



13.01.2023 Lawyers are on strike today, therefore, case is adjourned to 25.04.2023 for arguments before the D.B. Office is directed to on the notice board as well as website of the Tribunal.

SCANNED
KPST
Peshawar



(FAREEHA PAUL)
Member (E)



(ROZINA REHMAN)
Member (J)

25th April, 2023 25th April has been declared as public holiday on account of Eid-Ul-Fitr, therefore, the case is adjourned. To come up for the same on 06.07.2023.


Reader

- 6th July, 2023
1. Learned counsel for the appellant present. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present.
 2. Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 01.11.2023 before D.B. P.P given to the parties.


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

SCANNED
KPST
Peshawar

17.11.2022

Clerk of counsel for the appellant present.

Muhammad Rjaz Khan Paindakhel learned Assistant Advocate

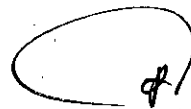
General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to

5.01.2023 for arguments before D.B.



(Fareeha Paul)
Member (E)

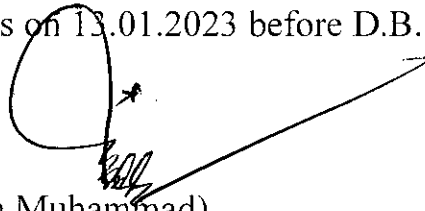


(Rozina Rehman)
Member (J)

05.01.2023

Appellant alongwith his counsel present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant submitted that the seniority matter of the appellant is pending before the august Supreme Court of Pakistan and is fixed for today. He further submitted that fate of the instant appeal is depending upon the fate of the case pending before the august Supreme Court of Pakistan and requested that this case may be adjourned to the next week. Adjourned accordingly. To come up for arguments on 13.01.2023 before D.B.



(Mian Muhammad)
Member (E)



(Kalim Arshad Khan)
Chairman

SCANNED
BY
Peshawar

26th July 2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for official respondents No. 1 to 4 and junior of learned counsel for private respondents No. 6 & 7 present.

Learned counsel for the appellant seeks adjournment on the ground that he has not gone through the brief of the instant appeal. To come up for arguments on 11.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)

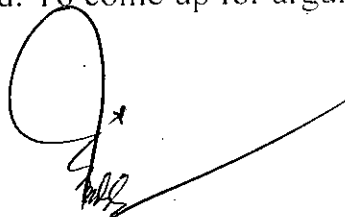


(Kalim Arshad Khan)
Chairman

11.10.2022

Appellant alongwith his counsel present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for official respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 17.11.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

30-9-21

DB is on Tour case to come up For the same on dated. 30-12-21

30-12-2021

Due to winter vacation, the case is adjourned. To come up on 14/3/2022.

Reader

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 13.05.2022 for the same as before.

Reader.

13-5-22

Proper DB not available the case is adjourned on 26-7-22

Reader

02.07.2021

Appellant with counsel present.

Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Former made a request for adjournment, granted. To come up for arguments on 09.08.2021 before D.B.


(Rozina Rehman)
Member(J)


Chairman

13.08.2021

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

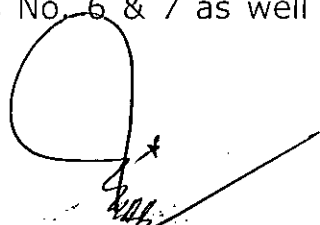
Former made a request for adjournment as his counsel is not available. Request is accorded. To come up for arguments on 23.08.2021 before D.B.


(Rozina Rehman)
Member (J)


Chairman

23.08.2021

Appellant in person present. Mr. Tariq Umer, Inspector alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for official respondents present. Mr. Hamza Durrani, junior of learned counsel for private respondents No. 6 & 7 present and requested for adjournment on the ground that learned counsel for private respondents is not available today. Adjourned. To come up for submission of reply on behalf of respondents No. 6 & 7 as well as arguments before the D.B on 30.09.2021.


(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

22.03.2021

Appellant with counsel, Addl. AG for official respondents and Junior to counsel for private respondents present.

Request for adjournment is made on behalf of learned counsel for private respondents due to his indisposition. Adjourned to 28.05.2021 for hearing before the D.B.



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



Chairman

28.05.2021

Appellant with counsel present.


Muhammad Adeel Butt learned Additional Advocate General alongwith Tariq Umer Inspector for official respondents present. Safdar Iqbal Gulbela Advocate present and submitted Vakalat Nama in favor of private respondents No.6 & 7.

Being freshly engaged learned counsel for private respondents No.6 & 7 requested for adjournment.

Adjourned to 02.07.2021 for arguments before D.B.



(Atiq ur Rehman Wazir)
Member (E)



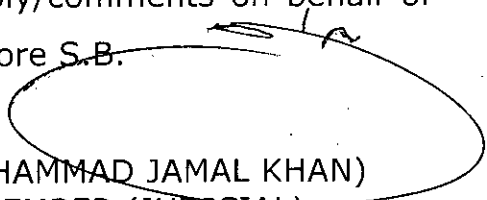
(Rozina Rehman)
Member (J)

01.12.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Wisal, Head Constable, for official respondents are also present.

Written reply/comments on behalf of respondents not submitted. Representative of official respondents is seeking further time for filing of written reply/comments. Time given.

Neither written reply/comments on behalf of private respondents No. 5 to 7 have been submitted nor anyone on their behalf is present, therefore, they are proceeded against ex-parte. File to come up for written reply/comments on behalf of official respondents on 19.01.2021 before S.B.

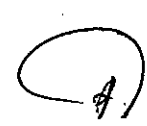

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

19.01.2021

Junior counsel for appellant present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Wisal H.C for official respondents No.1 to 4 present.

Representative of official respondents No.1 to 4 submitted written reply/comments. To come up for rejoinder, if any, and arguments on 23.03.2021 before D.B.


(Rozina Rehman)
Member (J)

11.09.2020

Counsel for the appellant present.

Contends that a Service Appeal (No. 679/2017) has been preferred by the appellant in respect of the seniority list of 2017 which is pending decision by this Tribunal. Now the respondents have effected promotions on the strength of same seniority list, already subjudice. On 07.09.2020 a notification was issued by respondent No. 2 to that effect which is violative of Section 9 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 7 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

In the said circumstances, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 21.10.2020 before S.B.

SCANNED
KPST
Peshawar

Appellant Deposited
Security & Process Fee

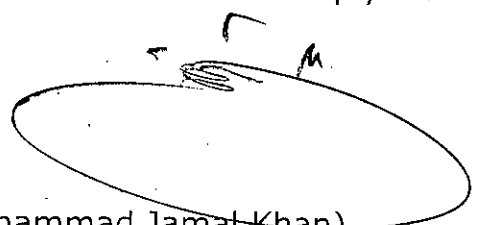
11/10/20


Chairman

21.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted nor any representative of the department is present, therefore, notices be issued to the respondents for written reply for 01.12.2020 before S.B.

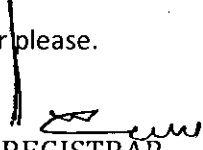


(Muhammad Jamal Khan)
Member (Judicial)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 8488 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/07/2020	<p>The appeal of Syed Amir Abbas resubmitted today, by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR -</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/09/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Syed Aamir Abbas Acting DSP CTD HQrs Peshawar received today i.e. on 02.07.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures-A, B and D of the appeal are torn.
- 2- Pages No.5/A and 9 of the appeal are illegible which may be replaced by legible/better ones.

No. 1387 /S.T,

Dt. 07-07 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv.

Sir,

*All objections have been removed,
hence re-submitted today dated 24.7.2020.*

MU
24/7/2020.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 8488 /2020

SYED AMIR ABBAS

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 4.
2	Appointment order	A	5- 6.
3	Confirmation order	B	7.
4	Notification	C	8.
5	Seniority lists	D & E	9- 12.
6	Notification	F	13.
7	Service appeal	G	14- 17.
8	Impugned Notification	H	18.
9	Departmental appeal	I	19- 20.
10	Vakalat nama	21.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6020

Dated 02-7-2020

Syed Aamir Abbas, Acting DSP Legal,
CTD HQrs, Peshawar.

..... **APPELLANT**

VERSUS

- 1- The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General (HQrs) Khyber Pakhtunkhwa, Peshawar.
- 3- The Regional Police Officer, Kohat Region, Khyber Pakhtunkhwa, Peshawar.
- 4- The Assistant Inspector General of Police Establishment, Khyber Pakhtunkhwa.
- 5- Mr. Rashid Ahmad, DSP Legal, Hazara Region at Abbottabad
- 6- Mr. Wisal ahmad, DSP Legal, Peshawar Region.
- 7- Mr. Malak Habib Khan, DSP Legal, Peshawar Region.

