was enlisted in the list 'F' w.e.f 20.02.2003, with all consequential benefits. However, it was misleading and omission on the part of learned Tribunal by not fully appreciating the facts of the case coupled with the prayer of the petitioner claiming seniority as a Confirmed Sub-Inspector from 20.02.2003. The learned Tribunal directed the inclusion of his name in list 'F' w.e.f. 20.02.2003, overtake many probationer ASIs some of them were even recruited long before his induction in the rank of Constable in year 1991.

In compliance with directions of Apex Court, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar constituted a committee comprising of Commandant, FRP, Khyber Pakhtunkhwa, Peshawar as Chairman with two members i.e. Assistant Inspector General of Police, Establishment and Legal, Khyber Pakhtunkhwa, Peshawar to trash out the issue and determine the rightful place of the respondent Nasir Khan DSP in the seniority list which had been agitated by a number of petitioners mostly the probationer ASIs recruited in various batches such as 1991, 1994 & 1998 etc.

Committee heard the petitioners, respondent and gone through relevant record and Police Rules, 1934. Committee submitted finding report with the recommendation to place the name of respondent Nasir Khan DSP in the seniority list in between Falak Niaz Khan DSP at Serial No. 40 and Ishtiaq Ahmed at Serial No. 41. In order to protect the interest of probationary ASIs it is further recommended that every police officer's name be brought on promotion list 'E' from the date of his appointment which is in accordance with the principle of justice and service law on the subject such as section 7 (3) and (5), 8(4) of Khyber Pakhtunkhwa, Civil Servants Act, 1973 and Rule 16 & 17(1) explanation iii(2) of Khyber Pakhtunkhwa, (Appointment, Promotion and Transfer) Rules, 1989.

The above committee report was placed before Inspector General of Police, Khyber Pakhtunkhwa, Peshawar which was approved and Notification No. CPO/E-I/Seniority/Amendment/ Corrigendum-2411, dated 22.12.2020, was issued wherein, seniority of Mr. Nasir Khan was revised and his name was placed below the name of Mr. Falak Niaz DSP and above the name of Mr. Ishtiaq Ahmed DSP in the revised seniority list/ 34 dated 27.01.2020. Copy of Notification is annexed as "A".


AIG/LEGAL
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
22.12.2020



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.
aiglegal11@gmail.com

No. 5391 /Legal, dated Peshawar, the 04/06/2021.

To: The Advocate General,
Khyber Pakhtunkhwa, Peshawar.

Attention: Administrative Officer.

Subject:- **CIVIL PETITION NO. 164-P/2014**

OUT OF

CIVIL PETITION NO. 399-P/2012

PROVINCIAL POLICE OFFICER KP

VERSUS

NASIR KHAN.

Memo:-

Please refer to your Office Letter No. 7005-06/AG/Supreme Court, dated 03.06.2021 on the subject cited above.

The report has already been submitted to the Registrar, Supreme Court of Pakistan, Islamabad vide this Office Letter No 8072/Legal, dated 30.12.2020. (Copy enclosed).


AIG/LEGAL

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
04.06.2021

I
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G-1

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 242 /2023

Nasir Khan, Acting SP,
Director Police School of Investigation,
Mera Kachori, Peshawar.

(APPELLANT)

VERSUS

1. The Government of KP through the Chief Secretary, Civil Secretariat, Peshawar.
2. The Provincial Police Officer, KP, Peshawar.
3. The Addl Inspector General, HQs, Peshawar.
4. The Capital City Police Officer, Peshawar.
5. The Office Superintendent Estt; (Career Planning Branch) C.P.O. Peshawar.
6. Nazir Ahmad, SP,
7. Saeed Akhtar, SP,
8. Muhammad Ishtiaq, SP,
9. Muhammad Maroof, SP,
10. Muhammad Ayaz, SP,
11. M. Jamil Akhtar, SP,
12. Niaz Muhammad, SP,
13. Hameedullah, SP,
14. Sajjad Ahmed, SP,
15. Shah Hassan, SP,
16. Nazir Khan, SP,
17. Sajjad Ahmad Sahibzada, SP,
18. Shoukat Ali, SP,
19. Abdul Samad, SP,
20. Muhammad Khalid, SP,
21. Zia Hassan, SP,
22. Shafiullah, SP,

Respondents No. 6 to 22 C/o CCPO, Peshawar.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE NOTIFICATION DATED 05.09.2022 WHEREBY JUNIOR RESPONDENTS HAVE BEEN PROMOTED AS S.Ps, DUE TO INCORRECT INSERTION OF DATES OF APPELLANT IN THE SENIORITY LISTS, AND AGAINST NOT TAKING ANY ACTION ON THE REPRESENTATION OF APPELLANT WITHIN STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED PROMOTION ORDER DATED 05.04.2022 MAY BE SET ASIDE AND THE RESPONDENTS MAY BE DIRECTED TO CONSIDER THE APPELLANT FOR PROMOTION AS S.P FROM THE DATE WHEN JUNIORS TO APPELLANT WERE PROMOTED 05.09.2022 WITH ALL BACK AND CONSEQUENTIAL BENEFITS WITH FURTHER DIRECTIONS TO THE RESPONDENTS TO CORRECTLY RECORD THE DATES OF S.I PROMOTION (20.02.2001) AND CONFIRMATION AS S.I (20.02.2003) IN THE SERVICE RECORD OF APPELLANT AS WELL AS IN DSP'S SENIORITY LISTS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED- IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:-

1. That the appellant joined the Police Force (FRP) as Constable in the year 1991. The appellant, after qualifying the requisite trainings, was promoted as Head Constable on 14.04.1998, ASI on 04.04.2000, promoted as officiating S.I under P.Rules 13:18 on 20.02.2001, and also promoted as Officiating Inspector on 30.07.2010, and DSP on 30.01.2018. The appellant has good record at his credit throughout. Copies of the orders are attached as Annexure-A, A1, A2, A3, A4, A5, A6 & A7.
2. That while performing duties as Sub Inspector, the appellant was reverted to the rank of Head Constable on 26.10.2007 and also his name was placed in list "D" of officiating Assistant Sub Inspectors.

B
S

The appellant challenged those orders in Service Appeal No. 1101/2007 in this august Tribunal. The said appeal was finally heard on 23.09.2008 and the appeal was accepted, as prayed for. The respondents also filed CPLA No. 193-P/2009 in the Apex Court, but the same was dismissed as barred by time. Copies of S.T Judgment and S.C order are attached as Annex-B & B1

3. That the appellant also filed service appeal No. 407/2011 against the order dated 30.07.2010 whereby his name was included in list "F" with immediate effect, instead of 20.02.2003. The said appeal was finally heard on 23.05.2012 and the appeal was accepted with directions of enlisting his name in list "F" w.e.from 20.02.2003 with all consequential/back benefits. The respondents also filed appeal No. 164-P/2014 in the Apex Court. The Apex Court decided the appeal on 07.10.2020 and remanded the case to the Department to correctly determine the seniority after hearing all Police Officials who may be affected. Copy of S.T Judgment and S.C Judgments are attached as Annex-C & C1.
4. That after the judgment of the Apex Court dated 07.10.2020, a Committee was constituted and the said committee submitted its recommendations on 23.11.2020. The worthy Additional I.G.P (HQ) issued the notification on 22.12.2020, based on the recommendations of the Committee, wherein the appellant's name was placed below the name of Falak Niaz and above the name of Ishtiaq Ahmed in the seniority list of DSPs. The same decision/compliance was also communicated to the worthy Registry Supreme Court of Pakistan on 30.12.2020. Copies of the Committee Report, Notification and memo to Registrar S.C are attached as Annex-D, D1, & D2.
5. That the corrected seniority list of DSPs was issued on 21.02.2022 wherein the name of the appellant was placed at S.No. 37 i.e after Falak Niaz and above Ishtiaq Ahmed. Copy of the seniority list is attached as Annex-E.
6. That on 06.09.2021, the worthy CCPO furnished complete information to the worthy I.G.P (KP) regarding DSPs. The appellant's name appears at S.No. 9 with correct dates of promotion as officiating S.I (20.02.2001) & confirmed S.I (20.02.2003). The same date (20.02.2001) was also communicated by CCPO on 04.11.2021. The requisite information was required for promotion to the rank of SP which is evident from memo dated 27.10.2021 wherein the appellant along with other colleagues were directed to appear before the

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Promotion Committee. Copies of memo dated 06.09.2021, 04.11.2021 & 27.10.2021 are attached as Annex-F, F1 & F2.

7. That the CCPO's office, has also communicated the correct dates of appellant to the AIG (HQ) office, vide memo dated 29.04.2022 and also enclosed the copies of previous correspondence therewith. Copies of memo dated 29.04.2022 along with previous correspondences are attached as Annex-G.
8. That the respondents, malafidely, changed the format of seniority lists of DSPs and issued the same on 28.06.2022 wherein the appellant's name was placed at Sr. no. 63 due to incorrectly recorded dates i.e. Officiating S.I as 14.10.2002 and confirmation dates S.I as 14.10.2004, whereas as per record the actual dates were 20.02.2001 and confirmation 20.02.2003. The appellant also filed application for correcting the dates and proper placement in accordance with those dates and as many other DSPs also objected over the said list, therefore, a Committee was constituted who vide memo dated 22.07.2022 directed all the affectees to appear on 25.07.2022. the said committee approved the correction of dates of appellant. Copies of seniority list, applications for correction, memo dated 22.07.2022 and committee's finding are attached as Annexure-H, H1, H2, H3.
9. That the respondents again issued seniority list on 05.08.2022 and again due to malice, the appellant's dates as S.I wrongly recorded as 20.02.2003 and confirmation as 20.02.2005, instead of 20.02.2001 and 20.02.2003, and placed the appellant's name now at Sr. No. 67. The CCPO vide memo dated 12.08.2022 communicated again correct dates for necessary corrections. The appellant also filed application for correction along with all record/memos of CCPO. But those applications remained fruitless. Copies of the list and applications are attached as Annex-I, I-1 & I-2
10. That the respondents, without correcting the appellant's date and position, has issued impugned promotion order dated 05.09.2022 in haste, wherein juniors the appellant have been promoted and the petitioner was left due to incorrectly recorded dates of S.I rank. The appellant agitated the same vide departmental appeal dated 26.09.2022 but the same remain undecided till the expiry of statutory period. Copies of order and appeal are attached as Annex-J & K.
11. That now the appellant comes to this august Tribunal on the following grounds amongst the others.

GROUNDS:-

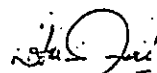
- A) That the impugned promotion order dated 05.09.2022 to the extent of juniors to appellant, incorrectly recording dates of appellant's S.I rank, and confirmation not deciding the appeal of the appellant within statutory period is against the law, facts, norms of justice material on record, therefore liable to be struck down.
- B) That it is well in the knowledge of respondent No. 05 that correct dates of appellant were communicated so many times, but despite of that each time and in each seniority list the dates of officiating S.I and confirmation as S.I was recorded incorrect for best reasons known to him and may be due to personal like or dislike or to extend undue favour for extraneous considerations.
- C) That vide memo dated 22.12.2020 (Annex- D1) the appellant's name was directed to place below the name of Falak Niaz and above the name of Ishtiaq Ahmed and the same position was also reflected in Annex-E, but despite that wrong lists were prepared and the concerned section even not bothered the said mistake even applications were filed to them in time all this proves malice and acts on the basis of nepotism, favoritism, extraneous considerations on the part of respondents.
- D) That the matter of dates has already been settled by the committee on the direction of the august Apex Court, then as per principle of fairness and good governess, the appellant should have not been affected twice and to compel him for further litigation. Such performance and maintaining of error full record by the concerned office a question mark on their performance.
- E) That it is totally against the Law and Principle of justice to deprive the appellant from his due right of promotion on the basis of wrong/incorrect list.
- F) That the appellant is legally entitled to be promoted to BPS-18 (SP) keeping in view his correct dates of officiating and confirmation as well as promotion of junior respondents.
- G) That the appellant has not been dealt in accordance with law, Rules, Fairly and Justly. Rather the respondents have acted by violating the principles of justice and fair play.


