


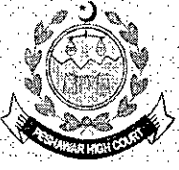
FORM OF ORDER SHEET

Court of _____

Case No. _____

1771/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/09/2023	<p>The present appellants initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 21.06.2023 & 22.06.2023 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>05-09-2023</u></p> <p>By the Order of Chairman</p> <p> REGISTRAR</p>



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58

No. 79066 (1)/224/2023/WP-MN

Dated. 02-September-2023

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7344

Dated. 4/9/2023

To

✓ The Chairman, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

Subject: Writ Petitions W.P 1289/2023 Title: Tayyab Jan and others VS Govt of Khyber Pakhtunkhwa and others

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and judgment of this Honble Court dated 21.06.2023 & 22.06.2023 for compliance.

Deputy Registrar (J)

02/9/23

Encl: As above.

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.1289-P/2023

Tayyab Jan and others

Vs.

**Government of Khyber Pakhtunkhwa through Chief
Secretary, Civil Secretariat, Peshawar and others**

Date of hearing 21.06.2023 and 22.06.2023.
Petitioner(s) by: Mr. Shumail Ahmad Butt, Advocate.
Respondent(s) by: Mr. Amir Javed, Advocate General and Mr.
Hasnain Tariq, AAG along with Mr. Rizwan
Manzoor, DIG(HQrs), Khyber Pakhtunkhwa
Police, CPO. Muhammad Asif, AIG(Legal),
CPO. Muhammad Tariq Usman, Inspector
(Legal), CPO.

JUDGMENT

IJAZ ANWAR, J. This writ petition has been filed under
Article 199 of the Constitution of Islamic Republic of
Pakistan, 1973, with the following prayer: -

*"It is, therefore, very humbly prayed that on
acceptance of this writ petition, this Hon'ble
Court may very magnanimously hold,
declare and order:-*

- i. *That letter dated 11.03.2023,
12.03.2023 and office orders of
demotion dated 16.03.2023 and any
subsequent proceedings or orders
emanating/arising therefrom are
illegal, unlawful, without lawful
authority and thus of no legal effect*
- ii. *The respondents be permanently
restrained from reversing the
petitioners under the garb of Apex
Court judgment passed in respect of
out of turn promotes, which is not
applicable to the case of petitioners as
there was neither out of turn
promotion cadetship or gallantry
service in FRP and all the petitioners
have gone their promotion after*

completing courses on their turn as er seniority.

Any other relief in favour of the petitioner deemed just and appropriate".

2. In the instant case petitioners were initially appointed in the FRP as Constables and then gained promotion in the regular police as well as in the FRP after undergoing the requisite police training in the quota reserved for FRP. The question formulated for consideration of this Court primarily relates to the terms and conditions of service, because apparently, this case is distinguishable from other connected cases as in the instant case promotion order of the petitioners are withdrawn for the reason as it is out of turn and violative of the judgment of the Apex Court, however, on going through the same we find that no such issue ever raised in the judgments of the Apex Court referred in respect of out of turn promotions and in these cases neither the application/implementation of the judgment of the Apex Court is required, besides, such matters were also never referred in the judgment of a larger bench of this Court.

3. In the given circumstances, the matter primarily relates to the terms and conditions of the service, as such,

we transmit the same to the Provincial Service Tribunal,
Peshawar for its decision strictly in accordance with law.

Copy of the memo of this petition be retained for the
purpose of record.

Announced
Dt: 27-8-23.


JUDGE
JUDGE

(Amir Shehzad) *

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice S.M. Attique Shah.

Urgent Form

In the Peshawar High Court, Peshawar

C.M. No. 1300 - P of 2023

In

In Writ Petition No. 1289-P of 2023

Tayyab Jan & Others

Versus

Government of Khyber Pakhtunkhwa and Others

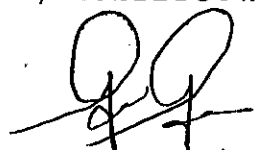
1. Will you kindly treat the accompanying C.M. for Ad-Interim Relief as Urgent and in accordance with the Provisions of Rules 9 Chapter 3-A, of the Rules & Orders of the High Court, Lahore Volume V.

2. The Grounds of Urgency are:

The Respondents in clear defiance and violation of the Interim Relief granted in favour of Applicant (Petitioner No. 1) has issued another letter vide which they are trying to demote and transfer the Applicant outside Peshawar to another District at Kohat which is against the Ben of Government 29-5-2023 and thus violating the order 4-4-2023, hence it is necessary to fix this application on or before 12-6-2023 being very urgent
13th / 4 / 23

APPLICANTS/PETITIONERS

Through


Shumail Ahmed Butt

In the Peshawar High Court, Peshawar

C.M. No. 1300 - P of 2023

In

In Writ Petition No. 1289-P of 2023

Tayyab Jan & Others

Versus

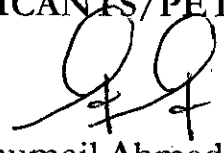
Government of Khyber Pakhtunkhwa and Others

Index

S.No.	Description of Documents	Annex	Page #
1.	Application for Ad-Interim Relief with affidavit		01- 08 4
2.	Copy Of transfer order as SP/Director Training	"A"	5
3.	Copy of letter dated 24.10.2022	B	6
4.	Copy of letter dated 20.04.2023	C	7
5.	Copy of the impugned transfer order dated 06.06.2023	D	8
6.	Copy of Notification of ban dated 29.05.2023	E	9-11

APPLICANTS/PETITIONERS

Through


Shumail Ahmed Butt,
Advocate Supreme Court


Abdul Rahim Khan Jadoon,

&



Hazrat Bilal Khan

Advocate High Court (s)

H#130, Street 7, Sector E-I,

Phase-I, Hayatabad, Peshawar

Cell: 0345-7040011


Scanned USB Received
10 JUN 2023
Signature

FILED TODAY

Deputy Registrar

10 JUN 2023

①

In the Peshawar High Court, Peshawar

C.M. No. 1300 - P of 2023

In

In Writ Petition No. 1289-P of 2023

Tayyab Jan & Others

Versus

Government of Khyber Pakhtunkhwa and Others

URGENT APPLICATION FOR SUSPENSION OF THE ORDER NO. CPO/E-1/TRANSFER/POSTING /1575 DATED 06.06.2023. PASSED AFTER THE ISSUANCE OF INTERIM RELIEF ORDER DATED 04.04.2023 BY THIS HONORABLE COURT.

May it please this Honorable Court:

The Applicant/Petitioner. No. 09 very humbly submits as under:

- 1) That the above captioned Writ Petition was filed by the Applicant/Petitioner. No. 09 along with eight other Petitioners have challenged the Letter No. 993/Legal dated 12.03.2023 whereby it was illegally directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed and have also challenged subsequent office orders dated 16.03.2023 whereby the Petitioners were illegally demoted to junior ranks which acts on their part were highly illegal and unlawful thus being aggrieved the ibid petition was filed.
- 2) That the Writ Petition was lastly fixed on 04.04.2023 before the Honorable Divisional Bench Comprising of Mr. Justice Ishtiaq Ibrahim & Mr. Justice S.M Attique Shah wherein the Honorable Court after hearing the arguments of Applicant/petitioners at

FILED TODAY

Deputy Registrar

10 JUN 2023

length and keeping in view the prima facie nature of case has graciously granted an interim relief as follows **“Till then the impugned letter dated 11.03.2023, 12.03.2023 and 16.03.2023 are suspended”** thus meaning thereby that the respondents were restrained from taking any kind of adverse action against the petitioners.

- 3) That it is pertinent to place on record that the Applicant/Petitioner No.09 was posted as Director Police Training School Shakas Khyber as well as SP Training Admin vide letter No. CPO/E-1/Transfer/Posting 18848 dated 15.09.2023.

(Copy Of transfer order as SP/Director Training is Annexure “A”)

- 4) That thereafter the Applicant/Petitioner No. 09 has started performing his duties with zeal and dedication and since then he has trained 23800 newly merged districts recruits and 16000 regular police besides 4000 persons in specialized courses in newly merged districts 3000 persons in regular police specialized courses.

- 5) That it is also pertinent to place on record that in the meantime a list of officers was forwarded to the Director General, Pakistan Provincial Services Academy, Peshawar vide letter No. 12347/Trg dated 24/10/2022 for training under 08th Junior Command Course (JCC).

(Copy of letter dated 24.10.2022 is Annexure “B”)

- 6) That upon the completion of ibid course, Deputy Director of Pakistan Provincial Services Academy, Peshawar vide letter No. PPSA/TRG/8th JCC/413 dated 20th April, 2023 has intimated to the Deputy Inspector General of Police (Training) the names of officers who have successfully completed course (name of the Applicant was also included in the panel of successful candidates).

(Copy of letter dated 20.04.2023 is Annexure “C”)

- 7) That, after issuance of the above letter, Applicant/Petitioners has continued working on his position as SP Training/Director Training but most unfortunately the Respondents have issued a letter No. CPO/E-1/Transfer/Posting/1575 dated 06.06.2023 whereby the Applicant has been shown to be transferred from the post of SP Training and his services are placed at the disposal of the Regional Police Officer (RPO) Kohat for further posting as DSP which order is illegal, unlawful and without

FILED TODAY

Deputy Registrar

10 JUN 2023

3

lawful authority that too in presence of the Order dated 04.04.2023 wherein the letters for demotion are suspended.

(Copy of the impugned transfer order dated 06.06.2023 is Annexure "D")


- 8) That it is worthy placing before this honorable Court that there has been imposed a complete ban on transfer from one district to another district by the government of Khyber Pakhtunkhwa vide letter No. SO(Policy)(E&AD)1-4/2023 dated 29.05.2023. The above cited notification of ban has also been served upon the office of worthy Inspector General of Police vide letter (E&A(HD) 1-12/2023 dated 01.06.2023, thus since ban on transfer and posting has been imposed by the government therefore on this score alone the impugned notification requires to be set aside and put at naught.

(Copy of the Notification of ban on transfer and positing is Annexure "E")

IT IS THEREFORE most humbly prayed that on acceptance of this application, letter No. CPO/E-1/Transfer/Posting/1575 dated 06.06.2023 whereby the Applicant has been shown to be demoted from the post of SP Training to the position of DSP and placed at disposal of the RPO Kohat may very kindly be suspended and subsequently be recalled. Any other relief not specifically asked for may also be grated if deemed appropriate.

Applicant/Petitioner. No. 09

Through



Shumail Ahmed Butt,
Advocate Supreme Court,

&



H. Bilal Khan
Advocate High Court(s)

FILED TODAY

Deputy Registrar

10 JUN 2023

4

In the Peshawar High Court, Peshawar

C.M. No. 1300 - P of 2023

In

In Writ Petition No. 1289-P of 2023

Tayyab Jan & Others

Versus

Government of Khyber Pakhtunkhwa and Others

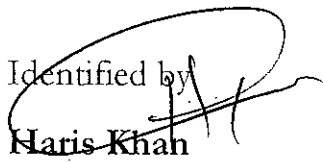
AFFIDAVIT

I, Mr. Shakeel Ahmed (Petitioner No 9) do hereby solemnly affirm on oath that the contents of this **Application** are true and correct to the best of my knowledge, information and belief and nothing has been concealed from this Honorable Court.

Deponent 

CNIC# 173010460542-7

Cell No. 03129595580

Identified by 
Haris Khan

Advocate High Court


FILED TODAY

Deputy Registrar

10 JUN 2023

46627

Certified that the above was verified on solemnly affirmation before me in office, this 09 day of June 2023 by Shakeel Ahmed s/o Mr. Shakeel Ahmed who was identified by Haris Khan Who is personally known to me:


Oath Commissioner
Peshawar High Court, Peshawar



Office of The
Director Inspector General of Police
Training, Khyber Pakhtunkhwa
Peshawar

By No. 2779 Trg
in 15/9/2022

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Dated Peshawar the 15 / 09 / 2022

ANN-A

NOTIFICATION

No. CPO/E-I/Transfer/Posting/ 1848, In exercise of the powers conferred upon the Provincial Police Officer, Khyber Pakhtunkhwa under sub-section (4) of Section 17 of the Khyber Pakhtunkhwa Police Act, 2017, the following transfers/postings are hereby ordered in the public interest with immediate effect:-

S #	Name & Rank	From	To
1.	Mr. Nasir Khan, DSP (BS-17)	Acting SP/Director Police Training School Shakas, Khyber	Acting SP/Director Police School of Investigation, Mera Kachorri, Peshawar in his own pay & scale
2.	Mr. Shakeel Ahmad DSP (BS-17)	Director Police School of Investigation, Mera Kachorri, Peshawar	Director Police Training School, Shakas Khyber as well as he will continue his services as SP/Training/Admin

All transfer/posting issued by Central Police Office shall be complied within 07 days and compliance report to be submitted to Central Police Office, Peshawar accordingly. Failing which, the officer/official will be placed under suspension and the receiving Units shall be authorized to initiate disciplinary proceedings against the official/officers.

Sd/-
Moazzam Jah Ansari, PSP
(QPM, UNPM, NSWC)
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No. & date even.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police HQs: Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police Training Khyber Pakhtunkhwa
4. Deputy Inspector General of Police HQs: Khyber Pakhtunkhwa.
5. PSO to IGP Khyber Pakhtunkhwa.
6. Director Police School of Investigation, Mera Kachorri, Peshawar.
7. Director Police Training School Shakas, Khyber.
8. Officers concerned
9. Registrar CPO Peshawar.
10. Supdt: Secret, CPO Peshawar.
11. U.O.P File.

(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Provincial Police Officer,
Khyber Pakhtunkhwa

Attested
S



**DIRECTORATE OF TRAINING
CENTRAL POLICE OFFICE
KHYBER PAKHTUNKHWA, PESHAWAR**

Ann-B
C

No. 12347 (Revised) 24/10 2022. Phone No. 091-9244821. Fax No. 9211268

To The Director General,
Pakistan Provincial Services Academy,
Peshawar,

Subject: 8th JUNIOR COMMAND COURSE.

Memo:

In accordance with Standing Order No.06/2015 and in the light of MoU signed between KP Police & PPSA Peshawar regarding Junior Command Course for eligible DSsP of Khyber Pakhtunkhwa Police, the following DSsP are hereby nominated for the subject course, to be held tentatively w.e.f 09th January, 2023 at Pakistan Provincial Services Academy (PPSA), University Town Peshawar.

S/N	Name of Officer	Present Posting	District	D.O.B	CNIC No.	Contact No.	E-mail
1.	Mr. Muhammad Fayaz	Acting SP Inv: Swabi	Mardan	07.03.74	16101-7467666-9	03179212129	1mshah1122@gmail.com
2.	Mr. Murad Ali	DSP Elite Force Peshawar	Charsadda	13.04.63	133013877820-1	03479555029	Nd
3.	Mr. Asad Zubair	DSP Elite Force Kohat	Kohat	13.01.80	14301-2006141-3	03179415984	Nd
4.	Mr. Mehmood Nawaz	DSP FRP D.I. Khan	Lakki	07.03.74	11201-036093-8	03129638278	Nd
5.	Mr. Zahoor Ahmad	At Disposal of DIO Spl: Branch	L/Dir	01.01.80	13303-9911107-7	03119418836	zahoorahmad@gmail.com
6.	Mr. Zafar Ahmad	Acting SP HQs CCP Peshawar	Chitral	10.01.79	15202-0393647-3	03009323666	Nd
7.	Mr. Farman Ullah	Acting SP Inv: Bajaur	L/Dir	27.10.78	15302-1804130-1	03469734477	farman.ullah1@gmail.com
8.	Mr. Wahid Ullah	At Disposal of DIO CTD KP	L/Dir	01.04.81	15302-0983720-1	03449299279	wahidullah10@gmail.com
9.	Mr. Inikhar Ali Shah	At Disposal of DIG CTD KP	Darzu	13.05.76	11101-4133960-9	03429726900	inikhar1305@gmail.com
10.	Mr. Zahid Khan	SDPO Kohat Swat	Malakand	08.04.67	15401-0781468-7	03449781800	Nd
11.	Mr. Ajmal Khan	SDPO Darosh L/Chitral	Malakand	15.05.82	15201-4011018-3	0348787981	ajmal1505@gmail.com
12.	Mr. Atiq ur Rehman	SDPO Lotkoh L/Chitral	Chitral	01.11.81	15201-0317888-3	03469899092	Nd
13.	Mr. Naveed Iqbal	Suspended & Closed to CPO	Swat	13.03.81	15602-4488136-1	03034146478	naveed1303@gmail.com
14.	Mr. Gul Shad Khan	SDPO Kailang Mardan	Charsadda	01.06.80	17101-0402966-7	0302837837	Nd
15.	Mr. Jamil ur Rehman	SDPO Khanpur Haripur	Abbotabad	16.04.74	01101-10668891	03029204483	Nd
16.	Mr. Fazal Wahid	SDPO Daru Kohat	Mardan	01.12.68	16102-6007314-3	03029133478	Nd
17.	Mr. Muslim Khan	At Disposal of DIG SSU	Mardan	16.02.70	16101-0563917-3	01159960157	muslim1602@gmail.com
18.	Muhammad Saddique	DSP Spl: Branch	Abbotabad	16.11.68	07201-1661317-7	03163162004	Nd
19.	Mr. Faqir Hussain	DSP CTD KP	Peshawar	02.02.67	Nd	Nd	Nd
20.	Mr. Hukam Khan	DSP Complaint Inquiry CCP Pesh	Charsadda	14.03.69	17101-8088764-7	03021820448	Nd
21.	Mr. Meher Ali	DSP Enquiry CPO Peshawar	Nowshera	01.01.69	17201-2318470-3	03345018070	Nd
22.	Mr. Inikhar Ali	SDPO Topi Swabi	Charsadda	10.02.68	11102-0382684-9	03029187123	Nd
23.	Mr. Nasir Khan	SDPO Jandol L/Dir	Charsadda	23.11.68	17102-1149321-7	03419032230	Nd
24.	Mr. Taysab Jan	DSP/HQs CCP Peshawar	Charsadda	01.05.70	17101-9462081-1	0319119196	Nd
25.	Mr. Asif Mehmood	DSP CTD Orakzai	Bannu	25.04.73	16202-4955716-3	0306018718	asif04@gmail.com
26.	Mr. Ihtasham Khan	SDPO Kandar Torghar	Abbotabad	20.05.70	11101-0971391-8	03218145992	Nd
27.	Mr. Ayaz Mehmood	DSP Inv: City Mardan	Mardan	20-02-71	42000-047450-3	0313700091	ayazmehmood@gmail.com
28.	Mr. Shakeel Ahmad	Acting SP/Director PTS Shakas & SP Training CPO Peshawar.	Peshawar	01.01.74	17401-0460542-7	01-79595330	shakeelahmad01@gmail.com
29.	Mr. Zareef Khan	DSP Inv: Swabi	Swabi	01-01-69	16202-4363629-7	03139191010	zareef11@gmail.com
30.	Malik Habib Khan (Legal)	SDPO Badaber CCP Peshawar	Peshawar	10.01.82	17301-1321790-1	03349161007	malikhabib10@gmail.com

Furthermore, in case officer at S/No.13 not re-instated in service till 09.01.2023 then Mr. Shah Nawaz shall report to PPSA along with the above mentioned officers as his substitute. His particulars are noted below:-

Name & Cadre	Present Posting	District	D.O.B	CNIC No.	Mobile No.	E-mail
Mr. Shah Nawaz	DSP ATS CCP Peshawar	Nowshera	08.08.65	033614960781-3	0313477643	shahnawaz1965@gmail.com

All nominees are directed that, in case of any query may contact to PPSA on Phone Numbers 091-9224482 & 091-9224371, please.

(Signature)
(FEROZE SHAH) PSP
Deputy Inspector General of Police,
Training, Khyber Pakhtunkhwa,
Peshawar

Encls: No. and date Even;

Copy of above is forwarded for Information & necessary action to the:-

1. Additional Inspector General of Police, HQs, Khyber Pakhtunkhwa.
2. Additional Inspector General of Police, Investigation Khyber Pakhtunkhwa.
3. Deputy Inspector Generals of Police, HQs, Special Branch & CTD Khyber Pakhtunkhwa.
4. CCPO Peshawar and All Regional Police Officers, Khyber Pakhtunkhwa.
5. Assistant Inspector General of Police, Establishment CPO Khyber Pakhtunkhwa Peshawar.

(Signature)



Deputy Director

PAKISTAN PROVINCIAL SERVICES ACADEMY

PESHAWAR

Ph#091-9224482

Fax#091-9224481

TRG (P/F)#091-9224371

No.PPSA/TRG/8th JCC/413

20th April, 2023

To

The Deputy Inspector General of Police (Training),
Government of Khyber Pakhtunkhwa,
Peshawar.
Phone # 091-9213164, 9211066
Fax # 091-9211268

Subject: 8th JUNIOR COMMAND COURSE FOR DSPs GOVERNMENT OF
KHYBER PAKHTUNKHWA & GILGIT BALTISTAN.

Dear Sir,

I am directed to refer to your letters No.12347/Trg: dated 24th October, 2022, No.182-83/Trg: dated 6th January, 2023 & No.663/Trg: dated 25th January, 2023 on the subject cited above.

02. The following 27 (Twenty-Seven) Deputy Superintendents of Police (DSP's), Government of Khyber Pakhtunkhwa have relinquished their charge at this Academy after completion of 8th Junior Command Course w.e.f. 30th January, 2023 to 20th April, 2023. Attested copies of their charge relinquishment reports in original are sent herewith for information and further necessary action at your end please.

S. #	NAME OF PARTICIPANTS	S. #	NAME OF PARTICIPANTS
1.	Muhammad Fayaz	2.	Mr. Murad Ali
3.	Mr. Asad Zubair	4.	Mr. Mehmood Nawaz
5.	Syed Zahoor Ahmad	6.	Mr. Farman Ullah
7.	Mr. Wahid Ullah	8.	Mr. Istikhar Ali Shah
9.	Mr. Zahid Khan	10.	Mr. Ajmal Khan
11.	Mr. Attiq ur Rehman	12.	Mr. Naveed Iqbal
13.	Mr. Gul Shid khan	14.	Mr. Jamil ur Rehman
15.	Mr. Fazal Wahid	16.	Mr. Muslim Khan
17.	Muhammad Saddique	18.	Mr. Faqir Hussain
19.	Mr. Hukam Khan	20.	Mr. Meher Ali
21.	Mr. Istikhar Ali	22.	Mr. Nasir Khan
23.	Mr. Ibrar khan	24.	Mr. Ayaz Mahmood
25.	Mr. Shakeel Ahmad	26.	Mr. Zarif Khan
27.	Mr. Shah Nawaz Khan		

03. I am further directed to inform that the total cost of the 03 months course comes to Rs. 322,800 /- per participant, hence (Rs. 322,800 x 27) Rs. 8,715,600/- in total is still awaited, which may kindly be remitted through a crossed cheque in the name of Director Provincial Service, NBP Account No. 4111879626 & Vendor No.30466512, at the earliest please.


(ZEESHAN SARWAR)
Deputy Director

Encl: Charge relinquishment reports (in original).

Attested

h



TRAINING, KHYBER PAKHTUNKHWA,
Peshawar

Dy:No 2019 /Trg

07/06/23

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Dated Peshawar the 06/06/2023

Annex-D
8

NOTIFICATION

No.CPO/E-I/Transfer/Posting/ 1575 , In exercise of the powers conferred upon the Provincial Police Officer, Khyber Pakhtunkhwa under sub-section (4) of Section 17 of the Khyber Pakhtunkhwa Police Act, 2017, the following transfer/posting is hereby ordered in the public interest, with immediate effect: -

S #	Name & Rank	From	To
1.	Mr. Shakeel Ahmed DSP (BS-17)	Acting SP Training & Adm: CPO	At the disposal of RPO Kohat Region for further posting as DSP

Sd/-

(TAKHTAR HAYAT KHAN) PSP
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No. & date even.

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police Training & HQrs: Khyber Pakhtunkhwa.
4. Regional Police Officer, Kohat Region.
5. Addl: Director General (Elections-I), Election Commission of Pakistan, Islamabad.
6. District Account Officer, Kohat.
7. PSO to IGP Khyber Pakhtunkhwa.
8. Officer concerned.
9. Registrar CPO Peshawar.
10. Supdt: Secret, CPO Peshawar.
11. U.O.P File.

(RIEMAN MANZOR) PSP
D/O Headquarters
For Inspector General of Police
Khyber Pakhtunkhwa

Attched
S



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
~~REGISTRATION DIVISION~~

Ann-E

9

No. SO (Policy) (E&AD) 2-4/2023
Dated Peshawar, the 29th May, 2023

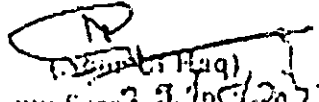
To

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

Subject: BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA
Dear Sir,

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:


- i. There shall be complete ban on inter-district transfers in all the departments;
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such transfers of officers/officials within the district, Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- iii. In cases posting and transfer is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forth sound justification. Subsequently in cases where NOC from Election Commission is required, cases will be taken up with ECP for ban relaxation by the concerned Administrative Department;
- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,

Deputy Secretary (PS) 23

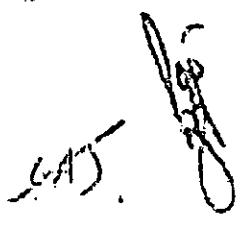
ENDST: NO. & DATE EVEN

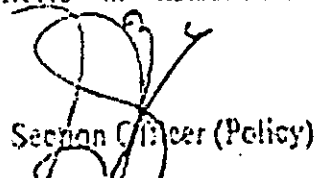
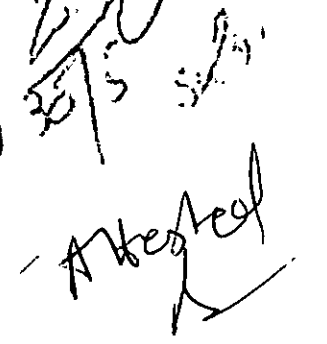
Copy is forwarded for information to:

1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department

Recd

31/5/23

13504 30/5/23




Section Officer (Policy)


GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

No SO(Policy) (E&AD) 1-4/2023

Dated Peshawar the 29th May, 2023

1. Additional Chief Secretary P&D Department Government of Khyber Pakhtunkhwa
2. Senior member Board of Revenue Government of Khyber Pakhtunkhwa
3. Administrative secretaries to Government of Khyber Pakhtunkhwa
4. All divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments of Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

Subject: BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the provincial government, the Honourable chief minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the government of Khyber Pakhtunkhwa as per the following:

- i. There shall be complete ban on inter-district transfers and all the departments
- ii. This ban shall not apply on transfer within the districts and within the secretariat and directorates. However, while proposing such transfers of officers/officials, within the district. Directorates or the secretariat as the case maybe due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account.
- iii. In cases posting and transfers is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from chief minister through summary. For such posting/ transfers, departments will put forth sound justifications. Subsequently, in cases where NOC from election commission is required, cases will be taken up with ECP for ban relaxation by the concerned administrative departments.
- iv. This ban shall not apply on filing of vacant posts through recommendations of the Khyber Pakhtunkhwa public service commission as election commission of Pakistan has already granted exemption in such cases.

Yours Sincerely

(----- ul Haq)

Deputy secretary Police

ENDST:NO, & DATE EVEN

Copy is forwarded for information to:

- 1- Principal secretary to the Governor Khyber Pakhtunkhwa
- 2- Principle Secretary to the Chief Minister Khyber Pakhtunkhwa
- 3- CSO/PSO to chief secretary to the government of Khyber pakhtunkhwa
- 4- All additional secretaries/deputy, secretaries/sections officers and establishment and Administration department.

Attested
S

16

File No. 126-29/2018
Category



13/05/2023
D=

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

9/5/23



- 1- The Inspector General of Police
Khyber Pakhtunkhwa
- 2- The Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
- 3- The Director General Prosecution
Khyber Pakhtunkhwa Government
- 4- The Director General PPSC
Khyber Pakhtunkhwa
- 5- The Director
Rehabilitation and Probation
Khyber Pakhtunkhwa Peshawar

Subject - BAN ON POSTING AND TRANSFERS IN KHYBER PAKHTUNKHWA
Dear Sir,

I am directed to enclose herewith a copy of the A.O. No. 774/PAK/4/2023 dated 28/05/2023 received from Establishment Department, Government of Khyber Pakhtunkhwa on the subject noted above. For your information and compliance/necessary action please

SECTION OFFICER (GENERAL)

Copy to:-

- 1- Section Officer (Policy) Establishment & Department of Home Affairs, Government of Khyber Pakhtunkhwa
- 2- PA to Deputy Secretary (Admin. Home Department)

SECTION OFFICER (GENERAL)

Attested

Better copy of page no 10

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

No. E&A (HD) 1-12/2023

Dated: Peshawar the June 1, 2023

To,

- 1- The Inspector General of Police, Khyber Pakhtunkhwa
- 2- The inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
- 3- The Director general of Prosecution, Khyber Pakhtunkhwa Peshawar
- 4- The Director General PPSC, Khyber Pakhtunkhwa
- 5- The Director reclamation and probation, Khyber Pakhtunkhwa Peshawar

Subject: BAN ON POSTING AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to enclose herewith a copy of letter no SO(Policy)(E&AD) 1-4/2023 Dated 29/09/2023 received from establishment department Government of Khyber Pakhtunkhwa on the subject noted above, which is self-explanatory for compliance/necessary action, please.

Yours Faithfully,

SECTION OFFICER (GENERAL)

Copy to:

- 1- Section officer (policy) establishment department w/r to his letter referred above
- 2- PA to deputy secretary (admin) Home Department

SECTION OFFICER (GENERAL)

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings 1	Order of other Proceedings with Signature of Judge. 2
04.04.2023	<p>W.P No.1289-P/2023</p> <p>Present: Mr.Shumail Ahmad Butt, advocate, for the petitioners.</p> <p>Mr.Aamir Javed, AG, for the State.</p> <p>*****</p> <p>Respondents No.1, 2 and 6 be put on notice to file their requisite comments. One of the Writ Petition No.1587-P/2022 is also fixed for 03.05.2023, therefore, office is directed to fix the present case as well as other cases of similar nature on 03.05.2023.</p> <p><u>Interim Relief.</u></p> <p>Notice. Till then the impugned letters dated 11.03.2023, 12.03.2023 and order dated 16.03.2023 are suspended.</p> <p>JUDGE</p> <p>JUDGE</p>

DB. Hon'ble Mr. Justice Ishtiaq Ibrahim & Hon'ble Mr. Justice S.M Attique Shah
(Asif Jan Sr.S.S)

Attested
/

Urgent Form

In the Peshawar High Court, Peshawar

Writ Petition No. _____ of 2023

Tayyab Jan & Others.