..... **RESPONDENTS**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 07/02/2020 WHEREBY JUNIORS TO THE APPELLANT HAS BEEN PROMOTED TO THE RANK OF DEPUTY SUPERINTEDENT OF POLICE LEGAL WHILE THE APPELLANT HAS BEEN IGNORED AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 07/02/2020 may kindly be set aside and the respondents may please be directed to considered the appellant for promotion to the Rank of Deputy Superintendent of Police Legal w.e.f. 07/02/2020 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise on the present appeal are as under:

Filed
2/7/2020
to - day

Re-submitted
24/7/20
to - day

- 1- That initially the appellant was appointed in respondent department as Sub Inspector legal in pursuance of recommendation of Khyber Pakhtunkhwa public service commission vide order dated 05/12/2009 and since then the appellant is serving respondents department quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order is attached as annexure **A.**
- 2- That later on the appellant was confirmed in his substantive post of SI legal from the date of his appointment i.e 05/12/2009 vide order dated 20/06/2013. Copy of the confirmation order is attached as annexure **B.**
- 3- That after confirmation the appellant was brought on list F vide notification dated 11/02/2014, wherein his name was placed on serial no.2 of the aforementioned notification. Copy of notification dated 11/02/2014 is attached as annexure **C.**
- 4- That thereafter the respondents circulated the seniority list dated 30/06/2015 and revised seniority list dated 30/04/2016 of SI,s legal where the name of appellant was correctly placed on serial no.14 and 11 respectively. Copy of seniority list dated 30/06/2015 and revised seniority list dated 30/04/2016 are attached as annexure..... **D & E.**
- 5- That it is pertinent to mention that a revised notification dated 02/01/2017 was issued whereby the seniority of appellant has been disturbed and juniors (private respondents) to appellant were made seniors. Copy of the Revised Notification is attached as annexure **F.**
- 6- That feeling aggrieved from notification dated 02/1/2017 the appellant filed service appeal no.679/2017 before this honorable Tribunal which is still pending adjudication. Memo of service appeal is attached as annexure.....**G.**
- 7- That it is pertinent to mention here that the above mentioned appeal is pending before this honorable Tribunal and in the meanwhile the respondents issued the impugned order dated 7/2/2020, whereby juniors to the appellant (private respondents) were promoted to the post of DSP legal on regular basis. Copy of impugned order dated 07/02/2020 is attached as annexure..... **H.**
- 8- That feeling aggrieved the appellant filed departmental appeal on 02/03/2020, but the same has not been responded within the statutory period. Copy of departmental appeal is attached as annexure..... **G.I**

- 9- That feeling aggrieved and having no remedy the appellant preferred the instant appeal on following grounds inter alia.

GROUND:

- A- That the impugned order dated 7/2/2020 issued by the respondent No.2 is against law, facts, and norms of natural justice, hence not tenable and liable to be set aside.
- B- That the petitioner has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That it is crystal clear from rules 12 (3) of police rules, 1934 that seniority in the upper ranks will be reckoned from the date of confirmation, hence according to this rule appellant is senior from private respondents and entitle to be promoted to the post of DSP legal from the date when his juniors (private respondents) were promoted.
- D- That the respondents acted in arbitrary and malafide manner by issuing the impugned order dated 7.2.2020 whereby promoting juniors to the appellant to the rank of DSP legal and ignoring the appellant.
- E- That the impugned order dated 7.2.2020 has been issued by the respondents in utter violation of section-9 of the Civil Servant Act, 1973 read with rule 7 of the appointment, promotion and transfer rules, 1989.
- F- That according to Article 38 (e) of the Constitution of Islamic Republic of Pakistan, 1973 the state is bound to reduce disparity in the income and earning of individuals including persons in the services of the federation, therefore in light of the said Article the appellant is fully entitle for his promotion to the next Rank.
- G- That the appellant has been discriminated on the subject noted above and as such the respondents violated the principle of natural justice.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

BETTER COPY OF PAGE-5

From:

The Provincial Police Officer,
NWFP, Peshawar

- To
1. The Capital City Police Officer,
Peshawar.
 2. The Deputy Inspector General of Police,
Mardan Region-I, Mardan.
 3. The Deputy Inspector General of Police,
Malakand Region-III, Swat.
 4. The Deputy Inspector General of Police,
Kohat Region.
 5. The Deputy Inspector General of Police,
Bannu Region.
 6. The Deputy Inspector General of Police,
Hazara Region, Abottabad.

No.29070-75/E-II, Dated Peshawar the 02/12/2009.

Subject: **RECRUITMENT OF (18) POSTS OF SUB INSPECTORS
LEGAL (BPS-14) IN PROVINCIAL POLICE
DEPARTMENT**

Memo.

Consequent upon the recommendation of NWFP Public Service Commission Peshawar vide letter NWFP/PSC/SR-V-SI(Legal)53/20 dated 12.11.2009, the appointment of the following candidates are hereby approved as Sub Inspectors Legal BPS-14 (4920-380-16320).

S/No.	Name & Parentage	Region/District
1.	Akhlaq Hussain Shah S/o Farzand Ali Shah	District & Tehsil Mansehra
2.	Ghulam Hamid S/O Ghulam Nouman	Behrain Tehsil & District Swat
3.	Imran Ullah S/O Ikram Shah	Daggar District Buner
4.	Malik Habib Khan S/O Malik Fateh Khan	Ashrafia Colony, Eid Gah Road, Peshawar.
5.	Muhammad Farooq Khan S/O Muhammad Banoor Khan	Kotka Buland District Buner
6.	Rashid Ahmad S/O Munawar Khan	Dir Upper
7	Samiullah Khan S/O Saidal Khan	District Kohat
8	Syed Amir Abbas S/O Syed Jamil Hussain	Village & P/O Usterzai Payan, Tehsil & District Kohat

- A-5
4.38/5
8/19/09
A-5
- From: The Provincial Police Officer, NWFP, Peshawar.
- To: 1. The Capital City Police Officer, Peshawar.
2. The Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. The Deputy Inspector General of Police, Malakand Region-III, Swat.
4. The Deputy Inspector General of Police, Kohat Region.
5. The Deputy Inspector General of Police, Bannu Region. Deputy Inspector General of Police, Malakand Region, Saidu Shajid Swat.
6. The Deputy Inspector General of Police, Hazara Region Abbottabad.
- 07/12/09

No. 29070-75 R-II, Dated Peshawar the 02/12/2009.

Subject: RECRUITMENT OF (18) POSTS OF SUB INSPECTORS LEGAL (BPS-14) IN PROVINCIAL POLICE DEPARTMENT

Memo.

Consequent upon recommendation of NWFP Public Service Commission Peshawar vide letter NWFP/PC/SP-A/S/1004/09 dated 12.11.2009, the appointment of the following candidates are hereby announced as Sub Inspectors Legal BPS-14 (1970-380-16320)

S/NO	NAME & PARENTAGE	RESIDENCE
1.	Akhlaq Hussain Shah s/o Farzand Ali Shah	District and P.O. Bannu
2.	Ghulam Hamid s/o Ghulam Noman	Village & P.O. ... & District ...
3.	Iqbalullah s/o Iqbal Khan	Village & P.O. ... Tehsil ... District ...
4.	Malik Habib Khan s/o Malik Hafeez Khan	Matk House, H. No. ... Ashrafia Colony, Jinnah Road, ...
5.	Muhammadyaq Farooq Khan s/o Muhammad Banoor Khan	Kotka, Baland, Dakhal, ... Tehsil and District Bannu
6.	Rashid Ahmad s/o Munawar Khan	Village Tehsil and P.O. ... District Upper Dir, new road ...
7.	Samiullah Khan s/o Saidul Khan	House No. 47, ... Khel Tehsil & District Kohat
8.	Syed Aamir Abbas s/o Syed Jamil Hussain	Village and P.O. ... Tehsil and District Kohat
9.	Usman Ali Khan s/o Sher Ali	Sher Ali, Bolter, ... Teaching Hospital Peshawar
10.	Wisal Ahmad s/o Aurumullah	Shah ...
11.	Muhammad Shafiq Khan Mohmand s/o Muhammad Aslam Khan Mohmand	...

Attested
Dud.

ATTESTED

6

POLICE DEPARTMENT

ORDER.

Res 9
[Signature]

In pursuance to the recommendation of NWFP Public Service Commission pertaining to the appointment of Sub Inspectors Legal in Police Department vide No.NWFP/ P.S.C / SR-VIS(Legal / 53420) dated 12.11.2009 and Provincial Police Officer, NWFP Peshawar Order vide Memo: No.2970-75/E-II, dated 02.12.2009 Mr. Syed Aamir Abbas S/o Syed Jamil Hussain R/o Usterzai Payan District Kohat is hereby appointed as Sub Inspector Legal. He is attached for the purpose of pay and allowances with Police Training College Hangu against the existing vacancy of S.I. Legal and posted in Kohat District for training.

accordingly.