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H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

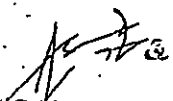
It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN

& 
(SYED NOMAN ALI BUKHARD)
ADVOCATE HIGH COURT,


(ASAD MEHMOOD)
ADVOCATE HIGH COURT,



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Cr-2

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

REVISED SENIORITY LIST OF DSsP BS-17 OF KHYBER PAHTUNKHWA POLICE

No. 1355 SE-I, The Revised Seniority List of DSsP BS-17 of Khyber Pakhtunkhwa Police is hereby published for information to all concerned

Dated: 28 / 06 / 2022

Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Data of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
1.	Mr. Qaid Kamal	01.01.1963	Charsadda	01.01.1994	01.01.1996	07.11.2012
2.	Mr. Muhammad Aleem Jan	11.04.1967	Peshawar	30.01.1996	30.01.1998	24.01.2014
3.	Mr. Aamir Shahzad	09.08.1968	Peshawar	30.01.1996	30.01.1998	30.06.2011
4.	Mr. Muhammad Arif	10.03.1969	Peshawar	30.01.1996	30.01.1998	19.03.2012
5.	Mr. Waqar Ahmad	03.01.1968	Nowshera	01.04.1997	01.04.1999	19.03.2012
6.	Mr. Muhammad Shafiq	13.01.1963	Bannu	01.10.1997	01.10.1999	19.03.2012
7.	Mr. Muhammad Arif	22.04.1964	Bannu	01.10.1997	01.10.1999	07.11.2012
8.	Mr. Gul Naseeb	09.11.1968	Bannu	01.10.1997	01.10.1999	19.03.2012
9.	Mr. Sanaullah	10.01.1969	Lakki	01.10.1997	01.10.1999	31.03.2012
10.	Mr. Amir Muhammad Khan	07.01.1970	Buner	14.10.1997	14.10.1999	19.03.2012
11.	Mr. Ali Hassan	06.03.1965	K.Agency	28.01.1998	28.01.2000	24.08.2020
12.	Mr. Mukhtiar Ahmad	04.02.1969	Abbottabad	20.02.1998	20.02.2000	30.06.2011
13.	Mr. Munir Hussain	30.05.1966	Mansehra	15.04.1998	15.04.2000	07.11.2012
14.	Mr. Tahir ur Rahman	28.02.1969	Haripur	20.06.1998	20.06.2000	19.03.2012
15.	Mr. Muhammad Suleman	28.07.1970	Mansehra	20.06.1998	20.06.2000	30.06.2011
16.	Mr. Janas Khan	10.02.1965	Abbottabad	20.06.1998	20.06.2000	20.01.2011
17.	Mr. Zulfiqar Khan Jadoon	15.06.1963	Abbottabad	26.05.1987	20.06.2000	25.03.2013
18.	Mr. Asad Mehmood	08.03.1968	Swabi		07.09.2000	24.10.2014
19.	Mr. Asif Gohar	07.08.1964	Mansehra	26.04.2000	26.04.2002	20.01.2011
20.	Mr. Tahir Iqbal	20.01.1969	Haripur	26.04.2000	26.04.2002	25.03.2013

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Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
21.	Mr. Khabir Muhammad	01.01.1972	Abbottabad	26.04.2000	26.04.2002	12.09.2014
22.	Mr. Zahid-ur-Rehman	25.03.1970	Haripur	26.04.2000	26.04.2002	08.04.2016
23.	Mr. Qamar Hayat	08.04.1971	Haripur	26.04.2000	26.04.2002	07.11.2012
24.	Mr. Ijaz Ahmad	05.04.1963	Mansehra	26.04.2000	26.04.2002	12.09.2014
25.	Mr. Arshad Mehmood	15.08.1964	Mansehra	26.04.2000	26.04.2002	12.09.2014
26.	Muhammad Javed	03.06.1963	Mansehra	26.04.2000	26.04.2002	27.10.2015
27.	Mr. Falak Niaz	01.04.1965	Swabi	02.05.2000	02.05.2002	07.11.2012
28.	Mr. Tajamul Khan	30.09.1965	Swabi	03.07.2000	03.07.2002	24.01.2014
29.	Mr. Tariq Habib	05.09.1968	Peshawar	20.09.2000	20.09.2002	31.03.2012
30.	Mr. Nisar Ahmad	02.11.1973	Charsadda	20.09.2000	20.09.2002	31.03.2012
31.	Mr. Tariq Iqbal	13.04.1974	Peshawar	20.09.2000	20.09.2002	31.03.2012
32.	Mr. Aslam Nawaz	01.03.1972	Bannu	20.09.2000	20.09.2002	31.03.2012
33.	Mr. Ishtiaq Ahmad	01.11.1971	Lakki	20.09.2000	20.09.2002	07.11.2012
34.	Mr. Saleem Aman Ullah	23.03.1970	Peshawar	29.01.2001	29.01.2003	19.07.2013
35.	Mr. Abdur Rashid Marwat	30.03.1963	Lakki	01.06.2001	01.06.2003	25.03.2013
36.	Mr. Iftikhar Shah	30.04.1966	Mardan	02.06.2001	02.06.2003	25.03.2016
37.	Mr. Noor Jamal	10.01.1966	Mardan	31.07.2001	31.07.2003	31.03.2012
38.	Syed Mukhtiar Shah	18.10.1967	Haripur	17.11.2001	17.11.2003	24.01.2014
39.	Mr. Nazir Ahmad	02.02.1970	Abbottabad	17.11.2001	17.11.2003	07.11.2012
40.	Mr. Saeed Akhtar	02.02.1971	Haripur	17.11.2001	17.11.2003	07.11.2012
41.	Mr. Niaz Gul	07.03.1971	Abbottabad	17.11.2001	17.11.2003	24.01.2014
42.	Mr. Muhammad Ishtiaq	04.05.1973	Mansehra	17.11.2001	17.11.2003	24.01.2014
43.	Mr. Muhammad Maroof	05.10.1974	Abbottabad	17.11.2001	17.11.2003	02.04.2015
44.	Mr. Muhammad Ayaz	03.03.1975	Abbottabad	17.11.2001	17.11.2003	07.11.2012
45.	Muhammad Jamil Akhtar	22.02.1977	Haripur	17.11.2001	17.11.2003	07.11.2012
46.	Mr. Salah-ud-Din	15.01.1970	Tank	23.11.2001	23.11.2003	07.11.2012
47.	Mr. Tauheed Khan	20.10.1963	DIKhan	23.11.2001	23.11.2003	19.03.2012
48.	Mr. Niaz Muhammad	11.02.1971	Swabi	29.11.2001	29.11.2003	25.03.2013
49.	Mr. Hameed Ullah	25.04.1974	Mardan	01.12.2001	01.12.2003	24.01.2014
50.	Mr. Sajjad Ahmad	01.04.1968	Swabi	01.12.2001	01.12.2003	25.03.2013
51.	Mr. Shah Hassan	01.05.1968	Mardan	01.12.2001	01.12.2003	08.04.2013
52.	Mr. Nazir Khan	18.10.1970	Mardan	01.12.2001	01.12.2003	19.07.2013

SP/CCP
 SP/ADP
 SP/SB
 SP/CID
 SPB/Tank
 SP/CIT
 SP/invt.
 SP/CIT
 SP/CIT
 SP/invt.
 T-16
 F-1
 SP/invt.
 SP/AN

r. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
53.	Sahibzada Sajjad Ahmad	02.02.1971	Swabi	01.12.2001	01.12.2003	08.04.2013
54.	Mr. Muzamil Shah	08.03.1972	Swabi	01.12.2001	01.12.2003	25.03.2013
55.	Mr. Mushtaq Ahmad	15.03.1970	Swabi	01.12.2001	01.12.2003	25.03.2013
56.	Mr. Shaukat Ali	05.03.1971	Swabi	01.12.2001	01.12.2003	30.11.2012
57.	Mr. Abdul Samad	14.04.1969	Swabi	01.12.2001	01.12.2003	25.03.2013
58.	Mr. Muhammad Khalid	01.01.1970	Chitral	01.12.2001	01.12.2003	24.01.2014
59.	Mr. Shafiqullah	01.04.1971	DIKhan	13.12.2001	13.12.2003	07.11.2012
60.	Mr. Abdul Hai Khan	01.08.1972	D.I.Khan	24.01.2002	24.01.2004	19.07.2013
61.	Syed Inayat Ali Shah	10.01.1972	D.I.Khan	24.01.2002	24.01.2004	24.01.2014
62.	Mr. Zia Hassan	01.11.1974	DIKhan	25.01.2002	24.01.2004	02.01.2014
63.	Mr. Nasir Khan	20.12.1972	Peshawar	14.10.2002	14.10.2004	30.01.2018
64.	Mr. Rahim Hussain	11.05.1970	Shangla	17.10.2002	17.10.2004	12.09.2014
65.	Mr. Amjad Hussain	24.03.1971	Mansehra	17.10.2002	17.10.2004	12.09.2014
66.	Mr. Murad Ali	09.01.1973	Bannu	30.09.2000	30.09.2002	02.04.2015
67.	Mr. Ali Gohar	23.03.1968	K. Agency	13.01.2003	13.01.2005	02.04.2015
68.	Mr. Habib Ur Rehman	04.03.1966	Mansehra	20.02.2003	20.02.2005	30.09.2016
69.	Mr. Waqar Ahmad	12.04.1974	Charsadda	01.05.2003	01.05.2005	02.04.2015
70.	Mr. Abdus Salam Khalid	24.06.1976	Lakki	01.05.2003	01.05.2005	25.03.2016
71.	Mr. Sajjad Hussain	23.03.1976	Nowshera	23.06.2003	23.06.2005	02.04.2015
72.	Muhammad Tahir Shah	01.03.1972	Bannu	24.07.2003	24.07.2005	24.01.2014
73.	Mr. Safdar Khan	30.04.1971	Kohat	29.08.2003	29.08.2005	02.04.2015
74.	Mr. Hidayat Ullah Shah	20.04.1965	Swabi	20.12.2003	20.12.2005	25.03.2016
75.	Mr. Shakeel Ahmad	14.04.1969	Charsadda	20.12.2003	20.12.2005	12.09.2014
76.	Mr. Khan Khel	10.04.1969	Mardan	20.12.2003	20.12.2005	24.01.2014
77.	Mr. Muhammad Saeed	04.05.1969	Mardan	20.12.2003	20.12.2005	12.09.2014
78.	Mr. Rasheed Iqbal	15.01.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
79.	Mr. Muhammad Fayaz	07.03.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
80.	Ms. Aneela Naz	09.10.1971	Peshawar	01.01.2004	01.01.2006	02.04.2015
81.	Ms. Asmat Ara	15.04.1975	Swabi	01.01.2004	01.01.2006	02.04.2015
82.	Mrs. Shazia Shahid	30.04.1976	Charsadda	01.01.2004	01.01.2006	02.04.2015
83.	Mr. Mujeeb Ur Rehman	02.04.1969	Bannu	08.04.2004	08.04.2006	02.04.2015

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Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
234.	Mr. Azmat Ali	01.04.1978	Kohat	11.07.2010	11.07.2012	18.02.2022
235.	Mr. Sadat Khan	06.04.1983	Kohat	24.08.2010	24.08.2012	18.02.2022
236.	Mr. Fazal Hanif	01.01.1974	Karak	24.08.2010	24.08.2012	18.02.2022
237.	Mr. Nazar Hussain	10.01.1975	Hangu	24.08.2010	24.10.2012	18.02.2022
238.	Mr. Muhammad Yousaf	10.04.1975	Karak	24.08.2010	24.08.2012	18.02.2022
239.	Mr. Nazir Khan	02.04.1977	Kohat	24.08.2010	24.08.2012	18.02.2022
240.	Mr. Abid Khan	01.03.1979	Kohat	24.08.2010	24.08.2012	18.02.2022
241.	Mr. Umar Hayat	01.02.1984	Karak	24.08.2010	24.08.2012	18.02.2022

NOTE:- Any officer who has any objection regarding his seniority/missing of name/date of birth etc, he must submit his representation within 15 Days after the issuance of this list, otherwise no representation will be entertained after the specific period.

(DR. ZAHID ULLAH) PSP

AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy to all concerned

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

FINAL SENIORITY LIST OF DSsP BS-17 OF KHYBER PAKHTUNKHWA POLICE

No. 1394/SE-I, The Final Seniority List of DSsP BS-17 of Khyber Pakhtunkhwa Police is hereby published for information to all concerned
Dated: 05/08/2022

Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
1	Mr. Qaid Kamal	01.01.1963	Charsadda	01.01.1994	01.01.1996	07.11.2012
2	Muhammad Aleem Jan	11.04.1967	Peshawar	30.01.1996	30.01.1998	24.01.2014
3	Mr. Aamir Shahzad	09.08.1968	Peshawar	30.01.1996	30.01.1998	30.06.2011
4	Mr. Muhammad Arif	10.03.1969	Peshawar	30.01.1996	30.01.1998	19.03.2012
5	Mr. Waqar Ahmad	03.01.1968	Nowshera	01.04.1997	01.04.1999	19.03.2012
6	Mr. Muhammad Shafiq	13.01.1963	Bannu	01.10.1997	01.10.1999	19.03.2012
7	Mr. Muhammad Arif	22.04.1964	Bannu	01.10.1997	01.10.1999	07.11.2012
8	Mr. Gul Naseeb	09.11.1968	Bannu	01.10.1997	01.10.1999	19.03.2012
9	Mr. Sanaullah	10.01.1969	Lakki	01.10.1997	01.10.1999	31.03.2012
10	Mr. Amir Muhammad Khan	07.01.1970	Buner	14.10.1997	14.10.1999	19.03.2012
11	Mr. Ali Hassan	06.03.1965	K.Agency	28.01.1998	28.01.2000	24.08.2020
12	Mr. Mukhtiar Ahmad	04.02.1969	Abbottabad	20.02.1998	20.02.2000	30.06.2011
13	Mr. Tahir ur Rahman	28.02.1969	Haripur	20.06.1998	20.06.2000	19.03.2012
14	Mr. Muhammad Suleman	28.07.1970	Mansehra	20.06.1998	20.06.2000	30.06.2011
15	Mr. Janas Khan	10.02.1965	Abbottabad	20.06.1998	20.06.2000	30.06.2011
16	Mr. Zulfiqar Khan Jadoon	15.06.1963	Abbottabad	20.06.1998	20.06.2000	20.01.2011
17	Mr. Asad Mehmood	08.03.1968	Abbottabad	26.05.1987	20.06.2000	25.03.2013
18	Mr. Asif Gohar	07.08.1964	Swabi	26.04.2000	07.09.2000	24.10.2014
19	Mr. Tahir Hussain	20.01.1965	Mansehra	26.04.2000	26.04.2002	20.01.2011
20	Mr. Tahir Hussain	20.01.1965	Haripur	26.04.2000	26.04.2002	24.06.2011