Versus

Government of KPK and others

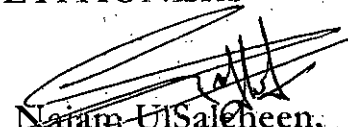
1. Will you kindly treat the accompanying Writ Petition with Interim Relief as Urgent and in accordance with the Provisions of Rules 9 Chapter 3-A, of the Rules & Orders of the High Court, Lahore Volume V.
2. The Grounds of Urgency are:

That the respondents are illegally and unlawfully reverting the Petitioners under the garb of Apex Court's Judgment passed in respect of out of turn promotes, which is not applicable to the case of Petitioners as there was neither out of turn promotions, cadetship or gallantry service in FRP and all the Petitioners have got their promotion after completing courses on their turn as per seniority now the respondents are trying hard to success in their evil designs, so in order to save petitioner from irreparable loss this petition needs to be fixed at earliest Possible

It is therefore humbly requested that kindly fix this Writ Petition Before First Available Divisional Bench preferably on 03/04/2023 for the purpose to save the petitioners from illegal & unlawful act on the part of Respondents

PETITIONERS

Through


Najam-Us-Saleheen,
Advocate, Peshawar

Dated: 01/04/2023

Before the Peshawar High Court Peshawar

CHECK LIST.

Case Title: <i>Tayyab Jan & others.....Versus..... Govt of KPK et al</i>		
1.	Case is duly signed.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
2.	The law under which the case is preferred has been mentioned.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
3.	Approved file cover is used.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
4.	Affidavit is duly attested and appended.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
5.	Case and annexure are properly paged/ numbered according to index.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
6.	Copies of annexure are legible and attested. If not, then better copies duly attested have been annexed:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
7.	Certified copies of all the requisite documents have been filed.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
8.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
9.	Case is within time.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
10.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
11.	Court fee in shape of stamp paper is affixed. (for writ Rs.500, for other was required).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
12.	Power of attorney is in proper form.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
13.	Memo of addresses filed.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
14.	List of books mentioned in the petition.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
15.	The requisite number of spare copied attached. (writ Petition-3 Nos, Civil Appeal (SB-1, DB-2) Civil Revision (SB-1, DB-2)).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
16.	Case (Revision/appeal/petition etc.) is filed on the prescribed form.	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
17.	Power of attorney is attested by jail authority (for jail prisoner only).	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

It is certified that formalities/documents as requires in column 2 to 18 above, have been fulfilled.

Signature. _____

Advocate Peshawar.

Date: ___/___/20___

For office use only.

Case No. _____

Case received. _____

Complete in all respect; Yes/No (if No the grounds) _____

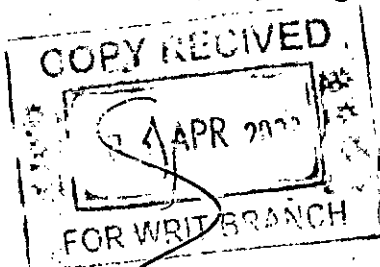
Date in court. _____

Signature. _____

(Reader)

Countersigned _____

Date. _____
(Deputy Registrar)



IN THE PESHAWAR HIGH COURT, PESHAWAR.**OPENING SHEET FOR WRIT BRANCH**

Date of Filing:- 01-04-2023

District:- Peshawar

Case Type: Writ Petition

Nature of Original Proceedings: _____

Category Code

--	--	--	--	--	--

Review/Contempt of Court in respect of

--

Writ of:

Heabus Corpus

Prohibition

Mandamus

Qua Warranto

Certiorari

Form	Date	interlocutory/ Final Order

Case pertains to ✓ DB

Petitioner(s) Name	Tayyab Jan DSP/SP Traffic HQs, Peshawar & Others
Mobile No	<u>0314-9119196</u>
Addresses	Traffic HQs, Peshawar
CNIC No	<u>17101-9462081-1</u>
Email Address	<u>NIL</u>

Counsel Petitioner(s)	for <u>Najam Ulsaleheen</u>
Mobile No	<u>03009013997</u>
Addresses	<u>Office No.130, Street 7,E-I,Phase-1, Hayatabad, Peshawar</u>
CNIC No	<u>17301-0639515-1</u>
Email Address	<u>saleheennajam@gmail.com</u>

Respondents	<ol style="list-style-type: none"> Govt of Khyber Pakhtunkhwa Through Chief Secretary, KP Civil Secretariate Peshawar Inspector General Of Police, CPO Police Lines Peshawar Capital Police Officer, CPO Police Lines Peshawar Regional Police Officer Hazara Regional Police Officer Kohat Commandant FRP Peshawar 	<p>FILED TODAY Deputy Registrar 01 APR 2023</p> <p>FILED TODAY Deputy Registrar 01 APR 2023</p>
Addresses	<u>As above</u>	

Prayer

IT IS THEREFORE very humbly prayed that on acceptance of this Writ Petition, this Honorable Court may very magnanimously hold, declare and Order :-

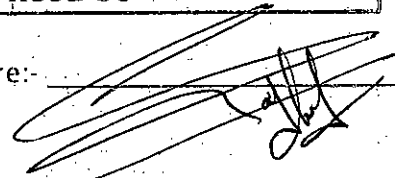
- (i) That letter dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent proceedings or orders emanating/arising therefrom (**impugned proceedings**) are illegal, unlawful, without lawful authority and thus of no legal effect.
- (ii) The respondents be permanently restrained from reverting the Petitioners under the garb of Apex Court's Judgment passed in respect of out of turn promotes, which is not applicable to the case of Petitioners as there was neither out of turn promotions, cadetship or gallantry service in FRP and all the Petitioners have got their promotion after completing courses on their turn as per seniority.
- (iii) **Interim Relief:-** Keeping in view the facts and circumstances of the case, operation of the impugned letter dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent order(s) be suspended till the disposal of main writ petition.

Any other relief, in favor of the Petitioner, deemed just and appropriate.

Law/Rules/governing the original proceedings/ action/inaction

1. Constitution of Islamic Republic of Pakistan, 1973
2. Case law and dicta so laid down by Superior Judiciary.
3. Any other book or judgment, if need be

Signature:-



FILED TODAY

Deputy Registrar

01 APR 2023

In the Peshawar High Court, Peshawar

Writ Petition No. 1289 of 2023

Service Appeal No. 1771/2023

Tayyab Jan & Others

Versus

Government of KPK and others

INDEX

S. No.	Description of documents	Annex	Page #
1.	Writ Petition with Verification <i>(Addresses of Parties)</i>		1-911
2.	Copy of Seniority List of Petitioners as DSP	"A"	12-20
4.	Copy of Memo Dated 16.01.1988	"B"	21-22
5.	Copy of the Standing order	"C"	23
6.	Copy of the IGP's Order	"D"	24
7.	Copy of Recruitment policy	"E"	25-26
8.	Copy of FRP Standing Order No 1	"F"	27-29
9.	Copy of FRP Standing Order No 2	"G"	30-31
10.	Copy of FRP Standing Order No 3	"H"	32-33
11.	Copy of seat allocation	"I"	34-35
12.	Copies of order dated 16.02.2007 and judgment dated 20.03.2008	"J & K"	36-39
13.	Copy of minutes of the DSC dated 14.5.2008	"L"	40-46
14.	Copy of minutes of the DSC dated 07.5.2009	"M"	47-57
15.	Copy of the WP 1124-P/2023	"N"	58-66
16.	Copy of the Letter dated 11.03.2023	"O"	67-68
17.	Copy of the letter dated 12.03.2023	"P"	69-72
18.	Copies of the Office Orders Dated 16.03.2023	"Q"	73-74
19.	Copy of the withdrawal order dated 30.03.2023	"R"	75-76
20.	Copy of the WP 1587-P/2022 and CM and stay Order	"S"	77-98
21.	Copy of AIG Legal	"T"	99-103
22.	Wakalat Nama etc.		104-105

Deputy Registrar

01 APR 2023

PETITIONERS

Through

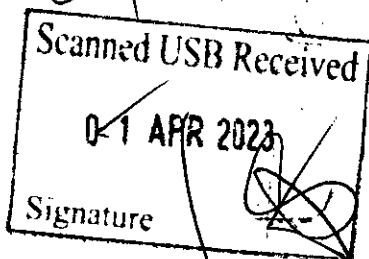
Najam U Saleheen

Advocates, (High Courts)

H-130, St 1, Sec E-1, Phase-

1, Hayatabad, Peshawar.

Cell #03009013997



FILED TODAY

Deputy Registrar

01 APR 2023

(1)

In the Peshawar High Court, Peshawar

Writ Petition No. 1289 of 2023
Service Appeal no. 1771/2023

1. **Tayyab Jan,**
DSP/SP Traffic HQs, Peshawar
2. **Ali Hassan**
DSP/Acting SP Investigation, Orakzai District
3. **Riaz Khan**
DSP, Bannu Region, Bannu
4. **Nasir Khan**
SP(ACB), CPO, Peshawar
5. **Sajjad Haider**
DSP, Haripur, Hazara Region
6. **Aurangzeb**
DSP Traffic, Hazara Region
7. **Liaqat**
Inspector CTD (ADB) Hazara Region Abbottabad
8. **Habib Ur Rehman**
DSP Hawelian, Hazara Region
9. **Shakil Ahmed**
SP Training, CPO Peshawar

RE-FILED TODAY
Deputy Registrar
01 APR 2023

..... Petitioners

Versus

1. **Govt of Khyber Pakhtunkhwa**
Through Chief Secretary,
KP Civil Secretariate Peshawar
2. **Inspector General of Police,**
CPO Police Lines Peshawar
3. **Capital Police Officer,**
CPO Police Lines Peshawar

FILED TODAY
Deputy Registrar
01 APR 2023

4. Regional Police Officer
Hazara
5. Regional Police Officer
Kohat
6. Commandant FRP
Peshawar

..... Respondents

WRIT PETITION UNDER ARTICLE 199

OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ
WITH OTHER ENABLING PROVISIONS OF LAW

May it please this honorable court:

The Petitioners very earnestly craves permission to plead their case and seeks for the solace of their grievance from this Honorable Court, as follows:

Facts leading to this Writ Petition:

1. That all the Petitioners are the law-abiding citizens of Pakistan and have every legal and constitutional rights duly protected under law of the land. It is worthy placing on record that since their appointment, they have not given a chance of even a minor complaint to their high ups and since then they are performing their duties with zeal and dedication.
2. That all the petitioners are presently performing their duties in the rank of DSP and they belonged to FRP(Frontier Reserve Police), where there is no case of Gallantry, cadets, out of turn promotion, etc, because each and every aspect of the FRP(Frontier Reserve Police), as per history given below, differs the case of petitioners from those who are hit by the Judgment of the Honorable Apex Court Passed in out of turn Promotion cases.

(Copy of Seniority List of Petitioners as DSP is Attached as Annexure "A")

FILED TODAY

Deputy Registrar

01 APR 2023

3. That initially in the year 1988, the Homes & Tribal Affair Department created as force Armed Reserve Police Force (ARP), which consisted of the following Units.

- i. Additional Police.
- ii. Special Police Levy
- iii. PAF Contingent
- iv. Range Reserve Force
- v. Provincial Reserve Armed Platoons
- vi. Frontier Armed Reserve
- vii. Campus Peace Corps UOP
- viii. STF & ATS
- ix. Mounted Police
- x. Standing Guards & Police Escorts.

In Para-5 of the memo it was clarified as follows:

“duties and responsibilities of the new set-up will be the same as those of Regular Police elsewhere and service will be governed by the Police Rules or any other Rules applicable to their counterparts in Regular Police.”

(Copy of Memo Dated 16.01.1988 is Annexure “B”)

4. That on 13.03.1988, a Standing Order No 2 of 1988 was issued, wherein the Campus Peace Corp and special police levy along with all arms, ammunition, transport etc were placed under the administrative control the Commandant Frontier Armed Reserve (FAR).

(Copy of the Standing order is Annexure “C”)

5. That on 27.02.1991, the Frontier Armed Reserve (FAR) was re-named as Frontier Reserve Police (FRP), by the then I.G KPK and since then this wing of Police Force is continuing as FRP.

(Copy of the IGP's Order is Annexure “D”)

FILED TODAY

Deputy Registrar

01 APR 2023

6. That on 28.08.1993, a proper Recruitment Policy was issued for the recruitment against newly created posts in the Police Department; wherein the Posts in a Distt; was to be dealt as, *"The Newly created posts of a Distt: Should be filled up from the trained personals of FRP according to seniority, educational qualifications and domicile. The Vacancies Resulting from transfer of FRP Personnel to Distt; Police should be filled up through fresh recruitment in FRP & personnel selected for transfer to Distt: should be allocated to the Distt: of their domicile according to the number of vacancies available in each Distt."*

(Copy of Recruitment policy is Annexure "E")

7. That to streamline the FRP further, a FRP Standing Order No.1 of 1994 was issued in the year 1994, wherein it was clarified that Police Act 1861 & Police Rules, 1934 or any other Rules and Laws for the Police Officers will be applicable to FRP and the duties and responsibilities of the FRP will be same as that of Regular Police. Similarly, FRP Standing Order No. 2 of 1994 was issued on 31.07.1994, whereby enrolment in FRP was further streamlined and quota for the training in the lower School, intermediate and Upper College was to be fixed by the IGP keeping in view the strength and to cover the promotion of the illiterate staff or failed in promotion lists, a FRP Standing Order No 3 of 1994 was issued in August, 1994. The Standing Order No 3 is not related to the Petitioners.

(Copies of the Standing Orders are Annexure "F" "G" & "H")

8. That thereafter, on 19.06.1996, proper seats were allocated to the FRP Personals for the first time for the Lower, intermediate and Upper Courses and all the Petitioners on their due turn qualifies the said courses and none of them sent to the training by passing any senior eligible colleague

(Copy of seat allocation is annexure "I")

9. That in the year, 2007 a dispute was arisen whereby the FRP was again declared as Transit force and that no Constable and head constable can be

FILED TODAY

Deputy Registrar

01 APR 2023

B

admitted to D List. The Petitioner No. 1 and some of his colleagues, challenged that order is the Peshawar High Court in WP No 1615/2007, 1616/2007 & 1617/2007. The writ Petitions were finally heard on 20.03.2008 and the august Court was kind enough to hold that the FRP is not a transit Force and the Petitioners could not be made junior to the juniors by washing away their more than 15 years' service in FRP and the case was remitted back to the Police Department to reconsider the matter so that no one be discriminated and deprived from legal rights.

(Copies of order dated 16.02.2007 and judgment dated 20.03.2008 are Annexure J & K Respectively)

10. That after the Judgment of the August Court dated 20.03.2008, the matter of the FRP personnel was placed before the Committee on 14.05.2008 and the issue was further entrusted to another Committee comprised of DIG Investigation, AIG Legal and Registrar CPO. The said constituted committee considered the issue and submitted its recommendations to the DSC which was convened on 07.05.2009 and the recommendations of the Committee were approved. The Committee recommended as, *"The Earlier decision dated 16.02.2007 should not be applied retrospective and all officials of the FRP be given permanent status and may be confirmed in their rank with their colleagues after completing their probation period as per PR 13-18. The Benefits received by the officials in the FRP till the decision of DPC and their repatriation to the Distt of their domicile be kept intact so that they should not be deprived of any right as per decision of the Court. Literate officials may be treated as per Police Rules, 1934 and their seniority be fixed in each list on the basis of course undergone and criteria fixed under Police Rules Chapter-13"*

(Copies of minutes of the DSC are Annexure L & M respectively)

11. That after the above decision of DSC, the issue was settled once and for all and the FRP officials (amongst Petitioners) upon repatriation to their Distt of Domicile, were placed in list D & E with their colleagues of training session in bottom in seniority. While some officials (amongst petitioners) were remained posted in FRP and were placed in list A,B,C,D or E

FILED TODAY

Deputy Registrar

01 APR 2023

according to seniority. Thereafter, the petitioners did their other courses on their turn with their colleagues and got further promotions up to the rank of Inspector & DSP on CPO level. It is once again reiterated that none of the Petitioners were either out of turn promote, or cadet or promoted on Gallantry services basis in the FRP.

12. That since it was brought into the knowledge of the Petitioners that Respondents have issued circulars for reverting the rightful officials under the garb of the apex Court's judgment, against which the Petitioners had no remedy but to come to this honorable Court while invoking under their writ jurisdiction vide Writ Petition No. 1124-P/2023 which got fixed for first hearing on 30.03.2023.

(Copy of the WP 1124-P/2023 is Annexure "N")

13. That in the meantime it has been brought into the knowledge of the Petitioner that Respondents have proceeded and issued Letters dated 11.03.2023 wherein it was directed that personal hearings be conducted on the very next date i.e. 12.03.2023 of all the concerned police officials in the Khyber Pakhtunkhwa Police Department (including the petitioners) in a misguided attempt to usurp the rights of the Petitioners.

(Copy of the Letter dated 11.03.2023 is Annexure "O")

14. That, subsequently, without affording proper opportunity of hearing and on the basis of a sham, frivolous and fabricated hearings/proceedings conducted of police officials in the Khyber Pakhtunkhwa Police Department across the province in one day, the Respondents issued Letter No. 993/Legal dated 12.03.2023 whereby it was illegally directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed by issuing the requisite withdrawal letters/orders and to share copies of the said withdrawal letter and compliance report with the Police Headquarters on the very next date i.e. 13.03.2023.

(Copy of the letter dated 12.03.2023 is Annexure "P")

FILED TODAY
[Signature]
Deputy Registrar
01 APR 2023

15. That subsequent to the letter dated 12.03.2023, Respondents under the garb of Apex Court's judgment and to give undue benefits to their blue eyed persons have issued office Orders dated 16.03.2023 whereby the Petitioners were illegally demoted to the ranks of SI which act on their part is highly illegal, unlawful, without lawful authority and thus of no legal effect.

(Copies of the Office Orders Dated 16.03.2023 are Annexure "Q")

16. That resultantly the Petitioners have withdrawn their earlier Writ Petition No. 1124-P/2023 with permission to file a fresh one as subsequent proceedings were made in the matter.

(Copy of the withdrawal order dated 30.03.2023 is Annexure "R")

17. That it is worthy placing on record that other police officers who were also aggrieved of the same letter dated 11.03.2023, 12.03.2023 and office orders of demotion have filed different writ petition who have also been granted an interim relief by this Honorable Court vide order dated 30.03.2023 in WP. No. 1587-P/2022.

(Copy of the WP 1587-P/2022 and CM and stay Order are Annexure "S")

18. That the Petitioners being aggrieved of letter dated 11.03.2023, 12.03.2023 and office order of demotion dated 16.03.2023 and any subsequent proceedings or orders emanating or arising therefrom (hereinafter to be referred as "impugned proceedings" for facility of reference) are illegal, unlawful and without lawful authority thuswhile having no other adequate and efficacious remedy available, are constrained to invoke the Constitutional Jurisdiction of this Honorable Court for inter-alia on the following Grounds:-

Grounds warranting this writ petition:

- a. Because the "impugned proceedings" are totally against the principle of justice and amounts to colorful exercise of their official's collar under the garb of the judgment of the Apex Court which is not applicable to the Petitioners case at all thus are illegal, unlawful, without lawful authority and thus of no legal effect.

FILED TODAY

Deputy Registrar

01 APR 2023

- (8)
- b. **Because** the “impugned proceedings” are based on malafide and to create more and more vacancies for their blue-eyed persons under the garb of out of turn promotions etc, which conditions are not applicable to the petitioners.
- c. **Because** the “impugned proceedings” are arbitrary, whimsical, colorable and are full of malafide.
- d. **Because** it is the cardinal principle of justice that no one could be asked to wait till he is illegally hanged, therefore Writ Petition is fully attractive in the instant case and this august court only has such power to issue requested writs (Reliance is placed upon 2006 SCMR 1630 & 2015 PLC(CS) 08).
- e. **Because** this august court also has the ample powers to interpret the issue as to whether the Judgment of the Apex Court is applicable to the Petitioners case or otherwise, if the august Court’s answer is “NO” then writs can be issued against the respondents.
- f. **Because** all the petitioners were placed in D List after repatriation to their district and placed with their colleagues who have passed training courses along with them as per decision of DSC made on the basis of judgment of this august Court in the year 2007. thus, in FRP there was no case of out of turn promotion, or cadetship or gallantry service and due to that very reason the judgment of the Apex Court is not applicable to Petitioners.
- g. **Because** even the AIG Legal, vide his memo dated 08.02.2021 that FRP officials qualified their promotion courses on their turn and have been promoted from one rank to another as per Police Rules, 1934 and subsequently placed at the bottom of the seniority list of their district thus they do not come under the ambit of out of turn Promotion. But despite that the respondents are maneuvering to revert the petitioners under the garb of Apex Court’s judgment with malafide to create more and more vacancies for their blue-eyed persons and to adjust them.
(Copy of AIG Legal is Annexure “T”)
- h. **Because** the “impugned 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.
- i. **Because** the Petitioners are being vexed again and again, beside suffering double rather multiple jeopardies.
- j. **Because** the Petitioners seek permission to advance other grounds and proofs at the time of hearing.

IT IS THEREFORE very humbly prayed that on acceptance of this Writ Petition, this Honorable Court may very magnanimously hold, declare and Order :-

FILED TODAY

Deputy Registrar

01 APR 2023

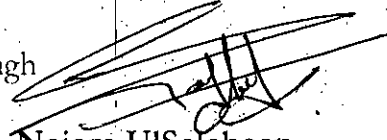
8A

- (i) That letter dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent proceedings or orders emanating/arising therefrom(**impugned proceedings**)are illegal, unlawful, without lawful authority and thus of no legal effect.
- (ii) The respondents be permanently restrained from reverting the Petitioners under the garb of Apex Court's Judgment passed in respect of out of turn promotes, which is not applicable to the case of Petitioners as there was neither out of turn promotions, cadetship or gallantry service in FRP and all the Petitioners have got their promotion after completing courses on their turn as per seniority.
- (iii) **Interim Relief:-**Keeping in view the facts and circumstances of the case, operation of the impugned letter dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent order(s) be suspended till the disposal of main writ petition.

Any other relief, in favor of the Petitioner, deemed just and appropriate.

PETITIONERS

Through



Najam U Saleheen
Advocate High Court

FILED TODAY

Deputy Registrar

01 APR 2023

(88)

In the Peshawar High Court, Peshawar

Writ Petition No. _____ of 2023

Tayyab Jan & Others

Versus

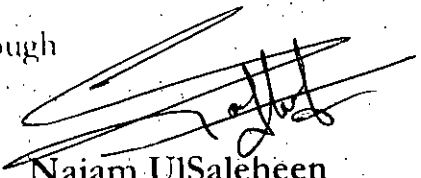
Government of KPK and others

CERTIFICATE

As per information conveyed by my client it is Certified that Petitioner has previously filed a WP No 1124 of 2023 which has been withdrawn with permission to file a fresh one and now the petitioner is filing this Writ Petition.

PETITIONER

Through


Najam U Saleheen
Advocate High Court

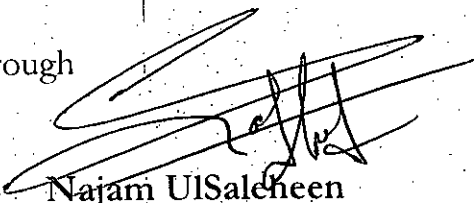
List of Books

1. Constitution of Islamic Republic of Pakistan, 1973
2. Case law and dicta so laid down by Superior Judiciary.
3. Any other book or judgment, if need be

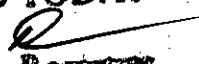
April 01, 2023

PETITIONER

Through


Najam U Saleheen
Advocate High Court

FILED TODAY


Deputy Registrar

01 APR 2023

(A)

In the Peshawar High Court, Peshawar

Writ Petition No. 1289 of 2023

Tayyab Jan & Others

Versus

Government of KPK and others

AFFIDAVIT

I, Tayyab Jan S/o Nazar Muhammad R/o Hafiz Jee Qilla P.O SardheriCharsadda hereby solemnly affirm on oath that the contents of this Petition are true and correct to the best of my knowledge, information and belief and nothing has been concealed from this Honorable Court.

Deponent

CNIC #17101-

9462081-1

Mobile No. 0314-949196

Identified by:-

Najam U Saleheen
Advocate, Peshawar

FILED TODAY

Deputy Registrar

01 APR 2023

34945
 Certified that the above was verified on solemn affirmation before me in office, this 31 day of March 2023 by Tayyab Jan s/o Nazar Muhammad Charsadda who was identified by Najam U Saleheen Ad Who is personally known to me:

 Oath Commissioner
 Peshawar High Court, Peshawar
31/3/2023

10

In the Peshawar High Court, Peshawar

Writ Petition No. 1289 of 2023

Tayyab Jan & Others

Versus

Government of KPK and others

ADDRESSES OF THE PARTIES

PETITIONERS

1. **Tayyab Jan,**
DSP/SP Traffic HQs, Peshawar
2. **Ali Hassan**
DSP/Acting SP Investigation, Orakzai District
3. **Riaz Khan**
DSP, Bannu Region, Bannu
4. **Nasir Khan**
SP(ACB), CPO, Peshawar
5. **Sajjad Haider**
DSP, Hatipur, Hazara Region
6. **Aurangzeb**
DSP Traffic, Hazara Region
7. **Liaqat**
Inspector CTD (ADB) Hazara Region Abbottabad
8. **Habib Ur Rehman**
DSP Hawelian, Hazara Region
9. **Shakil Ahmed**
SP Training, CPO Peshawar

RESPONDENTS

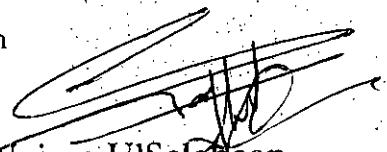
1. **Govt of Khyber Pakhtunkhwa**
Through Chief Secretary,
KP Civil Secretariate Peshawar
2. **Inspector General Of Police;**

FILED TODAY
[Signature]
Deputy Registrar
01 APR 2023

- CPO Police Lines Peshawar
- 3. Capital Police Officer,
CPO Police Lines Peshawar
- 4. Regional Police Officer
Hazara
- 5. Regional Police Officer
Kohat
- 6. Commandant FRP
Peshawar

PETITIONERS

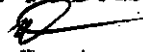
Through



Najam UlSaleheen

Advocate, High Court(s)

April 01.2023

FILED TODAY

Deputy Registrar
01 APR 2023



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

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

Dated: 28 / 06 / 2022

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

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.	Mr. Muhammad Aleem Jan	11.04.1967 ✓	Peshawar	30.01.1996	30.01.1998	24.01.2014
3.	Mr. Amir 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. Sanullah	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

ATTESTED
ADAPCATE

①

Ann-A

12

12

33

13

ATTACHED
ADVOCATE

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

2

74

14

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
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. Shafiullah	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

ATTESTED
ADVOCATE

4

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
					17.04.2006	24.01.2014
84.	Mr. Nisar Muhammad	20.01.1973	Lakki	17.04.2004	17.04.2006	24.10.2014
85.	Mr. Rahmat Ullah	05.03.1971	Nowshera	31.05.2004	31.05.2006	02.04.2015
86.	Mr. Mustafa Kamal Pasha	01.09.1969	Bannu	07.10.2004	07.10.2006	02.04.2015
87.	Mr. Azmat Ali Khan	06.01.1970	Bannu	07.10.2004	07.10.2006	18.08.2015
88.	Mr. Shabir Hussain Shah	15.06.1972	Lakki	07.10.2004	07.10.2006	02.01.2014
89.	Arbab Shafiullah Jan	09.10.1966	Peshawar	22.11.2004	22.11.2006	02.01.2014
90.	Mr. Rafiullah	12.03.1968	Peshawar	22.11.2004	22.11.2006	06.02.2014
91.	Muhammad Aliq Shah	01.09.1978	Charsadda	22.11.2004	22.11.2006	02.04.2015
92.	Mr. Yasir Aman	11.08.1970	Peshawar	22.11.2004	22.11.2006	30.09.2016
93.	Mr. Naseer Ali	03.10.1975	Charsadda	22.11.2004	22.11.2006	15.11.2016
94.	Mr. Murad Ali	13.04.1965	Charsadda	22.11.2004	22.11.2006	30.09.2016
95.	Mr. Aurang Zeb	05.01.1970	Mansehra	04.12.2004	04.12.2006	15.11.2016
96.	Mr. Sajjad Haider	20.04.1970	Abbottabad	04.12.2004	04.12.2006	18.08.2015
97.	Mr. Muhammad Ilyas	01.04.1973	Mardan	07.12.2004	07.12.2006	07.03.2017
98.	Mr. Arshad Khan	30.05.1974	Peshawar	08.12.2004	08.12.2006	12.09.2014
99.	Ms. Nazia Naureen	01.12.1970	Abbottabad	09.12.2004	09.12.2006	12.09.2014
100.	Mrs. Shahzadi Noshad	10.04.1972	Hangu	09.12.2004	09.12.2006	24.10.2014
101.	Mr. Alamzeb	12.02.1980	Mardan	23.12.2004	23.12.2006	18.08.2015
102.	Mr. Aqiq Hussain	01.04.1965	Kohat	10.01.2005	10.01.2007	25.03.2016
103.	Mr. Falak Nawaz	03.02.1969	Kohat	10.01.2005	10.01.2007	24.08.2020
104.	Mr. Mazhar Jehan	12.12.1970	Kohat	10.01.2005	10.01.2007	18.08.2015
105.	Mr. Khalid Usman	06.01.1967	Karak	10.01.2005	10.01.2007	29.11.2018
106.	Mr. Asad Zubair	15.01.1980	Kohat	10.01.2005	10.01.2007	24.08.2020
107.	Mr. Muhammad Riaz	13.08.1973	Karak	10.01.2005	10.01.2007	24.10.2014
108.	Mr. Zafar Khan	10.01.1963	Buner	16.04.2005	16.04.2007	02.04.2015
109.	Mrs. Rozia Allaf	30.07.1969	Peshawar	13.05.2005	13.05.2007	02.04.2015
110.	Ms. Hamida Bano	04.12.1970	Peshawar	13.05.2005	13.05.2007	25.03.2016
111.	Mr. Muhammad Ismail	12.01.1966	Lakki	07.06.2005	07.06.2007	30.01.2018
112.	Mr. Mehmood Nawaz	07.03.1974	Lakki	02.07.2005	02.07.2007	25.03.2016
113.	Mr. Muhammad Sattar Khan	04.04.1964	Chitral	13.07.2005	13.07.2007	