Necessary gazette notification may be issued

17423/E-II
9/12/09

[Signature]
(ABDULLAH KHAN) P.S.P
Dy. Inspector General of Police
Kohat Region, Kohat.

05/12/2009.

No. 10654-6/IEC, dated Kohat the

Copy of above is submitted to the:-

1. Provincial Police Officer, NWFP Peshawar.
2. Addl. Inspector General of Police, Hqrs: NWFP Peshawar.

For favour of inform
with to Memo:
No.2970-75/E-II
Dt: 02.12.2009

3. Commandant, PTC Hangu for further necessary action and with the req intimate their training program please.

[Signature]

4. Mr. Amir Kalam Shah, Director Examination, NWFP, Public Service Commission Bungalow No.51 Street No.3 Sector No.F-1, Phase No.01 Hayatabad Peshawar

[Signature]

5. District Police Officer, Kohat.
6. District Account Officer Kohat.
7. District Account Officer Hangu.
8. Assistant Secret Region Office, Kohat.

For information & necessary ac

[Signature]
(ABDULLAH KHA
Dy: Inspector Gener
Kohat Region,

[Signature]

87
[Signature]

ATTESTED

[Signature]

ATTESTED

ORDER

B-7

In pursuance of worthy Provincial Police Officer Khyber Pakhtunkhwa, directives received vide his Office Memo: No. 14048/E-II, dated 17.06.2013, SI Legal Aamir Abass of this Region presently serving on deputation in Directorate of Counter Terrorism/Special Branch Khyber Pakhtunkhwa Peshawar is hereby confirmed in his substantive rank of SI Legal from the date of his appointment i.e 05.12.2009 under the Police Rules 1934 chapter 19 sub rule 26.

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 4642-46/EC, dated Kohat the 20-6 /2013.

1. Copy of above to the:-
Provincial Police Officer Khyber Pakhtunkhwa Peshawar for favour of information with the above quoted reference please.
2. Dy: Inspector General of Police DCT/Special Branch Khyber Pakhtunkhwa Peshawar w/r his office Endst: No. 5709/EC/DCT/SB, dated 06.12.2012.
3. District Police Officer Kohat with the directions to issue necessary gazette notification accordingly.
4. Asstt: Secret Region office Kohat.

Handwritten notes and signatures on the left side of the page, including 'SOP/Admn' and 'SRE'.

(DR. ISHTIAQ AHMAD MARWAT)
Dy: Inspector General of Police,
Kohat Region, Kohat.

ATTESTED

ATTESTED

ATTESTED

C-8

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

NOTIFICATION

No. 412-S E-II PROMOTION LIST-F Dated: 11 / 02 / 2014

As per recommendation of the DPC in its meeting held on 07.02.2014 duly approved by the W/IGP Khyber Pakhtunkhwa the names of the following confirmed Sub-Inspectors Legal of Khyber Pakhtunkhwa Police are hereby brought on list "F" with immediate effect:-

S/NO	NAME & RANK	REGION/UNIT
1.	SI/Legal Rashid Ahmad No. 448/M	Malakand Region
2.	SI/Legal Syed Amir Abbas	Kohat Region
3.	SI/Legal Muhammad Farooq Khan No. B/35	Bannu Region
4.	SI/Legal Akhatq Hussain Shah No. H/50	Hazara Region
5.	SI/Legal Malik Habib Khan No. P/168	CCP, Peshawar
6.	SI/Legal Wisal Ahmad No. P/200	CCP, Peshawar
7.	SI/Legal Usman Ali Khan No. P/199	CCP, Peshawar
8.	SI/Legal Muhammad Shafiq No. MR/49	Mardan Region
9.	SI/Legal Muhammad Zahoor No. H/51	Hazara Region
10.	SI/Legal Siraj-ud-Din No. H/53	Hazara Region
11.	SI/Legal Naeem Hussain No. H/52	Hazara Region
12.	SI/Legal Faheem Khan No. MR/13	Mardan Region
13.	SI/Legal Imranullah No. 450/M	Malakand Region

ATTESTED

(MIAN MUHAMMAD ASIF)

Add: IGP/Headquarters
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

No. 4126-31 /E-II dated Peshawar the 11 / 02 / 2014

1. Add: IGP/HQRs Khyber Pakhtunkhwa, Peshawar
2. Capital City Police Officer, Peshawar.
3. Deputy Inspectors General of Police, Hazara, Malakand, Bannu, Kohat & Mardan Regions.
4. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa, Peshawar.
5. Office Supt: Secret CPO alongwith their original character rolls for record in his office.
6. C.O.P file.

ATTESTED

Better copy of page- 9

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT STOOD ON 30.06.2015

No.1694/E-II Seniority List:- The Seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.06.2015 is hereby published for information to all concerned.

S.No.	Name & No.	Education	Home Distt:	D.O birth	D.O Enlistment	D.O Confirmation S.I Legal	D.O Promotion to list "F"	D.O promotion as Inspector Legal	D.O Confirmation as Inspector Legal
1.	Abdul Sattar No. B/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008
14.	Syed Amir Abbas	MA/LLB	Kohat	15.06.1982	05.12.2009	05.12.2009	11.02.2014	11.02.2014	

(MIAN MUHAMMAD ASIF)

Add: IGP Headquarters
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

No. 1695-1715/E-II, dated Peshawar, the 12/08/2015

D. 9

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA. POLICE AS IT STOOD ON 30.06.2015

No. 1694 /E-II. Seniority List:- The seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.06.2015 is hereby published for information to all concerned:-

S.NO	NAME & NO.	EDUCATION	HOME DISTT:	D.O BIRTH	D.O ENLISTMENT	D.O CONFIRMATION SI LEGAL	D.O PROMOTION TO LIST "F"	D.O PROMOTION AS INSPECTOR LEGAL	D.O CONFIRMATION AS INSPECTOR LEGAL	REMARKS
1.	Abdul Satar No. E/62	BA/LLB	Bannu	07.05.1958	31.03.1983	31.03.1983	09.07.1991	20.12.1995	24.05.2008	
2.	Abdul Satar No. K/02	BA/LLB	Karak	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.02.2008	31.10.2013	
3.	Abdul Aziz No. B/34	BA/LLB	Bannu	20.06.1958	01.06.1992	01.07.1992	12.01.1997	19.11.2007	31.10.2013	
4.	Mir Faraz No. B/58	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013	
5.	Muhammad Acif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	31.10.2013	
6.	Schah Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013	
7.	Beshir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013	
8.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008		
9.	Azhaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013	
10.	Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013	
11.	Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	31.10.2013	
12.	Kamal Hussain	BA/LLB	Kohat	15.04.1969	25.03.1999	30.06.2008	21.05.2009	21.05.2009	31.10.2013	
13.	Rashid Ahmed No. 448/M	MA/LLB	Dir Upper	02.04.1980	05.12.2009	05.12.2009	11.02.2014	11.02.2014		
✓	Syed Amir Abbas	MA/LLB	Kohat	15.06.82	05.12.09	05.12.2009	11.02.2014	11.02.2014		
14.	Muhammad Farooq Khan No. B/55	MA/LLB	Bannu	30.12.1978	08.12.2009	08.12.2009	11.02.2014	11.02.2014		
15.	Abdullah Hussain Shah No. B/50	BA/LLB	Mansehra	07.03.1982	09.12.2009	09.12.2009	11.02.2014	11.02.2014		
16.	Malik Habib Khan No. P/168	BA/LLB	Peshawar	10.01.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014		
17.	Wisal Ahmad No. P/200	BA/LLB	Peshawar	12.04.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014		
18.	Usman Ali Khan No. P/199	MA/LLB	Charsadda	25.12.1983	12.12.2009	12.12.2009	11.02.2014	11.02.2014		

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S.NO	NAME & NO.	EDUCATION	HOME DISTT:	D.O BIRTH	D.O ENLISTMENT	D.O CONFIRMATION SI LEGAL	D.O PROMOTION TO LIST "F"	D.O PROMOTION AS INSPECTOR LEGAL	D.O CONFIRMATION AS INSPECTOR LEGAL	REMARKS
20.	Muhammad Shafiq No. MR/49	BA/LLB	Mardan	15.03.1979	15.12.2009	15.12.2009	11.02.2014	11.02.2014		
21.	Muhammad Zahoer No. H/51	MA/LLB	Haripur	05.01.1980	21.12.2009	21.12.2009	11.02.2014	11.02.2014		
22.	Siraj-ud-Din No. H/53	MA Pol: Science MA I.R LLB	Kohistan	03.04.1982	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
23.	Nacem Hussain No. H/52	BA/LLB	Mardan	21.04.1984	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
24.	Faheem Khan No. MR/13	BSc/LLB	Swabi	02.08.1983	12.01.2010	12.01.2010	11.02.2014	23.02.2015		
25.	Imanullah No. 450/M	BA/LLB	Buner	15.04.1983	02.12.2009	17.07.2013	11.02.2014	23.02.2015		

(Signature)
 (MIAN MUHAMMAD ASIF)
 Addl: IGP Headquarters
 For Inspector General of Police,
 Khyber Pakhtunkhwa
 Peshawar
(Signature)

No 1695-1715 /E-II, dated Peshawar, the 12/08/2015.