	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
20	Mr. Khabir Muhammad	01.01.1972	Abbottabad	26.04.2000	26.04.2002	12.09.2014
10 21	Mr. Zahid-ur-Rehman	25.03.1970	Haripur	26.04.2000	26.04.2002	08.04.2016
22	Mr. Qamar Hayat	08.04.1971	Haripur	26.04.2000	26.04.2002	07.11.2012
11 23	Mr. Ijaz Ahmad	05.04.1963	Mansehra	26.04.2000	26.04.2002	12.09.2014
12 24	Mr. Arshad Mehmood	15.08.1964	Mansehra	26.04.2000	26.04.2002	12.09.2014
13 25	Muhammad Javed	03.06.1963	Mansehra	26.04.2000	26.04.2002	27.10.2015
26	Mr. Falak Niaz	01.04.1965	Swabi	02.05.2000	02.05.2002	07.11.2012
27	Mr. Tajamul Khan	30.09.1965	Swabi	03.07.2000	03.07.2002	24.01.2014
28	Mr. Tariq Habib	05.09.1968	Peshawar	20.09.2000	20.09.2002	31.03.2012
29	Mr. Nisar Ahmad	02.11.1973	Charsadda	20.09.2000	20.09.2002	31.03.2012
30	Mr. Tariq Iqbal	13.04.1974	Peshawar	20.09.2000	20.09.2002	31.03.2012
31	Mr. Aslam Nawaz	01.03.1972	Bannu	20.09.2000	20.09.2002	31.03.2012
32	Mr. Ishtiaq Ahmad	01.11.1971	Lakki	20.09.2000	20.09.2002	07.11.2012
14 33	Mr. Saleem Aman Ullah	23.03.1970	Peshawar	29.01.2001	29.01.2003	19.07.2013
15 34	Mr. Abdur Rashid Marwat	30.03.1963	Lakki	01.06.2001	01.06.2003	25.03.2013
35	Mr. Iftikhar Shah	30.04.1966	Mardan	02.06.2001	02.06.2003	25.03.2016
36	Mr. Noor Jamal	10.01.1966	Mardan	31.07.2001	31.07.2003	31.03.2012
37 ✓	Syed Mukhtiar Shah	18.10.1967	Haripur	17.11.2001	17.11.2003	24.01.2014
38 ✓	Mr. Nazir Ahmad	02.02.1970	Abbottabad	17.11.2001	17.11.2003	07.11.2012
39 ✓	Mr. Saeed Akhtar	02.02.1971	Haripur	17.11.2001	17.11.2003	07.11.2012
16 40	Mr. Niaz Gul	07.03.1971	Abbottabad	17.11.2001	17.11.2003	24.01.2014
41 ✓	Mr. Muhammad Ishtiaq	04.05.1973	Mansehra	17.11.2001	17.11.2003	24.01.2014
42 ✓	Mr. Muhammad Maroof	05.10.1974	Abbottabad	17.11.2001	17.11.2003	02.04.2015
43 ✓	Mr. Muhammad Ayaz	03.03.1975	Abbottabad	17.11.2001	17.11.2003	07.11.2012
44 ✓	Muhammad Jamil Akhtar	22.02.1977	Haripur	17.11.2001	17.11.2003	07.11.2012
45 ✓	Mr. Abdul Hai Khan	01.08.1972	D.I.Khan	23.11.2001	23.11.2003	19.07.2013
46 ✓	Syed Inayat Ali Shah	10.01.1972	D.I.Khan	23.11.2001	23.11.2003	24.01.2014
47 ✓	Mr. Niaz Muhammad	11.02.1971	Swabi	29.11.2001	29.11.2003	25.03.2013
48 ✓	Mr. Hameed Ullah	25.04.1974	Mardan	01.12.2001	01.12.2003	24.01.2014
49 ✓	Mr. Sajjad Ahmad	01.04.1968	Swabi	01.12.2001	01.12.2003	25.03.2013
50 ✓	Mr. Shah Hassan	01.05.1968	Mardan	01.12.2001	01.12.2003	08.04.2013
51 ✓	Mr. Nazir Khan	18.10.1970	Mardan	01.12.2001	01.12.2003	19.07.2013
52 ✓	Sajjad Ahmad Sahibzada	02.02.1971	Swabi	01.12.2001	01.12.2003	08.04.2013
53 ✓	Mr. Muzamil Shah	08.03.1972	Swabi	01.12.2001	01.12.2003	25.03.2013
54 ✓	Mr. Mushtaq Ahmad	15.03.1970	Swabi	01.12.2001	01.12.2003	25.03.2013

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	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
55. ✓	Mr. Shaukat Ali	05.03.1971	Swabi	01.12.2001	01.12.2003	30.11.2012
56. ✓	Mr. Abdul Samad	14.04.1969	Swabi	01.12.2001	01.12.2003	25.03.2013
57. ✓	Mr. Muhammad Khalid	01.01.1970	Chitral	01.12.2001	01.12.2003	24.01.2014
58. ✓	Mr. Zia Hassan	01.11.1974	DIKhan	13.12.2001	13.12.2003	02.01.2014
17 59.	Mr. Salah-ud-Din	15.01.1970	Tank	24.01.2002	24.01.2004	07.11.2012
60. ✓	Mr. Shafiullah	01.04.1971	DIKhan	24.01.2002	24.01.2004	07.11.2012
18 61.	Mr. Tauheed Khan	20.10.1963	DIKhan	25.01.2002	25.01.2004	19.03.2012
11 62.	Mr. Rahim Hussain	11.05.1970	Shangla	17.10.2002	17.10.2004	12.09.2014
20 63.	Mr. Amjad Hussain	24.03.1971	Mansehra	17.10.2002	17.10.2004	12.09.2014
21 64.	Mr. Murad Ali	09.01.1973	Bannu	30.09.2000	30.09.2002	02.04.2015
22 65.	Mr. Ali Gohar	23.03.1968	K. Agency	13.01.2003	13.01.2005	02.04.2015
23 66.	Mr. Habib Ur Rehman	04.03.1966	Mansehra	20.02.2003	20.02.2005	30.09.2016
24 67.	Mr. Nasir Khan	20.12.1972	Peshawar	20.02.2003	20.02.2005	30.01.2018
68.	Mr. Waqar Ahmad	12.04.1974	Charsadda	01.05.2003	01.05.2005	02.04.2015
69.	Mr. Abdus Salam Khalid	24.06.1976	Lakki	01.05.2003	01.05.2005	25.03.2016
70.	Mr. Sajjad Hussain	23.03.1976	Nowshera	23.06.2003	23.06.2005	02.04.2015
71.	Muhammad Tahir Shah	01.03.1972	Bannu	24.07.2003	24.07.2005	24.01.2014
72.	Mr. Safdar Khan	30.04.1971	Kohat	29.08.2003	29.08.2005	02.04.2015
73.	Mr. Hidayat Ullah Shah	20.04.1965	Swabi	20.12.2003	20.12.2005	25.03.2016
74.	Mr. Shakeel Ahmad	14.04.1969	Charsadda	20.12.2003	20.12.2005	12.09.2014
75.	Mr. Khan Khel	10.04.1969	Mardan	20.12.2003	20.12.2005	24.01.2014
76.	Mr. Muhammad Saeed	04.05.1969	Mardan	20.12.2003	20.12.2005	12.09.2014
77.	Mr. Rasheed Iqbal	15.01.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
78.	Mr. Muhammad Fayaz	07.03.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
79.	Ms. Aneela Naz	09.10.1971	Peshawar	01.01.2004	01.01.2006	02.04.2015
80.	Ms. Asmat Ara	15.04.1975	Swabi	01.01.2004	01.01.2006	02.04.2015
81.	Mrs. Shazia Shahid	30.04.1976	Charsadda	01.01.2004	01.01.2006	02.04.2015
82.	Mr. Mujeeb Ur Rehman	02.04.1969	Bannu	08.04.2004	08.04.2006	02.04.2015
83.	Mr. Nisar Muhammad	20.01.1973	Lakki	17.04.2004	17.04.2006	24.01.2014
84.	Mr. Rahmat Ullah	05.03.1971	Nowshera	31.05.2004	31.05.2006	24.10.2014
85.	Mr. Mustafa Kamal Pasha	01.09.1969	Bannu	07.10.2004	07.10.2006	02.04.2015
86.	Mr. Azmat Ali Khan	06.01.1970	Bannu	07.10.2004	07.10.2006	02.04.2015
87.	Mr. Shabir Hussain Shah	15.06.1972	Lakki	07.10.2004	07.10.2006	18.08.2015
88.	Arbab Shafiullah Jan	09.10.1966	Peshawar	22.11.2004	22.11.2006	02.01.2014
89.	Mr. Rafiullah	12.03.1968	Peshawar	22.11.2004	22.11.2006	02.01.2014


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Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
230. Mr. Muhammad Fazil	03.12.1978	Swabi	20.03.2010	20.03.2012	18.02.2022
231. Mr. Imtiaz Ali	03.01.1977	Mardan	20.03.2010	20.03.2012	18.02.2022
232. Mr. Sabir Gul	04.03.1984	Mardan	20.03.2010	20.03.2012	18.02.2022
233. Mr. Azmat Ali	01.04.1978	Kohat	11.07.2010	11.07.2012	18.02.2022
234. Mr. Sadat Khan	06.04.1983	Kohat	24.08.2010	24.08.2012	18.02.2022
235. Mr. Fazal Hanif	01.01.1974	Karak	24.08.2010	24.08.2012	18.02.2022
236. Mr. Nazar Hussain	10.01.1975	Hangu	24.08.2010	24.08.2012	18.02.2022
237. Mr. Muhammad Yousaf	10.04.1975	Karak	24.08.2010	24.08.2012	18.02.2022
238. Mr. Nazir Khan	02.04.1977	Kohat	24.08.2010	24.08.2012	18.02.2022
239. Mr. Abid Khan	01.03.1979	Kohat	24.08.2010	24.08.2012	18.02.2022
240. Mr. Umar Hayat	01.02.1984	Karak	24.08.2010	24.08.2012	18.02.2022

- Acting SP (SSU)


(DR. ZAHID ULLAH) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.
Copy to all concerned

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OFFICE OF THE
CAPITAL CITY POLICE OFFICE
PESHAWAR.

Telephone No. 091-2210641 Fax No. 22597

No. 4521 /EC-I, dated Peshawar the 26 / 11 / 2021.


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

Subject: IMPLEMENTATION OF JUDGMENT OF APPEAL COURT.

Memo:

Please refer to your office Memo: No. CPO/CPB/427,
dated 19.11.2021:

It is submitted that the requisite information on the
prescribed proforma is attached herewith as desired, please.


SSS / Operations
For CAPITAL CITY POLICE
PESHAWAR

Sl. No	Name of Officer	Present status of officers/Of ficials	General Benefit			If any other with case description	Rank of the colleagues	Original Colleagues	Decision of committee
			Galantry	Cadre	Sports				
1	Muhammad Ismail Shah	DSP	Galantry				Sardar Ali was retired as Sub-Inspector and Mervullah Shah was struck off due to natural death	Sardar Ali No.609 and Mervullah Shah No.24	
2	Rehman Ullah	DSP	Galantry				Muqarrab Khan was retired on medical board as Sub-Inspector on 16.11.2020	His colleagues Syed Akbarul Shah and Muqarrab Khan were confirmed in the rank of ASI on 05.04.2008	
3	Fazal Wahid	DSP	Galantry						
4	Rokhan Zeb	DSP							
5	Fazal Subhan		Galantry						

EC/1

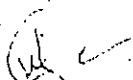
OS

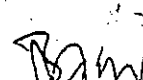
RAW
SSP/CRD

This colleague Ihsan Ullah and Sher Malik were promoted to the rank of OFIC ASI on 21.08.2007

	Bashir Dad	DSP	Gallantry					Liaqat Ali was retired as Sub-Inspector	His colleagues Muhammad Sher and Liaqat Ali were promoted to the rank of ASI on 03.09.2007
7.	Rajab Ali	DSP	Gallantry						His colleague Qeemat Gul was promoted to the rank of Offg. ASI on 16.07.2008
8.	Zia Ullah	Inspector					Lien transferred from FRP in 2005		
9.	Sabiz Ali	Inspector	Gallantry						
10.	Imran Ud Din	ASI	Gallantry						
11.	Gohar Ali	DSP		Cadet				Sub-Inspector (Superannuation 2014)	Liaqat Ali No.278/P
12.	Riaz Khan	DSP		Cadet			FRP	Retired	Wajid Ali No.409
13.	Arab Nawaz	DSP		Cadet					
14.	Muhammad Yaseen	DSP		Cadet				Inspector	Qazi Aslam
15.	Muhammad Ijaz Khan	DSP		Cadet					Confirmed by DIG Mardan Under Standing Order. 11/87
16.	Dost Muhammad	Inspector		Cadet					


ECI

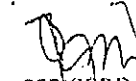

OS


SSP/CORD

17.	Shakeel Khan	DSP					FRP		
18.	Tayyab Jan	DSP					FRP	Inspector	Transferred from FRP on 14.11.2007 and placed below the name of Gul Arif
19.	Babar Khan	Sub-Inspector			Cadet			Asstt. Sub-Inspector	Gohar Ali No. 3450 Gulzar Khan No. 1324
20.	Muhammad Idrees Khan	Sub-Inspector			Cadet			Sub-Inspector	Tariq Ahmad No. 399/P
21.	Muhammad Ishaq	Sub-Inspector			Cadet			Sub-Inspector	Tariq Ahmad No. 399/P
22.	Ali Saïd	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
23.	Tariq Khan	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
24.	Bakht Munir	Sub-Inspector			Cadet			Assistant Sub-Inspector	Muhammad Usman No. 4431
25.	Abdul Ali Shah	Sub-Inspector			Cadet			Sub-Inspector	Zainur Shah No. 337/P
26.	Aurang Zeb	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
27.	Mushtaq Ahmed	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
28.	Qazi Nisar Ahmed	Sub-Inspector			Cadet			Sub-Inspector	Murad Ali No. 1336/P
29.	Muhammad Javed	Sub-Inspector			Cadet			Sub-Inspector	Muhammad Jaffar No. 188/P
30.	Riaz Ali Shah	Inspector			Cadet			Sub-Inspector	Hidayat Khan No. P/427


EC/I


OS


SSPICRD:

Out of Turn promoted Retired Police Officers/Official

No	Name of Officer	Present status of officers/Officials	Galantry	Cadet	Gained benefit Sports	Drill or Instruct	If any other with case description	Ranks of the colleagues	Original Colleagues	Decision of committee
1.	Zar Wali	DSP	Galantry					Said Rizwan Shah was retired as SI on 24.04.2010	His colleagues said Rizwan Shah and Gulam Qadir were confirmed in the rank of ASI on 05.04.2008	
2.	Ghanniah	DSP	Galantry						His colleagues Muhammad Akbar and Ghal Faraz were confirmed in the rank of ASI on 05.04.2008.	
3.	Rahman Khan	DSP		Cadet				Retired	Atiqul Ghal 998	

EC/1

SSP/CPRD:



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597

No. 5024 /EC-I, dated Peshawar the 7/12 /2021.