ATTESTED
 ADVOCATE

15

3

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
114.	Mr. Muhammad Zaman	01.01.1965 ✓	Buner	13.07.2005	13.07.2007	25.03.2016
115.	Mr. Riaz Muhammad	10.12.1962 ✓	Swabi	13.07.2005	13.07.2007	15.11.2016
116.	Mr. Rizwan Habib	19.04.1974	Mansehra	28.12.2005	28.12.2007	12.09.2014
117.	Mr. Jehangir Khan	10.11.1965 ✓	Abbottabad	28.12.2005	28.12.2007	24.10.2014
118.	Mr. Shah Mumtaz	20.02.1965 ✓	Dir Lower	27.05.2006	27.05.2008	30.01.2018
119.	Mr. Zahoor Ahmed	01.01.1980	Dir Lower	27.05.2006	27.05.2008	24.08.2020
120.	Mr. Zafar Ahmad	10.01.1979	Chitral	27.05.2006	27.05.2008	30.01.2018
121.	Mr. Farmanullah	27.10.1978	Dir Lower	27.05.2006	27.05.2008	30.01.2018
122.	Mr. Wahid Ullah	01.04.1981	Dir Lower	27.05.2006	27.05.2008	24.08.2020
123.	Mr. Iftikhar Ali Shah	11.05.1976	Bannu	25.08.2006	25.08.2008	15.11.2016
124.	Mr. Amir Hussain	25.05.1965 ✓	Swabi	07.11.2006	07.11.2008	30.09.2016
125.	Mr. Sher Afsar	09.02.1963 ✓	Swabi	23.11.2006	23.11.2008	29.11.2018
126.	Mr. Muhammad Rauf	04.04.1963 ✓	Mardan	23.11.2006	23.11.2008	25.03.2016
127.	Mr. Rokhan Zeb	07.04.1965 ✓	Swabi	18.04.2007	18.04.2009	25.03.2016
128.	Mr. Janzada	01.04.1963 ✓	Charsadda	16.07.2007	16.07.2009	25.03.2016
129.	Mr. Zahid Khan	08.04.1967 ✓	Mkd. Agency	20.10.2007	20.10.2009	29.11.2018
130.	Mr. Badshah Hazrat	15.02.1969	Dir Lower	20.10.2007	20.10.2009	29.11.2018
131.	Mr. Naveed Iqbal	13.03.1981	Swat	20.10.2007	20.10.2009	29.11.2018
132.	Mr. Ajmal Khan	15.05.1982	Mkd: Agency	20.10.2007	20.10.2009	16.05.2019
133.	Mr. Atiq-ur-Rehman	01.11.1981	Chitral	20.10.2007	20.10.2009	24.08.2020
134.	Mr. Shahid Adnan	27.03.1973	D.I.Khan	03.11.2007	03.11.2009	30.01.2018
135.	Mr. Muhammad Saleem Tariq	01.03.1969	DIKhan	03.11.2007	03.11.2009	29.11.2018
136.	Mr. Gul Shid Khan	01.06.1980	Charsadda	04.11.2007	04.11.2009	30.01.2018
137.	Mr. Shaheen Shah Gohar	03.03.1971	Charsadda	24.11.2007	24.11.2009	07.03.2017
138.	Mr. Gohar Ali	15.11.1974	Peshawar	19.12.2007	19.12.2009	30.09.2016
139.	Mr. Riaz Khan	03.02.1975	Peshawar	19.12.2007	19.12.2009	30.09.2016
140.	Mr. Fazal Wahid	12.01.1971	Malakand	19.12.2007	19.12.2009	30.09.2016
141.	Mr. Amjid Ali	24.04.1969	Swabi	14.03.2008	14.03.2010	30.09.2016
142.	Mr. Izhar Shah	06.03.1966 ✓	Mardan	26.03.2008	26.03.2010	30.09.2016
143.	Mr. Sher Rehman	05.04.1964 ✓	Mardan	03.04.2008	03.04.2010	15.11.2016

ATTESTED
 ADDUCATE

(S)

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
144.	Mr. Jamil-ur-Rehman	16.04.1974	Abbottabad	07.01.2002		12.03.2018
145.	Mr. Muhammad Iqar	11.02.1963 ✓	Mansehra	08.04.2008	08.04.2010	16.05.2019
146.	Mr. Shah Nawaz	06.06.1967 ✓	Mansehra	08.04.2008	08.04.2010	24.08.2020
147.	Mr. Muhammad Khurshid	12.01.1963 ✓	Mansehra	08.04.2008	08.04.2010	07.03.2017
148.	Mr. Muhammad Altaf	12.03.1969	Haripur	08.04.2008	08.04.2010	30.09.2016
149.	Mr. Fazal Wahid	01.12.1968 ✓	Mardan	19.04.2008	19.04.2010	29.11.2018
150.	Mr. Muslim Khan	16.02.1970	Mardan	21.04.2008	21.04.2010	30.01.2018
151.	Mr. Muhammad Saddique	16.11.1968 ✓	Abbottabad	21.04.2008	21.04.2010	30.01.2018
152.	Mr. Faqir Hussain	02.02.1967 ✓	Peshawar	21.04.2008	21.04.2010	29.11.2018
153.	Mr. Naseer Khan	01.04.1963 ✓	Charsadda	21.04.2008	21.04.2010	29.11.2018
154.	Mr. Hukam Khan	14.03.1969	Charsadda	21.04.2008	21.04.2010	15.11.2016
155.	Mr. Arab Nawaz	11.02.1969	Charsadda	21.04.2008	21.04.2010	30.01.2018
156.	Mr. Mehar Ali	01.01.1969	Nowshera	21.04.2008	21.04.2010	30.01.2018
157.	Mr. Yar Nawab	05.11.1963 ✓	Mardan	21.04.2008	21.04.2010	30.01.2018
158.	Mr. Iftikhar Ali	10.02.1968 ✓	Charsadda	21.04.2008	21.04.2010	30.01.2018
159.	Mr. Nasir Khan	22.11.1968 ✓	Charsadda	21.04.2008	21.04.2010	30.01.2018
160.	Mr. Hazrat Ullah	05.01.1964 ✓	Charsadda	21.04.2008	21.04.2010	16.05.2019
161.	Mr. Fazal Dad	16.03.1966 ✓	Charsadda	21.04.2008	21.04.2010	18.02.2022
162.	Mr. Abdullah Jan	24.10.1963 ✓	Peshawar	21.04.2008	21.04.2010	30.01.2018
163.	Mr. Liaqat Ali	08.04.1964 ✓	Charsadda	21.04.2008	21.04.2010	30.01.2018
164.	Mr. Tayyab Jan	01.05.1970	Charsadda	21.04.2008	21.04.2010	30.01.2018
165.	Mr. Asif Mehmood	25.04.1975	Bannu	04.07.2008	04.07.2010	18.02.2022
166.	Mr. Ghulam Sadiq	01.02.1968 ✓	Mkd: Agency	05.08.2008	05.08.2010	16.05.2019
167.	Mr. Roshan Zeb	16.02.1964 ✓	Mardan	26.08.2008	26.08.2010	30.01.2018
168.	Mr. Fazal Subhan	02.05.1968 ✓	Nowshera	26.08.2008	26.08.2010	30.01.2018
169.	Mr. Muhammad Ijaz Khan	01.09.1977	Charsadda	26.08.2008	26.08.2010	15.11.2016
170.	Mr. Muhammad Yaseen	30.03.1975	Charsadda	10.09.2008	10.09.2010	15.11.2016
171.	Mr. Ibrar Khan	20.05.1970	Abbottabad	19.09.2008	19.09.2010	07.03.2017
172.	Mr. Muhammad Yaseen	28.12.1973	Haripur	19.09.2008	19.09.2010	14.03.2017
173.	Mr. Iftikhar Ahmad	10.05.1968 ✓	Mansehra	19.09.2008	19.09.2010	

17

ATTESTED
 DATE
 SIGNATURE

6

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
174.	Mr. Farhad Ali	16.11.1962 ✓	Mardan	19.09.2008	19.09.2010	16.05.2019
175.	Mr. Zakir Hussain	09.03.1966 ✓	Abbottabad	19.09.2008	19.09.2010	30.01.2018
176.	Mr. Azam Ali Shah	01.01.1963 ✓	Abbottabad	19.09.2008	19.09.2010	16.05.2019
177.	Mrs. Samina Zafar	25.12.1975 ✓	Haripur	19.09.2008	19.09.2010	07.03.2017
178.	Mr. Mehboob	16.12.1965 ✓	Abbottabad	19.09.2008	19.09.2010	07.03.2017
179.	Mr. Muhammad Hamayun	01.04.1963 ✓	Abbottabad	19.09.2008	19.09.2010	30.01.2018
180.	Mr. Ghulam Muhammad	01.11.1963 ✓	Mansehra	19.09.2008	19.09.2010	30.01.2018
181.	Mr. Zahoor-Ud- Din Khan	05.05.1963 ✓	D.I.Khan	03.12.2008	03.12.2010	15.11.2016
182.	Mr. Muhammad Nabi	09.10.1966 ✓	Charsadda	30.12.2008	30.12.2010	30.01.2018
183.	Mr. Ayaz Mehmood	20.02.1971 ✓	Mardan	30.12.2008	30.12.2010	30.01.2018
184.	Mr. Shakeel Ahmed	01.01.1974 ✓	Peshawar	29.01.2009		30.12.2019
185.	Mr. Hussain Ghulam	10.03.1970 ✓	Hangu	28.07.2009	28.07.2011	16.05.2019
186.	Mr. Muhammad Akbar	14.05.1963 ✓	Mardan	11.08.2009	11.08.2011	18.02.2022
187.	Mr. Zareef Khan	01.01.1969 ✓	Swabi	11.08.2009	11.08.2011	18.02.2022
188.	Mr. Bashir Dad	14.04.1972 ✓	Mardan	28.08.2009	28.08.2011	30.01.2018
189.	Mr. Arshad Hussain	15.05.1967 ✓	Shangla	28.08.2009	28.08.2011	16.05.2019
190.	Mr. Matloob Khan	13.04.1970 ✓	Haripur	28.08.2009	28.08.2011	24.08.2020
191.	Mr. Shah Nawaz	08.08.1965 ✓	Mansehra	28.08.2009	28.08.2011	30.09.2016
192.	Mr. Fazal Wahab	15.01.1965 ✓	Mardan	28.08.2009	28.08.2011	24.08.2020
193.	Mr. Jehanzeb Khan	30.11.1966 ✓	Abbottabad	28.08.2009	28.08.2011	24.08.2020
194.	Mr. Muhammad Amin	06.09.1962 ✓	Abbottabad	28.08.2009	28.08.2011	18.02.2022
195.	Mr. Muhammad Sohail	30.04.1977 ✓	Mansehra	28.08.2009	28.08.2011	19.04.2022
196.	Mr. Muhammad Yousaf	24.08.1964 ✓	Haripur	13.10.2009	13.10.2011	24.08.2020
197.	Mr. Muhammad Sajjad	24.03.1969 ✓	Mansehra	13.10.2009	13.10.2011	24.08.2020
198.	Mr. Fida Muhammad	11.12.1964 ✓	Abbottabad	13.10.2009	13.10.2011	24.08.2020
199.	Mr. Alam Zeb	10.11.1963 ✓	Mardan	18.11.2009	18.11.2011	30.01.2018
200.	Mr. Saeed Khan	15.04.1964 ✓	Peshawar	18.11.2009	18.11.2011	30.01.2018
201.	Mr. Muhammad Ishaq	21.12.1968 ✓	Nowshera	18.11.2009	18.11.2011	16.05.2019
202.	Mr. Pasham Gul	29.04.1963 ✓	Mardan	18.11.2009	18.11.2011	30.01.2018
203.	Mr. Nasrullah Khan	20.04.1968 ✓	Peshawar	18.11.2009	18.11.2011	18.02.2022


ATTACHED
 ADVOCATE

18

7

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
					18.11.2011	24.08.2020
204.	Mr. Janan Habib	16.05.1964	Charsadda	18.11.2009	18.11.2011	29.11.2018
205.	Mr. Amir Nawaz	20.03.1970	Charsadda	18.11.2009	18.11.2011	29.11.2018
206.	Mr. Afsar Zaman	01.09.1969	Mardan	18.11.2009	18.11.2011	24.08.2020
207.	Mr. Rajab Ali	09.02.1975	Kohal	18.11.2009	18.11.2011	30.01.2018
208.	Mr. Noor Ullah	10.05.1964	Peshawar	18.11.2009	18.11.2011	30.01.2018
209.	Mr. Mukhtiar Ahmad	03.12.1964	Charsadda	18.11.2009	18.11.2011	16.05.2019
210.	Mr. Muhammad Irfan	01.08.1970	Karak	12.07.1997	12.07.1999	24.08.2020
211.	Mr. Arshad Ahmed	06.01.1982	Nowshera	01.01.2010	01.01.2012	18.02.2022
212.	Mr. Muhammad Kamran	12.02.1981	Malakand	01.01.2010	01.01.2012	18.02.2022
213.	Mr. Sajid Mumtaz	27.12.1979	Charsadda	01.01.2010	01.01.2012	18.02.2022
214.	Mr. Fida Hussein	21.01.1983	Peshawar	01.01.2010	01.01.2012	18.02.2022
215.	Mr. Ijaz Ali	10.04.1983	Charsadda	01.01.2010	01.01.2012	18.02.2022
216.	Mr. Zaka Ullah	01.10.1965	Nowshera	01.01.2010	01.01.2012	24.08.2020
217.	Mr. Ali Khan	20.02.1968	Mkd Agency	01.01.2010	01.01.2012	29.11.2018
218.	Mr. Abdur Rashid	03.05.1968	Charsadda	01.01.2010	01.01.2012	29.11.2018
219.	Mr. Khalid Khan	02.01.1969	Nowshera	01.01.2010	01.01.2012	29.11.2018
220.	Mr. Niaz Muhammad	14.09.1973	Charsadda	01.01.2010	01.01.2012	29.11.2018
221.	Mr. Tauheed Ullah	08.04.1982	Charsadda	01.01.2010	01.01.2012	18.02.2022
222.	Mr. Ijaz Ali	14.05.1978	Charsadda	01.01.2010	01.01.2012	18.02.2022
223.	Mr. Adnan Azam	16.06.1984	Charsadda	01.01.2010	01.01.2012	18.02.2022
224.	Mr. Zahid Alam	15.07.1987	Peshawar	01.01.2010	01.01.2012	18.02.2022
225.	Mr. Rehmatullah	07.03.1986	Peshawar	01.01.2010	01.01.2012	18.02.2022
226.	Mr. Taj Muhammad Khan	13.02.1979	Nowshera	01.01.2010	01.01.2012	18.02.2022
227.	Mr. Muhammad Inam Jan	15.03.1979	Mardan	20.03.2010	20.03.2012	18.02.2022
228.	Mr. Luqman Khan	15.01.1980	Mardan	20.03.2010	20.03.2012	18.02.2022
229.	Mr. Ikhtiraz Khan	14.01.1985	Mardan	20.03.2010	20.03.2012	18.02.2022
230.	Pir Zar Badshah	25.05.1972	Mkd Agy	20.03.2010	20.03.2012	18.02.2022
231.	Mr. Muhammad Fazil	03.12.1978	Swabi	20.03.2010	20.03.2012	18.02.2022
232.	Mr. Imtiaz Ali	03.01.1977	Mardan	20.03.2010	20.03.2012	18.02.2022
233.	Mr. Sabir Gul	04.03.1984	Mardan	20.03.2010	20.03.2012	18.02.2022

(19)

ATTESTED


(8)

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) ^{RSP}
 AIG/Establishment
 For Inspector General of Police,
 Khyber Pakhtunkhwa,
 Peshawar

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

ATTESTED
~~ADPOCATE~~

20

B
BETTER COPY 21/6/88

GOVERNMENT OF NWFP
HOME & TRIBAL AFFAIRS
DEPARTMENT
DATED PESHAWR THE 16.1.1988

ORDER

No. SO(P-11) HD/S-10/146-149. Sanction of the Govt. of NWFP is hereby accorded to the raising of Armed Reserve Police Force in NWFP comprising the following units of NWFP Police.

1. Additional Police.
2. Special Police levy.
3. PAF contingent.
4. Range Reserve Platoons.
5. Provincial Reserve Armed Platoons.
6. Frontier Armed Reserve.
7. Campus Peace Corps, Peshawar University.
8. STF & ATS.
9. Mounted Police.
10. Standing Guards and Police Escorts etc. etc. including those provided to private bodies/persons.

2. As a result of the said re-organization, sanction is accorded to the creation of the following posts with effect from 1.10.87 at a total cost of Rs.2989170/- as detailed below:-

6-222-000-total Estt: Charges	2653650/-
6-22-10-total Basic Salary	1823760/-
6-222-11-Basic Pay of officers	339680/-
One D/G (Commandant) (BPS-19)	33040/-
Five Supdts of Police (BPS-18)	108400/-
Twelve DSSP (BPS-17)	198240/-
6-222-012- pay of other staff	1484080/-
19 inspectors (BPS-14)	167200/-
60 Sub-inspectors (BPS-11)	436800/-
71 HCs (BPS-3)	369200/-
One office Supdt: (BPS-16)	10800/-
One stenographer (BPS-15)	9320/-
Five steno typist (BPS-12)	38800/-
12 Assistants (BPS-11)	87360/-
15 Senior Clerks (BPS-7)	90000/-
24 Junior Clerks (BPS-5)	134400/-
Five Darliaries (BPS-2)	25000/-
12 N/Qs (BPS-1)	57600/-
12 Bahishties (BPS-1)	57600/-
6-222-020-total regular allowances.	789090/-
022-House Rent Allowance	547330/-
027-washing allowance.	14300/-
028-Dress allowance	2300/-
029-Ration allowance	130560/-
029-medical allowance	94800/-
6-222-030-total other allowances	40800/-
034-Medical charges	1800/-
036-cut fit allowances	24000/-
039-other allowances	15000/-
6-222-500-total commodities and services	335520/-
511-T.A (others)	335520/-
Total	2989170/-

3. Sanction of the Govt. of NWFP is also accorded to the up-gradation of 1020 posts of special Police levy from Basic pay scale 01 to Basic pay scale 02 as constables with effect from 1.10.1987.
4. The Govt. of NWFP is further pleased to abolish the posts of 7 ASIs and 279 Constables with effect from 1.10.1987 to neutralize the Addl cost of 255 costs created as above. the details of posts abolished are given in Annex-A.
5. The location of the staff created is shown in Annex-B. The duties and responsibilities of the new set up will be the same as those of regular Police elsewhere and services will be governed by the Police Rules or any other rules applicable to their counter parts in regular Police.
6. The expenditure involved is debatable to the function 6-222-provincial Police (Police proper and shall be met out of the existing budget grant for the current financial year 1987-88).
7. A token grant of Rs.10 is sanctioned to menageries the incurrence of above expenditure during the current financial year 1987-88. The different conditions imposed and other instructions issued by finance Deptt: in connection with the implementation of the above scheme will be adhered to strictly.

Sd/-
HOME SECRETARY GOVT OF NWFP
HOME AND TRIBAL AFFAIRS DEPTT:

ATTESTED
ADVOCATE

GOVERNMENT OF N.W.F.P.
Home and TRIBAL AFFAIRS
DEPARTMENT.

DATE: PESHAWAR THE 16. 1.1988

ORDER.

NO. SO(P.II)HD/8-10/146-149. Sanction of the Govt; of NWFP is hereby accorded to the raising of Armed Reserve Police force in NWFP comprising the following units of N.W.F.P 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; etc including those provided to private bodies/ persons.

2. As a result of the said re-organization, sanction is accorded to the creation of the following posts with effect from 1.10.87, at a total cost of Rs.29,89,170/- as detailed below:-

6-222-030	Total Estt:Charges		26,53,650/-
6-222-010	Total Basic Salary.		18,25,760/-
6-222-011	Basic Pay of Officers		3,39,680/-
	One DIG (Commandant) (BPS-19)		33,040/-
5	Five Supts: of Police (BPS-19)		1,08,400/-
12	Twelve BSPs (BPS-17)		1,98,240/-
6-222-012	Pay of Other staff		14,84,080/-
19	Nineteen Inspectors (BPS-14)		1,67,200/-
60	Sixty Sub Inspectors (BPS-11)		4,35,800/-
	Seventy one Head Constables (BPS-3)		3,69,200/-
	One Office Supt (BPS-16)		10,800/-
	One Stenographer (BPS-15)		9,320/-
	Five Steno Typists (BPS-12)		38,300/-
	Twelve Assistants (BPS-11)		87,360/-
	Fifteen Sr: Clerks (BPS-7)		90,000/-
	Twenty four Jr: Clerks (BPS-5)		1,34,400/-
	Five Daftaries (BPS-2)		25,000/-
	Twelve Naib Qasids (BPS-1)		57,600/-
	Twelve Bahishtian (BPS-1)		57,600/-
6-222-020	Tot: 1 Regular Allowances.		7,83,090/-
	022--House Rent Allowance		5,47,330/-
	027--Washing Allowance.		14,300/-
	028--Dress Allowance.		2,300/-
	029--Ration Allowance.		1,30,560/-
	029--Medical allowance		94,800/-
6-222-030	Total other Allowances		40,800/-
	034--Medical charges		1,800/-
	036--Out fit allowance		24,000/-
	039--Other Allowances.		15,000/-
6-222-500	Total Commotities and Services.		3,35,520/-
	511-TA (Others)		3,35,520/-
		TOTAL	29,89,170/-

3. Sanction of the Govt: of NWFP is also accorded to the Up-gradation of 1020 posts of Special Police Levy from Basic Pay Scale 1 to Basic Pay Scale 2 as Constables with effect from 1.10.1987.

Contd.....(2) "r"

ATTESTED

ADVOCATE

4. The Govt; of NWFP is further pleased to abolish the posts of 7 ASIs and 279 Constables with effect from 1.10.1987 to neutralize the addl cost of 255 posts created as above. The details of posts abolished are given in Annexure-A.

5. The location of the staff created are shown in Annexure-B. The duties and responsibilities of the NW set up will be the same as those of Regular Police elsewhere and its services will be governed by the Police Rules or any other Rules applicable to their counter-parts in regular Police.

6. The expenditure involved is debtable to the Function 6-232. Provincial Police (Police Proper) and shall be met out of the existing budget grant for the current financial year 1987-88.

7. A token grant of Rs.10/- is sanctioned to regularize the incurrence of above expenditure during the current financial year 1987-88. The different conditions imposed and other instructions issued by Finance Deptt; in connection with the implementation of the above scheme will be adhered to strictly.

HOME SECRETARY GOVERNMENT OF NWFP HOME AND T&S DEPTT.

Dated Peshawar the 16.1./1988

NO.7/12-B.III/FD/

Copy forwarded for information and necessary action

- to:-
- 1. The Accountant General NWFP Peshawar.
- 2. All Districts Accounts Officer in NWFP.

(MALIK SHUJEAT HUSSAIN)
BUDGET OFFICER-III
FINANCE DEPTT;

NO.SO(P.II)HD /8-10/146-149

Dated Peshawar the 16.1./81

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

- 1. The Inspector General, of Police, NWFP Peshawar.
- 2. The Budget, Officer-III Govt; of NWFP. Finance Deptt; Peshawar.
- 3. The Dy:Secretary Regulation-I Govt; of NWFP Finance Deptt; Peshawar.
- 4. The Section Officer (Police-I) Govt; of NWFP Home and T&S Deptt; Peshawar.

(TAJ CHAFOOR)
SECTION OFFICER (POLICE-II)
HOME DEPARTMENT.

ATTESTED
ADVOCATE

Ann-
23

STANDING ORDER NO.2.

As a second step towards the Re-Organization of Frontier Armed Reserve, the following strength alongwith the equipments, likes arms and Ammunition and Transport etc, etc: shall stand with-drawn from the offices noted against each placed under the administration of Commandant, Frontier Arms Reserve N.W.F.P. Peshawar with immediate effect:-

S.NO.	NAME OF FORCE.	SP	DSP	INSP	SIS	ASIS	HCS	CONST	JAM	HAV	SEP	DRAWING AND DISBURSING OFFICER.
1.	Campus Peace Corps.	1	1	3	11	5	51	290	-	-	-	Director Campus Peace Corps Peshawar.
2.	Special Police Levy.	-	-	-	-	-	-	-	30	90	780	SsP, DIR, Bannu Kohat & Kayak

The case regarding transfer of proportionate b and declaration of Deputy Commandant, F.A.R. as Drawing and Disbursing Officer of the above staff will be decided in d course.

Sd/-(MOHAMMAD ABBAS KHAN)
Inspector General of Police, NWFP,
Peshawar.

No 2603. 32 /A-3, dated Peshawar the 13.3. /1988
Copy of above is forwarded for informati
and necessary action to:-

1. All Heads of Police Offices, in N.W.F.P.
2. All Branch Superintendents, in CPO, Peshawar.
3. Registrar; CPO, Peshawar.
4. Assistant Secret, CPO, Peshawar.
5. District Accounts Officers, Kohat, D. I. Khan, Bannu & Kara.

(ISRAR MOHAMMAD KHAN)
DIG/HQRS:
For Inspector General of Police,
N.W.F.P. Peshawar.

~~ATTESTED~~
~~ADVOCATE~~

ANN-D

17/24

27-2-91

CIRCULAR ORDER.

The Inspector General of Police, N.W.F.P. has pleased to order the re-naming of Frontier Armed Reserve to Frontier Reserve Police (F.R.P) with immediate effect.

SYED MASUD SHAH
INSPECTOR GENERAL OF POLICE
PESHAWAR.

NO. 3850-3950/E-II, dated Peshawar, the 27.2. 1991.
Copy of above is forwarded for information and necessary action to:-

1. The Chief Secretary, Government of NWFP, Peshawar.
2. The Secretary to Chief Minister, NWFP.
3. The Secretary Governor NWFP.
4. The Secretary to Govt: of NWFP (S&GAD).
5. The Secretary to Govt: of NWFP, Home and TAs Deptt
6. The Commandant, Frontier Reserve Police, NWFP, Pesh
- 7.-15 All Dy:Inspectors General of Police, in NWFP.
16. The Accountant General NWFP, Peshawar.
17. All Asstt:Inspectors General of Police, in NWFP.
18. All Distt: Accounts Officers in NWFP.
19. All Supdts: of Police, FAR, in NWFP.
20. The Director, Campus Peace Corps, University Cam
21. The Asstt:Commandant, RTC Sarai-Nauwarg.
22. The Asstt:Commandant, FAR Sub HQRS Nowshera.
23. DSP I/IC RTC, Kohat.
24. Supdt: 'C' Branch CPO.
25. Supdt: 'A' Branch CPO.
26. Supdt: 'E' Branch, CPO.

Attested
[Signature]

Sd/-
(ISRAR MOHAMMAD. KHAN
DIG BQRS:
FOR INSPECTOR GENERAL OF PO
PESHAWAR.

ATTESTED
ADVOCATE

COPY.

18
AUG 1973

25

Subject:- RECRUITMENT POLICY FOR NEWLY CREATED POSTS IN POLICE.

On recommendation of a special committee constituted for the purpose, the Inspector General of Police, NWFP, has approved the following general policy for recruitment of constables against the newly created post for the various Distt./Units with effect from 1.7.1973 (Signature A)

2. POST IN DISTRICT.

The newly created posts of Districts should be filled up from the trained personnel of FRP according to seniority educational qualification/domicile.

ii. Vacancies resulting from transfer of FRP personnel to District Police should be filled up through fresh recruitment in FRP.

iii. Personnel selected for transfer to District should be allocated to the districts of their domicile/according to the number of vacancies available in each Districts.

3. TELECOMMUNICATIONS

Since telecommunication requires technical staff the AIG(Tele) will conduct recruitment of personnel against vacancies sanctioned for his Unit. However four(4) personnel of telecommunication at present attached to F for the purpose of pay will be absorbed against these vacancies.

4. TRAFFIC POLICE.

Since no traffic course qualified officials are available in FRP, seniority cum persistent and educational standard required for traffic police will apply.

Distribution of posts sanctioned for traffic Police 8-Const(4-40) will be as under:-

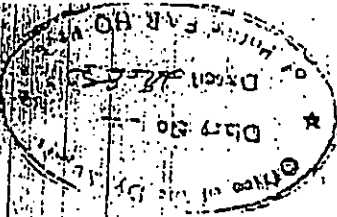
	HC	F.C.
i. Peshawar	1	6.
ii. Kohat	-	6.
iii. Bannu	-	6.
iv. Dera Iskan	-	6.
v. Mardan	1	5.
vi. Abbottabad	1	5.
vii. Muzaffargarh	1	6.

5. CRIM. BRANCH/CID.

The vacancies against the newly sanctioned posts for these branches should be filled up from Peshawar Distt: for lien purpose. Peshawar Distt: should be given person

ATTESTED
~~ADVOCATE~~

~~APPROVED~~
~~APPROVED~~



RECEIVED
OFFICE OF THE DIRECTOR OF POLICE
FEB 17 1950

- 1. All reports of police...
- 2. All reports of police...
- 3. All reports of police...
- 4. All reports of police...
- 5. All reports of police...

for
dso

No. 584-88-485
1950/1951
RECEIVED
OFFICE OF THE DIRECTOR OF POLICE
FEB 17 1950

- 1. The Director of Police...
- 2. The Director of Police...
- 3. The Director of Police...
- 4. The Director of Police...
- 5. The Director of Police...
- 6. The Director of Police...
- 7. The Director of Police...
- 8. The Director of Police...
- 9. The Director of Police...
- 10. The Director of Police...

No. 1775-22
RECEIVED
OFFICE OF THE DIRECTOR OF POLICE
FEB 17 1950

96

18

Ann F

(27)

F.R.P STANDING ORDER NO.1

ORGANIZATION , ROLE , DUTIES & RESPONSIBILITIES.

DEFINITION.

All terms and definitions used in Police Act, 1861 and Police Rules, 1934 or any other rules and laws of the land for Police officers posted to specialized cadres, branches of Police will mutatis mutandi apply to the members of Frontier Reserve Police.

(a) COMMANDANT.

He will be an officer of the rank of Deputy Inspector General of Police , appointed by the Government as COMMANDANT of the Frontier Reserve Police.

(b) DEPUTY COMMANDANT.

He will be a Police Officer not below the rank of Supdt: of Police, and will assist the COMMANDANT in the discharge of his duties and responsibilities.

(c) ASSISTANT COMMANDANT.

Includes Police Officer not below the rank of ASP/DSP . He will assist the COMMANDANT, Deputy Commandant and Supdt: of Police, FRP in the discharge of their duties.

(d) F.R.P RANGE.

FRP Range includes all the districts in a particular Range or Ranges as specified by the I.G.P .

(e) MEMBERS OF F.R.P.

Include Police Officers who are posted to or enrolled in the FRP. They also include GOs serving in the F.R.P .

(f) REGULAR POLICE.

Includes officers posted to District Police, Special Branch , Crimes Branch, Traffic Police and CID and any other unit which may be added hence forth.

ATTESTED
~~ADVOCATE~~

(2)

28

(g) F.R.P TRAINING CENTRES.

Include the premises or buildings notified by the IGP as Training Centres/ Schools.

2. The entire strength of the FRP will be grouped as under :-

- a) Active duty personnel (Regular Platoons)
- b) Administrative Platoons.
- c) Ministerial Staff.

Active duty personnel.

The entire active duty personnel will be organized into platoons and sections. A platoon shall consist of 1-4-40 (SI/ASI-1, HCs-4 & Constables - 40). The 40 constables shall include five follower constables as well. A section shall be composed of one HC and ten active duty personnel.

Three platoons shall be commanded by one Inspector and he will be designated as Company Commander.

Applicability of Rules.

According to notification No. 60(Police-II) HD/8-10/146-149, dated 16.1.1968 from Govt. of M.P., Home & T.As Deptt., the duties & responsibilities of this force will be the same as those of regular Police elsewhere and its services will be governed by Police Rules, 1934 or any other rules applicable to their counterparts in regular Police.

Duties & Responsibilities.

The duties & responsibilities of the FRP shall be to assist the regular Police in the performance of the following duties:-

ATTESTED
ADVOCATE

(3)

- a) Anti Riot Operations.
- b) Operation against Criminal /POs.
- c) Security of VVIPs/ VIPs.
- d) Any other duties assigned by the IGP.