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

1. Additional IGP/ Investigation Khyber Pakhtunkhwa, Peshawar
2. Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar
3. Commandant PTC Hangu
4. Capital City Police Officer Peshawar.
5. All Regional DIsG in Khyber Pakhtunkhwa.
6. Director ACE Khyber Pakhtunkhwa, Peshawar.
7. Registrar CPO, Peshawar
8. Office Supdt: Establishment CPO, Peshawar
9. Office Supdt: Secret CPO, Peshawar

They are requested to please inform all officers serving under their command. Any officer who have objection on his seniority/correction, he should submit his representation within one month after the issue of the list otherwise no representation will be accepted.

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(Signature)

E- (11)

REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA, POLICE AS IT STOOD ON 30.04.2016

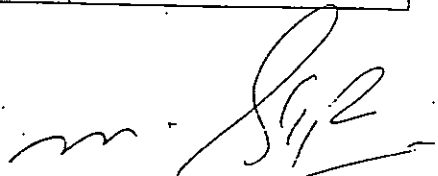
No. 1306 /E-II, Seniority List:- The seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.04.2016 is hereby published for information to all concerned:-

S.NO	NAME & NO.	EDU.	HOME DISTT.	D.O BIRTH	D.O ENLISTMENT	D.O CONF. SI LEGAL	D.O PROMOTION TO LIST "F"	D.O PROMOTION AS INSP. LEGAL	D.O CONF. AS INSP. LEGAL	REMARKS
1.	Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013	
2.	Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	31.10.2013	
3.	Sohail Afzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013	
4.	Bashir Ahmad No. P/100	BA/LLB	Dir	19.07.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013	
5.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	-	
6.	Kamal Hussain No.K/11	BA/LLB	Kohat	15.04.1969	25.03.1999	30.06.2008	21.05.2009	21.05.2009	31.10.2013	Assigned revised seniority by DPC in his meeting held on 19.11.2015, Notification No: 2783-2808/E-II, dated 17.12.2015.
7.	Ishaq Gul No. K/58	B.Sc/LLB	Kohat	10.04.1968	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013	
8.	Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1969	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013	
9.	Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	31.10.2013	
10.	Rashid Ahmed No. 448/M	MA/LLB	Dir Upper	02.04.1980	05.12.2009	05.12.2009	11.02.2014	11.02.2014	-	
11.	Syed Amir Abbas	MA/LLB	Kohat	15.06.82	05.12.2009	05.12.2009	11.02.2014	11.02.2014	11.02.2016	
12.	Muhammad Farooq Khan No. B/35	MA/LLB	Bannu	30.12.1978	08.12.2009	08.12.2009	11.02.2014	11.02.2014	-	
13.	Akhalq Hussain Shah No. H/50	BA/LLB	Mansehra	07.03.1982	09.12.2009	09.12.2009	11.02.2014	11.02.2014	-	
14.	Malik Habib Khan No. P/168	BA/LLB	Peshawar	10.01.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
15.	Wisal Ahmad No. P/200	BA/LLB	Peshawar	12.04.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
16.	Usman Ali Khan No. P/199	MA/LLB	Charsadda	25.12.1983	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
17.	Muhammad Shafiq No. MR/49	BA/LLB	Mardan	15.03.1979	15.12.2009	15.12.2009	11.02.2014	11.02.2014	-	
18.	Muhammad Zahoor No. H/51	MA/LLB	Haripur	05.01.1980	21.12.2009	21.12.2009	11.02.2014	11.02.2014	-	

ATTESTED

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S.NO	NAME & NO	EDU.	HOME DISTT.	D.O BIRTH	D.O ENLISTM ENT	D.O CONF SI LEGAL	D.O PROMOTIO N TO LIST	D.O PROMOTIO N AS INSP LEGAL	D.O CONF AS INSP LEGAL	REMARKS
19.	Siraj-ud-Din No. H/53	MA Pol: Science MA ITR LLB	Kohistan	03.04.1982	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
20.	Naeem Hussain No. H/52	BA/LLB	Mardan	21.04.1984	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
21.	Faheem Khan No. MR/13	BSc/LLB	Swabi	02.08.1983	12.01.2010	12.01.2010	11.02.2014	23.02.2015		
22.	Imranullah No. 450/M	BA/LLB	Buner	15.04.1983	02.12.2009	17.07.2013	11.02.2014	23.02.2015		
23.	Sher Mohsin-ul-Mulk No.449/M	MA/LLB	Chitral	06.05.1979	09.01.2010	09.01.2010	19.01.2015			


(MIAN MUHAMMAD ASIF)
Addl: IGP/Headquarters
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

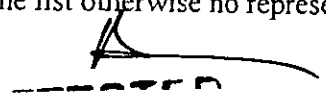
No 1307 - 21 /E-II, dated Peshawar, the 18 / 05 /2016.

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

1. Additional IGP/ Investigation Khyber Pakhtunkhwa, Peshawar
2. Addl: Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar
3. Commandant PTC Hangu
4. Capital City Police Officer Peshawar.
5. All Regional DisG in Khyber Pakhtunkhwa.
6. Director ACE Khyber Pakhtunkhwa, Peshawar.
7. Registrar CPO, Peshawar
8. Office Supdt: Establishment CPO, Peshawar
9. Office Supdt: Secret and CPB CPO, Peshawar.

ATTESTED


They are requested to please inform all officers serving under their command. Any officer who have objection on his seniority/correction, he should submit his representation within one month after the issue of the list otherwise no representation will be accepted.





143
5-01-17

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Ph# 091 - 9210239/ 091 - 9210345

13

No. /E-II, dt: 2/01/2017.

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

No. 26 /E-II, **REVISED SENIORITY LIST OF INSPECTORS LEGAL**:- The competent authority has been pleased to approve the decisions taken in the DPC meeting held on 30.11.2016 on the representations made by Inspectors Legal Raza Muhammad Khan No. P/03, Malik Habib Khan No. P/168 and Wisal Ahmad No. P/200. The seniority of the following legal Inspectors has been revised as per Inter-Sec merit list provided by the Public Service Commission.

S. No	Name & No.	Appointed Through	Inter-Se-Merit	Date Of Appointment By CPO	Brought On List "F"	D.O. promotion as Insp. Legal	D.O. Confirmation as Insp. Legal
1.	Muhammad Ibrahim Azhar No.K/98	DIG/Kohat	-	8.10.1992	30.7.2008	30.07.2008	31.10.2016
2.	Ibrahim Ullah Khan No.K/55	PSC	02	20.3.1999	30.7.2008	30.07.2008	31.10.2016
3.	Raza Muhammad No.P/03	PSC	05	20.3.1999	30.7.2008	30.07.2008	31.10.2016
4.	Kamal Hussain No.K/11	PSC	07	20.3.1999	21.5.2009	21.05.2009	31.10.2016
5.	Ishaq Gul No.K/58	PSC	15	20.3.1999	30.7.2008	30.07.2008	31.10.2016
6.	Rashid Ahmed No.M/448	PSC	01	2.12.2009	11.2.2014	11.02.2014	11.2.2016
7.	Wisal Ahmad No.P/200	PSC	02	2.12.2009	11.2.2014	11.02.2014	11.2.2016
8.	Malik Habib Khan No.P/168	PSC	03	2.12.2009	11.2.2014	11.02.2014	11.2.2016
9.	Akhlaq Hussain Shah No.H/50	PSC	05	2.12.2009	11.2.2014	11.02.2014	11.2.2016
10. *	Imran Ullah No.M/450	PSC	06	2.12.2009	11.2.2014	23.02.2015	-
11. *	Naeem Hussain No.H/52	PSC	07	2.12.2009	11.2.2014	23.02.2015	-
12.	Muhammad Shafiq No.MR/49	PSC	11	2.12.2009	11.2.2014	11.02.2014	11.2.2016
13. *	Faheem Khan No.MR/13	PSC	13	2.12.2009	11.2.2014	23.02.2015	-
14.	Muhammad Zahoor No.H/51	PSC	14	2.12.2009	11.2.2014	11.02.2014	11.2.2016
15. *	Siraj Ud Din No.H/53	PSC	18	2.12.2009	11.2.2014	23.02.2015	-
16.	Syed Amir Abbas	PSC	19	02.12.2009	11.2.2014	11.02.2014	11.2.2016
17.	Usman Ali Khan No.P/199	PSC	21	12.12.2009	11.2.2014	11.02.2014	11.2.2016
18.	Muhammad Farooq Khan No.B/35	PSC	22	02.12.2009	11.2.2014	11.02.2014	11.2.2016
19. *	S.I Sher Mohsin-Ul-Mulk No.M/449	PSC	23	02.12.2009	19.1.2015	-	-

*Imranullah No. M/450, Naeem Hussain No. H/52, Faheem Khan No. MR/13, Siraj-ud-Din No. H/53 and S.I Sher Mohsin-ul-Mulk No. M/449 mentioned above. Their seniority is tentative and is subject to confirmation as Inspector Legal in light of Rule 12.2(3) of Police Rules-1934.