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

Subject: IMPLEMENTATION OF JUDGMENT OF APEX COURT.
Memo:

Please refer to your office Memo No. CPO/CPB/457, dated
03.12.2021 & Memo No. CPO/CPB/427, dated 19.11.2021.

The requisite information regarding rank wise data/ lists on subject
case on the prescribed proforma are attached herewith as desired, please.

(Signature)
(WASEEM AHMED KHALIL) SSP COORD:
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR

(Signature)
2/12

Enclosure. (16 Pages)

Sl. No.	Name of Officer	Present status of officers/Officials	Gained Benefit					Ranks of the colleagues	Original Colleagues.	Decision of committee
			Gallantry	Cadet	Sports	Drill Instructor	If any other with ease description			
1	Muhammad Ismail Shah	DSP	Gallantry					Sardar Ali was retired as Sub-Inspector and Nasrullah Shah was struck off due to mutual death	Sardar Ali No.609 and Nasrullah Shah No.24	
2	Rehmat Ullah	DSP	Gallantry							
3	Zar Wali	DSP	Gallantry							
4	Fazal Wahid	DSP	Gallantry					Syed Rizwan Shah Was retired as Sub-Inspector on 24.01.2020	His Colleagues S.Rizwan Shah and Ghulam Qadir were confirmed in the rank of ASI on 05.04.2008	
5	Rokhan Zeb	DSP						Muqarab Khan was retired on medical Board as Sub-Inspector on 16.11.2020	His colleagues Syed Masood Shah and Muqarab Khan were confirmed in the rank of ASI on 05.04.2008	
6	Fazal Subhan		Gallantry					Lien Transferred to Mardan in 2005 and again transferred to CCP in 2010		
									His colleagues Ihsan Ullah and Sher Malik were promoted to the rank of Offg. ASI on 21.08.2007	

EC/1
2/12

Insp: Establishment
07/12

AS/1

SSP/CORD
7-12-20

Report

7.	Jasbir Dad	DSP	Gallantry					Liaqat Ali was retired as Sub-Inspector.	His colleagues Muhammad Sher and Liaqat Ali were promoted to the rank of ASI on 03.09.2007
8.	Gran Ullah	DSP	Gallantry						His colleagues Muhammad Akbar and Gulfaraz were confirmed in the rank of ASI on 05.04.2008.
9.	Rajab Ali	DSP	Gallantry						His colleague Qeemat Gul was promoted to the rank of Offg. ASI on 16.07.2008.
10.	Zia-Ullah	Inspector						Lien transferred from FRP in 2005	
11.	Sabz Ali	Inspector	Gallantry						
12.	Imran Ud Din	ASI	Gallantry					Retired	Munaf Gul 998
13.	Banaras Khan	DSP		Cadet				Sub-Inspector (Superannuation 2014)	Liaqat Ali No.278/P
14.	Gohar Ali	DSP		Cadet					Wajid Ali No.409
15.	Riaz Khan	DSP	Gallantry	Cadet			FRP	Retired	
16.	Arab Nawaz	DSP		Cadet				Inspector	Qazi Aslam
17.	Muhammad Yaseen	DSP		Cadet					Confirmed by DIG Mardan Under Standing Order. 11/87
18.	Muhammad Ijaz Khan	DSP		Cadet					
19.	Dost Muhammad	Inspector		Cadet			FRP		
20.	Nasir Khan	DSP							

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EC/1
11/12

Insp: Establishment
07/12

Signature

SSP/CORD
7.12.20

Saught
Report

21	Shakeel Khan	DSP				FRP			
22	Tayyab Jan	DSP				FRP	Inspector	Transferred from FRP on 14.11.2007 and placed below the name of Gul Arif	
23	Babar Khan	Sub-Inspector		Cadet			Asstn. Sub- Inspector	Gohar Ali No.3450 Gulzar Khan No.1324	
24	Muhammad Idrees Khan	Sub-Inspector		Cadet			Sub- Inspector	Tariq Ahmad No.399/P	
25	Muhammad Ishaq	Sub-Inspector		Cadet			Sub- Inspector	Tariq Ahmad No.399/P	
26	Ali Said	Sub-Inspector		Cadet			Sub-Inspector	Qaiser Khan 320/P	
27	Tariq Khan	Sub-Inspector		Cadet			Sub-Inspector	Qaiser Khan 320/P	
28	Bakht Munir	Sub-Inspector		Cadet			Assistant Sub-Inspector	Muhammad Usman No.4431	
29	Abdul Ali Shah	Sub-Inspector		Cadet			Sub-Inspector	Zainoor Shah No.337/P	
30	Aurang Zeb	Sub-Inspector		Cadet			Sub-Inspector	Qaiser Khan 320/P	
31	Mushtaq Ahmed	Sub-Inspector		Cadet			Sub-Inspector	Qaiser Khan 320/P	
32	Qazi Nisar Ahmed	Sub-Inspector		Cadet			Sub-Inspector	Murad Ali No.1336/P	
33	Muhammad Javed	Sub-Inspector		Cadet			Sub-Inspector	Muhammad Jaffar No.188/P	
34	Riaz Ali Shah	Inspector		Cadet			Sub-Inspector	Hidavat Khan No.P/427	

EDH
2/12

Insp. Establishment
07/12

OS

SSP/CCRD
7.12.2011



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

No. CPO/CPH/ 472

Dated Peshawar 10 December, 2021

MOST IMMEDIATE
COURT MATTER

To: The Capital City Police Officer,
Peshawar.
The Commandant,
ERP Khyber Pakhtunkhwa.
The Regional Police Officer,
Mardan Region.

Subject: IMPLEMENTATION OF JUDGMENT OF APPEAL COURT.

Memo: Please refer to CCPO/Peshawar office Memo No. 5759/EC-1, dated 09.12.2021 on the subject noted above. (copy enclosed).

It is intimated that the following information is missing / not available which is urgently required and communicated to this office by today for the perusal of Competent Authority:-

Sr. No	Name & Rank	Ranks of colleagues	Original colleagues	Remarks
1.	DSP Rokhan Zeb	Missing	Missing	The CCPO/Peshawar reported that he gained benefit in Mardan Region.
2.	DSP Gran Ullah CCP	Missing	SI Gul Faruz Inspector Ilyas khun	The CCPO reported one of their colleagues in the rank of SI while the other as Inspector. The CCPO needs to clarify their original colleagues.
3.	Inspector Zia Ullah CCP	Missing	Inspector Razi Khan SI Mohib Gul	
4.	Inspector Subz Ali CCP	Missing	SI Gul Jalal Inspector Javed Akhtar	
5.	DSP Hanaras Khan CCP	Missing	SI Munaf Gul retired on superannuation on 05-02-2015	The CCPO reported that their original colleagues are retired, therefore, any other colleagues / batch mates should be highlighted to ensure their seniority in the lower rank.
6.	DSP Arab Nawaz CCP	Missing	Sameen Jan retired on superannuation on 05-03-2021	
7.	DSP Muhammad Yasreen CCP	ASIS	Missing	The CCPO to provide the names of his original colleagues.
8.	DSP Muhammad Ijaz Khan CCP	Missing	Missing	The CCPO to provide exact name and rank of original colleagues.
9.	Inspector Dost Muhammad CCP	Missing	DSP Niaz Muhammad	He is Inspector while colleagues mentioned by CCPO are DSP, the matter needs explanation.



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

10	DSP Nasir Khan	Missing	Missing	The CCPO/Peshawar reported that their case relates to FRP. The subject case needs explanation.
11	DSP Shakeel	Missing	Missing	

(Lt Cdr (R) Kashif Aftab Ahmad Ahlasi, PSI)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. and dated even

- Copy of above is forwarded to:-
1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
 2. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
 3. PSO to Inspector General of Police, Khyber Pakhtunkhwa.
 4. AIG/Legal Khyber Pakhtunkhwa.
 5. Registrar, CPO.
 6. DSP/Operation, with the direction to fax the subject letter to all concerned Police Offices.
 7. PA to AIG/Establishment Khyber Pakhtunkhwa.



COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Email: commandantfrp@gmail.com
Ph No: 091-0211771 Fax No: 091-0211714

1-2

No. 11127 /EC, dated Peshawar the 14 /12/2021

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


Subject: IMPLEMENTATION OF JUDGMENT OF APEN COURT

Memor: Kindly refer to the CPO Peshawar Letter No. CPO/CPH/072, dated

10.12.2021.

It is submitted that the desired information in the instant case from this office is tabulated below for the perusal of Competent authority, please

S.No.	Name and Rank	Rank of Colleagues	Original Colleagues	Remarks
1	DSP, Nasir Khan	DSP	Promoted Offg: SI on List "E" on 20.02.2001 in FRP. On transfer to CCPO Peshawar his name kept between the names of SI Sher Zaman No.1287 (Retired) and SI Waqar Khan No.159-P (Now DSP) vide CCPO Peshawar Orders No.8814-17/EC-I Dt.26-05-2009. It is pertinent to mention that his seniority as SI on List "E" was revised/confirmed by the Supreme Court of Pakistan vide Civil Appeal No.164-17/2014 dated 07-10-2020 vide Notification No.CPO/E-1/Seniority/Amendment/Corrigendum/2411 dated 22-12-2020.	After induction, he qualified all promotion exams/courses as per laid down procedure, merit/seniority basis and promoted up in the rank of officiating SI on List-E in this unit. Being literate officer in FRP, his services were requisitioned by Peshawar Traffic for newly Ticketing Officer setup and he was transferred on deputation vide IGP order No 24305-6/E-II, dated 09-10-2009. He was transferred to his domicile District CCP Peshawar vide IGP Orders No.15909-E-II Dt:17-06-2002. His Lien was also transferred to CCP Peshawar vide orders No.22163-64/E-II dt.08-10-2002 as Offg:SI on List "E" & Junior seniority given in CCP and District No.167-P was allotted to him vide CCPO Order No. 4239-40/EC-I Dt: 14-10-2002.
2	DSP Shafeed Khan	DSP	Confirmed on list "E" vide Order No. 5590-01/EC, dt: 20.7.2010 in FRP. Drought on List "F" and promoted as Inspector vide CPO Notification No. 10764/E-II, dt: 09.3.2013. Confirmed as inspector vide Notification No. 609/E-II, dt: 27.08.2019/ Promoted as DSP vide Notification No. 1723/E-I, dt: 30.12.2019. Seniority list at S.No: 120 vide No. 840/SE-I, dt: 30.4.2020 b/w Ismail and Shafiq.	Before the promulgation of S.O No. 02/2014 FRP has its their own hierarchy in Seniority, promotion in the lower ranks and allotted quota seats for selection of various courses like, District Police by the competent authority. The Promotion list A,B,C,D and E were also maintained according to Police Rules in the office of Commandant FRP KP. The eligible and qualified officials promoted step by step on the sanction strengths seats.


COMMANDANT,
Frontier Reserve Police,
Khyber Pakhtunkhwa,
Peshawar.



OFFICE OF THE COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA, PESHAWAR
Ph: No. 091-9214114 Fax No. 091-9212602

83

No. 1799 IEC, dated 23/02/2022.

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

Subject: IMPLEMENTATION OF THE JUDGMENT OF APEX COURT OF
PAKISTAN.

Respected sir,

In continuation of this office Memo No. 11585/EC, dated 30.12.2021, it is submitted for kind information that the CPO has directed vide Memo No. CPO/CPB/449, dated 29.11.2021 & Memo No. CPO/CPB/456, dated 03.12.2021 for submission of consolidated report for implementation of the judgment of Apex Court of Pakistan pertains to out of turn promotion. In the light of directives of CPO a committee comprising on the following officers was constituted by the competent authority, with the directions to scrutinize all kinds of promotions granted to the personnel of FRP Unit and submit their report / recommendation for onward submission to CPO Peshawar.

- | | |
|-------------------------------|------------|
| 1. DSP HQrs; FRP Peshawar. | (Chairman) |
| 2. Office Superintendent FRP. | (Member) |
| 3. Inspector Akhtar Ali Khan. | (Member) |
| 4. Inspector Yahya Shah Khan. | (Member) |

The committee after fulfillment the due codal formalities and deliberation submitted a detail report and recommendations produced as below:-

1. BRIEF HISTORY OF FRP UNIT:-

FAR (Frontier Armed Reserve), now Frontier Reserve Police was established by the Federal Government vide letter No. DO No. 1/4/85-DD(P) dated 29.10.1985 and No. SO (P-II) 5-18/86/2347 dated 18.01.1986, as a reserve force. According to Notification No. SO (P-II) HD/ 8-10/148-149 dated 18.01.1988 the Govt. of NWFP (now Khyber Pakhtunkhwa) Home Department had merged the following 10 Police Units/Branches in FRP on 18.01.1988 with the name of "Frontier Armed Reserve" as Frontier Reserve Police.

1. Additional Police
2. Special Police Levy.
3. P.A.F. Contingent.
4. Range Reserve Platoons
5. Provincial Armed Reserve Platoons.
6. Frontier Armed Reserve.
7. Campus Peace Corps Peshawar University.
8. Special Task Force and Anti-Terrorist Squad.