14/02/94

(S. MASUD SHAH)
INSPECTOR GENERAL OF POLICE,
NWFP PESHAWAR.

OFFICE OF THE COMMANDANT F.R.P NWFP PESHAWAR.

No. 5606-46 /GC dated Peshawar, the 28-7 /1994.

Copy of above is forwarded to all
Heads of Police, offices in NWFP ,for information and
necessary action.

Malik

(MALIK NAVEED KHAN)
DIG
COMMANDANT F.R.P NWFP PESH

Office of the Dy. Supty
Distt No 2026
Date 3-8-94 *
Police Peshawar

ATTESTED
ADVOCATE

F.R.P STANDING ORDER NO.2RECRUITMENT AND TRAINING.RECRUITMENT.

All enrolment in the FRP shall be carried out under chapter-XII of Punjab Police Rules as amended vide notification No.3663-51/A-II, dated 5.3.1988 and No. 27654-89/E-II, dated 26.12.1988 and other instructions issued by the competent authority. The SP/FRP of the Range shall carry out recruitment against vacancies. Recruitment in HQ Platoons shall be carried out by the Commandant or his nominee. It shall be ensured that all the districts are represented in the HQ platoons in accordance with their population figures of the last census.

It shall be ensured that at no given time the percentage of non-matriculats (including follower constables) exceeds 15 per cent of the total strength of the F.R.P.

TRAINING.

To maintain uniformity in training of F personnel and district Police, the syllabi approved for regular Police recruits shall be followed. However, the IGP may prescribe additional courses for FRP according to the nature of their duties besides those mentioned in Police Rules, 1934 and Police Training College, Hangu manual.

The IGP shall fix the quota of seats for lower, Inter & Upper courses in accordance with the strength of FRP and by the same formula that is applicable to the District Police Ranges.

~~ATTESTED~~
~~ADVOCATE~~

(2)

The Commandant, FRP shall then allocate these seats to the respective FRP Range / HQ according to the strength of lower & Upper subordinates in that Range/ HQ .

(Signature)
(S. NASUD SHAH)
INSPECTOR GENERAL OF POLICE,
NWFP PESHAWAR.

.....
OFFICE OF THE COMMANDANT F.R.P NWFP PESHAWAR.

No. 5693-5223/GC dated Peshawar, the. 31.7.1994.

Copy of above is forwarded to all Heads of Police, Offices in NWFP, for information and necessary action.

(Signature)
(MALIK NAVEED KHAN)
DIG
COMMANDANT F.R.P NWFP PESHAWAR.

Division of the Dy. Insp.
Dy Insp No 1025
Dated 3-8-94
Police RAN HQ Pesh

~~ATTESTED
ADVOCATE~~

F.R.P STANDING ORDER NO.3

PROMOTIONS.

In view of the nature of the duties assi to the FRP, those officials who are illiterate or have failed to qualify the promotion lists shall be promoted the rate of 25 per cent of the posts of HCs , ASIs & Minimum qualification for promotion to rank of HC shall be :-

- a) Qualified section commander's course.
 - b) Physical fitness according to Police R 12-16 (i).
 - c) Character roll clear of entry carrying moral stigma.
 - d) Preference shall be given to candidate who have qualified drill course.
- Minimum qualification for PCs(SI/ASI) shall be:-

- a) Service as Section Commander- 3 years.
- b) Platoon Commander course passed.
- c) Physical fitness according to Police Rules 12.16.

3. The Commandant,FRP may constitute a member- GOs committee to assess the performance of Platoon commanders(SI/ASI) and HC (Section Commanders on completion of their tenure. The committee may rec candidates for reversion or promotion to the rank of SI/ASI/HC in the FRP . These will include drill staf and drop outs from A-I , B-I , lower and Intermediat courses.

~~ATTESTED
ADVOCATE~~

(2)

However, the following factors shall be taken into consideration while granting extensions.

- a) Retirement of the incumbent in the same rank.
- b) Length of service of the next incumbent.
- c) Status of next senior incumbent as he may be deprived of promotion due to granting of extension.

S/o

Chapter 13 of Police Rules, 1934 read with State order nos. 10 and 11 of 1987 shall govern the system of promotion and maintenance of promotion lists. However, those constables who have not passed the lower school set in Police Training college, may be considered suitable for promotion with the approval of Commandant, MWP be promoted. Read Constable upto a maximum of 10 per cent of the same posts. In this connection the following shall be criteria for promotion :-

- a) Physical fitness according to Police Rule 12716(i).
- b) Qualified in drill instructor course.
- c) Qualified in section commander course.
- d) Character roll clear of entry carrying moral stigma.
- e) Qualified Gas Course.

Office of the Dy. Supdt.
 Order No. 1024
 Dated 3-8-84
 Police B.R. 1934

(S. MURUGAN SELVA)
 INSPECTOR GENERAL OF POLICE,
 MWP, Bangalore.

OFFICE OF THE COMMANDANT, MWP, Bangalore.

~~ATTESTED~~
~~ADVOCATE~~

Tel: 621886

From:- The Commandant,
Police Training College Hangu.

- To :-
1. The All D.Is.G in N.W.F.P.
 2. The Commandant, PRP, NWFP, Peshawar.
 3. The All Distts: Superintendent of Police, in N.W.F.P.
 4. The Director C.P.C University Camps Peshawar.

NO 3271-3300 / Dated Hangu, the 19/6/1996.

Subject:- ALLOTMENT OF SEATS IN VARIOUS COURSES

MEMORANDUM

Please refer to this office Memo: No. 1996-2077, dated 19.5.1996.

The allotment of seats in the various courses to P.T.C Hangu has been tabulated vide Rule No.1, (i),(iii) and (iv) of the P.T.C Manual. No criteria what so ever had been laid down for such allotment, and the PTC authorities have made the below yard stick for allocation of quota of seats in the Lower, Intermediate and Upper School Courses.

- | | | |
|----|---------------------|--|
| 1. | Lower School Course | 1/20th of the sanctioned strength of H.O. of the Ranges. |
| 2. | Intermediate Course | 1/20th of the sanctioned strength of ASIs of the Ranges. |
| 3. | Upper School Course | 1/20th of the sanctioned strength of S.Is of the Ranges. |

Based upon the above formula sufficient seats had been allocated to all Ranges. But certain Ranges, IRP & CPC Organisation etc were frequently making correspondence of their officials turning overage. As such this Institution on account of constructions of new Academic Block, reviewed the matter and the seats in various courses has been increased as below, duly approved by the IGP/NWFP, Peshawar:-

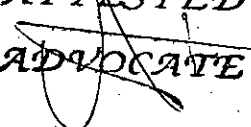
S/No.	Range/Units	Lower Course	Inter: Course	Upper Course
1.	Peshawar	37	24	9
2.	Mardan	11	12	2
3.	Kohat	11	7	3
4.	Bannu	11	12	3
5.	D.I.Khan	8	4	1
6.	Melakand	30	16	7
7.	Hazara	16	9	4

Cont'd.../P-2

ATTESTED
ADVOCATE

() 2 ()

S/No.	Range/Units	Lower Course	Inter Course	Upper Course
8.	PTC/RTW	6		
9.	F.R.F ✓	2	3	1
10.	C.P.C.	2	2	1
11.	Azad Kashmir	4	3	1
12.	Other Province	27	1	
13.	I. Bureau		20	6
Total:-		166	112	36

ATTESTED

 ADVOCATE

AKWJ

36

FROM:

The Provincial Police Officer,
N.W.F.P., PESHAWAR.
The Commandant,
F.R.P., NWFP., Peshawar.

TO:

No. 2586

/E-II, Dated Peshawar, the 16/2/2007.

SUBJECT:-

REGULARIZATION OF PROMOTION ORDERS
OF FRP LITERATE OFFICIALS.

MEMO.

dated 1-7-2006.

Please refer to your Memo.No.4048/EG,

The suggestion regarding promotion order of FRP literate official received with your memo. under reference has been put up to the D.P.O. The D.P.C. thoroughly discussed the issue and opined that as the Police rules chapter 13 is in detail and very clear that no Constable/Head Constable be admitted in List-D who is not thoroughly efficient in all branches of the duties of the Constable and Head Constable of established integrity. The FRP is also transit force and the officials are being transferred after 5 years service to their domicile District. Therefore, the quota of the lower college course, intermediate college course and upper college course may be withdrawn. However, since there are some districts i.e. Charoadda, Marlan and Bannu etc, where the number of Constables are out number of the districts, in those cases the Commandant FRP will issue guide line and circulate to the DPC for approval.

642
16/2/07
F.R.P. N.W.F.P. PESHAWAR

LIASAT KHAN
AIG/Leq.
for Provincial Police Officer

Ec
for maintenance
16/2

ATTESTED

ATTESTED
ADVOCATE

PAKISTAN COURTESY

Ann.K

37

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT



JUDGMENT

.. WP No 1615-07 of 2007.

Date of hearing 20.3.2008.

Ali Hassan petitioner No.1 and Tayyeb Jan petitioner No.4
are present in person.

Mr. Muhammad Saeed Khan, Addl. A.G. alongwith Mr. Saadat Mehdi,
DSP for the respondents.

MUHAMMAD RAZA KHAN .C. J. - This order shall also be
deemed to be an order in the connected Writ Petitions No.1616 and
1617 of 2007 as the identical questions are involved in all these cases.

Through these Constitutional Petitions the petitioners have challenged
the letter dated 16.2.2007, whereby the suggestion relating to the
promotion order of Frontier Reserve Police (FRP) literate officials,
moved by the Commandant FRP, was considered by the DPC and it
was held that under Chapter 13 of the Police Rules no constable/head
constable can be admitted to list 'D' unless he is thoroughly efficient in
all the branches of duties of the Constable/Head Constable. The
reasons advanced in the impugned letter for declining the proposal, was
that FRP is a transit force and the officials are transferred to their
Districts of domicile after five years.

ATTESTED

EXAMINER
[Signature]

In the comments the respondents No.1, 2 and 3 have
admitted that some of the employees of FRP were erroneously
promoted and when the matter came to the notice of the concerned
authorities they placed it before the DPC where the said order was

~~ATTESTED~~
~~ADVOCATE~~

passed which is in accordance with the police rules applicable to the police establishment.

3. The petitioners contend that they had been appointed in the reserve police and they had been serving for a period ranging between 15 to 20 years and that their colleagues have been upgraded and promoted to senior positions, but the refusal to place them in 'D' list and to promote them, shall adversely affect their service interest amounting to discrimination. It was claimed that their colleagues in FRP have been given accelerated promotion and most of them are presently working as ASIs and SIs despite the fact that they were recruited alongwith the petitioners.

4. We feel that apparently the FRP is now a regular establishment and no more a transit force and there is no proof that the personnel working therein was temporarily posted for five years, therefore, the discriminatory treatment, meted out to them, is violative of the fundamental rights, particularly when, they will be placed at an extra-ordinary junior position if transferred to the Districts and enlisted there on the basis of their length of service and experience in all branches of police force. In any case, since the petitioners have not been transferred out of the Frontier Reserve Police within the prescribed period of five years, as stated in the impugned order, therefore, a mistake on the part of the concerned authorities cannot put the petitioners in an adverse situation and they cannot be penalized for the fault of the others. Moreover the decision to rectify a wrong practice shall definitely operate prospectively and it cannot be applied to the

ATTESTED

EXAMINER

ATTESTED

ADVOCATE

39

petitioners retrospectively who had been recruited in FRP and had been continuously serving the department for over fifteen years.

We, therefore, direct that the case of the regularization, promotions and opportunities for enlistment in the intermediate course etc., shall be re-examined at a higher level under the supervision of the Provincial Police Officer and the decision dated 16.2.2007 may be re-considered by the concerned DPC so that nobody should be discriminatively deprived of his legal rights and that no decision be made operative retrospectively damaging the members of the discipline force who have to perform extra-ordinary duties and who deserve to be adequately compensated and encouraged. The re-consideration process be finalized within a period of two months and the result thereof be communicated to the petitioners and a report may be forwarded to the Registrar of this Court. With these observations these petitions are

disposed of.

Mr. Muhammad Raza ul Haq
Mr. Farhan Raza ul Haq

Announced:
Dated 20.3.2008.

[Signature]
CERTIFIED TO BE TRUE COPY
Examiner
Peshawar High Court Peshawar
authorized Under Section 79 of the

5409
Date of Presentation of Application *20/3/08*
No of Pages *2*
Copying Fee *6*
Legal Fee *6*
Date of Preparation Copy *31/3/08*
Delivery of Copy *1/4/08*
[Signature]

ATTASTED
ADVOCATE
[Signature]

- ANN-L 14/05/2008

(40)

**MINUTES OF DEPARTMENTAL SELECTION COMMITTEE HELD ON 14.05.2008
IN THE CONFERENCE ROOM OF CPO PESHAWAR.**

A meeting of Departmental Selection Committee was held on 14.05.2008 at CPO Conference

Room: The following officers attended the meeting.

1	Mr. Khurshid Alam Khan Addl: Inspector General of Police, HQs, NWFP, Peshawar.	CHAIRMAN
	Mr. Fiaz Ahmad Khan, Addl: IGP/Investigation NWFP, Peshawar.	Member
3	Mr. Faqir Hussain, Deputy Inspector General of Police, Investigation Peshawar.	Member
4	Mr. Abdul Wadood Shah Commandant PTC, Hangu	Member
5	Mr. Attaullah Wazir Capital City Police Officer, Peshawar.	Member
6	Mr. Amir Hamza Mahisud Deputy Inspector General of Police, Special Branch NWFP, Peshawar.	Member

The following miscellaneous cases were discussed in the DPC meeting and recommendation made against each case:

Seniority case of
Inspector s now DSsP
Khurshid Ahmad &
Sarfaraz Tareen of
Hazara Region

Vide No. 19615-A/GB dated 18.12.2007 DPO Manshra has submitted representation for restoration of correct seniority in the seniority list over which the W/PPO NWFP Peshawar directed AIG/Legal CPO, Peshawar to please examine and offer comments and made the remarks that if seniority has been restored to other officer who were not recommended initially, while the petitioner has been left and not given seniority. Is it not discrimination? AIG/Legal submitted the following note:-

"Relevant record in the light of points raised by petitioner Muhammad Khurshid, DSP/SDPO Oghi, District Manshra, was checked. It revealed that Petitioner alongwith 11 other colleagues was appointed as ASI during the year 1975. According to seniority list of SIs of Hazara Region as it stood on 31.12.92 issued vide DIG/Hazara notification No. 5358/E, dated 29.06.93, the name of Petitioner Muhammad Khurshid exits at Serial No. 19 above the name of all his colleagues mentioned in the representation.

During the year 1984 recommendation in respect of suitable officers for admission to list "F" were asked by the CPO vide signal No. 1055-60, dated 21.01.84. At that time the Petitioner was serving in District Manshra. Out of 12 SIs only one SI Naseem Afzal of District Abbottabad was recommended for promotion list "F" by the DIG/Hazara vide letter No. 8684/E, dated 08.07.84 on the basis of recommendations received from the District concerned.

The case of Naseem Afzal was discussed in the meeting of DPC and he was brought on promotion list "F" vide Notification No. 23685, dated 30.12.1984

On the recommendation Roll i.e. Form 13.15 of Khurshid Khan which is on his record, the DIG/Hazara has mentioned that due to adverse remarks in his ACR for the year 1984 he is not recommended for list "F" and he was also kept under observation for a period of 6 months.

Petitioner Khurshid Ahmad Inspector submitted numerous applications, which were considered and rejected. Besides discussion of his case in DPC meeting on 23.02.2000, his case was again discussed in the DPC on 16.3.2002 but was referred to the DIG/Hazara for comments. On receipt of comments, the case was again placed before the DPC in its meeting held on 12.5.2004 but his claim was rejected on the grounds that he was not recommended by DIG/Hazara in the year 1984. This decision of the DPC was conveyed to the petitioner vide letter No.

ATTESTED
ADVOCATE

41

10008/E-II dated 05.06.2004.

Another representation of Inspector Sarfraz Tareen through his mother was also received from the C.M. Secretariat NWFP, with the following remarks of the Chief Minister NWFP:

I.G (P)

"Please look into personally and ensure that seniority list of the Police Department is free from controversies."

In this representation it is stated that the competent authority had allowed to assign him revised seniority vide notification No. 3917-78/E-II, dated 26.02.1996 by placing his name below the name of Inspector Muhammad Hyas but this decision of the competent authority has not been implemented so far. He has also preferred an appeal to the NWFP Service Tribunal which is still subjudice.

Cases of both officers were thoroughly examined by the DSC and it is recommended that as their clearness have repeatedly been rejected by the DPC hence they should get remedy from the Court as it is time bared now.

Seniority case of
Inspector Muhammad
Iqbal of DIKhan
Region

SI Muhammad Iqbal while posted as MMPI DIKhan was reverted as SI to his substantive rank by the DIG/DIKhan duly approved by the PPO on complaint of corruption. Departmental Enquiry was initiated against him but he was exonerated from the charges levelled against him. Therefore, he submitted application for promotion as Offg: Inspector. The case was referred to the DPC and the DPC recommended that as his ACR is adverse, therefore, his name may also be removed from list F. He preferred an appeal in the Service Tribunal NWFP Peshawar which was accepted in his favour. The Deptt: went for filing appeal in the Apex Supreme Court of Pakistan through Advocate General, but the Advocate General reported that the case is not fit for appeal, hence the decision of the Service Tribunal was implemented. He represented for promotion as Offg: Inspector. His case was again placed before the DPC. The DPC thoroughly examined his case and recommended that the Advocate General may be addressed through Home Department for comments to intimate reasons for not filing of appeal so that instruction are issued to all concerned.

In pursuance of the decision of the DPC vide Memo No. 17188/E-I dated: 25.07.2005 section Office (Judicial) Govt: of NWFP Home & T.As Deptt: Peshawar was accordingly addressed.

The Section Officer litigation Govt: of NWFP Law Parliamentary Affairs & Human Rights Department Peshawar vide his letter No. Lit/LD/1-9 (180)/Home/2006/17901-02 dated 09.08.2007 has submitted copy of letter of Advocate General NWFP Peshawar letter No. 7415-16/AG dated: 05.10.2006 stating that the learned A.O.R and Mr. Khushdil Khan Addl: Advocate General have examined the case and both have found it unfit. Detail comments furnished by the Law officer were also sent with the letter.

An Office note was put up to the high ups and Addl: IGP/HQRs ordered it to be examined by DPC. The DPC thoroughly examined his case and recommended him for promotion subject to good ACR for the year 2006.

ACR for the year 2006 received and put up before the high ups and the Addl: IGP/HQRs NWFP approved his promotion. His promotion order was issued vide this office Notification No. 22685-88/E-II dated: 02.10.2007.

Now the District Police Officer DIKhan vide his Memo No. 2639 dated: 09.10.2007 has submitted his representation requesting for placing his name at proper place according to due seniority.

His representation was referred to DSC.
DSC thoroughly examined the case and recommends that his name may be placed at his original place in the seniority list of Inspectors.

~~ATTESTED
ADVOCATE~~

Seniority case of Inspector Murad Ali of Mardan Region

The DIG/Mardan Region-I, vide his Memo No. 5797/ES dated: 10.10.2007 has submitted an application requesting for granting seniority into promotion list "F"

From Para -1. to 5 the applicant has given his particulars, while in Para 6 of his application he stated that his colleagues Abdul Qayum has jumped in the seniority list and has been placed at S/No. 52, while the applicant has been placed at S/No. 103 of the seniority list of Inspector issued by CPO vide No. 2406/E-II dated: 14.02.2007.

The Service particulars of Inspector Abdul Qayum and representationist are as under:-

S/No	Name	Date of Appointment	Date of Conf: as SI	Date of Admn. to list "F"	Date of Prom: as Offg: Inspector	Date of Conf: as Inspector
1.	Insp: Abdul Qayum	10.04.77	22.07.90	03.11.96	24.05.99	16.07.2005
2.	Inspector Murad Ali	14.12.73	01.11.95	19.09.97	23.06.2001	16.07.2005

An office note was put up to high ups, whereupon Addl: IGP/HQRs NWFP Peshawar ordered to refer it to the DSC.

DSC thoroughly examined and found the claim of petitioner unjustified.

Seniority case of Inspector Legal Altaf Hussain of DIKhan Region

Commandant PTC Hangu submitted representation of Inspector Legal Altaf Hussain requesting for correction of his seniority into promotion list "F" after the name of Inspector Legal Hidayat Shah at S.No. 21 of seniority issued vide No. 649-61/E-II dated: 10.01.2008.

The case was put up to high ups upon which Addl: IGP/HQRs ordered to refer it to DSC.

The DSC examined and found that in this connection a case is subjudice in the Supreme Court therefore it may be kept pending till the decision of court.

Confirmation case of Inspector Aamer Shahzad of CCP/Peshawar

Inspector Aamer Shahzad of CCP/Peshawar has submitted an application stating that due to his illness he was on Ex-Pakistan Leave. For confirmation as Inspector 2 years probation period is required. He has completed 22 months period lacking just 2 months in the period.

He requested to consider his case in DPC and he may be confirmed as Inspector.

An office note was put up to high ups and the worthy Addl: IGP/HQRs NWFP ordered it to be examined by the DSC.

DSC examined his case and recommends his name for confirmation as Offg: Inspector with his colleagues.

Seniority case of Inspector Hidayatullah of DIKhan Region

DIG/Bannu has submitted representation of Inspector Hidayatullah No. D/5 of Bannu Region for assignment of revised seniority into promotion list "F" over which comments were asked from DIG/DIKhan which received and put up to the high ups. Upon which Addl: IGP/HQRs ordered to keep pending the case till the decision of appeal subjudice in the Service Tribunal.

Now vide No. 9951-52/E-I dated: 24.04.2008 a copy of judgment of Service Tribunal NWFP received wherein the respondent Deptt: is directed to decide the departmental appeal of the appellant within one month.

An office note was put up to high ups and the worthy Addl: IGP/HQRs NWFP ordered to be examined by the DSC.

DSC thoroughly examined his case and found no plausible grounds for assignment of revised seniority into promotion list "F".

Case for promotion of FRP Personnel

The Govt. of NWFP, had established a force namely Frontier Armed Reserve during the year 1986. On 16.01.1988, Additional Police, Temporary Staff, PAF Contingents, Striking force and Mounted Police were absorbed in frontier Armed Reserve vide Govt. of NWFP, Home and TAs Department Notification No. SO(Police-I)11D/8-10/146-149 dated 16.01.1988 and decided that the duties and responsibilities of new set-up will be the same as those of REGULAR POLICE, elsewhere and its services are governed by the Police rules 1934, or any other Rules applicable to their counterpart in the Regular Police. Therefore promotion from one rank to another and from one grade to an other shall be in accordance with Chapter 13 of Police Rules.

ATTESTED
ADVOCATE

Later on in 1991, the name of the force FAR was converted into Frontier Reserve Police. In the year 1994 a Standing Order No. 3 was framed by the Police Chief for the promotion of illiterate constable of FRP, to HC, ASI/PC and SI/PC. The same Standing Order was revised during the year 1999, where in its first para it was highlighted that list A,B,C,D and E shall be kept in the office of Commandant, FRP NWFP, for the purpose of the promotion of literate subordinates.

Due to some misunderstanding authority issued promotion orders to literate subordinates as ASI/PC and SI/PC on temporary basis. Many of them were given promotion from the rank of Head Constable (BPS-7) to SI/PC (BPS-14) for the period of two years, which is against the Police Rules, Standing Order No-3/1999, 1/2006 and instructions issued by the Govt. of NWFP, Home Department.

Frontier Reserve Police was temporary force up to 30.06.2003 therefore no confirmation against any rank was made previously. On 01.07.2003 the temporary posts of FRP were converted into permanent status by the Provincial Govt. Therefore promotion orders of literate officials are required to be regularized as per Police Rules from their due dates.

The case was put up to the DPC. The DPC thoroughly discussed the issue and opined that as the police rules chapter 13 is in detail and very clear that a constable / head constable be admitted to list D who is not thoroughly efficient in all branches of the duties of the constable and head constable of established integrity. The FRP is also transit force and the officials are being transferred after 5 years service to their domicile District. Therefore, the quota of the lower college course intermediate college course and upper college course may be withdrawn. However since there are some districts i.e. Charsadda, Mardan and Bannu etc, where the number of constables are out number of the districts and in those cases the Commandant FRP will issue guide line and circulate to the DPC for approval.

Number of officials/officers of FRP challenged this decision of the DPC. Now the Commandant FRP reported that Constables were enlisted in FRP up to the year 2003, who were given promotion after fulfilling the required conditions for promotion as per Police Rules, as they were serving in FRP with their lien and order to implement decision of the DPC dated: 14.12.2006, they will be deprived from their legal rights, leading to the litigation. The Commandant FRP requested for reconsideration of the case by the DPC.

An office note was submitted to the high ups for orders, which was marked to DPC to examine the case and make recommendation (s).

The DPC examined the case very thoroughly and recommended that the previous decision of DPC shall stand however, a committee may be constituted of the following officers to examine the case in the light of representation received and recommendation made by Commandant FRP and submit detail report with specific recommendation for consideration in the next meeting of the DPC.

- | | |
|--|----------|
| 1. Mr. Faqir Hussain, DIG/Inquiries & Inspections CPO. | Chairman |
| 2. Mr. Fasih ud Din, Deputy Commandant FRP NWFP | Member |
| 3. Mr. Liaqat Ali Khan, AIG/Legal CPO | Member |
| 4. Mr. Abdul Malik Khan, Registrar CPO | Member |

The above mentioned committee's meeting was held on 18.08.2007 at CI Peshawar and its recommendations are reproduced below:-

"At the outset, Liaqat Ali Khan, AIG/Legal informed the participant that the issue of promotion of FRP personnel has already been considered in DPC meeting held on 14.12.2006. As per decision of the DPC meeting, all literate subordinates of FRP will be transferred to their domicile districts. He further added that duties in FRP does not fulfill the requirement of promotion as per police Rules, so quota of various courses allowed to FRP, was withdrawn on the recommendation of DPC.

Abdul Malik Khan, Registrar, CPO endorsed the views of AIG/Legal and stated that all literate officials of FRP may be transferred to their respective districts as per decision taken in the DPC. He further added that FRP is a transit force therefore, their promotion can not be regularized as per police Rules.

Faqir Hussain, Commandant FRP, Chairman of the committee told the meeting that FRP has been given permanent status in 2003. However, the Chairman agreed with the views of both the members. But he further added that on transfer to respective districts, no one is deprived from his due right/seniority.

ATTESTED
ADVOCATE

After detailed discussions, the committee reached at the conclusion that

literate Head Constables and ASIs of FRP may be transferred to their domicile districts, to settle the issue once for all. The Commandant, FRP office will provide the names to CPO for further necessary action. However their names will be placed in list D on the merit of the year in which he passed the Intermediate Class Course.

All the literate HCs, ASIs were duly transferred to their respective domicile Districts.

Aggrieved to this Ali Hassan etc filed a writ petition before the Honourable High Court Peshawar. The honourable Peshawar High Court Peshawar while disposing of the writ petition passed the following order on 20.03.2008

"We feel that apparently the FRP is now a regular establishment and not more a transit force and there is no proof that the personnel working therein were temporarily posted for five years, therefore, the discriminatory treatment meted out to them, is violative of the fundamental rights, particularly when, they will be placed at an extra-ordinary junior position if transferred to the District and enlisted there on the basis of their length of service and experience in all branches of police force. In any case, since the petitioners have not been transferred out of the Frontier Reserve Police within the prescribed period of five years, as stated in the impugned order, therefore, a mistake on the part of the concerned authorities cannot put the petitioners in an adverse situation and they cannot be penalized for the fault of the others. Moreover the decision to rectify a wrong practice shall definitely operate prospectively and it cannot be applied to the petitioners retrospectively who had been recruited in FRP and had been continuously serving the department for over fifteen years.

We, therefore, direct that the case of the regularization, promotions and opportunities for enlistment in the intermediate course etc, shall be re-examined at a higher level under the supervision of the Provincial Police Officer and the decision dated 16.02.2007 may be re-considered by the concerned DPC so that nobody should be discriminatively deprived of his legal rights and that no decision be made operative retrospectively damaging the members of the discipline force who have to perform extra-ordinary duties and who deserve to be adequately compensated and encouraged. The re-consideration process be finalized within a period of two months and the result thereof be communicated to the petitioners and a report may be forwarded to the Registrar of this Court. With these observations these petitioners are disposed of."

The case was examined by the DSC in its meeting held on 14.05.2008 and it was decided to constitute a Committee comprising DIG/Investigation, AIG/Legal CPO & Registrar CPO to examine the case and submit detail report to next DSC meeting.

Inspector Riaz Ahmad of Special Branch (CM Squad) has submitted an application for assignment of seniority into promotion list "F" on the analogy of Court order passed in case of Inspector/DSP Shafiullah and others of Malakand Region. The CPO Peshawar vide No. 5327/13-II dated: 14.03.2007 had intimated that a case of Haji Bahadur Khan and 6 others against Shafiullah and his colleagues was subjudice in Service Tribunal Peshawar and directed to wait till the decision of the court.

According to the representationist now the case of Haji Bahadur Khan and others has been decided in favour of Shafiullah Khan Inspector/DSP and his colleagues. He requested that he alongwith his colleagues may be assigned seniority on the same analogy in light of Court decision (Service Tribunal NWFP) dated: 12.03.2005 i.e. confirmation as ASI from the date of their appointment, because in 1984 and 1992 direct appointed ASI have shown senior to them.

An office note was put up and the case was ordered to be placed before the DSC.

DSC examined the case in detail and decided that he should get remedy from the court.

Seniority case of
Inspector Riaz Ahmad
of Malakand Region

~~ATTESTED
ADVOCATE~~

Seniority case of Inspector Zia Hassan of DIKhan Region Now ACE/NWFP Peshawar

Vide Memo: No 1010/ACE dated 29.02.2008 Director ACE/NWFP Peshawar submitted an application of Inspector Zia Hassan D/3 of DIKhan requesting for confirmation as Inspector over which comments of DIG/DIKhan were asked vide this office Endst: No. 4650/E-II dated 05.03.2008.

Vide Memo: No. 702/ES dated 13.03.2008. DIG/DIKhan submitted his comments stating that SI Zia Hassan No. D/3 of DIKhan Region now on deputation to ACE/NWFP was transferred to Special Branch NWFP from DIKhan District on 14.05.2003. During his posting in the Special Branch NWFP he was selected for UN Mission abroad to Kosovo where he spent one year i.e from 13.08.2003 to 13.08.2004. He returned back from Kosovo on 14.08.2004 and remained posted to Special Branch NWFP. His total service in Special Branch NWFP including one-year period of UN Mission is 03 years.

He applied for confirmation as SI with the contention that he has completed 03 years tenure in Special Branch NWFP as per instructions and as such full filled the condition for confirmation in the rank of SI. In this connection, no specific rules/instructions were available on the subject whether the period he remained on UN Mission abroads to be counted toward his posting in Special Branch or otherwise.