Sd/-
(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

No. 27-42 /E-II,

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

1. All Addl: Inspectors General of Police/ KPK.
2. All Regional Police Officers KPK.
3. Regional Police Officer, Kohat Region with respect to his letter No.14641/EC, dated 20.12.2016.
4. Capital City Police Officer Peshawar.
5. Commandants, FRP and PTC Hangu.
6. Director, A.C.E Khyber Pakhtunkhwa, Peshawar
7. Registrar CPO, Peshawar.
8. Office Supdt: Secret and CPB CPO, Peshawar.
9. U.O.P file.

Office
Copy

ATTESTED

Signature

(NAJEEB UR REHMAN BUGVI) PSP
AIG/Establishment

ATTESTED

G-14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 679 /2017

Mr. Syed Aamir Abbas, (Inspector Legal)

CTD, HQrs. Pesh.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 720

Dated 22/6/17

(Appellant)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Additional Inspector General (HQrs), Khyber Pakhtunkhwa Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.
4. The Assistant Inspector General of Police Establishment, Khyber Pakhtunkhwa, Peshawar.
5. Rashid Ahmad No. M/448, Inspector Legal, DPO Upper Dir.
6. Wisal Ahmad No. P/200, Inspector Legal, Central Police Officer, Peshawar.
7. Malik Habib Khan No. P/168, Inspector Legal, Posted as SHO Sharqi, Peshawar.
8. Akhlaq Hussain No. H/50, Inspector Legal, Mansehra.
9. Imran Ullah No. H/450, Inspector Legal, DPO Officer Swat.
10. Naeem Hussain No. H/52, Inspector Legal, PTS, Swabi.
11. Muhammad Shafiq Khan No. Mr/49, Inspector Legal, DPO Officer Mardan.
12. Fahim Khan No. MR/13, Inspector Legal, DPO Officer Swabi.
13. Muhammad Zahoor No. H/51, Inspector Legal, DPO Office Haripur.
14. Siraj-ud-Din No. H/53, Inspector Legal, PTS Mansehra.

EW Parted
13-9-17
Restored
24-10-17

(Respondents)

Filed to-day

Registrar

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974- AGAINST THE IMPUGNED ORDER DATED 02.01.2017 WHEREBY THE APPELLANT HAS BEEN SHOWN JUNIOR TO THE PRIVATE RESPONDENTS AND AGAINST THE REJECTION ORDER VIDE NO. 1441-43/E-II DATED 19.06.2017 HANDED OVER TO APPELLANT ON 20.06.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON FLIMSY GROUND.

ATTESTED

[Signature]

PRAYER:

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THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATD 02.01.2017 AND 19.06.2017 MAY BE SET ASIDE AND RESPONDENTS MAY BE DIRECTED TO CORRECT THE SENIORITY OF THE APPELLANT AS IT WAS IN SENIORITY LIST FOR THE YEAR 2014 TO 2016 AND BEING EARLIER CONFIRMED THAN THE PRIVATE RESPONDENTS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the respondents Police Department advertised 18 posts of Sub Inspector Legal vide advertisement on 01/2009 at Sr. No. 38. In the said advertisement two posts were allocated to District Peshawar and Kohat whereas one post allocated to District Mardan, Swabi, Charsada, Nowshera, Shangla, Dir Upper, Chitral, Buner, Haripur, Nowshera, Batagram, Kohistan and Bannu. Copy of Advertisement is attached as Annexure-A.
2. That the appellant applied to the post of Sub Inspector Legal through proper Channel and qualified the Public Service Commission Interview. There-after the public Service Commission issued recommendations on 12.11.2009 which were very duly approved by the respondents No. 1 on 02.12.2009 and vide same approval letter the respondents No. 1 directed the Regional Police Officers to issue necessary appointment order of the qualified/recommended candidates because Regional Police Officer was the appointing authority under the law. Copy of Letter of respondents No. 1 directions is attached as Annexure-B.
3. That in pursuance of the approval of the respondents No.1 the concerned Regional Police Officer issued the appointment order of the appellant as Sub Inspector Legal BPS-14. Copy of the order is attached as Annexure-C.
4. That the appellant was confirmed as Sub Inspector Legal from the date of appointment i.e. 05.12.2009. Copy of the order is attached as Annexure-D.

ATTESTED

5. That after confirmation, the appellant was brought on list "F" vide notification dated 11.02.2014 and since then the appellant was enjoying seniority over above the names of private respondents in the seniority list "F" for the year 2015 and 2016. **Copies of Promotion of List 'F' order and seniority are attached annexure-E, F, G.**
6. That all of sudden with single stroke of pen and utter violation of Police Rules 1934 the seniority of the appellant has been disturbed whereby junior private respondents were shown senior to the appellant vide notification dated 2.1.2017. Copy of notification is attached as Annexure-H.
7. That against the said seniority list the appellant filed representation on 26.01.2017 which was rejected on 19.06.2017 and the rejection order was communicated to the appellant on 20.06.2017. Hence the present appeal on the following grounds amongst the others. **Copies of appeal and rejection order are attached as Annexure-I & J.**

GROUND:

- A) That the impugned seniority list 02.01.2017 and rejection order dated 19.06.2017 are against the law, facts, norms of justice, and material on record, therefore not tenable and liable to be set aside.
- B) That initially the post were advertised for various districts and the appointment order were issued by the concerned Regional Police Officers, on various dates, therefore the first date of appointment as per law is to be taken as date of confirmation for seniority, and not the Inter-Se-Merit of the Commission because in each district there was a single post and confirmation order were also issued separately. Moreover, the seniority list upto "E" was prepared and maintained by the concerned RPOs and the appellant was on top of seniority list in his region being a single post holder. Therefore, now can not be changed the seniority position on flimsy grounds.
- C) That as per law Police Rules in 1934 the seniority list has to be reckoned from date of confirmation. And as the appellant confirmation was earlier therefore he enjoyed senior position than the private respondents for the last so many years.
- D) That it is also worth to mention here that private respondent were confirmed much after the confirmation of the appellant and being satisfied with those orders the private respondents never challenged any seniority list till the date of issue of disputed seniority dated 02.01.2017.

ATTESTED



- E) That in the latest judgment of the Honorable Supreme Court of Pakistan it is held that the government functionary, authorities have not legal powers to change the seniority position of a person which is enjoyed by him for the last so many years. Under the principles locus poenitentiae.
- F) That it is also worth to mention here that earlier confirmation orders of the private respondents are still intact meaning, thereby, the impugned seniority list issue on malafide basis.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

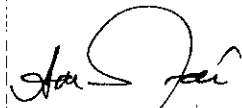
It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT



Syed Amir Abbas

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,



(TAIMUR ALKHAN)

ADVOCATE HIGH COURT,

&

S. NOMAN ALI BUKHARI
(ADVOCATE PESHAWAR)

ATTESTED





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Fax: 091- 9210927

Dated Peshawar 07 February, 2020

NOTIFICATION

No.CPO/E-I/Promotion/ 321, In pursuance of the provision contained in Section 5 of Promotion Rules-2007, on recommendations of the Departmental Selection Committee meeting held on 30.01.2020, the following Inspectors (BS-16) Legal of Khyber Pakhtunkhwa Police are hereby promoted to the rank of Deputy Superintendent of Police Legal (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.
1.	Mr. Rashid Ahmed
2.	Mr. Wisal Ahmad
3.	Malik Habib Khan

The posting Notification will be issued separately.

Sd/-
(DR. ISHTIAQ AHMAD) PSP/PPM
Additional Inspector General of Police,
Headquarters, 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.
3. Secretary, Govt: of Khyber Pakhtunkhwa Estt: & Admn: Deptt: Peshawar.
4. Secretary, Govt: of Khyber Pakhtunkhwa Home & T.As Deptt: Peshawar.
5. Secretary, Govt: of Khyber Pakhtunkhwa Finance Deptt: Peshawar.
6. Accountant General Khyber Pakhtunkhwa Peshawar.
7. All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
8. Chief of Staff (COS) to the Provincial Police Officer, Khyber Pakhtunkhwa.
9. Capital City Police Officer Peshawar.
10. Regional Police Officers Mardan and Malakand region.
11. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
12. District Police Officers Mardan and Swat.
13. Director IT CPO Peshawar.
14. District Accounts Officers Mardan and Swat.
15. Registrar CPO, Peshawar.
16. Supdt: Secret & Supdt:E-II, CPO.
17. Supdt: CPB & Accountant CPO Peshawar.