9. Mounted Police.

10. Standing Guards and Police Escorts etc including those, which provides to private bodies / person.

2. **DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of FRP were regulated from time to time through various Standing Orders issued by the Inspector General of Police, given the expanding role of policing, which included, but not limited to the following.

3. **CAREER PROGRESSION: -**

- i. Frontier Reserve Police was basically raised to assist the District Police to tackle the law and order complexities, Sectarians problems, labor, student's agitations, subversive and Sabotage activities, Communal and ethnic riots in the province. For this purpose the entire force was organized into Platoons comprising 01/04/40 and distributed throughout the province. Moreover, on recommendation of Special Committee, the Inspector General of Police NWFP (Now Khyber Pakhtunkhwa) has approved a General Policy for FRP Unit that newly created posts of Districts should be filled up from transfer of the trained personnel of FRP according to seniority/Education and domicile. The vacant posts of constables should be filled-up through fresh recruitment in FRP vide IGP circular order No. 11715-22, dated 24.08.1993. In view of above and Nature of the duties assigned to the FRP those Officials, who are illiterate or have failed to qualify the promotion list were promoted to the rank of Head Constable/Section Commander and Sub Inspectors/Platoon Commanders on the basis of Section Commander/Platoon Commander courses. These Promotions were entirely made in accordance with the provision of Standing Order No. 03/1994, 03/1999 issued by the CPO Peshawar respectively after fulfilling the required criteria and codal formalities. However, the above promotions were subsequently withdrawn on 07.06.2003 by the then Commandant FRP. Feeling aggrieved the officials concerned was filed Service Appeal before the Khyber Pakhtunkhwa, Service Tribunal Peshawar against the said Order, which subsequently, decided in their favor vide Judgment dated 29.11.2005. The decision of Honorable Tribunal was consented to be implemented in compliance of CPO Memo No. 9600/E-I dated 27.05.2006. Thereafter, Standing Order No. 01/2006 was issued by the CPO Peshawar for the promotion of literate and illiterate officials of FRP. The worthy IGP, KP vide letter No. 3271-3300/ dated 19.06.1996 had already sanctioned 2/2 seats of lower/intermediate courses for the literate official of all FRP KP, sanctioned strength. However, subsequently Standing Order No. 1/2006 was repealed through Standing Order No. 02/2014, which the promotion system of FRP Officials has been withdrawn.
- ii. According to standing order No. 2/2014 the lien of all literate officials/officers were transferred to their district of domicil by CPO Peshawar and their

seniority and further promotion are maintaining in their respective district/regions of domicile by concerned DPOs and RPOs as well.

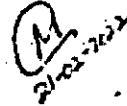
iii. It is further submitted that the literate officials of FRP transferred to domicile region/District regular police by the competent authority on holding positions in the light of laid down rules and bottom seniority has been given in the respective region/district.

iv. The promotion granted to the FRP personnel are not fallen into the ambit of out of turn promotions as they were promoted in accordance to the prescribed manner and policy in vogue. It is pertinent to mention here that the officials who have qualified the requisite courses required for promotion were promoted alongwith their colleagues on their own turn and seniority come fitness. Furthermore, CPO Peshawar has already disclosed and opined vide letter No. 11529/Legal, dated 08.11.2021 to RPO Hazara that according to the judgment of Apex Court of Pakistan, if someone promoted on the basis of any kind of incentive i.e. Gallantry, Cadetship and special case by passing his batch-mates/colleagues, thus it is declared out of turn promotions.

Keeping in view all of above it is further submitted that there is no anyone has been promoted since 2014 in this establishment. Moreover, the promotion so far granted to the officials concerned to FRP has not deprived/suffered someone from these promotions.

(Enclosed 54 pages)


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar


21-02-2022



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

No. 11528 / Legal dated the 18 / 12 / 2021

To: The Regional Police Officer,
Hazara.

Subject: REQUEST FOR JUSTICE.

Memo: Please refer to your office Letter No. 27947/F, dated 29/11/2021, on the subject cited above.

The perusal of record reveals that, since the establishment of FAR rename FRP, it has its own hierarchy in wake of seniority promotions in the junior rank, selection for course on the quota of seats of different courses to this organization allotted by the competent authority and seniority of promotions lists ABCDE were also maintained separately within the organization like Districts till the promulgation of Standing Order No. 01/2014.

If the applicants qualified promotions courses on their own turn with their colleagues and were promoted from one rank to another on the basis of seniority-cum-fitness in accordance with Police Rules 1934 and subsequently, were placed at the bottom of seniority list of the District of their Domicile according to their rank thus they do not come within the ambit of out of turn promotion.

According to judgment of Apex Court if someone promoted on the basis of any kind of incentive i.e gallantry, cadetship and special case by-passing his batch-mates colleagues thus it is declared out of turn promotions.

ACP
AIG/LEGAL
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
08/12/2021



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

No. CPO/CPBI/ 19

Dated Peshawar 20 January, 2022

To: The Capital City Police Officer,
Peshawar.

Subject: APPLICATION:


Memo:-

Enclosed please find herewith a copy of letter No. 11280/EC, dated 21.12.2021 received from Commandant/FRP Khyber Pakhtunkhwa alongwith application of DSP Nasir Khan presently serving in FRP Kohat Range, regarding removal of his name from the list of out of turn promotion..

In this regard, it is submitted that the subject application was received and processed. The Competent Authority directed that detailed report / comments may be sent to this office in the matter.

Encls: As Above:


(NOOR AFGHAN)

Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar. 

Endst: No. and dated even

Copy of above is forwarded to Commandant. Frontier Reserve Police Khyber Pakhtunkhwa with reference to his office Memo: quoted above.

To
The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(C) The Chief Capital City Police Officer,
Peshawar.

THROUGH PROPER CHANNEL.

Subject; REQUEST FOR JUSTICE.

Respected Sir,

With profound respect it is submitted that my name has been mentioned in a list of Cadets/Out of Terms Promoters vide CCPO Peshawar letter No. 5759/EC-I, dated 09-12-2021. It is worth to mention here that I am not a Cadet, nor got any Gallantry and never any types of Special Case Or Out of Terms promotion has given to me in my Services carrier.

My Service Carrier and back-ground is as under:-

1. I was enlisted in Frontier Armed Reserve (FAR) now FRP as Constable and after qualifying all relevant literate courses i-e (A-I, B-I, Lower, Intermediate & Upper School Course from PTC Hangu) in according the rules as per laid down procedure and got promotions step by step on seniority and merit basis.
2. On transfer to my Domicile Region CCPO Peshawar, Bottom seniority on my gain position has been given with colleagues and new CCP No. 167-P allotted vide CCPO Peshawar Order No. 4239-40/EC-I dated. 14-10-2002. (Copy attached).
3. The FAR now FRP was established by Federal Govt. Decision Vide Federal Capital Islamabad Cabinet Notification No. DO No. 1/4/85-DD(P) dated 29th October 1985.
4. The Reserve Police/Addl: Police are narrated in Police Rules Chapter- 2 (Para 2(c), 3, 9 & 22) of 1934 and U/S 13 & 14 of Police Act-V 1861.
5. In compliance of Cabinet decision, the Provincial Govt. Home & Tribal Affairs Deptt. accorded sanction for creation of "Reserve Police Force in NWFP" Vide Notification No. SO (P-II)HD/5-18/86/2347 Dated 01-11-1986.
6. The Provincial Govt. Home & Tribal Affairs Department Vide Notification No. SO(P-II)HD/8-10/146-149, Dated 16-01-1988 for Raising of Armed Reserve Police in NWFP merged the following (10) District Police Units of NWFP Police in newly FRP:
 1. Additional Police,
 2. Special Police Levy.
 3. PAF Contingents
 4. Range Reserve Platoons.
 5. Provincial Reserved Platoons
 6. Fr. Armed Reserve
 7. Campus Peace Corps
 8. Spl. Task Force & Anti-Terrorist Squads.
 9. Mounted Police.
 10. Standing Guards & Police Escorts etc.

According to Notification No. SO(Police-DHD 8-10/146-149 dated 16.01.1988 from Government of NWFP Home & T. As Department. "The duties and responsibilities of FRP are the same as those of regular Police elsewhere and its services are governed by Police Rules, 1934 or any other rules applicable to their counterparts in the Regular Police. Therefore, promotion from one rank to another and one grade to another shall be in accordance with Chapter 13 of the Police Rules. For this purpose, lists A, B, C, D & E shall be kept in the office of Commandant Frontier Reserve Police, NWFP Peshawar. However, where there are no specified rules for promotions in accordance with the lists procedures shall be adopted for the promotions".

On recommendation of Special Committee, According Police Rules 1934 Chapter 2-9(2) and Chapter 2-22(3). The IGP NWFP has approved a General Policy for FRP, that newly created posts of Districts should be filled up from transfer of the trained personnel of FRP according to Seniority/Education Qualification, Domicile and resulting existing vacancies should be filled-up through fresh recruitment in FRP Vide IGP circular order No.11715-22, Dated 24-08-1993, Comandant FRP NWFP Endst: No.5024-32/EC, Dated 28-08-1993.

The Worthy I.G.P., KPK Vide Order Circulated No.1160/E-II, dated 15.01.1994, considered FRP like District Police and regular promotion examinations like "A-I", "B-I" etc were started and transfer of FRP Personnel to Regular Police were decided to be started, strictly follow the criteria of Education Qualification and Seniority in Service to their Domicile Districts.

The Worthy IGP KP, Vide letter No.3271-3300/ dated 19-06-1996 Sanctioned the following Literate Seats For all FRP KP Sanctioned Strength:-

- a. 02 Seats of Lower School Course
- b. 02 Seats of Intermediate School Course
- c. 01 Seat of Upper School Course

The honorable Peshawar High Court Peshawar has also declared FRP Unit as a Regular establishment and part of Regular Police in Writ Petitions No.1615-07, No.1616-07 and No.1617-07 of year 2007.

It is, further submitted that I served in Police Stations as SHO and Addl. SHO in CCP Peshawar. I got good name for Police and awarded rewards by Chief Minister KP, W/IGP KP, Local Elders and Supervising Police Officers.

I conducted fairly a departmental enquiry of irregularities/corruption against Farhad Ali (the than CCP Establishment Supdt. and Retired as Registrar CPO) who was remained tried to get revenge from me and in DPC held on 24-07-2003 with a visible Clerical mistake/error and spitefully I was reverted from rank of Offg: SI(BS-14) to the rank of Head Constable (BS-7) without any guilt/irregularity or misconduct.

I deprived/suffered and victimized from due right for a lengthy period of (18) years (from 2003 to 2020), being aggrieved I instituted appeals in Service Tribunal vide Appeal No.1101/2007 dated 23-09-2008 and Appeal No.407/2011 dated 23-05-2012 and finally the Honorable Supreme Court of Pakistan, after threadbare hearing, restore my seniority/confirmation as Sub-Inspector on List "E" w.e.f 20-02-2003 vide CPO Peshawar revised seniority Notification No. CPO/E-I/Seniority/ Amendment/ corrigendum/ 2411 dated 22-12-2020(Copy Attach).

Lamentably and despite my clear position/record, my name is again put in out of Term Promotion list without any ground, spitefully, based on biased, against the rules and violating constitutional rights of applicant. I am not a Cadet, nor got any Gallantry and never any types of Special Case promotion Or Out of Terms promotion has been given to me in my Services carrier. I am serving and on the strength of CCP Peshawar since year 2000 but tie me with FRP and obviously FRP service has not been objected or mentioned in Apex Court judgement.

It is, humbly requested that I got all my service carrier promotion step by step, on seniority and merit basis, according to the rules and laid down procedure therefore, my name may very kindly be withdrawn from the out of Term Promotion list without any further action. I shall be ever pray for your long life and prosperity.

Your Obediently,

(Nasir Khan)¹²

Deputy Superintendent of Police,

To: The Capital City Police Office,
Peshawar.

Subject: REQUEST FOR JUSTICE.

Respected Sir,

With profound respect it is submitted that I am not a Cadet, nor got any Gallantry or any types Out of Turn promotion in my entire Services carrier.

1. In the past the CCP Office sent a list of Cadets/Out of Terms Promoters to CPO vide letter No.5024/EC-1, dated 07-12-2021 wherein my name was spitefully mention as FRP, whereas in first list my name was out of it (Flag "A")

2. I submitted a comprehensive presentation to Worthy JGP KP and communicated to your good-self Office vide NO./CPO/CPB/19, dated 20-01-2022 (Flag "B").

3. The CPO also sought report from Commandant FRP, KP in this connection and a reply sent vide letter No.1127/EC, dated 14-12-2021, wherein it is reported that "in FRP all promotion given to him on merit/Seniority under Police Rules and laid-down procedure" (Flag "C").

4. The CCPO Office Peshawar also replied to CPO vide letter No.7423/EC-1, dated 13-04-2022, that "as per this Office record he did not get any type of benefits of Cadet, Gallantry or Special Case Out of Turn promotion in CCP Peshawar" (Flag "D").

5. The CPO has already given legal opinion to RPO Hazara in this regard which is self explanatory vide No.11529/Legal, dated 08-12-2021 (Flag "E").

It is, therefore, humbly requested that my name may very kindly be withdrawn from the list without any further action. I shall be ever pray for your long life and prosperity.

*SSP (Co-ord)
for n/a & early despo.
[Signature]
27/23*

Your Obediently,

[Signature]
(Asir Khan)
08-22-023
Acting SP, CPO Peshawar



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 7423

/EC-I, dated Peshawar the

Telephone No. 091-9210641 Fax No. 091-9212592

13/04/2022.

To: -

The Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar.

Subject:

APPLICATION.

Memo:

kindly refer to your office letter No. CPO/CPB/19, dated
26.01.2022 on the subject cited above.

The applicant Mr. Nasir Khan received on transfer from FRP to
his domicile District CCP, Peshawar and his name was placed at the bottom of
seniority list "E" of Offg: SIs and between the names of Offg: SI Sher Zaman
No.128/P (retired) and Waqar Ahmad No.159/P (Now DSP) and allotted No.167/P
rang number, vide this office letter No.4239-40/EC-I, dated 14.10.2002.