DIG/DIKhan further reported that the case was referred to PPO/NWFP Peshawar vide this office Memo No.638/ES dated 23.05.2006 that one year period of UN Mission abroad i.e from 13.08.2003 to 13.08.2004 be counted toward his posting in the Special Branch on deputation or other wise, so that his case for confirmation could be finalized. The PPO/NWFP Peshawar vide his Memo No. 10204/E-II dated 06.06.2006 intimated as under:-

Period on UN Mission can not be counted as period in Special Branch NWFP. So he completed one year more in Special Branch NWFP and was promoted on two years probation in the rank of SI with effect from 16.07.2005 on the available vacancy in DIKhan Region after completed 04 years service in Special Branch including one year UN Mission vide this office Endst: No.1406-7/ES dated 19.05.2007.

He was confirmed in the rank of SI from the same date i.e 16.07.2005 after counting his remaining officiating period toward probation under police rule 13-18 vide this office Endst: No.1530-31/ES dated 01.06.2007.

His F-list promotion recommendation case was submitted to CPO/NWFP vide this office Memo No.1537/ES dated 06.06.2007. On the direction of PPO/NWFP Peshawar letter No.17599/E-II dated 30.07.2007, the date of confirmation as SI was revised as 01.07.2007 instead of available vacancy i.e on 16.05.2005 and revised confirmation order was issued on 01.07.2007 instead of 16.05.2005 vide this office order Endst: No.26.07-8/ES dated 06.10.2007.

An office note was put up before High ups and the case was referred to Departmental Selection Committee.

Departmental Selection Committee examined the case did not agree with the contention of petitioner for assignment revised seniority as he was not completed three years tenure in Special Branch physically during the period i.e. 14.05.2006.

Adjustment of Mr. Inayatullah as MVE in Police Department.

Four (4) Vacancies of MVEs are lying vacant in NWFP Police. In order to fill up these vacancies by the candidates of Automobiles and Diesel Engine Diploma holders.

Establishment Department Govt. of NWFP Peshawar addressed the PPO for the views regarding the adjustment of Mr. Inayatullah, Unit Supervisor (BS-11) District Tank now in Surplus Pool, office of the Assistant Agriculture Engineer DIKhan.

The case was put up to high-ups on which the Addl: IGP/HQRs ordered to place it before DSC.

DSC examined and decided that comments of the AIG/Traffic may be obtained in this regard.

ATTESTED
ADVOCATE

46 ✓

Promotion of Inspector
/FSL to the rank of
DSP/FSL

Mr. Inamullah Khan, Inspector (FSL) is a senior most Inspector of FSL (Chemical Section) as per seniority list. He is required to be promoted as DSP/FSL or a post of Mr. Ahmad Mustafa, DSP/FSL who was compulsory retired after departmental proceeding against him.

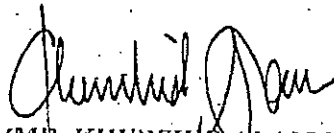
Mr. Ahmad Mustafa, DSP/FSL, went in appeal to the Chief Secretary, NWFP which was rejected. He preferred appeal in NWFP Service Tribunal which was disposed of by directing the Department for de novo proceedings. At present the department went in appeal before the Supreme Court of Pakistan against the said judgment of NWFP Service Tribunal which is subjudice.


According to the seniority list following are the senior most Inspectors amongst whom one of the Inspector is required to be promoted for regular promotion as DSP/FSL or otherwise.


1. Mr. Inamullah, Inspector FSL.
2. Mr. Muhammad Zeb, Inspector FSL


The DPC is requested to examine the case of promotion of one of the Inspector to the rank of DSP/FSL (Chemical Section) BS-17.

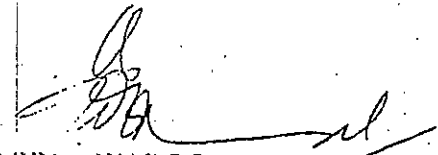
DSC examined the case and recommends the name of senior most Inspector Mr. Inamulla for promotion as DSP/FSL (BPS-17) on acting charge basis till the decision of case in the apex court. If the decision came in favour of Ahmad Mustafa DSP, then he will have to be reverted.


 (MR. KHURSHED ALAM KHAN)
 CHAIRMAN
 Addl: Inspector General of Police,
 HQRs, NWFP, Peshawar.



 (FAQIR HUSSAIN)
 MEMBER
 Deputy Inspector General of Police,
 Investigation NWFP, Peshawar.

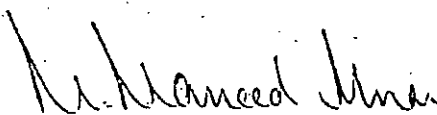

 (FIAZ AHMAD KHAN)
 MEMBER
 Addl: Inspector General of Police,
 Investigation NWFP, Peshawar.


 (ATTAULLAH WAZIR)
 MEMBER
 Capital City Police Officer,
 Peshawar.


 (ABDUL WADOOD SHAH)
 MEMBER
 Commandant Police Training
 College, Hangu

Approved


 (AMIR HAMZA MAHSUD)
 MEMBER
 Deputy Inspector General of Police,
 Special Branch NWFP, Peshawar.


 (MALIK NAVEED KHAN)
 PROVINCIAL POLICE OFFICER, NWFP,
 PESHAWAR.

ATTESTED
 ADVOCATE

79-29/07 ANN-M (47)

**MINUTES OF DEPARTMENTAL SELECTION COMMITTEE HELD ON 07.05.2009
IN THE CONFERENCE ROOM OF CPO PESHAWAR.**

A meeting of Departmental Selection Committee was held on 07.05.2009 at CPO Conference Room. The following officers attended the meeting.

- | | | |
|---|--|----------|
| 1 | Mr. Abdul Latif Khan
Addl: Inspector General of Police,
Operations NWFP, Peshawar. | CHAIRMAN |
| 2 | Mr. Abdul Majeed Khan Marwat
Addl: Inspector General of Police,
Headquarters NWFP, Peshawar. | Member |
| 3 | Mr. Faqir Hussain
Deputy Inspector General of Police,
Enquiry & Inspections NWFP, Peshawar. | Member |
| 4 | Mr. Abdul Wadood Shah
Commandant PTC,
Hangu | Member |
| 5 | Mr. Safwat Ghayur
Capital City Police Officer,
Peshawar. | Member |
| 6 | Mr. Khalid Masud
Deputy Inspector General of Police,
Operations, NWFP Peshawar. | Member |
| 7 | Mr. Attaullah Wazir
Commandant FRP NWFP Peshawar. | Member |

The following miscellaneous cases were discussed in the DSC meeting and recommendations made against each case:

**Confirmation case of
Inspector Bakht Zada
No. M/33 of Malakand
Region**

Director ACE NWFP Peshawar has forwarded an application of Inspector Bakht Zada No. M/33 requesting therein for confirmation as Inspector.

His case for confirmation as Inspector was discussed by the DSC in meeting held on 30.04.2008 and was deferred due to incomplete ACRs.

Superintendent Secret & training CPO submitted synopsis of ACRs for the years 2002 to 2007. His ACR for the year 2006 sent to the then PPO/NWFP Mr. Rifat Pasha for countersignature.

DSC thoroughly examined his case and recommended him for confirmation as Inspector with his colleagues.

**Case of Inspector Umar
Daraz of
CCP/Peshawar**

The Capital City Police Peshawar vide No. 13128/EC-I dated: 16.12.2008 has forwarded application of Inspector Umar Daraz Khan, stating therein that his name may be included into seniority list of Inspector between the name of Inspector Ashraf Zaman and Gulma Khan at S/No. 2 & 3. His application was endorsed by Commandant FRP NWFP Peshawar for comments vide No. 34207/E-II dated 30.12.2008.

The Commandant FRP vide his Memo No. 946/EC dated: 09.02.2009 has intimated that Inspector Umar Daraz was enlisted as constable in FRP/NWFP on 01.01.1987. He qualified Lower School course during the term ending 29.10.1990 and intermediate College Course during the term ending 23.08.1999. He has been

**ATTESTED
ADVOCATE**

promoted as HC on 30.01.1989 SI/PC on 04.06.1992 and Inspector on 21.04.1993 b the Commandant FRP. His name was brought on promotion lists "D" and "E" on 10.10.1997 and 11.04.2000 respectively by the Commandant FRP. He was reverted to the rank of HC on 25.04.2003 and dismissed from service on 16.07.2003. Later on, upon lodging an appeal in the NWFP Service Tribunal NWFP he was re-instated with all back benefits by service Tribunal NWFP and honorably acquitted by the Special Anti Corruption Judge NWFP, Peshawar in the criminal case registered against him.

His case for inclusion of his name into promotion List-F and promotion as Inspector was recommended by Commandant FRP NWFP Peshawar vide his Memo No. 11/PA dated 24.01.2003, but soon after his reversion to the rank of IHC & dismissal, recommendation for promotion list "F" were withdrawn by the Commandant FRP.

The case was put up before the high ups which was marked to DSC.

His case was thoroughly examined by the DSC and marked to sub-committee consisting of the following officers to submit legal suggestion to next DSC meeting.

1. Mr. Qudratullah Khan, DIG/Investigation, NWFP Peshawar.
2. Mian Khurshid Anwar, AIG/Legal CPO, Peshawar.
3. Mr. Abdul Malik Khan, Registrar CPO, Peshawar.

The DIG/Mardan vide his Memo No. 5437/EC dated: 11.11.2008 has forwarded application of Inspector Muhammad Ashfaq acting DSP/HQ's Mardan for seniority into promotion list "F" according to date of confirmation as SI and requested for placing his name above the name of Inspector now DSP Akhtar ul Iman

The case was referred to the DSC.

The case was examined in the DSC and rejected the representation having no merit.

Commandant PTC Hangu forwarded case of the three Officers namely SI Habibullah No. 368/M, SI Ghulam Sadiq No. 269/M and SI Faqir Hussain No. 381/P, being competent, experienced who trained 650 trainees in the short period of 45 days already on list E, recommended that they should be brought on list F as a special case.

Case was examined by the DSC and marked to sub-committee consisting of the following officers to submit the recommendation to next DSC meeting.

1. Mr. Faqir Hussain, DIG/Enquiry & Inspection NWFP Peshawar.
2. Mr. Abdul Wadood Shah, Commandant PTC Hangu.
3. Mr. Khalid Masood, DIG/Operations NWFP Peshawar.
4. Mr. Attaullah Wazir Commandant FRP NWFP.

Representation of Inspector now DSP Muhammad Ashfaq of Mardan Region for revised seniority



Recommendation of PTC Hangu for inclusion of names of SIs to promotion list F

ATTESTED
ADVOCATE

Seniority case of Lady
SIs of CCP/Peshawar

49

The CCPO. Vide Memo No. 4672/E-I dated 13.05.2008 forwarded applications of Lady SI Aneela Naz No.47/P, SI Asmat Ara No.44/P and SI Shazia Shahid No.43/P of his establishment who had requested for confirmation an assignment of revised seniority into promotion list "E".

As per CCPO, Peshawar 6 Lady ASIs were enlisted/appointed as direct ASI vide CPO Peshawar order No. 5798-808/E-II 5811-15/E-II dated: 24.03.1996 and their seniority was fixed according to their date of birth as under:-

S/ No	Name & No	Date of birth	Date of enlistment /arrival	Date of confirmation Of List-E	Educational	Date of promotion as Sub Inspector	Courses passed
1.	Rozia Ihtal No.P/39	30.07.1969	27.03.1996	18.04.2002	BA	13.05.2005	Prob course Upper Cours
2.	Hamida Bano	04.12.1970	28.03.1996	18.04.2002	BA	13.05.2005	Prob course Upper Cours
3.	Aneela Naz No.P/47	09.10.1971	03.04.1996	18.04.2002	MA	01.01.2004	Prob course Upper Cours
4.	Sara Salih No.P/36	06.04.1975	27.03.1996	18.04.2002	FA	01.01.2004	Upper Cours
5.	Asmat Ara No. P/42	15.04. 1975	27.03.1996	18.04.2002	MA	01.01.2004	Prob course Upper Cours
6.	Shazia Shahid No.P/43	30.04.1976	31.03.1996	18.04.2002	FA	01.01.2004	Prob course Upper Cours

They were confirmed in the rank of ASI and their names were brought promotion list E vide CCPO Peshawar Notification No. 2809-15/EC-I dated 18.04.2002. Later on the CCPO Peshawar promoted 4 Lady ASI to the rank of Of SIs wherein 2 Lady ASI namely ASIs Aneela Naz & Sara Salih on the basis Upper College Course and the other 2 Lady ASI Asmat Ara and Shazia Shahid the basis of probation Class course vide order No. 1-8/CRC dated 01.01.2004

After qualifying the probation Class Course the same 2 Lady ASIs, on "E" were also promoted as Offg: SIs by the CCPO, Peshawar vide order No. 36 63/EC-I dated 13.05.2005

The DPC examined their case in the light of rules, which revealed that 12.2 (3) envisage the principles regarding Seniority and probation whereas P.R 1 also provides that probationer ASIs who are directly appointed would be considered for probation for 3 years and are liable to be discharged at any time within the period of their probation if they failed to pass the prescribed examination. In light of rule if the case of all the SIs is considered, it would reveal that none of the Lady has qualified the prescribed examination within the period of 3 years. Relevant rules have not been followed while making confirmation of lady police officers. The DPC observe that confirmation of these officer is not in accordance with Police Rule 1 which needs to be revised and made strictly as per provision of Police Rules. A revised confirmation in accordance with Police Rules 13.8, their seniority is would automatically be settled as seniority is to be reckoned from the date of confirmation. The CCPO therefore may proceed according to Law/Rules

ATTESTED
ADVOCATE

50

discussed above. Confirmation is to be made on the basis of completion of probationary course i.e. from the dates when they qualified it.

The CCPO, Peshawar vide Notification No. 8977-84/EC-I dated 21.10.2009 issued revised seniority list of Lady SIs on the basis of Police Rules 13. The CCPO/Peshawar has forwarded application of lady SIs Rozia Altaf No. P/8 and Hameeda Bano No. P/99 against the above decision and also intimated that the revised seniority notification has not been correctly and properly processed under the rules as checked by CCPO.

It is submitted that this office is in the process of establishing/constituting committee to process the seniority case of Lady SIs of CCP Peshawar under the rules, as these seem to have been haphazardly drawn up.

The case was marked to DSC.

The DSC thoroughly examined their case and decided to send the case CCP/Peshawar to submit detail report within one month to next DSC for further action.

Representation of Inspectors for restoration of seniority

As per DSC Decision dated 09.02.2009 the date of confirmation of 24 Senior Inspectors of CCP Peshawar was revised as 06.10.1997 instead of various dates. They were assigned ante-dating seniority into promotion list "F" according to the date of confirmation and names placed above the name of Inspector Ehsanullah No.K/14 at S/No. 57 and below the name of Inspector Khurshid Ahmed No. P/12 S/No. 55 of the seniority list issued vide this office Notification No. 4626-56/E dated 19.02.2009.

Aggrieved to this the following Inspectors on list "F" have submitted representations and requested to set aside the impugned Notification No. 7103/E dated 12/3/2009 and the due seniority of the applicants may be restored.

S/no	Name and number	Home District	Edu	Date of Birth	Date of Joining Service	Date of confirmation in the rank of SI	Date of admission to promotion list "F"	Date of continuous as offg. Inspector	Date of confirmation Inspector
1	Ihsanullah No.K/14	Bannu	F.A	10.01.62	05.06.83	05.11.97	16.3.2002	18.11.2002	16.03.02
2	Mir Chaman No. K/12	Karak	BA	22.04.53	25.09.77	05.02.98	16.03.2002	18.11.2002	16.03.02
3	Pir Shahab Ali Shah No MR/1	Mardan	MA/LLB	12.08.60	10.04.80	20.08.98	16.03.2002	16.01.2003	16.03.02
4	Zain Khan No. P/52	Mardan	MA/LLB	01.04.60	06.02.90	15.12.98 31.12.2000	16.12.2005	16.12.2005	16.03.02

The representations of the above Inspectors were put before the high ups which were marked to the DSC.

DSC thoroughly examined their representation and marked the case to committee consisting of the following officers to check as to whether their probationary period was completed on 06.10.1997.

I. Mian Khurshid Anwar, AIG/Legal CPO

ATTESTED
ADVOCATE

(51)

The DSC examined the case and referred it to the committee already formed for the purpose.

Case of Inayatullah of Surplus Pool for adjustment as MVE in Police Department

Four (4) Vacancies of MVEs are lying vacant in NWFP Police.

In order to fill up these vacancies by the candidates of Automobiles and Diesel Engine Diploma holders the Establishment Department Govt. of NWFP Peshawar addressed the PPO for views regarding the adjustment of Mr. Inayatullah Unit Supervisor (BS-11) District Tank now in Surplus Pool office of the Assistant Agriculture Engineer DIKhan.

The case was put up to high-ups on which the Addl: IGP/HQRs ordered to place it before DSC.

The case was discussed in the DSC meeting held on 14.05.2008 and it was decided to seek comments of AIG/Traffic in this regard.

The AIG/Traffic vide memo No. 2181/EC dated: 29.07.2008 submitted that applicant Mr. Inayatullah passed his diploma in Auto & Diesel Technology from Govt. College of Technology, Kohat Road, Peshawar. He is fulfilling the required qualification/standard for the post of MVE. However, proper procedure for appointment is necessary to be adopted.

The posts of MVE were previously advertised in the news papers by the CPO to invite application of the candidates, fulfilling the required standard followed by test and interview. The Case was discussed in the DSC meeting held on 14.10.2008 and it was decided to refer the case to Govt. to provide list of all the officers having the required qualification for adjustment as MVE in Police Department. The Govt. of NWFP Establishment Department intimated that Mr. Inayat Ullah, of Surplus unit Supervisor (BPS-11) having diploma of Associate Engineering in Auto & Diesel, fulfils the prescribed qualification for the post of Motor Vehicle Examiner. He may be adjusted against the said vacant post. There is no provision in the surplus Policy to place the Surplus Employees before the DPC/DSC, if he fulfils the qualification prescribed for the post and also copy endorsed to District Coordination Officer Tank with the request to place the services of Mr. Inayat Ullah Surplus Unit Supervisor (BPS-11) District Tank at the disposal of DIG/(HQ) Central Police Office, NWFP Peshawar for further adjustment against the vacant post of Motor Vehicle Examiner (BPS-11).

In light of the above instructions of the Govt. of NWFP Establishment Department the DCO Concerned has relieved Mr. Inayat Ullah Surplus Unit Supervisor (BPS-11) District Tank and placed his services at the disposal of DIG/HQs CPO, NWFP Peshawar for further adjustment against the vacant post of Motor Vehicle Examiner.

The DSC examined the case in its meeting held on 09.02.2009 and noticed that complete record of the case has not been provided to the DSC for perusal as list of officers provided by the Establishment Department is not available. It was decided to adjourn the case for want of complete record of the case and list of all other officers having the required qualification.

Govt. of NWFP Establishment Department provided a list of other officers having the required qualification.

~~ATTESTED~~
~~ADVOCATE~~

52

The case was referred to DSC.

The DSC examined the case of Inayatullah of Surplus pool and recommends to adjust him against the post of MVE in Police Department.

Representation of Inspector Akhtar Ali of Investigation Nowshera for seniority.

Capital City Police Officer, Peshawar has forwarded representation submitted by Acting DSP Investigation Nowshera Akhtar Ali Khan No. P/185 requesting therein that his case may kindly be considered for revised confirmation as SI w.e. from 06.10.1997 instead of 31.03.2000 like others regarding confirmation of 24 SIs of Capital City Police Peshawar.

The same was forwarded to the CCPO/Peshawar for parawise comments.

The CCPO/Peshawar submitted the following parawise comments:-

26 SIs are senior from the above Inspector and they were confirmed in the rank of SIs with effect from 06.10.1997 by the then DIG/Peshawar Range Peshawar vide notification No. 725-38/EC dated 29.01.2001.

The order of the 26 SIs was then revised in the light of PPO NWFP Peshawar's memo No. 17914/E-II, dated 25.10.2001 wherein it was directed that confirmation of the above SIs may be made on case to case basis against the vacancies occurred from various dates. In the DIG/PR order No. 95203/EC dated 27.10.2001 the last one out of 26 SIs, was SI Subat Khan No. P/185 who was confirmed with effect from 28.02.2000. After that on the direction of PPO vide his letter No. 15797/E-II dated 20.09.2000, the representationist Inspector Akhtar Ali No. P/85 now DSP/Investigation Nowshera was also confirmed in the rank of SI w.e. from 31.03.2000, as a Special case due to his extra ordinary performance in case FIR No. 337 dated 23.11.2000 by the DIG/PR vide his letter No. 9477/EC dated 25.10.2000.

Against the revised confirmation order the following Inspectors represented.

- i. Inspector Rahim Shah.
- ii. Inspector Tariq Sohail.
- iii. Inspector Khan Akbar.

The representations of the above Inspectors were thoroughly examined by the DPC in its meeting held on 09.02.2009 and recommended to restore the previous notification earlier issued by the DIG/PR and further stated that seniority of the officers may be fixed on the basis of their confirmation i.e 06.10.1997.

In the light of above recommendations of DPC, the previous notification of their confirmation was restored vide this office notification No. 3004/EC-I dated 04.03.2008 while the revised notification of their confirmation was withdrawn.

On the analogy of above confirmation of SIs now Inspector Akhtar Ali Khan has also requested that he may be confirmed as SI with effect from 06.10.1997 instead of 31.03.2000.

In this regard it is also pertinent to mention here that Mr. Akhtar Ali Khan was confirmed as SI for his extra ordinary performance in case FIR No. 337 dated 23.11.2000.

The case was put before the high up which was marked to the DSC.

DSC examined the case and rejected his representation having no merits.

Representation of Inspector Amanullah of CCP/Peshawar

of Saleem of for

The CCPO Peshawar has forwarded the representation of Inspector Saleem Amanullah of CCP Peshawar requesting there in that his name in the seniority list of Inspector and Sub-Inspector of list "F" as stood on 31.12.2008 may kindly be

ATTESTED
ADVOCATE

53

2. Malk ur Rehman, DSP/Legal Investigation NWFP Peshawar.
3. Supdt: Establishment CPO Peshawar.
4. Establishment Clerk-II CPO
5. Mir Hassan Establishment Clerk CCP/Peshawar.

Fixation of 02 years tenure for posting of Head of Investigation

Vide Memo No. 1444/Inv: dated: 18.02.2009 Addl: IGP/Investigation has submitted a copy of letter No. 217/Inv: dated: 21.01.2009 of SSP/Abbottabad wherein he suggested at least 2 years tenure for posting of Head of Investigation and to a mechanism in Police order 2002 for premature transfer of Head of Investigation.

An office note was put up to the highups which was marked to DSC.

The DSC examined the case and recommended to fix tenure of Head of Investigation as per tenure of DPO.

Promotion case of FRP Personnel

The Govt. of NWFP, had established a force namely Frontier Armed Reserve during the year 1986. On 16.01.1988, Additional Police, Temporary Staff, PAF Contingents, Striking force and Mounted Police were absorbed in frontier Armed Reserve vide Govt. of NWFP, Home and TAs Department Notification No. SO(Police-I)HD/8-10/146-149 dated 16.01.1988 and decided that the duties and responsibilities of new set-up will be the same as those of REGULAR POLICE elsewhere and its services are governed by the Police rules 193-I, or any other Rules applicable to their counterpart in the Regular Police. Therefore promotion from one rank to another and from one grade to an other shall be in accordance with Chapter 13 of Police Rules.

Later on in 1991, the name of the force FAR was converted into Frontier Reserve Police. In the year 1994 a Standing Order No. 3 was framed by the Police Chief for the promotion of illiterate constable of FRP, to HC, ASI/PC and SI/PC. The same Standing Order was revised during the year 1999, that list A,B,C,D and E shall be kept in the office of Commandant, FRP NWFP, for the purpose of the promotion of literate subordinates.

Due to some misunderstanding authority issued promotion orders of literate subordinates as ASI/PC and SI/PC on temporary basis. Many of them were given promotion from the rank of Head Constable (BPS-7) to SI/PC(BPS-14) for the period of two years, which is against the Police Rules, Standing Order No-3/1994, 3/1999, 1/2006 and instructions issued by the Govt. of NWFP, Home Department.

Frontier Reserve Police was temporary force up to 30.06.2003 therefore no confirmation against any rank was made previously. On 01.07.2003 the temporary posts of FRP were converted into permanent status by the Provincial Govt. Therefore promotion orders of literate officials were required to be regularized as per Police Rules from their due dates.

~~ATTESTED~~
~~ADVOCATE~~

54

The case was put up to the DPC. The DPC thoroughly discussed the issue and opined that as the police rules chapter 13 is in detail and very clear that no constable / head constable be admitted to list D who is not thoroughly efficient in all branches of the duties of the constable and head constable of established integrity. The FRP is also transit force and the officials are being transferred after 5 years service to their domicile District. Therefore, the quota of the lower college course, intermediate college course and upper college course may be withdrawn. However, since there are some districts i.e. Charsadda, Mardan and Bannu etc, where the number of constables out number the other districts and in those cases the CommDt: FRP will issue guide line and circulate to the DPC for approval.

Number of officials/officers of FRP challenged this decision of the DPC. Now the Commandant FRP reported that Constables were enlisted in FRP upto the year 2003. who were given promotion after fulfilling the required condition of promotion as per Police Rules, as they were serving in FRP with their lien and in order to implement decision of the DPC dated: 14.12.2006, they will be deprived from their legal rights, leading to the litigation. The Commandant FRP requested for reconsideration of the case by the DPC.

An office note was submitted to the high ups for orders, which was marked to DPC to examine the case and make recommendation (s).

The DPC examined the case very thoroughly and recommended that the previous decision of DPC shall stand however, a committee may be constituted of the following officers to examine the case in the light of representation received and recommendation made by Commandant FRP and submit detailed report with specific recommendations for consideration in the next meeting of the DPC.

- | | |
|--|----------|
| 1. Mr. Faqir Hussain, DIG/Enquiries & Inspections CPO. | Chairman |
| 2. Mr. Fasih ud Din, Deputy Commandant FRP NWFP | Member |
| 3. Mr. Liaqat Ali Khan, AIG/Legal CPO | Member |
| 4. Mr. Abdul Malik Khan, Registrar CPO | Member |

The above mentioned committee's meeting was held on 18.08.2007 at CPO Peshawar and its recommendations are reproduced below:-

"At the outset, Liaqat Ali Khan, AIG/Legal informed the participant that the issue of promotion of FRP personnel has already been considered in DPC meeting, held on 14.12.2006. As per decision of the DPC meeting, all literate subordinates of FRP will be transferred to their domicile districts. He further added that duties in the FRP does not fulfill the requirement of promotion as per police rules. So quota for various courses allowed to FRP was withdrawn on the recommendation of DPC.

Abdul Malik Khan, Registrar, CPO endorsed the views of AIG/Legal and stated that all literate officials of FRP may be transferred to their respective districts as per decision taken in the DPC. He further added that FRP is a transit force; therefore, their promotion can not be regularized as per police Rules.

Faqir Hussain, Commandant FRP, Chairman of the committee told the meeting that FRP has been given permanent status in 2003. However, the Chair

~~ATTESTED~~
~~ADVOCATE~~

35

agreed with the views of both the members. But he further added that on transfer to respective districts, no one is deprived from his due right/seniority.

After detailed discussions, the committee reached at the conclusion that all literate Head Constables and ASIs of FRP may be transferred to their domicile districts, to settle the issue once for all. The Commandant, FRP office will provide the names to CPO for further necessary action. However their names will be placed in list D on the merit of the year in which he passed the Intermediate Class Course.

All the literate HCs, ASIs were duly transferred to their respective domicile Districts.

Aggrieved to this Ali Hassan etc filed a writ petition before the Honourable High Court Peshawar. The honourable Peshawar High Court Peshawar while disposing of the writ petition passed the following order on 20.03.2008 (copy attached).

"We feel that apparently the FRP is now a regular establishment and no more a transit force and there is no proof that the personnel working therein were temporarily posted for five years, therefore, the discriminatory treatment, meted out to them, is violative of the fundamental rights, particularly when, they will be placed at an extra-ordinary junior position if transferred to the Districts and enlisted there on the basis of their length of service and experience in all branches of police force. In any case, since the petitioners have not been transferred out of the Frontier Reserve Police within the prescribed period of five years, as stated in the impugned order, therefore, a mistake on the part of the concerned authorities cannot put the petitioners in an adverse situation and they cannot be penalized for the fault of the others. Moreover the decision to rectify a wrong practice shall definitely operate prospectively and it cannot be applied to the petitioners retrospectively who had been recruited in FRP and had been continuously serving the department for over fifteen years.

We, therefore, direct that the case of the regularization, promotions and opportunities for enlistment in the intermediate course etc, shall be re-examined at a higher level under the supervision of the Provincial Police Officer and the decision dated 16.02.2007 may be re-considered by the concerned DPC so that nobody should be discriminatively deprived of his legal rights and that no decision be made operative retrospectively damaging the members of the discipline force who have to perform extra-ordinary duties and who deserve to be adequately compensated and encouraged. The re-consideration process be finalized within a period of two months and the result thereof be communicated to the petitioners and a report may be forwarded to the Registrar of this Court. With these observations these petitioners are disposed of."

The case was referred to DSC. The DSC in its meeting held on 14.05.2008 decided to constitute a committee comprising DIG/Investigation, AIG/Legal CPO, and Registrar CPO, Peshawar to examine this case and submit detail report to next DSC meeting.

The committee has examined the case and submitted a detail report with the following recommendation: -

A. The committee after due deliberation and in order to give effect to the orders

~~ATTESTED~~
~~ADVOCATE~~

of the High Court recommends that earlier decision on the DPC should not be applied retrospectively and all officials of the FRP be given permanent status and maybe confirmed in their rank with their colleagues after completing their probation period as per PR 13.18.

Benefit received by the officials in the FRP till decision of DPC and their repatriation to the Districts of their domicile be kept in tact so that they should not be deprived of any right as per decision of the Court.

All these officials may be dealt strictly according to standing order No.3/99. Literate officials may be treated as per Police Rules, whereas cases of illiterate officials may be treated as per criteria in the Standing Order. Seniority of literate officials be fixed in each list on the basis of course undergone and criteria fixed under Police Rules Chapter 13.

The case was referred to DSC

DSC thoroughly examined the case and agreed with the above recommendation of the sub committee. B.

Allocation of marks / number for Anti Terrorist & Sabotage training held at BDS Lahore.

Vide Memo No. 2054/SRC dated 30.03.2009 DPO Kohat has intimated that many Constables of his District have passed Anti Terrorism and Sabotage Training held at Bomb Disposal Unit Lahore, but this Course has not been mentioned in Standing Order No.10/1987 now read with Standing Order No.1/2004. He requested that his office may be apprised about the numbers of above course which will be given to those constable who, have passed B-I examination during the year 2009. Duration of this training is about 15 days.

An office note was put up and the Addl: IGP/HQrs NWFP Peshawar referred the case to DSC.

The DSC examined the case and referred it to the committee consisting of the following officers to check the standing order No. 01/2004 and submit suggestions regarding all the courses.