ATTESTED

(ZAIBULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

I - (19)

BEFORE THE WORTHY PROVINCIAL POLICE OFFICER, KHYBER PAKHTUNKHWA PESHAWAR
THROUGH: "PROPER CHANNEL"

SUBJECT: REPRESENTATION TO WORTHY INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA, PESHAWAR TO SET ASIDE/WITHDRAW THE NOTIFICATION NO. CPO/E-I/Promotion/321 dated 07.02.2020 AS THE CASE IS SUB-JUDICE BEFORE SERVICE TRIBUNAL KP, PESHAWAR VIDE SERVICE APPEAL NO. 679/2017 AND TO RESTORE THE ORIGINAL SENIORITY OF PETITIONER FROM THE DATE OF APPOINTMENT i.e 05.12.2009.

Respected Sir,

It is submitted that I want to draw your kind attention towards the following points for your kind and sympathetic consideration.

1. The applicant was appointed as SI Legal in year 2009 and after completion of probation period was confirmed in the rank of SI Legal from the date of appointment i.e 05.12.2009 by worthy RPO Kohat.
2. That after confirmation the appelland was brought on list "F" vide Notification dated 11.02.2014 and after completion of probation period was also confirmed in the rank of Inspector Legal and since then the appelland enjoyed seniority over above the names of other SI Legal appointed in year 2009 (batch fellows).
3. That all of sudden my seniority was disturbed whereby my juniors were shown senior to the appelland vide Notification dated 02.01.2017 and procedure for fixing seniority was changed from date of appointment to the inter-se seniority after 8 years of my appointment.
4. It is pertinent to note that during 8 years from 2009 to 2017 no one ever challenge my seniority but all of a sudden in year 2017 I was placed juniors from my other colleagues.
5. I have no other option except to knock the door of justice and therefore we three (03) affected colleagues' i.e Syed Aamir Abbas Acting DSP Legal CTD, Muhammad Farooq Inspector Legal Bannu and Muhammad Usman Acting DSP Legal City Patrolling Peshawar challenged the new seniority list in service tribunal KP Peshawar vide service appeal No.679/2017 of appelland, service appeal No.702/2017 of Muhammad Farooq and service appeal No.703/2017 of Muhammad Usman.
6. Keeping in view of the above submissions I humbly submitted an application through proper channel vide covering letter No. 10126/Inv/HQ dated 25.07.2019 signed by the then DIG CTD KP with the request that promotion of inspector legal to the post of DSP legal may kindly be stopped till the final decision of the honourable service tribunal. (Copy of application along with covering letter is enclosed for ready reference).

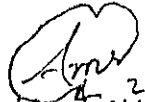
Sir, if your good honour not set aside/withdraw the subject notification then irreparable loss will occur to the applicant.

In light of many decision of Supreme Court of Pakistan, when the case is subjudice in court no promotion will be done until and unless the case is decided by the competent court please.

Copy of Supreme Court judgment (2009 SCMR 396) regarding subjudice cases to stop promotion till decision of court is enclosed for ready reference.

ATTESTED

Your's sincerely


23.20
Syed Aamir Abbas
A/DSP Legal CTD KP.



OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.
Phone No. 091-9212608
Fax No. 091-9212530

20

No. 2612 /Inv/HQ: Dated 02/03/2020.

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

Subject:- REPRESENTATION.

Enclosed please find herewith a self-explanatory representation submitted by Acting DSP Legal Syed Aamir Abbas of this unit is sent herewith for your kind consideration, please..

Encl: 04 pages.

Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

_____ OF 2020

Syed Amir Abbas

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Syed Amir Abbas

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020

Amir

CLIENT

Accepted
ACCEPTED
NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

Mir Zaman Safi
MIR ZAMAN SAFI

&

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:

Flat No.4, 2nd Floor, Juma Khan
Plaza, near FATA Secretariat,
Warsak Road, Peshawar.
Mobile No.0345-9383141

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 8488/2020

Amir Abbas Acting DSP/ Legal CTD.....(Appellant)

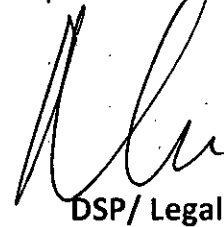
Versus

Provincial Police Officers & others.....(Respondents)

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3.	Copy of PSC merit list	A	5
4.	Public Service Commission Rules	B	6
5.	Copy of judgment dated 09.01.2017 in Service Appeal No. 162/ 2014	C	7-10
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Respondents through



DSP/ Legal

CPO, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.8488/2020.

Syed Aamir Abbas Acting DSP Legal CTD PeshawarAppellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police HQrs., Peshawar.
3. Regional Police Officer, Kohat Khyber Pakhtunkhwa, Peshawar.
4. Assistant Inspector General of Police Establishment, Khyber Pakhtunkhwa, Peshawar.....Respondents.

Subject:- **REPLY BY RESPONDENTS NO. 1,2,3 &4.**

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

1. That the appeal is not maintainable u/s 4(b(1) KP Service Tribunal Act 1974 before this forum.
2. That the appeal is barred by law & limitation.
3. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant has not come to this Hon'able Tribunal with clean hands.
5. That the appellant has no cause of action.
6. That the appellant is estopped by his own conduct to file the instant appeal.
7. That the appellant has concealed the material facts from Honorable Tribunal.
8. That this Hon'ble tribunal has no jurisdiction to entertain the appeal.
9. That the seniority of appellant and his batch mates have been prepared on the basis of Inter se merit list prepared by the KP Public Service Commission u/R 33/34 Regulation 2003 updated 2012.

FACTS:-

- (1) Correct to the extent of recruitment of Sub Inspector Legal in Khyber Pakhtunkhwa Police through Public Service Commission and the commission conveyed Inter Se merit of the candidates under rule 33, 34 KP Public Service Commission Regulations 2003 updated 2012. As per inter se merit list of KP Public Service Commission the position of the appellant was at serial No.22 while the private respondents (Rashid Khan, Wisal Ahmad, Malik Habib) were at serial No.01,02.and 03 respectively in that merit list.(Public Service Commission rules, merit list are annexure as A&B)
- (2) Para pertains to record; seniority of appellant and his batch mates were revised and maintained in accordance Rule 12.2 and inter se merit list of KP Public Service Commission.

- (3) Incorrect. The CPO Peshawar on the recommendation of Departmental promotion Committee rectified the seniority of SI legal in accordance with the merit list assigned by the Public Service Commission. It is general principle of determination of Inter-se seniority of candidates at one selection that the merit list assigned by the Public Service Commission has to be followed. Date of joining etc was not the criteria for the determination of seniority in case where the candidates have been selected and assigned merit by the Public Service Commission.
- (4) Incorrect. As stated above. The merit assigned by the Public Service Commission has been followed by the replying respondents. The similar issued has also been decided by the Federal Service Tribunal in its reported judgment 1995 PLC (C.S) 950 and 1993 PLC (C.S) 1005 as well as this Honorable Service Tribunal in its Judgment Service Appeal No.162/2014 and others Appeals. (Judgments of the Court are annexure as C,D,E)
- (5) Incorrect. The seniority of SI Legal was fixed in accordance with merit declared by the Public Service Commission. The seniority was fixed on the recommendation of DPC.
- (6) Departmental appeal of the appellant was turndown on the grounds that department has already determined seniority of Inspector Legal on the basis of Inter se merit list prepared by the KP Public Service Commission u/R 33/34 Regulation 2003 updated 2012.
- (7) Incorrect. Private respondents were promoted on the basis of the recommendation of DSC on his own merit as per the law/rules, as no instruction/direction pertaining to the disposal of the said appeal was received to the respondent department from this Honorable Tribunal which does not effect on the appeal already pending in this Honorable Tribunal.
- (8) Para pertains to record, hence needs no comments.
- (9) That appeal of the appellant being devoid of merits may kindly be dismissed on the following grounds

GROUND:-

- (A) Incorrect. The valid order passed by the replying respondents is legal, based on facts and in accordance with law.
- (B) Incorrect. The appellant was treated in accordance with law/rules and no violation of any provision of Constitution of Pakistan has been committed by the replying respondents.
- (C) Incorrect. Order dated 07.02.2020 was passed in pursuance of the recommendation of DSC on his own merit. Furthermore, the seniority of Inspector legal was revised on solid/ legal grounds by the DPC, seniority list was revised on

the basis of inter-se seniority and merit declared by the KP Public Service Commission.