In this connection It is further submitted that as per this office
record he did not get any type of benefits of Cadet, Gallantry or Special /Out of turn
promotion in CCP, Peshawar.

(Waseem Ahmad Khan) SSP/Coord
For CAPITAL CITY POLICE OFFICER,
PESHAWAR

14/22

K-1



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597

No. 7434 /EC-I, dated Peshawar the 13/04 /2022.

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

Subject: OUT OF TURN PROMOTION / IMPLEMENTATION OF
JUDGMENT OF APEX COURT.

Memo:

Please refer to your office letter No.CPO/CPB132, dated
05.04.2022 on the subject cited above.

It is submitted that the requisite information regarding subject
matter is sent herewith for further necessary action, please.

(Waseem Ahmad Khalil) SSP/Coord
For CAPITAL CITY POLICE OFFICER,
PESHAWAR

Sl. No.	Name of Officer	Present status of officers/OI officials	Gained Benefit					Ranks of the colleagues	Delegated Colleagues	Decision of committee
			Gallantry	Code	Sports	Drill Instructor	If any other with case description			
1.	Muhammad Ismail Shah	DSP	Gallantry					Sardar Ali was retired as Sub-Inspector and Nasrullah Shah was struck off due to natural death.	Sardar Ali No.609 and Nasrullah Shah No.24	
2.	Rehmat Ullah	DSP	Gallantry							
3.	Fazal Wahid	DSP	Gallantry					Muqarab Khan was retired on medical Board as Sub-Inspector on 16.11.2020	His colleagues Syed Masood Shah and Muqarab Khan were confirmed in the rank of ASI on 05.04.2008	
4.	Rokhan Zeb	DSP					Li'en Transferred to Mardan in 2005 and again transferred to CCP in 2010			
5.	Fazal Subhan		Gallantry						His colleagues Ihsan Ullah and Sher Malik were promoted to the rank of Offg. ASI on 31.08.2007	

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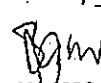
SSP/CORD



6	Bashir	DSP	Gallantry				Liaqat Ali was retired as Sub-Inspector	His colleagues Muhammad Sher and Liaqat Ali were promoted to the rank of ASI on 03.09.2007
7	Rajab Ali	DSP	Gallantry					His colleague Qeemat Gul was promoted to the rank of Offg. ASI on 16.07.2008
8	Zia Ullah	Inspector					Lien transferred from FRP in 2005	
9	Sabz Ali	Inspector	Gallantry					
10	Imran Ud Din	ASI	Gallantry					
11	Gohar Ali	DSP		Cadet			Sub-Inspector (Superannuation 2013)	Liaqat Ali No 278/P
12	Riaz Khan	DSP		Cadet		FRP	Retired	Wajid Ali No 409
13	Arab Nawaz	DSP		Cadet				
14	Muhammad Yaseen	DSP		Cadet			Inspector	Ozai Aslam
15	Muhammad Ijaz Khan	DSP		Cadet				Confirmed by DIG Mardan Under Standine Order. 11/87
16	Mosir Muhammad	Inspector		Cadet				


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17.	Shakeel Khan	DSP					FRP		
18.	Tayyab Jan	DSP					FRP	Inspector	Transferred from FRP on 14.11.2007 and placed below the name of Gul Arif
19.	Babar Khan	Sub-Inspector			Cadet			Asstt. Sub-Inspector	Gohar Ali No.3450 Gulzar Khan No.1324
20.	Muhammad Idrees Khan	Sub-Inspector			Cadet			Sub-Inspector	Tariq Ahmad No.399/P
21.	Muhammad Ishaq	Sub-Inspector			Cadet			Sub-Inspector	Tariq Ahmad No.399/P
22.	Ali Said	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
23.	Tariq Khan	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
24.	Bakht Munir	Sub-Inspector			Cadet			Assistant Sub-Inspector	Muhammad Usman No.401
25.	Abdul Ali Shah	Sub-Inspector			Cadet			Sub-Inspector	Zainoor Shah No.337/P
26.	Aurang Zeb	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
27.	Mushiq Ahmed	Sub-Inspector			Cadet			Sub-Inspector	Qaiser Khan 320/P
28.	Qazi Nisar Ahmed	Sub-Inspector			Cadet			Sub-Inspector	Murad Ali No.1336/P
29.	Muhammad Javed	Sub-Inspector			Cadet			Sub-Inspector	Muhammad Jaffar No.188/P
30.	Riaz Ali Shah	Inspector			Cadet			Sub-Inspector	Hidayat Khan No.P/427

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Out of Turn promoted Retired Police Officers/Officials-

No	Name of Officer	Present status of officers/Officials	Gained Benefit					Rank of the colleagues	Original Colleagues	Decision of committee
			Gallantry	Cadet	Sports	Drill instructor	If any other with case description			
1.	Zar Wali	DSP	Gallantry	--	--	--	--	Said Rizwan Shah was retired as SI on 24.04.2010	His colleagues said Rizwan Shah and Gollan Qadar were confirmed in the rank of ASI on 05.04.2008	
2.	Granullah	DSP	Gallantry						His colleagues Muhammad Akbar and Gul Faraz were confirmed in the rank of ASI on 05.04.2008.	
3.	Banaras Khan	DSP		Cadet				Retired	Munaf Gul 998	


EC/


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SSP/CORD:





OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No. 091-9219641 Fax No. 091-9212597

No. 3307

/EC-I, dated Peshawar the

27/12/2023.

To: -

The Asst. Inspector General of Police
Establishment, Khyber Pakhtunkhwa,
Peshawar.

Subject:

OUT OF TURN PROMOTION/IMPLEMENTATION OF
JUDGMENT OF APEX COURT.

Memo:

In continuation of this office letter No. 2051/EC-I, dated
07.02.2023 on the subject cited above.

It is submitted that the letter regarding Mr. Nasir Khan has
already been sent to your good office vide the letter No. 7423/EC-I, dated
13.04.2022, please.

For CAPITAL CITY POLICE OFFICER,
PESHAWAR.

12/12/23

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OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597

No. 4649 /EC-I, dated Peshawar the 12 / 03 / 2023.

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

Subject: OUT OF TURN PROMOTION / IMPLEMENTATION OF
JUDGMENT OF APEX COURT.

Memo:
Please refer to your office Memo No. CPO/CPB/45, dated
27.01.2023 on the subject cited above.

It is submitted that the requisite information on the prescribed
proforma is attached herewith as desired, please.

Encls: (24 Pages)

For CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Subject: Implementation of judgment of apex court

Capital City Police Peshawar

S#	Name of officer	Present status of officer/official	Gained benefits					Rank of the colleagues	Original colleagues	Decision of committee
			Gallantry	Cadet	Sport	Drill Instructor	If any other with case description			
1	Muhammad Ismail Shah	DSP	Gallantry					Retired (Offg. Sub Inspectors)	His immediate predecessor is Offg. SI Sardar Ali No.609 and his immediate successor is Offg. SI Nasrullah Shah No.24	He was promoted as Offg. ASI on 02.08.2002, while he was confirmed in special case as ASI on 02.08.2004. Moreover, his colleagues were confirmed in the rank of ASI on 13.12.2007. Therefore, he was confirmed earlier than his predecessors because of gallantry.
2	Rehmat I/Jlah	DSP	Gallantry					All his D list colleagues are retired.	All his D list colleagues are retired.	He was promoted as Offg. ASI vide CCP, Notification No. 15476/EC, dated 17.12.1993 in a special case. Moreover, his D list colleague Dost Muhammad was noted as Sub Inspector while another colleague Qasim Gul was compulsorily retired as an IHC on 18.08.2001. CONSEQUENCE OF WITHDRAWAL OF OFF-DE-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspector.

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 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar.
 06/12/2021

3	Zar Wali Retired.	DSP Retired	Gallantry						Retired Sub Inspector	His immediate predecessor is SI S. Rizwan Shah and his immediate successor is SI Ghulam Qadir who were confirmed in the rank of ASI on 05.04.2008.	He was promoted as Offg. ASI on 25.03.2005, while he is confirmed in special case as ASI on 21.02.2006. Hence, his confirmation has violated Police Rule 13.14. CONSEQUENCE OF WITHDRAWAL OF DUTY OF TRANSFER/PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspector.
4	Fazal Wahid	DSP	Gallantry Case File No. 71: dated 30.11.2006 US 324/331 PPC 13P.O.S-F Act 148/1999/PPC PS Subward Peshawar						Retired Sub Inspectors	His colleagues Sayed Masood Shah was died as an IHC on 18.11.2003 while Muqarab Khan was retired as an Offg. SI	He was confirmed in the rank of ASI and promotion to list "E" as a special case vide CCP, No 5973-75EC-1, dated 13.12.2006. Moreover his colleagues were confirmed in the rank of ASI on 05.04.2008. CONSEQUENCE OF WITHDRAWAL OF DUTY OF TRANSFER/PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspector.
5	Rokhan Zeb	DSP						Lien Transferred to Mardan in 2005 and again transferred to CCP in 2010		Transferred to CCP, Peshawar from Mardan as a confirmed SI.	He was recruited in District Charsadda (Peshawar Range). Lien transfer to Mardan as Offg. ASI promoted on 28.09.2005 vide CPO Order No. 22317-18-E-II, dated 28.12.2006. Lien transfer to CCP, Peshawar as confirmed SI vide CPO Order No. 9947-42 E-II, dated 10.04.2010. Hence, he did not take any benefit in the case of out of turn under CCP, Peshawar.

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For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
06/12/2021

ion date

6	Fazal Subhan	DSP	Gallantry					Confirmed Inspectors	Immediate predecessor is confirmed Inspectors Ihsan Ullah and his immediate successor is confirmed Inspectors Sher Malik who were promoted to the rank of Offg: ASI on 21.08.2007 and confirmed in 01.03.2016.	Promoted as Offg: ASI as special case vide No. 1066-73/EC-I, dated 27.01.2006. While his colleagues were promoted as Offg: ASI on 03.09.2007. <u>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION</u> His seniority falls after withdrawal of out of turn promotion in the rank of Inspector.
7	Bashir Dad	DSP	Gallantry Case FIR Nos. 618 dated 19.07.2006 U/S 382/411 PPC PS Town FIR No. 03 dated 09.09.2006 U/S 302 PPC PS Tehkal					Liaqat Ali retired as Offg: Sub-Inspectors	His immediate predecessor is Offg: SI Muhammad Sher and his immediate successor is Offg: SI Liaqat Ali who were promoted in the rank of Offg: ASI on 03.09.2007.	He was promoted as Offg: ASI as a special case vide No. 6127-32/EC-I, dated 18.12.2006 and was confirmed in the rank of ASI on 26.10.2011. While his colleagues were promoted as Offg: ASI on 03.09.2007. <u>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION</u> His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspector.
8	Gran Ullah Retired.	DSP Retired.	Gallantry						His immediate predecessor is Muhammad Akbar and his immediate successor is Gulfaraz who were confirmed in the rank of Offg: ASI on 05.04.2008.	He was promoted as Offg: ASI on 28.01.2006. However he was confirmed as ASI in special case vide No. 5627-30/EC-I, dated 28.11.2006. Hence his confirmation has violated Police Rule 13.18.

9	Rajab Ali	DSP	Gallantry Case FIR No. 238/239, dated 25.01.2006 US 365/324352/148 3149-PPC 3/4/5 Exp: Ad 7-ATA PS University Town Peshawar						Now Inspectors	His colleague Inspector Qeemat Gul was promoted to the rank of Offg: ASI on 16.07.2008	He was promoted as Offg: ASI vide CCP, Order No. 1771-76/EC-1, dated 03.04.2006 in a special case. While his colleagues were promoted on 16.07.2008. He was recruited by DPO Kohat and his lien was transferred to CCP, Peshawar. However, his lien Order/Date has not been traced in this office. CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Inspector.
10	Zia Ullah	Inspector						Lien transferred from FRP vide CPO No. 2783-90/E-II, dated 21.07.2006 as IIC.			He did not get any benefit in order of out of turn in CCP, Peshawar.
11	Sabz Ali	Inspector	Gallantry						Confirmed SIs and Inspectors	His immediate predecessor is confirmed SI Gul Jalai and his immediate successor is Inspector Javed Akhtar.	He was promoted as Offg: ASI on 26.11.2009, while he was confirmed in the rank of ASI on 01.08.2011. Hence his confirmation has violated Police Rule 13.18.
12	Imran Ud Din	SI	Gallantry						Confirmed SIs.	His immediate predecessor confirmed SI Qasim Shah and his immediate successor is confirmed SI Khan Wali Shah	He was promoted as Offg: ASI vide Notification No. 10856/EC-1, dated 08.08.2012 as special case and confirm as ASI on 10.12.2014. CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspector.