1. Mr. Abdul Majeed Khan Marwat, Addl: IGP/HQrs NWFP Peshawar.
2. Mian Khurshid Anwar, AIG/Legal CPO Peshawar.
3. Mr. Abdul Malik Khan, Registrar CPO

Grant of Marks for general protection course

Deputy Inspector General of Police Bannu vide his Memo No. 1297/EC dated 11.04.2009 at Annexure "A" has intimated that Constable Saadullah No. 115 of Operation staff, Bannu, preferred an application through DPO/Bannu vide his Memo No. 3467 dated 07.04.2009, requesting therein for the grant of 02 marks for General Protection Course as the same marks have not been given in the merit list of B-I, selection, made by DPO/Bannu.

According to the amendment in the Standing Order No. 1/2004, issued by CPO, Peshawar, 2 marks have been allowed to those Candidates who have undergone/proceeded to Improvised Explosive Device Course instead of General Protection course.

An office note was put up and the Addl: IGP/HQrs NWFP Peshawar referred the case to DSC.

ATTESTED
~~ABDUL MALIK KHAN~~

seniority.

(57)

Inspector and Sub-Inspector of list "P" as stood on 31.12.2008 may kindly be corrected and his name be placed at S/No. 214 of list as he was confirmed-as sub-Inspector on 06.09.2006. on which the comments of CCPO/Peshawar were asked.

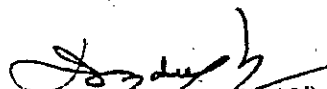
The CCPO Peshawar has submitted the following comments:-

1. Para No. 1 Correct as per record.
2. Para No. 2 correct, the application had filed representation for confirmation with his colleagues.
3. Para No. 3. Correct, the representation of applicant was accepted and his seniority was revised. He was confirmed w.e form 06.09.2006.
4. Para No. 4 the Seniority list was issued by PPO NWFP Peshawar where in his name placed at S/No. 315.
5. Para No. 5 Correct as per record.

Prayer.

Keeping in view the above, representation of Saleem Aman Inspector may kindly be considered in the light of his revised seniority from date of confirmation.

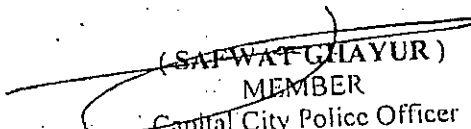
The case was put before the high ups which was marked to the DSC. DSC thoroughly examined the case and recommended that he be assigned revised seniority with his colleagues according to date of confirmation as Sub Inspector.


(ABDUL LATIF KHAN)
CHAIRMAN


Addl: Inspector General of Police,
Operations, NWFP, Peshawar.


(ABDUL MAJEED KHAN MARWAT)
MEMBER

Addl: Inspector General of Police,
Headquarters NWFP Peshawar


(SAFWAT GHAYUR)
MEMBER

Capital City Police Officer
Peshawar.


(FAQIR HUSSAIN)
MEMBER

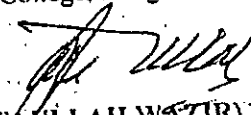
Deputy Inspector General of Police,
Inquiry & Inspection NWFP,
Peshawar


(KHALID MASUD)
MEMBER

Deputy Inspector General of Police,
Operations NWFP Peshawar

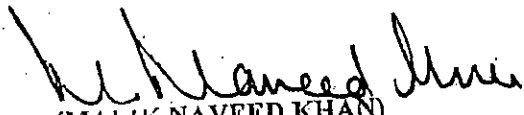

(ABDUL WADOOD SHAH)
MEMBER

Commandant Police Training
College, Hangu


(ATTULLAH WAZIR)
MEMBER

Commandant FRP NWFP
Peshawar.

Approved


(MALIK NAVEED KHAN)
PROVINCIAL POLICE OFFICER, NWFP,
PESHAWAR.

ATTESTED
ADVOCATE

ANN-N (58)

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

W.P NO. _____-P/2023.

1. Tayyab Jan, DSP/SP Traffic HQs, Peshawar.
2. Ali Hassan DSP/ Acting SP Investigation, Orakzai Distt.
3. Shakil Ahmad SP Training, CPO Peshawar.
4. Habibur Rehman, DSP, Hazara Region Abbottabad.
5. Sajjad Haider, DSP Hazara Region Abbottabad.
6. Liaqat , Inspector, Hazara Region, Abbottabad.
7. Riaz Khan DSP, Bannu region, Bannu.
8. Aurangzeb, DSP, Hazara Region Abbottabad.
9. Amir Khatam, Inspector, Hazara Region Abbottabad.
10. Sajjad Hussain , Inspector, Kohat Region Kohat.
11. Nasir khan, SP(ACB), CPO, Peshawar.
12. Ali Ahmad, Inspector, Kohat.

RE-FILED TODAY

Deputy Registrar

22 MAR 2023

.....Petitioners.

VERSUS

1. The Govt: of KP through Chief Secretary, KP Civil Secretariat Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa.
3. The Capital Police Officer, CPO Police Lines Peshawar.
4. Regional Police Officer, Hazara.
5. Regional Police Officer, Kohat.
6. The Commandant FRP, Peshawar.

ATTESTED
ADVOCATE

59

7. The Commandant FRP, Peshawar.

..... Respondents.

WRIT PETITION UNDER ARTICLE 199(1) (a) (i) (ii) OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED UP TO DATE.

R.SHEWETH.

Brief facts of the case are as under:

- 1- That all the petitioners are the law abiding citizen of Pakistan and have every legal and constitutional rights duly protected under law of the land.
- 2- That all the petitioners are presently performing their duties in the rank of DSP and they belonged to FRP (Frontier Reserve Police), where there is no case of Gallantry, Cadets, Out of turn promotion, etc, because each and every aspect of the FRP (Frontier reserve Police), as per history given below, differs the case of petitioners from those who are hit by the Judgment of the Hon'able Apex Court passed in Out of Turn Promotion Cases. Copy of seniority list of petitioners as DSP is attached as Annexure - A.
- 3- That initially in the year 1988, the Homes & T.A Deptt. created as force Armed Reserve Police Force (ARP), which Consisted of the following Units.
 - i)- Additional Police.
 - ii)- Special Police Levy.
 - iii)- PAF Contingent.
 - iv)- Range Reserve Police.
 - v)- Provincial Reserve Armed Platoons.
 - vi)- Frontier Armed Reserve.
 - vii)- Campus Peace Corps UOP.
 - viii)- STF&ATS.
 - ix)- Mounted Police.
 - x)- standing Guards & Police Escorts.

FILED TODAY

Deputy Registrar

20 MAR 2023

In para-5 of the memo it was clarified that the *duties and responsibilities of the new set-up will be the same as those of*

ATTORNEY GENERAL
ISLAMABAD

Regular Police elsewhere and service will be governed by the Police Rules or any other Rules applicable to their counterparts in Regular Police. The Copy of memo dated: 16.01:1988 is attached as Annexure – B.

4- That on 13.03.1988, a Standing Order No.2 of 1988 was issued, wherein the Campus Peace Corp and Special Police Levy along with all arms, ammunition, transport etc were placed under the administrative control the Commandant Frontier Armed Reserve (FAR). Copy of the Standing order is attached as Annexure – C.

5- That on 27.02.1991, the Frontier Armed Reserve (FAR) was re-named as Frontier Reserve Police (FRP), by then then IGPKP and since then this wing of Police Force is continuing as FRP. Copy of the IGP's order is attached as Annexure – D.

6- That on 28.08.1993, a proper Recruitment Policy was issued for the recruitment against newly created posts in the Police Deptt; wherein the posts in a Distt: was to be dealt as, " *The newly created posts of a Distt: should be filled up from the trained personnel of FRP according to seniority, educational qualifications and domicile. The vacancies resulting from transfer of FRP Personnel to Distt: Police should be filled up through fresh recruitment in FRP. & personnel selected for transfer to Distt: should be allocated to the Distt: of their domicile according to the number of vacancies available in each Distt.*" Copy of recruitment policy is attached as Annexure – E.

7- That to streamline the FRP further, a FRP Standing Order No.1 of 1994 was issued in the year 1994, wherein it was clarified that Police Act,1861& Police Rules, 1934 or any other Rules and Laws for the Police Officers will be applicable to FRP and the duties and responsibilities of the FRP will be the same as that of Regular Police. Similarly, FRP Standing Odrer No.2 of 1994 was issued on 31.07.1994, whereby enrolment in FRP was further streamlined and quota for the training in the Lower School, Intermediate and Upper College was to be fixed by the IGP keeping in view the strength and to cover the promotion of the illiterate staff or failed in promotion lists, a FRP Standing Order No.3of 1994 was issued in August,1994. The standing Order NO.3 is not related to the petitioners. Copies of the Standing Orders ate attached as Annexure – F,G&H.

FILED TODAY

Deputy Registrar

20 MAR 2023

ATTESTED
[Signature]

61

- 8- That thereafter, on 19.06.1996, proper seats were allocated to the FRP Personnel for the first time for the Lower, Intermediate and Upper Courses and all the petitioners on their due turn qualified the said courses and none of them sent to the training by passing any senior eligible colleague. Copy of the seat allocation is attached as Annexure – I.

- 9- That in the year, 2007 a dispute was arisen whereby the FRP was again declared as Transit Force and that no Constable and Head Constable can be admitted to D List. The petitioner No.1 and some of his other FRP's colleagues, challenged that order is the Peshawar High Court in *W.P No. 1615/2007, 1616/2007 & 1617/2007*. The writ petitions were finally heard on 20.03.2008 and the august Court was kind enough to hold that the FRP is not a transit Force and the petitioners could not be made junior to the juniors by washing away their more than 15 years service in FRP and the case was remitted back to the Police Deptt. to reconsider the matter so that no one be discriminated and deprived from legal rights. Copies of the order dated. 16.02.2007 and judgment of the Court are attached as Annexure – J & K.

- 10- That, after the judgment of the august Court dated. 20.03.2008, the matter of the FRP personnel was placed before the Committee on 14.05.2008 and the issued was further entrusted to another Committee comprised of DIG Investigation, AIG Legal, and Registrar CPO. The said constituted committee considered the issue and submitted its recommendations to the DSC which was convened on 07.05.2009 and recommendations of the committee were approved. The committee recommended as, *"The earlier decision dated. 16.02.2007 should not be applied retrospective and all officials of the FRP be given permanent status and may be confirmed in their rank with their colleagues after completing their probation period as per PR. 13-18. The Benefits received by the officials in the FRP till the decision of DPC and their repatriation to the Distt. of their domicile be kept intact so that they should not be deprived of any right as per decision of the Court. Literate officials may be treated as per Police Rules, 1934 and their seniority be fixed in each list on the basis of course undergone and criteria fixed under Police Rules Chapter-13."* Copies of the minutes of the DSC are attached as Annexure – L&M.

FILED TODAY

Deputy Registrar

20 MAR 2023

[Handwritten signature]

62

11- That after the above decision of DSC, the issue was settled once for all and the FRP officials (amongst petitioners) upon repatriation to their Distt; of Domicile, were placed in List D & E with their Colleagues of training session in bottom in seniority. While some officials (amongst petitioners) were remained posted in FRP and were placed in List A,B,C,D or E according to seniority.. Thereafter, the petitioners did their other courses on their turn with their colleagues and got further promotions up to the rank of Inspector&DSP on CPO level. It is once again reiterated that none of the petitioners were either out of turn promotee, or cadet or promoted on gallantry services basis in the FRP.

12- That now the respondents have issued circulars for reverting the rightful officials under the garb of Apex Court's judgment and to give undue benefits to their blue eyed persons, against which the petitioners have no other remedy but to come to this august Court under Article 199 of the Constitution for issuing *Writ. of Mandamus and Prohibition* against the respondents on the following grounds amongst the others.

GROUND:

- A- That the actions and conduct of the respondents is totally against the principle of justice, and amounts to colorful exercise of their official collar under the garb of the judgment of the Apex Court which is not applicable to the petitioners' case at all.
- B- That the actions of the respondents qua the petitioners is based on malafide and to create more and more vacancies for their blue eyed persons under the garb of out of turn promotions etc, which conditions are not applicable to the petitioners.
- C- That it is the cardinal principle of justice that no one could be asked to wait till he his illegally hanged, therefore, the Writ of Prohibition and Mandamus is fully attractive in the instant case and this august Court only has such power to issue requested writs. (2006 SCMR- 1630 , and 2015 PLC (CS) 08.)
- D- That this august Court also has the ample powers to interpret the issue as to whether the judgment of the Apex Court is applicable to the petitioners' case or other-wise. If the august Court's answer is

FILED TODAY
[Signature]
Deputy Registrar

20 MAR 2023

ATTESTED
[Signature]

"no" then writ of prohibition & Mandamus can be issued against the respondents.

E- That all the petitioners were placed in D List after repatriation to their Distt: and placed with their colleagues who have passed training courses along with them as per decision of DSC made on the basis of Judgment of this august Court in the year 2007. Thus in FRP there was no case of out of turn promotion, or Cadetship or gallantry service and due to that very reason the judgment of the Apex Court is not applicable to petitioners.

F- That even the AIG Legal, vide his memo dated. 08.02.2021 that FRP officials qualified their promotion courses on their turn and have been promoted from one rank to another as per Police Rules, 1934 and subsequently placed at the bottom of the seniority list of the their Distt: Thus they do not come under the ambit of Out of Turn Promotion. But despite that the respondents are maneuvering to revert the petitioners under the garb of Apex Court's judgment with malafide to create more and more vacancies for their blue eyed persons. Copy of AIG Legal is attached as Annexure - N.

G- That the acts of the respondents are in violation of principle of justice, fair play and spirit of Article-2A, 4, 9, 10-A, 25 and 38 of the Constitution.

H- That the petitioners seek permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that on acceptance of the instant writ petition, the august Court may be pleased to:

I)- Writ of Prohibition:

Restrain to respondents from reverting the petitioners under the garb of Apex Court's Judgment passed in respect of out of turn promotes, which is not applicable to the case of petitioners as there was neither out of turn promotion, cadetship or gallantry service in FRP and all the petitioners have got their promotion after

FILED TODAY
Deputy Registrar
20 MAR 2023

[Handwritten signature]

completing courses on their turn as per seniority.

II)- Writ of Mandamus:

Direct the respondents to check history and details of FRP Officials in light of appended record with this writ petition and not to pass any order of reversion in hurry by damaging the service career of the petitioner on the basis of malafide and for just creating more and more vacancies for their blue-eyed persons.

III)- Declare:

The memo dated 11.03.203 and 12.03.2023 are not meant and applicable to the petitioners as per available record and history of the case.

IV)-

Any other remedy deems appropriate that may also be awarded in favour of petitioner.

INTERIM RELIEF:

Keeping in view the facts and circumstances of the case, mentioned above in writ petition, the respondents may very graciously be restrained from passing any adverse order detrimental to their service career of the petitioners till the disposal of main writ petition.

PETITIONERS

TAYYAB JAN ETC

THROUGH:

M. ASIF YOUSAFZAI
ASC

&

S. NAUMAN ALI BUKHARI
ADVOCATE.

FILED TODAY

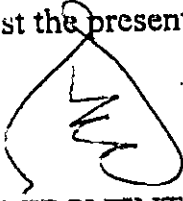
Deputy Registrar

20 MAR 2023

165

VERIFICATION:

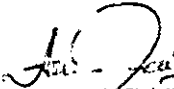
It is verified that no other Writ Petition earlier has been filed between the present parties, except the present one against the present issue and as mentioned above in W.P.


DEPONENT

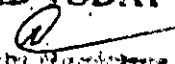
LIST OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Police Rules-1934.
3. Any other case law as per need.

NOTE: Prior Notice along with the copies of the Writ Petition has already been given to the respondents as per amended High Court's Rules dated: 23.02.2016.


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.

FILED TODAY


Deputy Registrar

20 MAR 2023

66

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

W.P NO. _____ -P/2023.

Tayyab Jan & Other.

VS

Govt: of KP etc.

AFFIDAVIT.

I Tayyab Jan S/O Nazar Muhammad; DSP/ SPTraffic HQs, Peshawar (Petitioner-1) do hereby affirm on Oath that the contents of this writ petition are true and correct and nothing has been concealed.

DEPONENT

Tayyab Jan.

CNIC#. 17101-9462081-1

0314-9119196

IDENTIFIED BY:

M. ASIF YOUSAFZAI,

ASC.

FILED TODAY

Deputy Registrar

20 MAR 2023

33983

Certified that the above was verified on solemnly affirmation before me in office, this..... day of..... 200 by..... s/o..... who was identified by..... Who is personally known to me:

Oath Commissioner
Peshawar High Court, Peshawar

67

ANN "O"



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

No. 991 / Legal dated the 11 / 03 / 2023.

To: All Regional Police Officers/ CCPO, Peshawar.
Khyber Pakhtunkhwa.

All Head of Units/ DIG Operations
Khyber Pakhtunkhwa.

Subject: PERSONAL HEARING OF POLICE OFFICIALS/ OFFICERS FALLING UNDER THE
AMBIT OF OUT OF TURN PROMOTIONS

Memo:

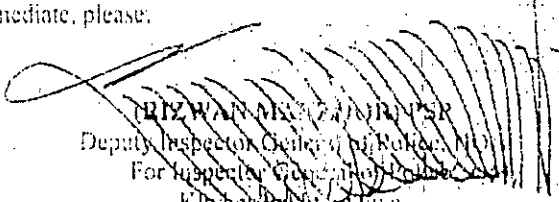
Giving personal hearing to address the grievances of Police officials/ officers is part and parcel of Police Department for their redressal, in most impartial and transparent manner.

2. Keeping in view the above, it is being requested to give personal hearing to all those Police officials/ officers who availed out of turn promotions in their respective regions positively for tomorrow i.e. on 12th March, 2023. In this regard Police officials/ officers who availed out of turn promotion, and are borne at lists A, B & C will be heard by respective District Police Officers where officers enlisted by lists 'D' & 'E' will be heard by concerned Regional Police Officers. Rest of officers on list 'F' and above will be heard at CPO who shall be informed by the concerned RPOs/ DPOs offices. Therefore, necessary arrangements may be made for tomorrow on 12th March, 2023 regarding compliance on urgent basis.

3. Furthermore, all officers borne on 'F' list and other officers from the rank of Inspector and above will be heard by Deputy Inspector General of Police, Operations, Khyber Pakhtunkhwa who will be assisted by DSP/ Legal, CPO, Peshawar.

4. All officers being heard shall be bound to sign the attendance sheets and proceedings of such hearings should be shared with office of AIG/ Legal, CPO Peshawar by 13th March, 2023.

The matter should be treated as Most Immediate, please.


RIZWAN AKHTAR, DSP
Deputy Inspector General of Police, NO
For Inspector General of Police, NO
Khyber Pakhtunkhwa,
Peshawar

C.C

- Additional Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
- PSO to W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- DSP/ Operations, CPO, Peshawar with direction to circulate to all concerned.
- DSP/ Legal, CPO, Peshawar.

ATTACHED
ADVOCATE

68

Legible Copy

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

No.991/Legal

dated the 11/03/2023

To,

- All Regional Police Officers/CCPO, Peshawar
Khyber Pakhtunkhwa
All Head of Units/DIG Operations
Khyber Pakhtunkhwa

Subject:- PERSONAL HEARING OF POLICE OFFICIALS/OFFICERS
FALLING UNDER THE AMBIT OF OUT OF TURN
PROMOTIONS.

Memo:

Giving personal hearing to address the grievances of Police Officials/Officers is part and parcel of Police Department for their redressal, in most impartial and transparent manner.

2. Keeping in view the above, it is being requested to give personal hearing to all those Police Officials/Officers who availed out of turn promotions in their respective regions positively for tomorrow i.e on 12th March, 2023. In this regard Police Officials/Officers who availed out of turn promotions and are borne at lists A,B & C will be heard by respective District Police Officers whereas officers enlisted to lists 'D' & 'E' will be heard by concerned Regional Police Officers. Rest of officers on list 'F' and above will be heard at CPO who shall be informed by the concerned RPOs/DPOs offices. Therefore, necessary arrangements may be made for tomorrow on 12th March 2023 regarding compliance on urgent basis.

3. Furthermore, all officers borne on 'F' list and other officers from the rank of Inspector and above will be heard by Deputy Inspector General of Police, Operations, Khyber Pakhtunkhwa who will be assisted by DSP/Legal, CPO, Peshawar.

4. All Officers being heard shall be bound to sign the attendance sheets and proceedings of such hearing should be shared with office of AIG/Legal CO Peshawar by 13th March, 2023

The mater should be treated as Most Immediate, Please.

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

CC

- Additional Inspector General of Police, HQrs, Khyber Pakhtunkhwa, Peshawar
- PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- DSP/Operations, CPO, Peshawar with direction to circulate to all concerned.
- DSP/Legal, CPO, Peshawar.

ATTESTED
ADVOCATE

ANN "P"

~~ANNEX~~

69

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

No. 111/2023 dated the 11/01/2023

- All Unit Heads of Police in Khyber Pakhtunkhwa
- All Regional Police Officers in Khyber Pakhtunkhwa
- The CPO Peshawar
- All District Police Officers in Khyber Pakhtunkhwa

ORDERS REGARDING WITHDRAWAL OF OUT OF TURN PROMOTIONS

In compliance with Order Sheet of Hon'ble Supreme Court of Pakistan dated 09/01/2023 in suo moto contempt proceedings vide C.O. Petition No. 38/2021. Further Order of Peshawar Bench. Subject: Collection of data of police officers falling under the definition of Out of Turn Promotions bearing No. CPO/CP/75 dated 14/02/2023 was issued to all Unit Heads, RPOs and CPO Peshawar to report Out of Turn Promotions cases from their respective Regions and

Besides, keeping in view the above, CPO issued a letter bearing No. 651/CP dated 14/03/2023 under Subject: Personal Hearing of Police Officers falling within the ambit of Out of Turn Promotions in which it was requested to give personal hearings to all above mentioned officers who are falling Out of Turn Promotions in their respective Regions proactively. In March 2023, in this regard, Police Officers, Officers who availed Out of Turn Promotions in Lists A, B & C were heard by respective District Police Officers who are officers ordered to be D & T. were heard by concerned Regional Police Officers and Unit Heads. Rest of the officers in List D and above were heard at CPO Peshawar.

Orders concerning withdrawal of Out of Turn Promotions Cases, against officers who are borne on Lists A, B and C, are to be issued by respective District Police Officers or concerned Superintendents of Police or Cops. Besides, Police Officers who are Out of Turn Promotions and are borne on Lists D & T, their withdrawal Orders are to be issued by respective Regional Police Officers and Unit Heads. Moreover, Orders relating to withdrawal of Out of Turn Promotions against Police Officers who are borne on List D or above will be issued by CPO Peshawar.

Executive Absorption Orders issued by CPO Peshawar for officials who are absorbed in Telecommunications and Transport HQ from other District Units will also be issued by CPO Peshawar.

All Regional Police Officers, Units Head and District Police Officers are being requested to issue such Order by 15/01/2023 so that the compliance report with Order Sheet of Hon'ble Supreme Court of Pakistan dated 09/01/2023 in suo moto Contempt proceedings vide

ATTESTED
ADVOCATE

Legible Copy

70

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

No.993/Legal

dated the 10/03/2023

To,

1. All Units Head of Police in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. The CCPO Peshawar.
4. All District Police Officers in Khyber Pakhtunkhwa

Subject:- **ORDERS REGARDING WITHDRAWAL OF OUT OF TURN PROMOTIONS.**

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, letter from CPO Peshawar under **Subject, Collection of date of police officers falling under the definition of out of Turn Promotion** bearing No.CPO/CPB/75 dated:14.02.2023 was issued to all Units Heads, RPOs and CCPO Peshawar to report of Turn Promotions cases from their respective Regions and Units.

2. Besides, Keeping in view the above, CPO issued a letter bearing No.991/Legal dated:11.03.2023 and **Subject, Personal Hearing of Police Officials/Officers falling within the ambit of Out of Turn Promotion** in which it was requested to give personal hearing to all those Police Officials/Officers who availed out of Turn Promotions in their respective Regions positively on 12th March, 2023. In this regard, Police Officials/Officers who availed Out of Turn Promotions and are borne at lists A,B & C were heard by respective District Police Officers whereas officers enlisted to lists 'D' & 'E' were heard by concerned Regional Police Officers and Unit Heads. Rest of officers on list 'F' and above were heard at CPO, Peshawar

3. Orders concerning withdrawal of Out of Turn Promotions/Cases, against officials who are borne on Lists A,B and C are to be issued by respective District Police Officers or concerned Superintendents of Police of Units. Besides, Police Officers who got Out of Turn Promotions and are borne on lists D & E, their withdrawal Orders are to be issued by respective Regional Police Officers and Unit Heads. Moreover, Orders relating withdrawal of Out of Turn Promotions against Police Officials/Officers who are borne in list F or above will be issued by CPO, Peshawar.

4. Likewise, Absorption Orders issued by CPO, Peshawar for officials who got absorbed in Telecommunications and Transport HQ from other District/Units will also be issued by CPO, Peshawar.

5. All Regional Police Officers, Units Head and District Police Officers are being requested issue such Orders by 13.03.2023 so that the compliance report with Order Sheet of Hon'ble Supreme Court of Pakistan dated:26.01.2023 in Suo Moto Contempt proceedings vide

ATTESTED
ADVOCATE

71

The matter was brought on immediate basis and copy of the Complaint was filed with CPO Peshawar by tomorrow 13.03.2023.

IRIZWAN MANZOR
Deputy Inspector General of Police
for Inspector Charge Peshawar
Khyber Pakhtunkhwa
Peshawar

- 1- Additional Inspector General of Police, HQs, Khyber Pakhtunkhwa, Peshawar
- 2- Additional Inspector General of Police, Operations, Khyber Pakhtunkhwa, Peshawar
- 3- A/D Legal CPO Peshawar
- 4- DSO to Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 5- Registrar CPO Peshawar

~~ATTESTED
ADVOCATE~~

Legible Copy

72

Cri.O Petition No.38/2021 could be submitted to the Hon'ble Supreme Court of Pakistan on ____ 03.2023.

6. The matter may be treated on immediate basis and copy of the orders so issued must be shared with CPO Peshawar by tomorrow 13.03.2023.

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

CC

1. Additional Inspector General of Police, HQrs, Khyber Pakhtunkhwa, Peshawar
2. Additional Inspector General of Police, Operations: Khyber Pakhtunkhwa, Peshawar
3. AIG Legal CPO, Peshawar
4. PSO to Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
5. Registrar CPO Peshawar

ATTESTED

ATTESTED
ADVOCATE



97
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar.

No.

597 / Legal / E-1 dated the - 16/03/2023.


ANN-Q
73

ORDER

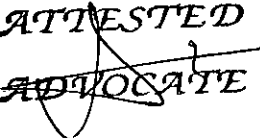
In compliance with Order Sheet of Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto Contempt proceedings vide CrI.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 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 batchmates 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. Tayyab Jan 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 in FRP on 01.07.1989. He was transferred to CCP Peshawar along with his lien on 06.03.1991. On 31.08.1992 he was transferred back to FRP on deputation basis. He was promoted as Officiating HC in 1992 vide Order No. 8469-72/FRP/EC. He qualified his A-1 examination on 26.06.1994 and B-1 examination on 08.04.1997. He passed his Lower College Course on 20.04.1998. After Lower College Course, he was again transferred to FRP along with his lien. From FRP he was selected for Intermediate College Course and completed the same on 10.04.1999. He was promoted as Officiating ASI on 26.07.2000. He was promoted as Sub Inspector/PC on 22.07.2003 but later-on, 04.07.2006 he was promoted to Officiating Sub Inspector w.e.f 22.07.2003 in FRP. In 2007, he was transferred back to CCP Peshawar along with his lien again and promoted as Officiating Sub Inspector on 21.04.2008 from CCP Peshawar. He completed his Upper College Course in the term ending on 20.09.2009. He was confirmed as SI and admitted to list 'F' on 14.03.2012. He was promoted as Officiating Inspector on 30.01.2013. His career progression is full of gross and flagrant violations of Police Rules. He was promoted and confirmed without following the prescribed path for undergoing the requisite mandatory courses under Police Rules 1934. At present he stands at S. No. 163 in the DSsP Seniority list issued vide No. 1594/SE-I dated 05-08-2022. After withdrawal of his Out of Turn Promotions his name is placed above the name of his colleague confirmed SI Syed Abid Shah No. P/544 of CCP Peshawar.

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

98

74

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 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. Tayyab Jan 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 in FRP on 01.07.1989. He was transferred to CCP Peshawar along with his lien on 06.03.1991. On 31.08.1992 he was transferred back to FRP on deputation basis. He was promoted as Officiating HC in 1992 vide Order No. 8469-72/FRP/EC. He qualified his A-1 examination on 26.06.1994 and B-1 examination on 08.04.1997. He passed his Lower College Course on 20.04.1998. After Lower College Course, he was again transferred to FRP along with his lien. From FRP he was selected for Intermediate College Course and completed the same on 10.04.1999. He was promoted as Officiating ASI on 26.07.2000. He was promoted as Sub Inspector/PC on 22.07.2003 but later-on, 04.07.2006 he was promoted to Officiating Sub Inspector w.e.f 22.07.2003 in FRP. In 2007, he was transferred back to CCP Peshawar along with his lien again and promoted as Officiating Sub Inspector on 21.04.2008 from CCP Peshawar. He completed his Upper College Course in the term ending on 20.09.2009. He was confirmed as SI and admitted to list 'F' on 14.03.2012. He was promoted as Officiating Inspector on 30.01.2013. His career progression is full of gross and flagrant violations of Police Rules. He was promoted and confirmed without following the prescribed path for undergoing the requisite mandatory courses under Police Rules 1934. At present he stands at S. No. 163 in the DSsP Seniority list issued vide No. 1594/SE-I dated 05-08-2022. After withdrawal of his Out of Turn Promotions his name is placed above the name of his colleague confirmed SI Syed Abid Shah No. P/544 of CCP Peshawar.

7. Consequently, his Out of Turn Promotion/Confirmation Orders as mentioned in Para 6 of this Order are withdrawn through this Order and he is demoted from the rank of DSP to the rank of Confirmed Sub-Inspector with immediate effect. After withdrawal of his Out of Turn Promotion, his name is placed above the name of his colleague Confirmed SI Syed Abid Shah No. P/544 of CCP Peshawar.

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, HQrs; 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
ADVOCATE

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

ANN-R

BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

(75)

W.P NO. _____-P/2023.



1. Tayyab Jan, DSP/SP Traffic HQs, Peshawar.
2. Ali Hassan DSP/ Acting SP Investigation, Orakzai Distt:
3. Shakil Ahmad SP Training, CPO Peshawar.
4. Habibur Rehman, DSP, Hazara Region Abbottabad.
5. Sajjad Haider, DSP Hazara Region Abbottabad.
6. Liaqat , Inspector, Hazara Region, Abbottabad.
7. Riaz Khan DSP, Bannu region, Bannu.
8. Aurangzeb, DSP, Hazara Region Abbottabad.
9. Amir Khatam, Inspector, Hazara Region Abbottabad.
10. Sajjad Hussain , Inspector, Kohat Region Kohat.
11. Nasir khan, SP(ACB), CPO, Peshawar.
12. Ali Ahmad, Inspector, Kohat.