(D) Incorrect. Para is misleading and not justified as already explained in the preceding paras.

(E) Incorrect. The seniority of the appellant was fixed as per list of inter-se and recommendation of the DPC. Therefore question of the intact of previous seniority do not arise.


(F) Incorrect. The appellant was treated as per the law/rules and no violation of any provision of Constitution of Pakistan 1973 has been committed.


(G) Incorrect. The appellant was treated as per the law/rules and no discrimination has been done with regard to appellant & others.


(H) Respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

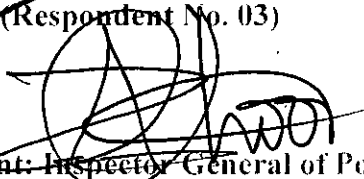
Prayers:-

It is, therefore, most humbly prayed that in light of above facts and submission, the appeal of the appellant being devoid of merits, legal footing in law/rules may kindly be dismissed with cost please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 01)


Add: Inspector General Police,
Hqrs: Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 02)


Regional Police Officer,
Kohat, Khyber Pakhtunkhwa,
(Respondent No. 03)


Assistant Inspector General of Police,
Estt, Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 04)

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 8488/2020

Amir Abbas Acting DSP/ Legal CTD.....(Appellant)

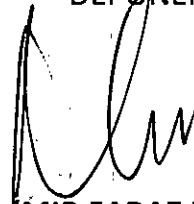
Versus

Provincial Police Officers & others.....(Respondents)

AFFIDAVIT

I, Mir Faraz Khan DSP/ Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

DEPONENT



(MIR FARAZ KHAN)

DSP/ Legal,

CPO, Peshawar.

11101-1425161-3

0336-5761727

N.W.F.P. PUBLIC SERVICE COMMISSION

APPENDIX-A.

Subject - INTER SE MERIT OF 16 (SIXTEEN) POSTS OF SIB INSPECTOR
LEGAL (D-14) (ADVERTISEMENT No.01/2009) S.No.38.

Merit Order	Name with Father's Name	District	Adm
01	Rashid Ahmad S/O Munawar Khan	Dir	Own Quota
02	Wazir Ahmed S/O Aman Ullah	Peshawar	Own Quota
03	Malik Habib Khan S/O Malik Fatch Khan	Peshawar	Own Quota
04	Sami Ullah Khan S/O Sajid Khan	Kohat	Own Quota
05	Ahmad Hussain Shah S/O Farzand Ali Shah	Mardan	Own Quota
06	Imran Ullah S/O Iqram Sultan	Buner	Own Quota
07	Nazim Hussain S/O Muhammad Hussain	Baltagram	Own Quota
08	Onucam Hamid S/O Ghulam Noman	Swat	Own Quota
09	Muhammad Shafiq Khan Mohmand S/O Muhammad Aslam Khan Mohmand	Mardan	Own Quota
10	Fahim Khan S/O Nawaz Khan	Swabi	Own Quota
11	Muhammad Zahoor S/O Rustam Khan	Haripur	Own Quota
12	Siraj Din S/O Jamshed	Kohistan	Own Quota
13	Syed Asim Abbas S/O Syed Jamil Hussain	Kohat	Own Quota
14	Imran Ali Khan S/O Sher Ali	Chamrodda	Own Quota
15	Muhammad Farooq Khan S/O Muhammad Hanooq Khan	Bannu	Own Quota
16	Sher Mahmud ul Malik S/O Muhammad Yaqoob Khan	Chitral	Own Quota

(CAZAL HAINI)
 Deputy Secretary-I

Explanation—
(1) If no orders of the initial probationary period are deemed to have been extended.

(2) If no orders have been made by the day on which the maximum period of probation expires, the probationer shall, subject to sub-clause (1), be deemed to have been confirmed in his appointment.

(3) A probationer who has satisfactorily completed his period of probation, shall be confirmed with effect from the date of his continuous appointment in the service in a substantive vacancy; provided that where the period of his probation has been extended under the provisions of sub-clause (3) (c) of this clause, the date of confirmation shall, subject to the other provisions of this clause, be the date on which the period of probation was last extended.

(4) No person shall be confirmed in the Service unless he successfully passes such training and passes such departmental examinations may be prescribed by the Commission from time to time.

(5) If a member of the Service fails to complete successfully any departmental examination prescribed under sub-clause (4) in such period or in such number of attempts as may be prescribed by the appointing authority may—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed by promotion, revert him to his former post, and if there be no such post, dispense with his services.

11. Seniority.—(1) The seniority inter-se of the holders of the posts shall be determined—

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission, if the appointment is made on the basis of a competitive examination, and in other cases, in accordance with the order of merit assigned by the appointing authority; provided that persons

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR!

SERVICE APPEAL NO. 162/2014

Date of Institution ... 10.02.2014
Date of Judgment ... 09.01.2017

Shaheen Tabssum,
Deputy Public Prosecutor, Kohat.

... (Appellant)

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Secretary Homes & TA, Khyber Pakhtunkhwa, Peshawar.
3. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
4. Shafiullah, Dy: Public Prosecutor, Prosecution Directorate Peshawar and 8 others.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 27.12.2013 COMMUNICATED TO APPELLANT ON 16.01.2014 WHEREBY APPEAL AGAINST FINAL SENIORITY LIST DATED 18.11.2013 HAS BEEN REJECTED FOR NO GOOD GROUNDS.

Mr. M. Asif Yousafzai, Advocate.	..	For appellant.
Mr. Ziaullah, Government Pleader	..	For official respondents.
Mr. Syed Hamad Ali Shah, Advocate	..	For private respondent No.4 to 1

MR. MUHAMAMD AAMIR NAZIR	..	MEMBER (JUDICIAL)
MR. AHAMD HASSAN	..	MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER: Shaheen Tabassum, Deputy Public Prosecutor, Kohat, hereinafter referred to as appellant, through the instant appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, has impugned order dated 27.12.2013 communicated to the appellant on 16.01.2014 vide which departmental appeal by the appellant against final seniority list dated 18.11.2013 was rejected by the competent authority.

2. Brief facts of the case giving rise to the instant appeal are that the appellant appointed as Dy: Public Prosecutor (BPS-17) vide Notification dated 27.08.2009 on recommendation of the Khyber Pakhtunkhwa Public Service Commission dated 04.08.2009.



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. [162/2014]

Date of Institution ... 10.02.2014
Date of Judgment ... 09.01.2017

Shaheen Tabssum,
Deputy Public Prosecutor, Kohat.

... (Appellant)

VERSUS

1. The Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. The Secretary Homes & TA, Khyber Pakhtunkhwa, Peshawar.
3. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
4. Shafiullah, Dy: Public Prosecutor, Prosecution Directorate Peshawar and 8 others.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST THE ORDER DATED 27.12.2013
COMMUNICATED TO APPELLANT ON 16.01.2014 WHEREBY APPEAL
AGAINST FINAL SENIORITY LIST DATED 18.11.2013 HAS BEEN
REJECTED FOR NO GOOD GROUNDS.

Mr. M. Asif Yousafzai, Advocate.	..	For appellant.
Mr. Ziaullah, Government Pleader	..	For official respondents.
Mr. Syed Hamad Ali Shah, Advocate	..	For private respondent No.4 to 1

MR. MUHAMAMD AAMIR NAZIR	..	MEMBER (JUDICIAL)
MR. AHAMD HASSAN	..	MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER: Shaheen Tabassum, Deputy Pu
Prosecutor, Kohat, hereinafter referred to as appellant, through the instant appeal u
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authority.

2. Brief facts of the case giving rise to the instant appeal are that the appellant
appointed as Dy: Public Prosecutor (BPS-17) vide Notification dated 27.08.2009 or
recommendation of the Khyber Pakhtunkhwa Public Service Commission dated 04.08.2009



... respondents No. 4 to 12 were subsequently appointed as Dy: Public Prosecutor vide Notification dated 21.09.2010 i thirteen months after the appellant's appointment. That later on, respondent-department issue tentative seniority list on 17.12.2012 wherein the appellant names was placed below the name of private respondents, hence the appellant filed objection petition but of no avail. That o 18.11.2013 final seniority list was issued wherein the previous scniority position of th appellant was kept intact, hence the appellant filed departmental appeal but the same wa rejected vide impugned order dated 27.12.2013, hence the instant appeal,

3. Learned counsel for the appellant argued before the court that despite the fact that the appellant was appointed as Dy: Public Prosecutor on 27.08.2009 even then she was placed junior to private respondents No. 4 to 12 who were appointed as Dy: Public Prosecutor on 21.09.2010 i.e thirteen months after the appellant's appointment. That the impugned final seniority list has been maintained in violation of Secion-8 of the Civil Servant Act, 1973 as well as Rule-17 of Khyber Pakhtunkhwa Civil Servant (Appointment, Promotion and Transfer) Rules, 1989. That it is well settled principle that seniority has to be counted from the date of regular appointment, however, in case of the appellant she was deprived of her due seniority despite the fact that there is thirteen months difference in the appointment dates of the appellant and private respondents. That being earlier appointee, the appellant is senior to the private respondents, hence by acceptance the instant appeal the impugned seniority list be rectified.