13	Banaras Khan Retired	DSP Retired		Cadet Beneficiary of Standing Order No.11/87 and 7/2003				Retired		
14	Gohar Ali	DSP		Cadet Beneficiary of Standing Order No.11/87 and 7/2003				Sub Inspectors	His immediate predecessor is Offg: ASI Syed Kifayat Ali Shah No. 1893	<p>i. He took benefit of Cadet ship in intermediate college course vide Notification No. 3998-4001/EC, dated 18.05.1999.</p> <p>ii. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg: ASI and admission to list "E". Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspector</p>

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For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.
07.12.2021

	Riaz Khan	DSP		Cadet Beneficiary of Standing Order No.11/87 and 7/2003				Inspectors	Confirmed Inspector Shafi Ullah is his D list colleague.	<p>i. He took benefit of Cadet ship in Intermediate college course vide Notification No. 2648/EC-1, dated 19.03.2007.</p> <p>ii. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg. ASI and admission to list "E". Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Inspector</p>
17	Muhammad Yaseen	DSP		Cadet Beneficiary of Standing Order No.11/87 and 7/2003				Confirmed Inspectors	His immediate predecessor is confirmed Inspector Qazi Aslam	<p>i. He took benefit of Cadet ship in Recruit course vide No. 201/PA/S, dated 06.05.1998.</p> <p>ii. Moreover, he also took benefit of Lower college course no. 319/S, dated 25.05.2000.</p> <p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Inspector</p>

18	Muhammad Ijaz Khan	DSP		Cadet Beneficiary of Standing Order No. 11/87 and 7/2003						He was confirmed by DIG Mardan understanding order 11/87. He is throughout a cadet i.e. Recruit, Lower and Intermediate College Course having lien of Mardan Region bearing No. 154/MR.
19	Dost Muhammad	Inspector	Gallantry					Confined Inspectors	His immediate predecessor is confirmed Inspector Zahir Shah No. P/384 and his immediate successor is Inspector Ikhtiar Ali No. P/66	He was promoted as Offg HC in case FIR No. 281, dated 18.06.1999 U/S 17 (3) PS KRS <u>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION</u> His seniority falls after withdrawal of out of turn promotion in the rank of Inspectors.
20	Nasir Khan	DSP					FRP			His lien was transferred from FRP to CCP, Peshawar as an SI vide Notification No. 22163-64/E-II, dated Peshawar on 08.10.2002. Moreover, he did not get any benefit in order of out of turn in CCP, Peshawar.
21	Shakeel Khan (Posted in CPO)	DSP					FRP			As per the record of this office he never served under CCPO.
22	Tayyab Jan	DSP					FRP		Inspector Gul Arif Retired.	Transferred from FRP vide Notification No. 25317-23/E-II, dated 14.11.2007 as an Offg ASI and placed below the name of Gul Arif. Moreover, he did not get

21	Babar Khan	Sub-Inspector	Cadet Beneficiary of Standing Order No.11/87 and 7/2003						Officiating ASI	His immediate predecessor is Offg. ASI Gohar Ali No. 3450 and his immediate successor is Offg. ASI Qutub Khan No. 1324	any benefit in order of out of turn in CCP. Pettiswar.
24	Muhammad Idriss Khan	Sub-Inspector	Cadet Beneficiary of Standing Order No.11/87 and 7/2003						Officiating Sub Inspectors	His immediate predecessor is Offg. SI Tariq Ahmad No. 399/P	He took benefit of Cadet ship in Intermediate college course vide Notification No. 1143/SEC-1 dated 17/06/2014. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg. ASI and admission to list "E" Hence, he bypassed his batchmates and got out of turn promotion.

											<p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspectors and at the bottom of Tariq Ahmad No. 399/P</p>
25	Muhammad Ishaq	Sub-Inspector		<p>Cadet Beneficiary of Standing Order No.11/87 and 7/2003</p>					Officiating Sub Inspectors	<p>His immediate predecessor is Offg: SI Tariq Ahmad No. 399/P</p>	<p>i. He took benefit of Cadet ship in Intermediate college course vide Notification No. 1143/EC-I, dated 17.06.2015. ii. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg: ASI and admission to list "E" Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspectors and at the bottom of Tariq Ahmad No. 399/P</p>
26	Ali Said	Sub-Inspector		<p>Cadet Beneficiary of Standing Order No.11/87 and 7/2003</p>					Officiating Sub Inspectors	<p>His immediate predecessor is Offg: SI Qaisar Khan No.320/P</p>	<p>i. He took benefit of Cadet ship in Intermediate college course vide Notification No. 11510/EC-I, dated 17.06.2015. ii. Cadetship in</p>

										<p>intermediate course helped him in acceleration of his promotion as an Offg. ASI and admission to list "E" Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWL OF OUT-OF-TURN-PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspectors and at the bottom of Qaisar Khan No. 320/P</p>
27	Tariq khan	Sub-Inspector	Cadet Beneficiary of Standing Order No.11/87 and 7/2003				Officiating Sub Inspectors	His immediate predecessor is Offg. SI Qaisar Khan No.320/P	<p>i. He took benefit of Cadet ship in Intermediate college course vide Notification No. 11510/EC-I, dated 17.06.2015.</p> <p>ii. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg. ASI and admission to list "E" Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWL OF OUT-OF-TURN-PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspectors and at the bottom of Qaisar Khan No. 320/P</p>	

28	Bakht Munir	Sub-Inspector		Cadet Beneficiary of Standing Order No.11/87 and 7/2003				Officiating ASI	His immediate predecessor is Offg: ASI Muhammad Usman No. 4431	<p>i. He took benefit of Cadet ship in Intermediate college course vide Notification No. 6837/EC-I, dated 06.04.2017.</p> <p>ii. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg: ASI and admission to list "E" Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of ASI</p>
29	Abdul Ali Shah	Sub-Inspector		Cadet Beneficiary of Standing Order No.11/87 and 7/2003				IHC	His immediate predecessor is IHC Taimur Shah and his immediate successor is IHC Kamran Gul No. 504 dated 20.09.2012.	<p>i. He took benefit of Cadet ship in Intermediate college course vide Notification No. 15954/EC-I, dated 16.12.2014.</p> <p>ii. Cadetship in intermediate course helped him in acceleration of his promotion as an Offg: ASI and admission to list "E" Hence, he bypassed his batchmates and got out of turn promotion.</p> <p>CONSEQUENCE OF</p>

30	Aurang Zeb	Sub-Inspector		Cadet	Beneficiary of Standing Order No.11/87 and 7/2003			Sub Inspectors	His immediate predecessor is Offg: SI Qaiser Khan 320/P	<p>WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of one of turn promotion in the rank of H/C. He took the cadetship benefit in recent lower and intermediate.</p> <p>L He took benefit of Cadet ship in Intermediate college course vide Notification No. 2184/ECT dated 02.12.2015.</p> <p>II Cadetship at intermediate course helped him in acceleration of his promotion as an Offg ASI and admission to list - 'E' Honor. He bypassed his handicaps and got out of turn promotion.</p> <p>CONSEQUENCE OF WITHDRAWAL OF OUT-OF-TURN PROMOTION His seniority falls after withdrawal of out of turn promotion in the rank of Sub Inspectors and at the bottom of Qaiser Khan No. 320/P</p>
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SSP (Coord)

Pls verify and resolve as per rules & merits

To The Worthy Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

(c) The Capital City Police Office,
Peshawar.

Subject: **REVIEW/APEAL ON REVERSION ORDERS FROM THE RANK OF
DSP TO RANK OF S.I WITHOUT ANY COGENT LEGAL GOUNDS
VIDE NO.586/LEGAL DT: 15-03-2023 IN GARB OF OUT OF TURN
CASE.**

*DSP/ Legal
to check records
provided by
SP and point out
any irregularities
in order
issued if
any*

Respected Sir,

With profound respect it is submitted that I am not a Cadet, nor got any Gallantry, Special Case or any types Out of Turn promotion in my entire Services carrier.

1. In this connection the CCP Peshawar Office submitted report to CPO vide letter No.7423/EC-I, dated 13-04-2022 and vide letter No.3307/EC-I dated 21--02-2023 as well as the Commandant FRP KP also reported to CPO vide letter No.11127/EC, dated 14-12-2021 that my promotion and seniority remain on merit and never got any type of Out of Turn promotions (Copy at **Flag "A", "B" and "C"** for ready reference).

2. Despite my crystal clear record and unblemished service, I was targeted malafidly/spitefully and garb of in Out of Turn promotion case and reverted from the rank of senior DSP (BS-17) to the rank of Sub-Inspector(BS-14) with narration of absolutely incorrect, fabricated dates and details in issued orders No.586/Legal/E-I, dated 15-03-2023 without any law and rules or personal hearing opportunity.

3. My Service Promotion bio-data in CPO prescribed/requisite (25) Columns Tabulated proforma is attached and submitted by Worthy Commandant FRP KP to CPO from my service Record as well.

4. Lamentably, I remained suffered (from 2003 to-date) by various tactics and **LAWFARE** plays. In DPC Dt; 24-07-2003, I was reverted from the rank of Sub-Inspector to the rank of Head Constable vide Order No.10109-17/EC-I, dated 22-10-2007. For justice I submitted Appeal in KP Service Tribunal, Peshawar vide No.1101/2007 and the impugned reversion orders is set aside vide judgment dated 23-09-2008.

5. The Chief Capital City Police Officer Peshawar given bottom Senioity with colleagues as Offg: SI on List "E" between the names of SI Sher Zamin No.128/P(Retired) and SI Waqar Khan No.159/P (DSP/Acting SP/DPO Tank) vide Orders No.8814-17/EC-I, dated 26-06-2009.

6. The onward journey of Promotion/Confirmation as SI, List "F", promotion as Inspector, Qualifying 2nd Advance Course, promotion as DSP and qualifying 6th Junior Command Course from PPSA Peshawar has been done in CCP Peshawar on senioity and merits bases.

ATTESTED

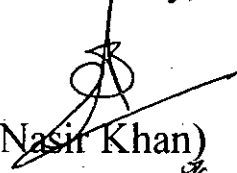
7. Similarly my seniority was also reviews by KP Service Tribunal Peshawar vide Appeal No.407/2011, judgement dated 23-05-2012 and finally Honorable Supreme Court of Pakistan vide Civil Appeal No.164-P/2014, issued the judgments on 07-10-2020. A committee was constituted by CPO in the light of Supreme Court Judgments and a Notification No. CPO/E-I/Seniority/Amendment/corrigendum/2411, dated 22-12-2020 was issued about my seniority. The authority also submitted compliance reports in Supreme Court of Pakistan vide letter No.8072/Legal, dated 30-12-2020.

8. The narration of date/details at Para #2 & 6, in recent reversion orders I-e "confirmed as ASI on 25-05-2005" is incorrect and taken/written from CCPO reversion dated 22-10-2007 cited above at Serial No.4. Similarly "confirmation as ASI on 20-02-2002 and brought on List "E" on 25-04-3008" are absolutely incorrect and out of context, which was done at the time when I was reverted in CCP but it was razed by Service Tribunal vide Judgement dated 23-09-2008. Narrating "Promotion as ASI and SI again and again and irregularity noticed" in reversion order, are absolutely fabricated, incorrect, out of context, just garb me in out of turn case without a fair-play for the spirit of Justice and without any guilt.

9. My intermediate colleagues of List "D" year 1998, are promoted DSPs and Acting SPs i-e Mr.Hukam Khan SP/CPO, Mr.Rauf Khan SP/Ellite, Mr.Zareef Khan DSP and Mr.Qazi Asmat DSP etc, as well as the List "E" colleagues are SPs and DPOs i-e DPO Samad Khan and DPO Waqar khan etc, but malafidly/discriminatory/spitefully I was reverted as Sub-Inspector without any rules/justification and incorrect details bases. No explanation or Personal hearing opportunity provided to applicant.

It is, therefore, humbly requested that keeping in view my lengthy service, unblemished records and cited above facts, the reversion Orders No.586/Legal/E-I dated 15-03-2023 may very kindly be withdrawn without further action. I shall be ever pray for your long life and prosperity.

Your Obediently,


(Nasir Khan)
Acting SP, CPO Peshawar




04
10/023

With profound respect it is submitted that I submitted presentation
for your good self for review and correction of date/data of service on
In this connection a Committee was constituted vide Order No. 5322
Coord., dated 20.04.2023.

It is therefore, humbly requested that permission may kindly be
appear before the said Committee for personal hearing and explanation.

I shall be ever pray for your long life and prosperity for this kindness.

*all inform him
that he will be
contacted whenever
the meeting is
called.*
24/7/23


(NASIR KHAN)
DSP (Acting SP) CPO,
Peshawar.

ATTESTED


BETTER COPY

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

No. 586 /Legal/E-I, dated the 15-03-2023.

ORDER.

In compliance with Order sheet of Honorable Supreme Court of Pakistan dated 26-01-2023 in Suo Moto Contempt proceeding vide CrI.O. Petition No.38/2021 and in pursuance of judgments passed by Hon'ble Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No.193/2003 reported in 2015 SCMR 456, 2016 SCMR, 1254, 2017 SCMR 206, 2018 SCMR 1218, and consolidated judgment of Out of Turn Promotion, all Units Head, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide this office letter No.CPO/CPB/75, dated 14-02-2023, to ensure compliance of above mentioned Orders in letter and spirit accordingly, all Out of Turn promotions granted to Police personnel wither on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their batch mates/among immediate seniors and juniors who were promoted during their intervening period by maintaining original inter-se-seniority.

2. In view of the above, case regarding Out of Turn promotion of **Mr. Nasir Khan DSP** was examined. As per details provided by Office of CCP Peshawar vide letter bearing No.4649/EC-I, dated 12-03-2023 on subject "**collection of data of police Officers falling under the definition of Out of Turn promotion**". He was enlisted as Constable on 02.05.1991 in FRP. He qualified his A-I examination vide OB No.221 dated 26.03.1995 and B-I examination vide OB No.228 dated 18.03.1997. He qualified his Lower Collage Course on 20-10-1997. He was promoted as Officiating Head Constable on 14-04-1998 and completed his intermediate Collage Course and his name was brought on List "D" on 25-05-1999. He was promoted as Officiating ASI on 04-04-2000 and confirmed as ASI on 25-05-2005. As per his available service record,, he was again confirmed as ASI on 20-02-2002 and his name was brought on List "E" on 25-04-2008. He was promoted as Officiating SI on 20-02-2001 and again promoted as SI on 05-04-2008. his name was brought on List "F" on 30-07-2010. He qualified Upper Collage Course on 15-11-2000. his career progression is full of gross irregularities and flagrant violation of Police Rules. At present he stands at S/No.67 in the seniority list of DSPs vide CPO Peshawar No.1594/SE-I, dated 05-08-2022. After withdrawal of Out of Turn promotion his name will be placed above the name of his original colleagues confirmed Sub-Inspector Shad Muhammad No.P/410 present at S/No.57 in the seniority list "F" of Sub-Inspectors issued vide No.424/E-II/CPO/Seniority dated 01-12-2022.