RE-FILED TODAY

.....Petitioners.

Deputy Registrar

22 MAR 2023

VERSUS

1. The Govt: of KP through Chief Secretary, KP Civil Secretariat Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa.
3. The Capital Police Officer, CPO Police Lines Peshawar.
4. Regional Police Officer, Hazara.
5. Regional Police Officer, Kohat.
6. The Commandant FRI, Peshawar.

ATTESTED
EXAMINER
Peshawar High Court,

1

PESHAWAR HIGH COURT, PESHAWAR.
FORM "A"
FORM OF ORDER SHEET.

76



Date of Order or Proceeding	Order or other proceedings with Signature of judge or of parties or counsel where necessary
1	2
30.03.2023	<p><u>W.P.No.1124-P/2023</u></p> <p>Present:- Mr. M. Asif Yousafzai, Advocate for the petitioners.</p> <p style="text-align: center;">==</p> <p>S M ATTIQUE SHAH, J:- Learned counsel for the petitioners wants to withdraw the instant writ petition with permission to file afresh one.</p> <p style="text-align: center;">In view of the above, this writ petition is dismissed as withdrawn, however, the petitioners would be at liberty to file afresh writ petition, if need be, but in accordance with law.</p> <p style="text-align: right; margin-right: 50px;"> JUDGE JUDGE </p> <p style="text-align: center; margin-top: 20px;">77667 01-04-2023</p>
<p>Date of Presentation of Application.....</p> <p>No of Pages.....</p> <p>Copying fee.....</p> <p>Total.....</p> <p>Date of Preparation of Copy.....</p> <p>Date of Delivery of Copy.....</p> <p>Prepared By.....</p>	<p>01-04-2023</p> <p>2 = 8</p> <p>8 = 00</p> <p>01-04-2023</p> <p>01-04-2023</p> <p>A. Wahid</p>

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorized Under Article 87 of
The Qanun-e-Shahadat Order 1984

01 APR 2023

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. _____ -P/2022

1. **Shah Mumtaz**
Superintendent of Police,
Peshawar
2. **Muhammad Iqbal**
Deputy Superintendent of Police
Bannu
3. **Inamullah**
Inspector
D/7 ASDPO Wana S.W DIK
4. **Mural Khan**
Acting Superintendent of Police (Elite Force)
Peshawar
5. **Arshad Mehmood**
Superintendent of Police (Investigation)
Peshawar
6. **Rizwan Khan**
Superintendent of Police,
Special Branch, Hazara
7. **Amjad Hussain**
Deputy Superintendent of Police
Hangu
8. **Jehangir Khan**
Deputy Superintendent of Police CTD (Investigation)
Abbottabad
9. **Muhammad Javid**
Acting Superintendent of Police (Investigation)
Abbottabad
10. **Muhammad Ejaz**
Deputy Superintendent of Police
Swat
11. **Arshad Hussain**
Deputy Superintendent of Police
Police Training Centre, Kohat
12. **Hussain Ghulam**
Deputy Superintendent of Police
Police Training Centre, Kohat
13. **Khalid Usman**
Deputy Superintendent of Police
Bannu

ATTESTED
~~ADVOCATE~~

14. **Shahid Adnan**
Acting Superintendent of Police
Bannu
15. **Gul Rauf**
Inspector
Bannu
16. **Amjad Hussain**
Inspector
FR Kohat, Kohat
17. **Muhammad Ramzan**
Inspector, D. I. Khan
18. **Attaullah**
Inspector, D. I. Khan
19. **Niaz Muhammad**
Sub-Inspector, Bannu
20. **Muhammad Naeem**
Sub-Inspector, CCP Peshawar
21. **Riaz Ali Shah**
Sub-Inspector, CCP Peshawar
22. **Qazi Nasir Ahmad**
Sub-Inspector, CCP Peshawar
23. **Muhammad Idrees**
Sub-Inspector, CCP Peshawar
24. **Sajjad Ahmad**
Sub-Inspector, CCP Peshawar
25. **Muhammad Ishaq Toru**
Sub-Inspector, CCP Peshawar
26. **Babar Khan**
Sub-Inspector, CCP Peshawar
27. **Abdul Ali**
Sub-Inspector, CCP Peshawar
28. **Bakht Munir**
Sub-Inspector, CCP Peshawar
29. **Mushtaq Khan**
Sub-Inspector, CCP Peshawar
30. **Ali Said**
Sub-Inspector, CCP Peshawar
31. **Samar Abbas**
Sub-Inspector, D.I Khan
32. **Khan Zada Khan**
Sub-Inspector, D.I Khan

(2)

78

~~ATTESTED~~
~~ADVOCATE~~

33. **Tariq**
Sub-Inspector, D.I Khan
34. **Muhammad Yaseen**
Acting Superintendent of Police
CTD. Mardan

8

79

.....Petitioners

V/s.

1. **Government of Khyber Pakhtunkhwa**
Through Chief Secretary
Civil Secretariat, SAQ Road, Peshawar
2. **Inspector General of Police**
Central Police Office
Peshawar
3. **Additional Inspector General of Police**
Central Police Office
Peshawar
4. **Additional Inspector General/Establishment**
Central Police Office
Peshawar
5. **Police Policy Board**
Central Police Office
Peshawar

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION

OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

Respectfully Sheweth;

1. That petitioners, Police Officers, are serving as Superintendents ('SP'), Deputy Superintendent of Police ('DSP'), Acting Superintendents, Inspectors and Sub-Inspectors in various Districts of Khyber Pakhtunkhwa. Petitioners enjoy an unblemished and outstanding service record.

ATTESTED
ADVOCATE

2. That back in 2019, Respondent No.2 issued Notification No.1001-1100/GB dated 10.01.2019 which read as follows:

"Notification:

In compliance with the judgment of Supreme Court of Pakistan dated 13.05.2018 and recommendations of the committee constituted for the purpose, the following Standing Orders/Instructions which extend the incentives for promotion and confirmation to the Cadet Law Instructors and Drill Instructors serve in the Police Training College Hangu and other Training Institutions amount to out of turn promotion are hereby withdrawn:

1. Standing Order No.11/1987
2. Letter No.20710-60/1995
3. Standing Order No.7/2003
4. Standing Order No.17/2014
5. Standing Order No.05/2016

Sd/-

SALAH-UD-DIN KHAN

Inspector General of Police

Khyber Pakhtunkhwa

Peshawar

Copy of above is forwarded to all Heads of Police Offices in Khyber Pakhtunkhwa for information and further necessary action.

(SAQIB BALOCH) PSP

AIG/Establishment,

For Inspector General of Police,

Khyber Pakhtunkhwa

Peshawar"

(True copy of Notification dt. 10.01.19
is attached herewith marked as
Annexure-A)

3. That soon thereafter sense prevailed and Respondent No.2 was appraised of the actual situation that the judgments of the august Supreme Court of Pakistan pertain to the out of turn promotions granted to police officers in the provinces of Sindh and Punjab on the basis of favoritism and nepotism, without the backing of any Law/Rules, etc. and in arbitrary

ATTESTED
ADVOCATE

and capricious manner to very high ranks through exercise of unbridled and unstructured powers by those at the helm of affairs. Whereas the accelerated promotions made in the police department of KP are based on proper Rules and Standing Orders that provide for a complete mechanism of accelerated promotion at the very lower ranks, which opportunities are equally available to all the cadets and there is no element of favouritism or nepotism in the same. Moreover, the said Standing Orders also have the backing of law in the form of an Act of the provincial Assembly of KP, i.e. The Khyber Pakhtunkhwa Validation of Standing Orders Act, 2005. Thus the judgment of the apex Court was not applicable to the cases of accelerated promotions in KP Police Department and also that the Standing Orders now validated and protected by an Act of the competent legislature cannot be withdrawn by Respondent No.2 through an executive Order or Notification. Therefore, on 17.01.2019 the following Order was issued by Respondent No.2:

"Order

Notification No.1001-1100/GB dated 10.01.2019 to be held in abeyance. The issue needs to be discussed threadbare prior to implementation."

(True copy of Order dt:17.01.19
is attached herewith marked as
Annexure-B)

4. That again without addressing and understanding the judgments of the apex Court and the issues raised before, Respondent No.4, vide letter dated 06.10.2020, informed Respondent No.2 and all Regional Police Officers that the competent authority has directed to implement the judgements of the Apex Court in different cases and in light thereof directed the demotion of the petitioners and other police officials. In pursuance of the letter dated 06.10.2020, the 56th meeting of the Respondent No.5 was held on 08.10.2020, wherein, the Board/Respondent No.5 agreed to implement the judgments of the Apex Court to all the accelerated promotions in the Police Department in KP, regardless of the fact that the same were inapplicable to the cases of the petitioners.

(True copies of Letter dt:06.10.20 & Meeting
Minutes are attached herewith marked as
Annexures-C & D)

ATTESTED
ADVOCATE

5. That aggrieved thereof, petitioners and other officers of the police department filed different writ petitions before this honourable Court and owing to difference of opinion amongst two benches, a Larger Bench of this honourable Court was constituted to hear all the cases together. Accordingly, after hearing all the parties including the present Respondents the cases were decided vide Order dated 09.12.2021, announced on 24.03.2022, whereby, it was held that the Apex Court Orders, referred to by the Respondents, were not applicable in the case of the petitioners and as such the decisions/orders dated 06.10.2020 and 08.10.2020 were set aside and the cases of the petitioners were sent to the Provincial Government through Respondent No.1, first to clarify its position, whether it wants to continue with the matter of awarding accelerated positions to members of its police force in line with the KP Validation of Standing Order Act, 2005, prevailing Police Rules and KP Police Act, 2017 or not and then decide the issue accordingly. Moreover, the Provincial Government was also directed that till such policy is streamlined, no adverse action shall be taken against the petitioners.

(True copies of Orders dt:19.05.21 & 24.03.22
are attached herewith as Annexure-E & F)

6. That subsequently a meeting of the Scrutiny Committee was held under the Chairmanship of Secretary Law Department, where after threadbare discussion, it was decided with consensus that the cases are fit for filing of Appeals/CPLA and the Administrative Department was advised to approach the office of the Advocate General KP for doing the needful.

(True copy of Letter dt:20.04.22
is attached herewith marked as
Annexure-G)

7. That now, in utter disobedience and willful disregard of this august Court's Orders dated 24.03.2022 and despite the fact that the Advocate General KP office has been approached for filing of CPLA against the Order dated 24.03.2022, Respondent No.3, knowing that the Order dated 24.03.2022 still holds the field, vide letter dated 21.04.2022 ('Impugned Letter'), under the garb of his own interpretation of the Orders of the Supreme Court illegally and unlawfully again directed that the demotion process of the petitioners must be

ATTESTED
ADVOCATE

completed in all aspects and report be issued for the perusal of the competent authority within two days of the receipt thereof.

(True copy of Letter dt: 21.04.22
is attached herewith marked as
Annexure-H)

83

8. That it is pertinent to mention that the larger Bench of this august Court, vide Order dated 24.03.2022, has already held that the Orders of the Apex Court, whereupon the Respondents have based the Impugned Letter, are not applicable to the cases of the petitioners. Furthermore, it is also a matter of record that, till date, neither have the Respondents challenged the said Order of the Larger Bench of this honourable Court before the august Supreme Court, nor have they disclosed the said fact to the Apex Court in any of the pending proceedings.
9. That aggrieved of the Impugned Letter, Orders and Directions of Respondent No.3 dated 21.04.2022, petitioners seek to invoke the constitutional jurisdiction of this august Court, *inter-alia*, on the following:

GR OUNDS:

- a) Because the application of the Impugned Letter/Order of Respondent No.3 dated 21.04.2022 to the petitioners is illegal, unlawful, arbitrary, capricious, *malafide*, without jurisdiction and is violative of the petitioners' rights as guaranteed, enshrined and protected by:
- Preamble and Articles 2-A, 4, 8, 9, 10A and 27 of the Constitution of the Islamic Republic of Pakistan, 1973 (hereinafter referred to as 'the Constitution');
 - Judgment and Order of the Apex Court in the case of Shahid Pervaiz v Ejaz Ahmed reported as 2017 SCMR 206;
 - Judgment and Order of the Larger Bench of this august Court dated 24.03.2022;
 - Order of Respondent No.2 dated 17.02.2019; and
 - norms and principles of natural justice.

~~ATTESTED
ADVOCATE~~

b) Because in utter disobedience and willful disregard of this honourable Court's Orders dated 24.03.2022 and despite the fact that the Advocate General KP office has been approached for filing of CPLA against the said Order, Respondent No.3, knowing that the Order dated 24.03.2022 still holds the field, vide the impugned letter, under the garb of his own interpretation of the Orders of the Supreme Court, illegally and unlawfully again directed that the demotion process of the petitioners must be completed in all aspects and report be issued for the perusal of the competent authority within two days of the receipt thereof. Respondent No.3, by way of the impugned letter, is trying to defeat the Order dated 24.03.2022 alongside undermining the authority and writ of this honourable Court.

c) Because this honourable Court vide Order dated 24.03.2022, has held that the Apex Court Orders, referred to by the Respondents in the letter dated 06.10.2020 and the subsequent Minutes of the Meeting of Respondent No.5 were not applicable in the case of the petitioners and as such the case of the petitioners was sent to the Provincial Government through the Respondent No.1, first to clarify its position, whether it wants to continue with the matter of awarding accelerated positions to members of its police force in line with the KP Validation of Standing Order Act, 2005, prevailing Police Rules and KP Police Act, 2017 or not and then decide the issue accordingly. Moreover, the Provincial Government was also directed that till such policy is streamlined, no adverse action shall be taken against the petitioners. However, the impugned letter does not refer to any policy decision of the Provincial Government, as directed by this august Court, whereas, severe adverse action of demotion is being taken against the petitioners in blatant violation of, *inter-alia*, the Order of the Larger Bench of this honourable Court dated 24.03.2022 and the principles of natural justice.

d) Because it is evident from the impugned letter/order dated 11.04.2022 that no opportunity of hearing, whatsoever, has been provided to the petitioners before illegally implementing Respondent No.3's interpretation of the judgments of the

ATTESTED
ADVOCATE

Apex Court upon the petitioners: despite the fact that the same are not applicable in the petitioners' case as unequivocally held by the Larger Bench of this honourable Court in its judgement dated 24.03.2022. It is trite law that no adverse action can be taken against the petitioners', without providing an opportunity of hearing and due process of law, particularly by Respondents while performing the functions of state. Thus, the impugned letter is offending Art.10-A of the Constitution and should be declared *ab initio* void.

e) Because it is also a matter of record that, till date, neither have the Respondents challenged the Order of the Larger Bench of this honourable Court before the Supreme Court, nor have they disclosed the said fact to the Apex Court in any of the pending proceedings.

f) Because it is settled law that the Chief Minister Khyber Pakhtunkhwa and the Ministers i.e., the Cabinet as a whole constitutes the Provincial Government for all intents and purposes. Neither the Chief Minister nor any Minister, what to speak of the Respondent No.1, singularly has the authority to exercise the powers and functions of the Provincial Government. It is explicitly clear from the Order of the Larger Bench of this honourable Court dated 24.03.2022 that case of the petitioners was sent to the Provincial Government/Cabinet, through Respondent No.1 to take a decision thereon and not to the Respondent No.1. Nevertheless, it is evident from the impugned letter that the decision of wanting to continue with the matter of awarding accelerated positions to members of its police force in line with the KP Validation of Standing Order Act, 2005, prevailing Police Rules and KP Police Act, 2017 or not was taken by the Respondent No.1 alone instead of the Provincial Government/Cabinet. Therefore, on this score alone the impugned letter/orders is liable to be set aside and declare nullity in the eyes of law.

g) Because, without prejudice to the above and in addition thereto, Respondent No.3, while issuing the impugned letter/orders is acting completely oblivious to the fact

ATTESTED
ADVOCATE

that none of the Police Officials/Officers from Khyber Pakhtunkhwa, including the petitioners, were present before the Apex Court while it decided the cases referred to in the impugned letter, therefore, by way of the impugned letter petitioners are, in essence, being condemned unheard and their rights protected and enshrined by the Constitution are being blatantly violated.

86

- h) Because from the bare reading of the case of Shahid Pervaiz v Ejaz Ahmed reported as 2017 SCMR 206, it is clear that promotions being solely based on gallantry and valour and candidates being promoted on the discretion of their superior offices, using unstructured and unfettered powers, were termed as unconstitutional by the Apex Court, however, with regards to the accelerated promotions up till the rank of ASIs, it has been unequivocally held that the same were justified as being based on certain qualifications/examinations and courses prescribed in the Policy for promotion and the Police Rules. Therefore, on this score as well the impugned letter of the Respondent No.3 is liable to be set aside and declared as null and void.
- i) Because despite no directions/Orders of the Apex Court issued to the Respondents No.1 and/or 2, Respondent No.3, on his own accord, with *mala fide* intentions and for ulterior motives, vide his impugned letter dated 21.04.2022 directed that the demotion process of the petitioners must be completed in all aspects and report be issued for the perusal of the competent authority within two days of the receipt thereof. The same speaks high volumes of *mala fide* on part of the Respondents, who for ulterior motives, are eager to demote worthy Police Officers/Officials and revert their genuinely earned promotions so that the Respondents' blue eyed could be accommodated.
- j) Because the actions of the Respondents are based on *mala fide* aimed only to hoodwink and defeat the mandate and the purpose of the law, vested rights and fundamental rights of the petitioners guaranteed by the Constitution and the principles of *natural justice*.

ATTESTED
ADVOCATE

- k) Because petitioners have no other alternate and efficacious remedy but to invoke the Constitutional Jurisdiction of this honourable Court through the instant Petition.

PRAYER:

It is, therefore, most humbly prayed that on acceptance of this writ petition this honorable Court may graciously be pleased to:

- i. Declare that the impugned letter of the Respondent No.3 dated 21.04.2022 is arbitrary, capricious, unreasonable, illegal, unlawful, without jurisdiction and *void ab initio*;
- ii. Set-aside the Impugned Letter of the Respondent No.3 dated 21.04.2022 being illegal, unlawful, arbitrary and without jurisdiction and without any lawful authority;
- iii. Permanently Restrain the Respondents from interfering, in any manner whatsoever, with the Seniority of the petitioners under the grab of the impugned letter dated 21.04.2022;
- iv. Grant *interim relief* by suspending the operation of the impugned letter of the Respondent No.3 dated 21.04.2022 and restrain the Respondents from taking any adverse action against the petitioners, till the final decision of the instant writ petition;
- v. Grant any other relief that this Honorable Court deems fit and appropriate in the facts and circumstances of the case.

ATTESTED


April 28, 2022

PETITIONERS

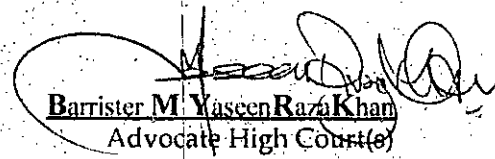
Through



88

88

Barrister Syed Mudasser Ameer
Advocate Supreme Court

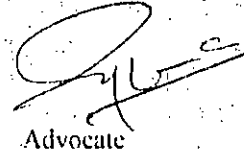


Barrister M. Yaseen Raza Khan
Advocate High Court(s)

60-C, 2nd Street, Defence Officers
Colony, Khyber Road, Peshawar

CERTIFICATE:

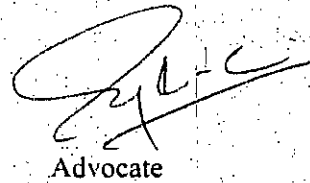
Certified that as per the instructions of the petitioner this is the first writ petition on the subject matter filed by her before the Divisional Bench of this august Court.



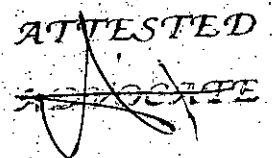
Advocate

List of Books:

- Constitution of Islamic Republic of Pakistan, 1973;
- Case Law cited at the bar.



Advocate

ATTESTED


IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____ / 2022

Shah Mumtaz, etc. **Versus** Govt. of KP & Others.

89

AFFIDAVIT

I, Bakht Munir, Sub-Inspector CCP Peshawar, Petitioner No.28, do hereby solemnly declare and affirm on oath that the accompanied writ petition has been filed under my instruction, contents whereof are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

Deponent

Bakht Munir

CNIC 17301-4163363-9

MOB 0334-9135680

Petitioner No. 28

Identified by:

[Signature]

Counsel

8797

Certified that the above was verified on solemn affirmation before me in office, this 25 day of April 2022

s/o. *Sup Inspector* *Bakht Munir* Peshawar

who was identified to *self*

who is personally known to me

[Signature]
Deputy Commissioner
Peshawar High Court, Peshawar

25/04/22

ATTESTED

[Signature]
ADVOCATE

IN THE PESHAWAR HIGH COURT, PESHAWAR

C.M No. _____/2023

In

Writ Petition No.1587/2022

Shah Mumtaz, etc.

Versus

Gov. of Khyber Pakhtunkhwa, etc.

**URGENT APPLICATION FOR AFFITIONAL PRAYER AND
INTERIM RELIEF/INJUNCTION**

Respectfully Sheweth:

1. That the above title Petition is pending adjudication before this honourable Court and is fixed for 03.05.2023.
2. That the Petitioners in the instant Petition had approached this honourable Court for the protection of their fundamental and vested rights protected under the provisions of the Constitution of the Islamic Republic of Pakistan, 1973 and judgment of this honourable Court, dated 09.12.2021 as the Respondents in utter disobedience and wilful disregard of this august Court Judgment, dated 09.12.2021, vide Letter, dated 21.04.2022 (hereinafter referred to as "First Impugned Letter"), under the garb of his own interpretation of the Orders of the Supreme Court, illegally and unlawfully again directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department must be completed in all aspects and report be issued for the perusal of the competent authority within two days of the receipt thereof.
3. That feeling aggrieved of the ibid First Impugned Letter, the Petitioners had filed the instant Writ Petition, wherein, this honourable Court was pleased to suspend the

ATTESTED
ADVOCATE

operation of the ibid First Impugned Letter, dated 21.04.2022 vide Interim Relief Order, dated 28.04.2022.

91

4. That despite the fact that the matter at hand is already subjudice before this honourable Court in the instant Writ Petition, as well as, directions passed by this honourable Court vide Judgment, dated 09.12.2021, wherein it was held that the Orders of the Apex Court are not applicable to the cases of the police officials working in the Khyber Pakhtunkhwa Police Department, the Respondents proceeded to issued Letter No.991, dated 11.03.2023 (hereinafter referred to as "Second Impugned Letter"), in which it was directed that personal hearings be conducted on the very next date (i.e. 12.03.2023) of all concerned police officials in the Khyber Pakhtunkhwa Police Department (including the Petitioners) in a misguided attempt to usurp the rights of the Petitioners and clear violation of the ibid Interim Relief Order, dated 28.04.2022.

(True copy of Second Impugned Letter, dated 11.03.2023 is attached herewith marked as Annexure-CM/I)

5. That without affording proper opportunity of hearing and on the basis of a sham, frivolous and fabricated hearings/proceedings conducted of police officials in the Khyber Pakhtunkhwa Police Department across the province in one day, the Respondent issued Letter No.993/Legal, dated 12.03.2023 (hereinafter referred to as "Third Impugned Letter"), whereby in utter disobedience and wilful disregard of this august Court Judgment, dated 09.12.2021 and Interim Relief Order, dated 28.04.2022, it was illegally and unlawfully yet again directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed by issuing the requisite withdrawal letters/orders and to share copies of the said withdrawal letters/orders and Compliance Report with the Police Headquarters on the very next date (i.e. 13.03.2023).

(True copy of Third Impugned Letter No.993/Legal, dated 12.03.2023 is attached herewith marked as Annexure-CM/II)

6. That it is also pertinent to mention that this honourable Court vide Order, dated 08.03.2023, in Contempt of Court Petition No.366-P/2020 in Writ Petition No.2363-

ATTESTED
ADVOCATE

(92)

P/2013 took strict notice of the delay by the Respondents in the implementation of its directions vide Judgment, dated 06.05.2020 and reprimanded the Respondents for the delay.

(True copies of Writ Petition No.2363-P/2013, Judgment, dated 06.05.2020 & Order, dated 08.03.2023 are attached herewith marked as Annexure-CM/III to CM/V)

7. That in the instant Writ Petition, the Petitioners had sought interim relief by restraining the Respondents from taking any sort of adverse action against the Petitioners and this honourable Court was pleased to restrain the Respondents from taking any adverse action against the Petitioners on the basis of the First Impugned Letter, dated 21.04.2022, vide Interim Relief Order, dated 28.04.2022.
8. That the Respondents are currently bent on wrongly implementing the judgments of the Apex Court to the detriment of the Petitioners and violating the directions of this honourable Court and the Petitioners will suffer irreparable harm if the Respondents are not restrained from taking adverse action against the Petitioners on the basis of the Second and Third Impugned Letters, dated 11.03.2023 and 12.03.2023, until the final decision of the main case.
9. That it is necessary to point out that a Divisional Bench of this honourable Court has granted similar relief vide Order, dated 16.03.2023 in Writ Petition No.1023-P/2023.

(True copies of Writ Petition No.1023-P/2023 and Interim Relief Order, dated 16.03.2023 are attached herewith marked as Annexure-CM/VI & VII)

It is, therefore, most humbly prayed that upon acceptance of this application, this honourable Court may graciously be pleased:

- i. Declare and set aside the Second and Third Impugned Letters of the Respondents, dated, 11.03.2023 and 12.03.2023, are arbitrary, capricious, mala fide, unreasonable, illegal, unlawful, without jurisdiction and void ab initio; and

ATTESTED
ADVOCATE

6

1

93

ii. Grant *interim relief* by suspending the operation of the Second and Third Impugned Letters of the Respondents, dated 11.03.2023 and 12.03.2023 and restraining the Respondents from taking any sort of adverse action against the Petitioners until a final decision in instant Writ Petition No. 1587/2022.

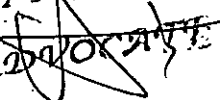
March 17, 2023

PETITIONERS

Through



Barrister Syed Mudasser Ameer
Advocate Supreme Court

ATTESTED

ADVOCATE

IN THE PESHAWAR HIGH COURT, PESHAWAR

(Handwritten marks: a circled signature and the number 94)

C.M No. _____ /2023

In

Writ Petition No.1587/2022

Shah Mumtaz, etc.

Versus

Gov. of Khyber Pakhtunkhwa, etc.

AFFIDAVIT

I, Qazi Nasir Ahmad, Sub-Inspector, Khyber Pakhtunkhwa Police Department, Petitioner No.22, do hereby solemnly declare and affirm on oath that the accompanied Application has been filed under my instructions, contents whereof are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

(Signature)
Deponent (Petitioner No 22)
CNIC: 17301-128/683-3
Contact: 0333-9123170

Identified By:

(Signature)

Barrister Syed Mudasser Ameer
Advocate Supreme Court

33817
Qazi Nasir Ahmad
Sub-Inspector
17/3/2023

ATTESTED
ADVOCATE

IN THE PESHAWAR HIGH COURT, PESHAWAR



95

W.P No. _____ -P/2022



1. **Shah Mumtaz**
Superintendent of Police,
Peshawar
2. **Muhammad Iqbal**
Deputy Superintendent of Police
Bannu
3. **Inamullah**
Inspector
D/7 ASDPO Wana S.W DIK
4. **Mural Khan**
Acting Superintendent of Police (Elite Force)
Peshawar
5. **Arshad Mehmood**
Superintendent of Police (Investigation)
Peshawar
6. **Rizwan Khan**
Superintendent of Police,
Special Branch, Hazara
7. **Amjad Hussain**
Deputy Superintendent of Police
Hangu
8. **Jehangir Khan**
Deputy Superintendent of Police CTD (Investigation)
Abbottabad
9. **Muhammad Javid**
Acting Superintendent of Police (Investigation)
Abbottabad
10. **Muhammad Ejaz**
Deputy Superintendent of Police
Swat
11. **Arshad Hussain**
Deputy Superintendent of Police
Police Training Centre, Kohat
12. **Hussain Ghulam**
Deputy Superintendent of Police
Police Training Centre, Kohat
13. **Khalid Usman**
Deputy Superintendent of Police
Bannu

ATTESTED
EXAMINER
Peshawar High Court,

14. **Shahid Adnan**
Acting Superintendent of Police
Bannu
15. **Gul Rauf**
Inspector
Bannu
16. **Amjad Hussain**
Inspector
FR Kohat, Kohat
17. **Muhammad Ramzan**
Inspector, D. I. Khan
18. **Attaullah**
Inspector, D. I. Khan
19. **Niaz Muhammad**
Sub-Inspector, Bannu
20. **Muhammad Naeem**
Sub-Inspector, CCP Peshawar
21. **Riaz Ali Shah**
Sub-Inspector, CCP Peshawar
22. **Qazi Nasir Ahmad**
Sub-Inspector, CCP Peshawar
23. **Muhammad Idrees**
Sub-Inspector, CCP Peshawar
24. **Sajjad Ahmad**
Sub-Inspector, CCP Peshawar
25. **Muhammad Ishaq Toru**
Sub-Inspector, CCP Peshawar
26. **Babar Khan**
Sub-Inspector, CCP Peshawar
27. **Abdul Ali**
Sub-Inspector, CCP Peshawar
28. **Bakht Munir**
Sub-Inspector, CCP Peshawar
29. **Mushtaq Khan**
Sub-Inspector, CCP Peshawar
30. **Ali Said**
Sub-Inspector, CCP Peshawar
31. **Samar Abbas**
Sub-Inspector, D.I Khan
32. **Khan Zada Khan**
Sub-Inspector, D.I Khan

(96)

96

ATTESTED
EXAMINER
Peshawar High Court,

33. **Tariq**
Sub-Inspector, D.I Khan

34. **Muhammad Yaseen**
Acting Superintendent of Police
CTD, Mardan

(B)

(97)

.....Petitioners

V/s.

1. **Government of Khyber Pakhtunkhwa**
Through Chief Secretary
Civil Secretariat, SAQ Road, Peshawar
2. **Inspector General of Police**
Central Police Office
Peshawar
3. **Additional Inspector General of Police**
Central Police Office
Peshawar
4. **Additional Inspector General/Establishment**
Central Police Office
Peshawar
5. **Police Policy Board**
Central Police Office
Peshawar

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION

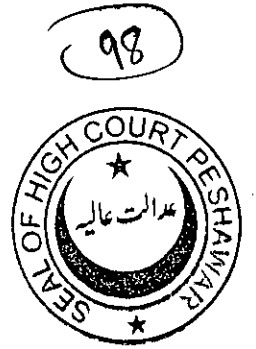
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

Respectfully Sheweth;

1. That petitioners, Police Officers, are serving as Superintendents ('SP'), Deputy Superintendent of Police ('DSP'), Acting Superintendents, Inspectors and Sub-Inspectors in various Districts of Khyber Pakhtunkhwa. Petitioners enjoy an unblemished and outstanding service record.