4. On the contrary, learned Government Pleader assisted by counsel for private respondents argued before the court that the impugned seniority list has been maintained in accordance with the consolidated merit order issued by Khyber Pakhtunkhwa Public Service Commission as well as per requirements laid down in the regulations 2003, No. 35(3)(a) read with rule-17(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989. Learned GP argued before the court that the private respondents were appointed by Khyber Pakhtunkhwa Public Service Commission on the basis of advertisement No.7 of 2008 whereas the appellant has been appointed against female quota as per

the appointment of the private respondents, however, seniority list has been prepared in accordance with consolidated merit order communicated to the respondent-department Khyber Pakhtunkhwa Public Service Commission. That since the appellant was appointed in female quota therefore, her appointment order was issued earlier to private respondents hence the appellant cannot take advantage of her earlier appointment. Learned Government Pleader placed reliance on 1993 PLC (C.S) 1005, 1995 PLC(CS)950 and 2002 SCMR 889. Learned Government Pleader argued that since the appeal is devoid of any merits be dismissed.

5. We have heard arguments of learned counsel for the appellant and learned Government Pleader for the respondents and have gone through the record available on file.

6. Perusal of the case file reveals that the Khyber Pakhtunkhwa Public Service Commission advertised posts of Deputy Public Prosecutors (BPS-17) vide advertisement No.07/2008 to which private respondents No. 4 to 12 alongwith other candidates applied. Subsequently, Public Service Commission in the year 2009 advertised some other posts of Deputy Public Prosecutors vide advertisement No. 03/2009 in response to which appellant alongwith other candidates applied for the posts. Since, the appellant had applied for the post of Deputy Public Prosecutor in female quota therefore, she was selected earlier to private respondents No. 4 to 12 vide Notification dated 27.08.2009 and there-after she submitted arrival report on 09.09.2009. The private respondents No 4 to 12 on the other hand, applied for the post of Deputy Public Prosecutors in general quota therefore, the process took time and they were finally recommended by Public Service Commission and were appointed as Deputy Public Prosecutors (BPS-17) vide Notification dated 21.09.2010 and there-after they assumed their duties. Later on, the respondent-department issued a tentative seniority list dated 17.12.2012 vide which private respondents No. 4 to 12 were ranked senior to the appellant against which she filed an objection petition, however her claim were not considered and final seniority list was issued by the competent authority on 18.11.2013. It is pertinent to notice that as per combined inter-se merit of Deputy Public Prosecutors issued by Khyber Pakhtunkhwa Public Service Commission, private respondents were ranked senior in merit for the reason

they had applied in the year 2008, whereas the appellant had applied in the year 2009. The respondent-department while considering the combined inter-se merit of Deputy Public Prosecutors, issued a final seniority list on 18.11.2013 well in accordance with prescribed rules. It is well settled law that civil servants joining earlier than co-civil servants, is immaterial as seniority on initial appointment by way of selection through Commission was not reckoned from the date of joining, but would be determined through earlier open advertisement as provided in para.A(i) of General Principles of Seniority, 1989. Reliance in this respect placed on 1995 PLC(C.S) 950. Similarly, date of joining duty was not a criteria for determination of seniority, seniority should be reckoned on the basis of merit assigned by the Khyber Pakhtunkhwa Public Service Commission in pursuance of General Principles of Seniority. Reliance placed on 1993 PLC (C.S) 1005.

7. In the instant case, though the appellant has joined her service prior to the private respondents No.4 to 12; however, it is quite certain that she has been recommended by the Public Service Commission on female quota vide advertisement No. 3/2009 whereas private respondents No. 4 to 12 who assumed their duties subsequently had applied for the post of Deputy Public Prosecutor through advertisement issued by the Khyber Pakhtunkhwa Public Service Commission in the year 2008. Delay if any in their selection for the said post cannot be attributed to the respondents. The merit assigned by the Khyber Pakhtunkhwa Public Service Commission should be followed as per General Principle of the Seniority. The competent authority has rightly issued the final seniority dated 18.11.2013 by placing the private respondents No. 4 to 12 senior to the appellant. We see no force in the substance of the instant appeal, therefore we are inclined to dismiss the appeal in hand. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.01.2017

(AHMAD HASSAN)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER



IN THE COURT OF SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Syed Aamir Abbas

Versus

KPK Police Department & Others

APPLICATION FOR SETTING ASIDE
EX-PARTEE PROCEEDINGS AGAINST
PRIVATE RESPONDENTS NO. 6 & 7

RESPECTED SHEWETH:-

- 1) That the above titled case is pending before this Hon'ble Tribunal and is fixed for today i.e. 09/08/2021.
- 2) That ex-parte proceeding has been initiated by this Hon'ble Tribunal against the Applicant/ Respondents No. 6 & 7.
- 3) That the summon/notices were not duly served to the Private Respondents No. 6 & 7.

- 4) That the non appearance of the Applicant/ Respondents was not intentionally but due to lack of knowledge.
- 5) That there is no bar for setting aside ex-parte proceedings.
- 6) That the law favor to decide the matters upon merits, and the applicants be given opportunity to defendants their rights as per law.

It is therefore, very humbly prayed that on acceptance of this application ex-parte proceedings against defendants No: 6 & 7 and may kindly be set aside.

Dated: 09/08/2021

Respondents No. 6 & 7
Through
Javed Iqbal Gulbela
Advocate Supreme Court
of Pakistan
Ahsan Sardar
&
Hamza Durrani
Advocates High Court
Peshawar.

IN THE COURT OF SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Syed Amir Abbas

Versus

KPK Police Department & Others

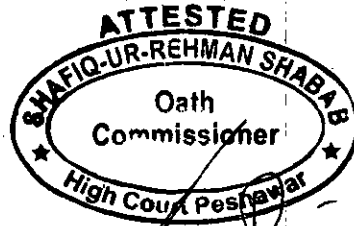
AFFIDAVIT

I, Malik Habib, do solemnly hereby affirm and declare on oath that the contents of this application are correct and nothing has been concealed or misstated from this august court.

DERONENT

VERIFIED BY:-

Javed Iqbal Gulbela
Advocate Supreme Court
of Pakistan



09-08-221

IN THE COURT OF SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Syed Amir Abbas

Versus

KPK Police Department & Others

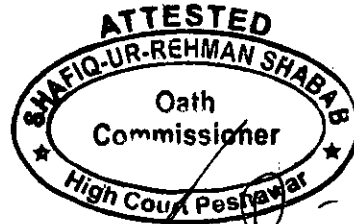
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Advocate Supreme Court
of Pakistan



09-08-221

IN THE COURT OF SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Syed Aamir Abbas

Versus

KPK Police Department & Others

APPLICATION FOR SETTING ASIDE
EX-PARTEE PROCEEDINGS AGAINST
PRIVATE RESPONDENTS NO. 6 & 7

RESPECTED SHEWETH:-

- 1) That the above titled case is pending before this Hon'ble Tribunal and is fixed for today i.e. 09/08/2021.
- 2) That ex-parte proceeding has been initiated by this Hon'ble Tribunal against the Applicant/ Respondents No. 6 & 7.
- 3) That the summon/notices were not duly served to the Private Respondents No. 6 & 7.

- 4) That the non appearance of the Applicant/ Respondents was not intentionally but due to lack of knowledge.
- 5) That there is no bar for setting aside ex-parte proceedings.
- 6) That the law favor to decide the matters upon merits, and the applicants be given opportunity to defendants their rights as per law.

It is therefore, very humbly prayed that on acceptance of this application ex-parte proceedings against defendants No: 6 & 7 and may kindly be set aside.

Dated: 09/08/2021

Respondents No. 6 & 7
Through
Javed Iqbal Gulbela
Advocate Supreme Court
of Pakistan
Ahsan Sardar
&
Hamza Durrani
Advocates High Court
Peshawar.

IN THE COURT OF SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Syed Amir Abbas

Versus

KPK Police Department & Others

AFFIDAVIT

I, Malik Habib, do solemnly hereby affirm and declare on oath that the contents of this application are correct and nothing has been concealed or misstated from this august court.

DEFENDENT

VERIFIED BY:-

Javed Iqbal Gulbela
Advocate Supreme Court
of Pakistan



09-08-221