3. In this regard para no.122 of the judgment of Hon'ble Supreme Court of Pakistan 2015 SCMR 456 is reproduced as under,

122. This issue of out of turn promotion has been dealt with by us in detail in the judgment sought to be reviewed and we reached the conclusion that it was violative of Articles 240,242,4,8,9 and 25 of the constitution. Mr.Adnan Iqbal Chaudhry, learned Advocate Supreme Court of Pakistan has contended that Section9-A of the Act has not been struck down by this court, while declaring the out of turn promotion as unconstitutional. We are mindful of this fact as we have held that the competent authority can grant awards or rewards to the Police Officers, if they show act of gallantry beyond the call of duty. However, we had struck down the very concept of out of turn promotion being violative of Constitution for the reasons incorporated in paras 158 to 164 of the judgment under review.

4. As per para No.73 of judgment of Hon'ble Supreme Court of Pakistan 2018 SCMR1218 (intra-court Appeal No.4 of 2017 etc) when any legislative instrument is declared unconstitutional, it is declared void ab initio. The para No.73 is being reproduced as under;-

73. The contention of Khawaja Haris Ahmed, learned Sr.ASC that in para 123 of Shahid Pervais's case (Supra) this court wrongly observed that "we have already declared void ab initio the legislative instruments that provided for out

of turn promotion.” because nowhere in the earlier judgment was such a declaration made, is also without force.suffice it to say that in Para 140of Shahid Pervaiz case (Supra), it was observed that: “104.through the successions of its orders, this court has consistently maintained the unconstitutionality, and the consequential nullity of the instruments providing for the out of turn promotion. “Moreover, in Para 129 of the judgment of Ali Azhar Khan Baloch’s case (Supra), this Court was pleased to observe that when any legislative instrument is declared unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio. The relevant part of Para 129 is being reproduced hereunder; “129.....Now , it is a settled lw of this court that no right or obligation can accrue under an unconstitutional law. Once this court has declared a legislative instrument as being unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor case it expose any one to any liability”

5. Similarly, Hon’ble Supreme Court of Pakistan judgment reported as 2017 SCMR 456 vide Para No.98 declared Out of Turn promotion as null and void in the following tems which is reproduced as under;-

98. In a series of judgments , this court has declared out-of-turn promotions as being unconstitutional, un-islamic and void ab initio. The principle of unsititutionality attached to the instrument providing for out of turn promotion was laid down first in the case of Muhammad Nadeem Arif Vs IG of Police (2011 SCMR 408). the view taken in this judgment was followed in another case reported as Ghulam Shabbir Vs Muhammad Munir Abbasi (PLD 2011 SC 516) wherein it was held that out of turn promotion was not only against the constitution, but also against the injunctions of Islam; and that reward or award should be encouraged for meritorious public service but should not be made basis for out of turn promotion.

6. Mr. Nasir Khan DSP was given chance of personal hearing on 12-03-2023. he was informed about his personal hearing through Wireless Police Control besides other possible means. However, he did not attend hearing despite being informed. Perusal of his record reveals that as mentioned in Para No.2 of this Order, he was enlisted as Constable on 02.05.1991 in FRP. He qualified his A-I examination vide OB No.221 dated 26.03.1995 and B-I examination vide OB No.228 dated 18.03.1997. He qualified his Lower Collage Course on 20-10-1997. He was promoted as Officiating Head Constable on 14-04-1998 and completed his intermediate Collage Course and his name was brought on List”D” on 25-05-1999. He was promoted as Officiating ASI on 04-04-2000 and confirmed as ASI on 25-05-2005. As per his available service record,, he was again confirmed as ASI on 20-02-2002 and his name was brought on List”E” on 25-04-2008. He was promoted as Officiating SI on 20-02-2001 and again promoted as SI on 05-04-2008. his name was brought on List “F” on 30-07-2010. He qualified Upper Collage Course on 15-11-2000. his career progression is full of gross irregularities and flagrant violation of Police Rules. At present he stands at S/No.67 in the seniority list of DSPs vide CPO Peshawar No.1594/SE-I, dated 05-08-2022. After withdrawal of Out of Turn promotion his name will be placed above the name of his original colleagues confirmed SI Shad Muhammad No.P/410 present at S/No.57 in the seniority list “F” of Sub-Inspectors issued vide No.424/E-II/CPO/Seniority dated 01-12-2022.

7. Consequently, **his Out of Turn promotion/confirmation Orders as mentioned in Para-6 of this orders are withdrawn through this order and he is demoted from the rank of DSP to the rank of Sub-Inspector with immediate effect.** After withdrawal of Out of Turn promotion his name will be placed above the name of his original colleagues confirmed SI Shad Muhammad No.P/410 present at S/No.57 in the seniority list “F” of Sub-Inspectors issued vide No.424/E-II/CPO/Seniority dated 01-12-2022.

Sd/-
Akhtar Hayat Khan, PSP
PROVINCIAL POLICE OFFICER,
KHYER PAKHTUNKHWA.

C.C

- 1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
- 2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 3. Secretary Home&TAs Deptt: Government of Khyber Pakhtunkhwa, Peshawar
- 4. Adll: Inspector General of Police, HQRs: Khyber Pakhtunkhwa, Peshawar
- 5. Adll: Inspector General of Police, Operatiom,
- 6. All Regional Heads, Khyber Pakhtunkhwa, Peshawar
- 7. All Head of Police Units, Khyber Pakhtunkhwa, Peshawar
- 8. PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 9. AIG Legal, CPO Peshawar.
- 10. Registrar, CPO Peshawar.



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

Training, Khyber Pakhtunkhwa,
Peshawar.

Reg. No. 845 /Trg

Dt. 21/3/23

No.

586 / Legal / E-1 dated the 15/03/2023.

ORDER

In compliance with Order Sheet of Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto Contempt proceedings vide CrI.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide this office Letter No. CPO/CPB/75, dated 14.02.2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their batch mates/ among immediate seniors and juniors who were promoted during their intervening period by maintaining original inter-se-seniority.

2. In view of the above, case regarding Out of Turn Promotion of Mr. Nasir Khan DSP was examined. As per details provided by office of CCP Peshawar vide letter bearing No.4649/EC-I dated 12.03.2023 on subject "collection of data of police officers falling under the definition of out of turn promotion". He was enlisted as Constable on 02.05.1991 in FRP. He qualified his A-1 examination vide OB No. 221 dated 26.03.1995 and B-1 examination vide OB No. 228 dated 18.03.1997. He qualified his Lower College Course on 20.10.1997. He was promoted as Officiating Head Constable 14.04.1998 and completed his intermediate college course and his name was brought on List "D" on 25.05.1999. He was promoted as Officiating ASI on 04.04.2000 and confirmed as ASI on 25.05.2005. As per his available service record, he was again confirmed as ASI on 20.02.2002, and his name was brought on List "E" on 25.04.2008. He was promoted Officiating SI on 20.02.2001 and again promoted as SI on 05.04.2008. His name was brought on List F on 30.07.2010. He qualified Upper College Course on 15.11.2000. His career progression is full of gross irregularities and flagrant violations of Police Rules. At present, he stands at S. No. 67 in the seniority list of DSsP vide CPO Peshawar No. 1594-SE-I, dated 05.08.2022. After withdrawal of Out of Turn Promotions his name will be placed above the name of his original colleague confirmed SI Shad Muhammad No. P/410 present at S. No. 57 in the seniority list "F" of Sub-Inspectors issued vide No. 424/E-II/CPO/seniority dated 01.12.2022.

3. In this regard, Para 122 of Judgment of Hon'ble Supreme Court of Pakistan 2015 SCMR 456 is reproduced as under;

122. The issue of out of turn promotions has been dealt with by us in detail in the judgment sought to be reviewed and we reached the conclusion that it was violative of Articles 240, 242, 4, 8, 9 and 25 of the Constitution. Mr. Adnan Iqbal Chaudhry, learned Advocate Supreme Court has contended that section 9-A of the Act has not been struck down by this Court, while declaring the out of turn promotions as unconstitutional. We are mindful of this fact as we have held that the Competent Authority can grant awards or rewards to the Police Officers, if they show act of gallantry beyond the call of duty. However, we had struck down the very concept of 'out of turn promotion' being violative of Constitution for the reasons incorporated in paras 158 to 164 of the judgment under review.

4. As per Para No. 73 of Judgment of Hon'ble Supreme Court of Pakistan 2018 SCMR 1218 (Intra Court Appeals No.4 of 2017 etc) when any legislative instrument is declared unconstitutional, it is declared void ab initio. The Para No. 73 is being reproduced as under;

73. The contention of Khawaja Haris Ahmad, learned Sr.ASC that in Para No. 123 of Shahid Pervaiz's case (supra) this Court had wrongly observed that "we have already declared void ab initio the legislative instruments that provided for out of turn promotions." because nowhere in the earlier judgment was such a declaration made, is also without force. Suffice it to say that in Para 104, of Shahid Pervaiz' Case (Supra), it was observed that: "104. Through the successions of its orders, this Court has consistently maintained the unconstitutionality, and the consequential nullity of the instruments providing for the out of turn promotion." Moreover, in Para 129 of the judgment of Ali Azhar Khan Baloch's case (supra), this Court was pleased to observe that when any legislative instrument is declared unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab initio. The relevant part of Para 129 is being reproduced hereunder: "129. Now, it is a settled law of this Court that no right or obligation can accrue under an unconstitutional law. Once this Court has declared a legislative instrument

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as being unconstitutional, the effect of such declaration is that such legislative instrument becomes void ab-initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone to any liability."

5. Similarly, Hon'ble Supreme Court of Pakistan Judgment reported as 2017 SCMR 456 vide Para No. 98 declared Out of Turn Promotions as null and void in the following terms which is reproduced as under;

98. In a series of judgments, this Court has declared out-of-turn promotions as being unconstitutional, un-Islamic, and void ab initio. The principle of unconstitutionality attached to the instrument providing for out of turn promotion was laid down first in the case of Muhammad Nadeem Arif vs. I.G of Police (2011 SCMR 408). The view taken in this judgment was followed in another case reported as Ghulam Shabbir vs. Muhammad Munir Abbasi (PLD 2011 SC 516); wherein it was held that out of turn promotion was not only against the Constitution, but also against the Injunctions of Islam; and that reward or award should be encouraged for meritorious public service but should not be made basis for out of turn promotion.

6. Mr Nasir Khan DSP was given chance of personal hearing on 12.03.2023. He was informed about his personal hearing through Wireless Police Control besides other possible means. However, he did not attend hearing despite being informed. Perusal of his record reveals that as mentioned in Para No. 2 of this Order, he was enlisted as Constable on 02.05.1991 in FRP. He qualified his A-1 examination vide OB No. 221 dated 26.03.1995 and B-1 examination vide OB No. 228 dated 18.03.1997. He qualified his Lower College Course on 20.10.1997. He was promoted as Officiating Head Constable 14.04.1998 and completed his intermediate college course and his name was brought on List "D" on 25.05.1999. He was promoted as Officiating ASI on 04.04.2000 and confirmed as ASI on 25.05.2005. As per his available service record, he was again confirmed as ASI on 20.02.2002 and his name was brought on List "E" on 25.04.2008. He was promoted Officiating SI on 20.02.2001 and again promoted as SI on 05.04.2008. His name was brought on List F on 30.07.2010. He qualified Upper College Course on 15.11.2000. His career progression is full of gross irregularities and flagrant violations of Police Rules. At present, he stands at S. No. 67 in the seniority list of DSsP vide CPO Peshawar No. 1594-SE-I, dated 05.08.2022. After withdrawal of Out of Turn Promotions his name will be placed above the name of his original colleague confirmed SI Shad Muhammad No. P/410 present at S. No. 57 in the seniority list "F" of Sub-Inspectors issued vide No. 424/E-II/CPO/seniority dated 01.12.2022.

7. Consequently, his Out of Turn Promotion/Confirmation Orders as mentioned in Para-06 of this Order are withdrawn through this Order and he is demoted from the rank of DSP to the rank of Sub-Inspector with immediate effect. After withdrawal of his Out of Turn Promotions, his name is placed above the name of his original colleague confirmed SI Shad Muhammad No. P/410 present at S. No. 57 in the seniority list "F" of Sub-Inspectors issued vide No. 424/E-II/CPO/seniority dated 01.12.2022.

Sd-

Akhtar Hayat Khan, PSP
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

C.C

1. Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar
3. Secretary, Home & TAs Department, Government of Khyber Pakhtunkhwa, Peshawar.
4. Additional Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
5. Additional Inspector General of Police, Operations Khyber Pakhtunkhwa, Peshawar.
6. All Regional Heads, Khyber Pakhtunkhwa, Peshawar.
7. All Heads of Police Units, Khyber Pakhtunkhwa.
8. PSO to W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
9. AIG/ Legal, CPO, Peshawar.
10. Registrar, CPO, Peshawar.

ATTESTED

IRIZWAN MANZOOR, PSP
Deputy Inspector General of Police, HQs
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF KP Service Tribunal Peshawar.

Nasir Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

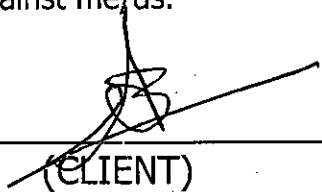
Police Deptt: (Respondent)
(Defendant)

I/We, Nasir Khan (Appellant)

Do hereby appoint and constitute **Mr. M. Asif Yousafzai, ASC & Syed Noman Ali Bukhari AHC** 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated 02-08 /2023


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI, ASC,


SYED NOMAN ALI BUKHARI
Advocate High Court Peshawar