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order or Proceedings	Order or others Proceedings with Signature of Judge
1	2
30.03.2023	<p><u>C.M No.686-P/2023 with C.M No.767-P/2023 in W.P No.1587-P/2022.</u></p> <p>Present: Barrister Syed Mudasser Ameer, counsel for the petitioners.</p> <p>Mr. Umar Farooq, Addl. A.G, for the respondents alongwith Mr. Tariq Umar, DSP Legal, CPO.</p> <p style="text-align: center;">*****</p> <p>Adjourned to 03.05.2023. Till then, the operation of the impugned order dated 12.03.2023 shall remain suspended. Besides, this petition be clubbed with W.Ps No.1023, 1092, 1093, 1097, 1124, 1163 & 1164-P/2023.</p> <div style="text-align: right; margin-top: 20px;"> <p>JUDGE</p> <p>JUDGE</p> </div>
Date of Presentation of Application.....	77666 01-04-2023
No of Pages.....	6-8
Copying fee.....	-
Total.....	16-00
Date of Preparation of Copy.....	01-04-2023
Date of Delivery of Copy.....	01-04-2023
Prepared By.....	Awarhid

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorised under article 87 of
The Constitution of Pakistan Order 1984

01 APR 2023

ANN-T



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

No. 11528 / Legal dated the 08 / 12 / 2021.

To: The Regional Police Officer,
Hazara.

Subject: REQUEST FOR JUSTICE.

Memo: Please refer to your office Letter No. 27947/E, 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.

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

~~ATTESTED~~
~~ADVOCATE~~



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

No. 1695 /EC, dated 20/02/2023

100

To: The Inspector General of Police
Khyber Pakhtunkhwa Peshawar

Subject: COLLECTION OF DATA OF POLICE OFFICER FALLING UNDER
THE DEFINITION OF OUT OF TURN PROMOTION.


Memo:

Kindly refer to CPO Memo: No CPO/CPB/75 dated 14.02.2023.

Promotions in FRP are regulated under Police Rules Chapter 13 and Standing Order No 01/2006, read alongwith Standing Order No. 02/2014. According to Standing Order No 01/2006, the officials of FRP who were transferred to FRP would get one step promotion as long as they remained in the FRP. There were specified seats and special promotional courses i.e Drill, Platoon Commander & Section Commander courses. Over the course of years a practice developed that some of the educated FRP personnel got promotion on seats reserved for illiterate officials. Similarly, these very officers of FRP left the FRP Establishment without relinquishing the benefits that they gained in FRP and this give an accelerated promotion compared to their original colleagues in complete violation of Standing Order No 01/2006, which stipulated that the officers who gets accelerated or one step promotion will leave FRP in his substantial rank

Keeping in view, various courts decision and interpretation of AIG Legal CPO, promotion in FRP do not fall in the category of cadetship, gallantry and special case. It is also pertinent to mention here that FRP does not maintain seniority list i.e A, B, C, D & E and since 2014, both enlistment and promotion of FRP personnel's are carried out in the districts of their domicile.

The requisite information on the prescribed format is attached at annexure "A"


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

CS CamScanner

ATTESTED
ADVOCATE



Better Copy

OFFICE OF THE COMMANDANT
FRONTIER RESERVE POLICE
KHYBER PAKHTUNKHWA PESHAWAR
PH: NO.091-9214114, FAX NO.9212602

~~101~~

101

No. _____/EC 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 to 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 promotions 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 kind 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 Reserves) now FRP (Frontier Reserve Police) was established by the Federal Govt: vide letter No.DO No.1/4/85-DD(P) dated 29-10-1985 and No.SO (P-II) 5-18/86/2347 dated 16-01-1986 as a reserve force according to Notification No.SO (P-II) HD/8-10/146-149 dated 16-01-1988 the Govt: of NWFP (now Khyber Pakhtunkhwa) Home Deptt: had merged the following ten Police Unit/Branches in FRP on 16-01-1988 with the name of "Frontier Armed Reserve as Frontier Reserve Police"

1. Additional Police
2. Special Police Levy
3. PAF Contingent
4. Range Reserve Platoons
5. Provincial Armed Reserve Platoons
6. Frontier Armed Reserves
7. Campus Peace Corps, Peshawar University

ATTESTED
~~ADVOCATE~~

- 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: -

1. 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 1715-22, 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 1st 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-1 dated 27/05/2005. 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.
2. According to standing order No 2/2014 the lien of all literate officials/officers

ATTESTED
~~ADVOCATE~~

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

ii. 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

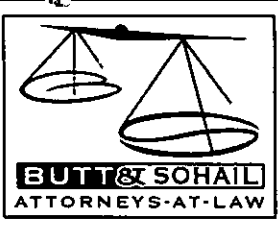
iv. The promotion granted to the FRP personnel are not fallen into the ambit of out of turn promotions as they were promoted in accordance to the prescribed manner and policy in vogue. It is pertinent to mention here that the officials who have qualified the requisite courses required for promotion were 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


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

(M)
21.01.2022

ATTESTED
ADVOCATE



Memorandum of Authorization For Representation as Legal Counsel/Lawyer (Agreement for Legal Services)

عقد توكيل - اتفاقية خدمات قانونية
وكالت نامہ

BEFORE THE Peshawar High Court Peshawar

Judicial Stamp (Court Fees), if Required
(Affix Here)

BL-17-7897
173010639515-1
03009013997

Parties of the Proceedings (If Applicable)		PETITIONER(S)	
		PLAINTIFF(S)	
	TANVAB JAN E. CHANDES	COMPLAINANT(S)	
		OBJECTOR(S)	
		APPELLANT(S)	
	V E R S U S		
	Govt of KPK & others	RESPONDENT(S)	
		DEFENDANT(S)	
		ACCUSED	
	Nature of the Proceedings or Legal Services to be rendered		

I/We, the Petitioners (Executants on margins)
hereby appoint and constitute Shumail Ahmed Butt, Abdul Rahim Khan Jadoon, Hazrat Bilal
of M/s Butt & Sohail LLP, Attorneys at Law Haris Khan, Najam Ul Saleheen (Advocates)

as my/our attorney(s)/counsel for me/us and on my/our behalf, to appear, plead in the said proceedings with powers to sign, file pleadings and all kinds of applications including appeal/revision, execution etc. up to apex court/forum to withdraw and receive documents, to withdraw or compromise in the said proceedings or to refer to arbitration, bind me/us by oath, withdraw or receive any money(s) on my/our behalf and to give valid receipts and discharges, to do himself/themselves or through appointment of other lawyer(s)/counsel for me/us & in my/our name and on my/our behalf, to do all acts, deeds, matters and things relating to the proceeding(s) in all its stages that I/we personally could do if this instrument had not been executed. The appointment is subject to the following special terms and conditions:

- The fee paid, or agreed to be paid, to the aforesaid counsel is for his/their work at this forum alone. The retainer, however, shall continue and remain in the courts or fora through out; I/We shall however make separate arrangements as to his/their fees in respect of appeals revisions, transfer proceedings and execution of decree or orders.
- Unless the whole amount of fee is paid, the said counsel is/are not bound to prosecute my case nor is/are he/they bound to do so (unless especially under separate arrangement) at any place other the courthouse/place of proceedings/beyond the usual court hours, on public holiday or in any other court/forum. In addition, upon submission of proper documentation, I/we shall reimburse the said counsel for all reasonable and customary expenses incurred while providing services for me/us.
- No part of the said counsel's fee is returnable under any circumstances and cost of adjournments payable by the opposite party will be received and retained by him/them in addition to his/their fees payable by me/us.
- At any time the said counsel is/are unable to attend the court/forum of proceedings because of illness, absence from station or other unavoidable reasons or preoccupation, he/they will make alternate arrangements for appearance on his/their behalf. But he/they shall not be responsible for any loss caused to me/us should these arrangements fail.
- I/we shall make my/our own arrangements for attending the court/forum on every hearing, to inform my/our said counsel when the case/proceeding is called. The counsel shall in no way be responsible for any loss caused to me/us through my/our failure so to inform him/them or owing to a decision ex parte for any reason.
- I/We also undertake to pay his full professional fees as per stipulation. In case his/their full professional fees are not paid the counsel can withdraw and/or suspend his/their services at any time. Additionally the said counsel enjoy(s) a lien over my assets in case of non-payment.
- I/We have been told, recognize and understand that said counsel have made NO GUARANTEE promising the success or outcome of the proceedings in a particular way.
- I/We have read/understood the contents of this document in full and thus put my/our respective hands to empower the said counsel as stated on this _____ day of _____, 20 _____ at Peshawar.

TANVAB JAN SHUMAIL AHMED BUTT ABDUL RAHIM KHAN JADOON HAZRAT BILAL
ALIBASE M. Executants

I/We accept this Assignment
Haris Khan Najam Ul Saleheen
Advocates

FILED TODAY
Deputy Registrar
01 APR 2023

Handwritten signatures and notes on the right margin, including "A" and "اوائل" (initials).

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 1289-P/2023.

Tayyab Jan and others.....(Petitioners)

VERSUS

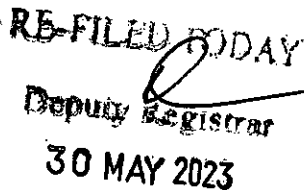
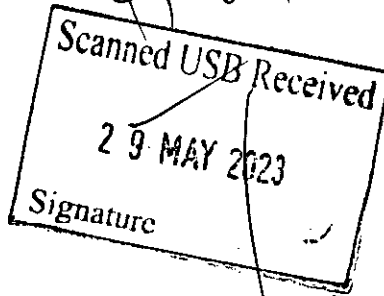
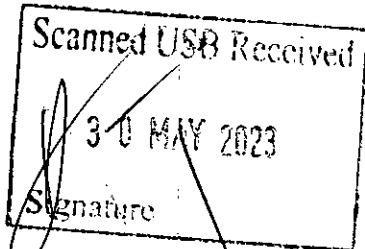
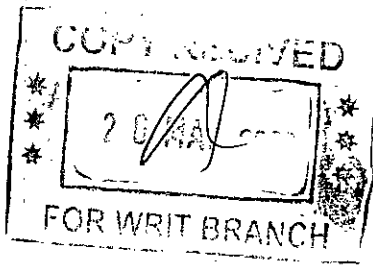
Govt. of Khyber Pakhtunkhwa etc..... (Respondents)

INDEX

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-10
2.	Affidavit		11
3.	Authority Letter		12
4.	Copy of Letter NO. 991/Legal, dated	A	13
5.	Maintainability in 2013 SCMR 1752 & 2015 SCMR 456	B	14-19
6.	Copy of CPO/CPB/75, dated 14.02.2023	C	20

Respondents through

Acting DSP/ Legal (BPS-17)
CPO, Peshawar



①

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 1289-P/2023.

Tayyab Jan and others(Petitioners)

VERSUS

Govt: of Khyber Pakhtunkhwa etc..... (Respondents)

PARAWISE COMMENTS BY RESPONDENTS NO.1, 2 & 6

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the petition pertains to out of turn promotion of Police officials deprecated by the hon'ble Supreme Court of Pakistan in its judgments in Cr.Org.P. No. 89/2011 etc reported 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 and the petition, therefore, is not maintainable in its present form.
- b) That the petitioners have got no locus standi.
- c) That the petition is bad for mis-joinder and non-joinder of necessary parties.
- d) That the petitioners are estopped by their own conduct to file the petition.
- e) That the petitioners have not come to this Hon'ble Court with clean hands.
- f) That the petitioners have got no cause of action to file the present petition.
- g) That the matter exclusively relates to Service terms and conditions and Jurisdiction of the Hon'ble High Court is barred under Article 212 of Constitution of Islamic Republic of Pakistan, 1973.

FACTS:

1. Correct to the extent that the petitioners' legal and constitutional rights are guaranteed. Further, the petitioners are bound to perform their duties to the utmost satisfaction of their senior officers in the spirit of the organizational discipline.
2. Incorrect, the petitioners belonged to Khyber Pakhtunkhwa Frontier Reserve Police (FRP) which is a separate establishment of KP Police Force. Previously, DIGs of such establishments started exercising the administrative powers of the Range DIGs. However, all the establishments, other than the executive police establishment, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion. It has been clearly provided in the Chapter XIII of Police Rules, 1934 that there should be common seniority of Police Personnel serving in all establishments to be maintained by the District Police, the Range DIG and Central Police Office. Being the custodian of the service record etc. of the Police personnel, the District police/Range DIG, shall make selection for Police personnel for police training and practical training, and no other establishment shall be authorized to make such selection. The petitioners, on the other hand, have been selected to various out of turn promotion trainings by virtue of being officials of the Reserve Police and this fact has been deprecated by the Hon'ble Supreme Court of Pakistan its judgments reported in 2016 SCMR 1254. Thus the petitioners' case fall in the definition of out of turn promotion declared illegal and unconstitutional by the august apex court

FILED TODAY
29 MAY 2023

in its landmark judgments reported 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. The relevant Paras of Supreme Court Judgments mentioned above are reproduced as under:-

2016 SCMR 1254

46. Before we could travel into the scheme of the Police Act and the Rules framed thereunder, it has been conceded by the learned Advocate General, Sindh, that the Standing Orders issued at times by the different I.G Police were without the approval of the Provincial Government and, therefore, did not have any legal status. In view of this conceding statement of the Advocate General, no argument was advanced by either party to the validity or otherwise of the Standing Orders issued by the I.Gs Police at times.

2013 SCMR 1752

158. On the issue of out of turn promotions, the impugned enactments are discriminatory persons/class specific and pre-judicial to public interest, as it would be instrumental in causing heart burning amongst the police officers whose inter-se seniority and legitimate expectation of attaining upper ladder of career would be affected. The out of turn promotions to the police officers and other civil servants by virtue of Section 9A would affect the performance of hundreds of thousands of the civil Crl.Org.P.No.89/11 etc. 120 servants serving in the Sindh Government. The impugned instruments on out of turn promotions are neither based on intelligible differentia nor relatable to lawful objects and by the impugned instruments the entire service structure has been distorted, affecting the inter-se seniority between the persons, who are serving on cadre posts after acquiring job through competitive process and their seniorities were and are superseded by the powers granted to the Chief Minister through Section 9A.

162. The absorption and out of turn promotion under the impugned legislative instruments will also impinge on the self respect and dignity of Crl.Org.P.No.89/11 etc. 122 the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, and under those who have been inducted from other services/cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all) and as a result the genuine/bonafide civil servants will have prospects of their smooth progression and attainment of climax of careers hampered, hence the impugned instruments are violative of Article 14 of the Constitution. The laws are made to achieve lawful object. The impugned legislative instruments do not advance this concept while conferring powers on the Chief Minister to grant out of turn promotions, on the contrary the unstructured discretion vested in him has infringed the valuable rights of the meritorious civil servants of legitimate expectancy of attaining climax of careers.

164. We support that morale of police personnel be boosted, as intended in the aforesaid impugned legislations, and on their exhibiting exceptional acts of gallantry, they should be given awards and rewards on merits. In order to confer award or reward on the police officer for his act of gallantry the Sindh Government will constitute a committee under Rule 8-B, to evaluate the performance of the police officer upon whom the proposed award or reward has to be bestowed. However, out of turn promotion in police force would not boost the morale of the police force, on the contrary by impugned legislative instruments granting out of turn promotion to police officers, has demoralized the force. This Court in the case of Watan Party reported in (PLD 2011 SC 997) has already directed the Sindh Government to depoliticize the police force. The out of turn promotions have engendered inequalities and rancor among the batch mates/course mates, rendering many of them junior/subordinate to their junior colleagues. Under section 9A, the Sindh Government, has granted out of turn promotions to the civil servants, who do not belong to police force. By using the word 'Gallantry' in section 9-A of the Act of 1973, the legislature never intended to grant out of turn promotion to civil servants other than police force, but the Sindh Government has extended this benefit to civil servants. We for the aforesaid reasons stated hereinabove, are clear in our mind that the impugned legislations on the issue of out of turn promotion and grant of backdated seniority are violative of Articles of the Constitution referred to hereinabove and are liable to be struck down.

172. The contention of the learned Advocate General that the Provincial Assembly has absolute powers to promulgate law which may nullify the effect of a judgment is misconceived, as a general rule the legislature cannot destroy, annul, set aside, vacate, reverse, modify or impair a final judgment of a court of competent jurisdiction, nor fundamental rights guaranteed under the Constitution can be abridged by the legislature. The legislature is not only prohibited from reopening cases previously decided by the courts, but is also forbidden to affect the inherent attributes of a judgment through a piece of legislation as has been done in the case in hand. In ultimate analysis, therefore, the primary test for examining the vires of an instrument (validating) is whether the new

FILED TODAY
Deputy
29 MAY 2023

provision removes the defect, which the court had found in the existing law and whether adequate provisions in the validating law have been introduced to the terms 'absorption', 'out of turn promotion', 're-employment and 'deputation'. We have already discussed hereinabove, the aforesaid terms, used in the impugned legislative instruments and have been interpreted by the courts prior to coming into field the impugned legislations. After examining the impugned legislations, we are of the considered view that these instruments cannot be construed to have nullified the effect of the judgments discussed hereinabove, as the instruments sought to be challenged, in fact, encourages nepotism and discourages transparent process of appointments of civil servants by recruitment and or by transfer in all the three modes provided by the Act of 1973 and the rules framed there-under. This court in fiscal matters has applied restraints from interfering in the legislative domain while examining the vires of a statute, but in the case in hand, the impugned CrI.Org.P.No.89/11 etc. 131 legislations through amendments and validation/regularization have hampered the fundamental rights of the civil servants with the sole object to extend favours to few blue-eyed of the government. **173.** We, therefore, are clear in our mind that amendments brought in the Act of 1973 by the impugned validating instruments do not meet the standards of jurisprudence which mandate safeguard provided to the civil servants under the Constitution. The impugned legislative instruments, therefore, do not have the effect to neutralize or nullify the judgments of the Courts referred to hereinabove.

175. For the aforesaid reasons we allow Constitution Petitions.No.71/2011, 23-K/2012, 21/2013 and 24 of 2013, and dispose of all the Misc. Applications and hold that the impugned legislations mentioned in para 115 are violative of the provisions of the Constitution discussed hereinabove. We further hold and declare that benefit of 'absorptions' extended by the Sindh Government since 1994, with or without backdated seniority, are declared ultra vires of the Constitution, as the learned Additional Advocate General has made a statement during hearing that the impugned validation instruments have granted legal cover to the employees/civil servants, who were absorbed since 1994. Likewise, we further hold and declare that all out of turn promotions made under section 9-A of the Sindh Civil Servants Act, 1973, by the Sindh Government to an employee or civil servant with or without backdated seniority since 22.1.2002, when section 9-A was inserted through Ordinance IV of 2002, are ultra vires of the Constitution. All Misc. Applications made by the absorbees in which interim orders were passed by this Court restraining the Government from complying with the orders of this Court dated 02.05.2012 stand vacated. We also hold that all the re-employment/rehiring of the retired Civil/Government Servants under the impugned instruments being violative of the constitution are declared nullity. We further direct that the nominations made by the Chief Minister in excess of the quota given by Rule 5(4) (b) of the West Pakistan Civil Service (Executive Branch) Rules, 1964, are without lawful authority and all the 15 nominees (Assistant Commissioners) are reverted to their original positions.

2015 SCMR 456

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.

FILED TODAY

Deputy Registrar 2017 SCMR 206

29 MAY 2028. 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. CRP.49/2016 etc 53 99. In another case, Suo Moto case No.16/2011, this Court again deprecated the practice of conferring out of turn promotions in the following terms:- "It is also a hard fact that the police has been politicized by out of turn promotions and inductions from other departments time and again, through lateral entries which has brought unrest amongst the deserving police officers waiting their promotions on merits. The posting and transfers of the police officers also lack merits. The complete service record of a police personnel which could reflect posting and transfer is not maintained by the relevant wing. Even many police officers posted within the Karachi on senior positions lack qualifications and competence both....If

(4)

this is the state of affairs, how can there be peace in Karachi. It seems instead of depoliticizing police force further damage has been caused by the government by introducing their blue eyed persons in police force through lateral entries and then granting them retrospective seniority and out of turn promotions."

100. Subsequently, this Court reiterated, inter alia, the principle of declaring the law of out of turn promotion unconstitutional and void ab initio in the Contempt proceedings against Chief Secretary, Sindh (2013 SCMR 1752). The relevant para is reproduced as under:- "158. On the issue of out of turn promotions, the impugned enactments are discriminatory persons/class specific and pre-judicial to public interest, as it would be instrumental in causing heart burning amongst the police officers whose inter-se seniority and legitimate expectation of attaining upper ladder of career would be affected. The out of turn promotions to the police officers and other civil servants by virtue of Section 9-A would affect the performance of hundreds of thousands of the civil servants CRP.49/2016 etc 54 serving in the Sindh Government. The impugned instruments on out of turn promotions are neither based on intelligible differentia nor relatable to lawful objects and by the impugned instruments the entire service structure has been distorted, affecting the inter-se seniority between the persons, who are serving on cadre posts after acquiring job through competitive process and their seniorities were and are superseded by the powers granted to the Chief Minister through Section 9-A."

101. This Court also highlighted the pernicious effects of the conferment of out of turn promotions, at paras 161 and 162 (ibid):- "161.....The ultimate casualty of the impugned instruments would not only be the establishment of meritocratic public service but more ominously the certainty of law which undermines both legitimate expectancy individually among the civil servants as regards the smooth progression of their career, but also the overall administrative environment. Article 143 of the Constitution has been promulgated to harmonize and regulate the service of the civil servants from federal government and provincial governments on their opting for All Pakistan Unified Group/PSP. The impugned legislation would distort interse seniority of the civil servants not only within the province but also the federal civil servants. 162. The absorption and out of turn promotion under the impugned legislative instruments will also impinge on the selfrespect and dignity of the civil servants, who will be forced to work under their rapidly and unduly promoted fellow officers, and under those who have been inducted from other services/cadres regardless of their (inductees) merit and results in the competitive exams (if they have appeared for exam at all) and as a result the genuine/bonafide civil servants will have CRP.49/2016 etc 55 prospects of their smooth progression and attainment of climax of careers hampered, hence the impugned instruments are violative of Article 14 of the Constitution. The laws are made to achieve lawful object. The impugned legislative instruments do not advance this concept while conferring powers on the Chief Minister to grant out of turn promotions, on the contrary the unstructured discretion vested in him has infringed the valuable rights of the meritorious civil servants of legitimate expectancy of attaining climax of careers."

102. The Court then determined the unconstitutionality of the out of turn promotion and provided a direction for boosting the morale of police personnel at Paragraph 164 of the said judgment:- "164. We support that morale of police personnel be boosted, as intended in the aforesaid impugned legislations, and on their exhibiting exceptional acts of gallantry, they should be given awards and rewards on merits. In order to confer award or reward on the police officer for his act of gallantry the Sind Government will constitute a committee under Rule 8-B, to evaluate the performance of the police officer upon whom the proposed award or reward has to be bestowed. However, out of turn promotion in police force would not boost the morale of the police force, on the contrary by impugned legislative instruments granting out of turn promotion to police officers, has demoralized the force. This Court in the case of Watan Party reported in (PLD 2011 SC 997) has already directed the Sindh Government to depoliticize the police force. The out of turn promotions have engendered inequalities and rancor among the batch mates/course mates, rendering many of them junior/subordinate to their junior colleagues. Under section 9-A, the Sindh CRP.49/2016 etc 56 Government, has granted out of turn promotions to the civil servants, who do not belong to police force. By using the word 'Gallantry' in section 9-A of the Act of 1973, the legislature never intended to grant out of turn promotion to civil servants other than police force, but the Sindh Government has extended this benefit to civil servants. We for the aforesaid reasons stated hereinabove, are clear in our mind that the impugned legislations on the issue of out of turn promotion and grant of backdated seniority are violative of Articles of the Constitution referred to hereinabove and are liable to be struck down."

FILED TODAY

Deputy Registrar

29 MAY 2023. The Review Petitions were filed against the aforementioned judgment by the Sindh Government besides those who were aggrieved on their de-notification in terms of the directives contained therein. These Review Petitions were dismissed on 05.01.2015, by a three Member Bench of this Court, maintaining the findings recorded in the judgment reported in 2013 SCMR 1752. The judgment passed in Review Petitions is reported in 2015 SCMR 456. The learned Counsel for Petitioners raised a number of grounds challenging various findings of this Court, including the issue of out of turn promotion. Upholding the unconstitutionality and nullity of the legislative instrument pertaining to out of turn promotions, this Court recorded the following findings which are reproduced hereunder:-
OUT OF TURN PROMOTIONS. 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 Article 240, 242, 4, 8, 9 and 25 of the Constitution. Mr. Adnan Iqbal Chaudhry, CRP.49/2016 etc 57 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 un-constitutional. 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. "126. The contention of the learned ASC that the judgment of the High Court of Sindh relating to the out of turn promotion is still in field, therefore, he prayed for formulation of a Committee to scrutinize the cases of the Police Officers, who were given out of turn promotion, is without substance. We have already declared "out of turn promotion" as unconstitutional, therefore, after recording such findings, the need of forming a Committee under Rule 8-B for scrutinizing the cases of Police Personnel is of no significance. However, they could be awarded or rewarded compensation for their exceptional acts of gallantry."

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.

111. Yet another anomalous consequence of this argument is that while two identical provincial laws are enacted and acted upon and one province repeals the law while the other continues with its operations. Subsequently, the vires of the law that continues on the statute books is examined by the Court and its provisions have found to be inconsistent with the Constitution or Fundamental Rights with the result that the benefits conferred or availed thereunder, unless protected by the category of past and closed transaction, have to be reversed and its deleterious effects undone. This category, quite obviously, consists of the cases wherein 'out of turn promotion' was granted to individuals, pursuant to the judgments of the High Court, Service Tribunal and the Supreme Court. They shall remain intact unless reviewed. Even otherwise, it does not appeal to logic that in such a situation, while those benefitting from a law which continued to be on the statute book and eventually found to be ultra vires the Constitution would stand deprived of such illegal benefits, those continuing to enjoy the same under the omitted/repealed law in other Province would stand protected. If an illegal benefit was accrued or conferred under a statute, whether repealed (omitted) or continuing, and its benefits continue to flow in favour of beneficiaries of such an unconstitutional Act, and it is declared ultra vires, the benefits so conferred would have to be reversed irrespective of the fact that the conferring Act was still on the statute book or not. Where such an CRP.49/2016 etc 62 anomalous situation surfaces – i.e. where one province continues to countenance the benefits of an unconstitutional (though repealed/omitted) Act, while the other Provincial statute has been struck down on the same touchstone, and thereby determined whether those enjoying benefits pursuant to the repealed law are entitled to continue to do so, such reversal of benefits is imperative.

2018 SCMR 1218

69. Similarly, other argument advanced by the learned counsel for the parties was that the out of turn promotions were earned when section 8-A ibid was a valid law, and the rights created under the said law are protected in light of Article 264(c) of the Constitution, moreover, it was not the fault of the appellants/petitioners that they were promoted out of turn, so they have vested rights which need to be protected. This argument was also considered in Shahid Pervaiz's case (supra), and it was observed that: - "118. The contention of the learned Counsel that the effect of the aforesaid judgments which declares the concept of out of turn promotion unconstitutional cannot be extended to apply retrospectively on the cases where law granting out of turn promotions was omitted, is without force.

Insofar as the issue of examining the Intra Court Appeals No.4 of 2017 etc. -: 48 :- provisions of a repealed statute is concerned, such an exercise is carried out by Courts in routine in the context of section 6 of the General Clauses Act, as well as Article 264 of the Constitution of Pakistan. Whenever any right, obligation, privilege or liability acquired, accrued or incurred under the repealed law is raised, the Courts are necessarily required to examine the provisions of the repealed statute. Thus, there is neither any reason in principle nor any precedent which bars the Courts from examining the provisions of a repealed statute in a case pending before it on the touchstone of its inconsistency with the provisions of the Constitution or the Fundamental Rights, as enumerated in the Constitution. Any other conclusion would lead to the absurd consequences that while the statute remains on the statute book, the Courts can examine its vires but once it was repealed by a subsequent statute, its effect, even if ex facie inconsistent with the Constitution or Fundamental Rights goes beyond the realm of judicial review. If such were the effect of repeal, then all that would be required to create a protected class of legislation is promulgation of patently unconstitutional statutes creating rights in favour of certain interested persons which though completely destructive of the Fundamental Rights of others, stood protected behind an impenetrable wall by the mere repeal of the statute through such unconstitutional Act. Such would not only be a fraud upon the statute but would be completely destructive of the rule of law and constitutional governance. Thus, there is no reason which compels the Court to sustain such an absurd proposition. As and when a repealed statute is invoked or raised in support of any claim, right, office or act, before the Court, the Court would always be entitled to

FILED TODAY

Deputy Registrar

29 MAY 2023

examine its validity on the touchstone of the Constitution and Fundamental Rights. We have not been able to discover any instance from our own history as well as that of other legal systems with entrenched judicial review on the Intra Court Appeals No.4 of 2017 etc. -: 49 :- touchstone of the Constitution, where the Courts have refrained from examining the vires of the statute on the mere ground that at the time of review such law stood repealed by a subsequent statute."

71. When the very concept of out of turn promotion was declared to be unconstitutional then the exception created in Para 111 could not be said to be extended to the in service employees whether they had any judicial verdict in their favour or not. They were not protected under the doctrine of past and closed transaction as observed above. Moreover, no such protection was provided in the cases of Contempt Proceedings against the Chief Secretary Sindh (Supra) and Ali Azhar Khan Baloch (Supra), which were required to be followed by all the provinces to streamline the civil service structure. It would not be justified if any such benefit were to be extended to the employees of the Punjab Police. Although no one has sought review of this exception and the judgment in Shahid Pervaiz's case (supra) was already passed under the review jurisdiction. Second review is barred by law and no party can now approach this Court for a second review, however, this Court has absolute power to re-visit its earlier judgments/orders by invoking its Suo Motu Jurisdiction under Articles 184(3), 187 or 188 of the Constitution. This Power is not dependant upon an application of any party and it was so held in the case of Khalid Iqbal Vs. Mirza Khan (PLD 2015 SC 50), in the following words:- "12. The question of maintainability of the 2nd Criminal Review Petition on the ground that this Court has to do complete justice by invoking Article 187(1) of the Constitution is also misconceived. The provisions of Article 187(1) cannot be attracted in the present case, as this Court has already recorded findings against the petitioner by the Judgment dated 28-2-2001, against which review was also dismissed and there was no 'lis' pending before this Court warranting exercise of its Intra Court Appeals No.4 of 2017 etc. -: 51 :- jurisdiction under Article 187(1) of the Constitution, besides Rule 9 of the Order XXVI of the Supreme Court Rules, bars 2nd Review Petition. There is a distinction between right of a party to approach the Court and jurisdiction of the Court to do complete justice on its own. Once this Court has finally determined the right of the petitioner in the judgment dated 28-2-2001, holding him guilty, the petitioner through 2nd Review Petition, cannot re-agitate it. If such a Review Petition is allowed to be entertained, it will land in a situation where findings of this Court against a party will never attain finality. 13. This, however, does not mean that the jurisdiction of this Court is barred by any restriction placed by the Constitution; there is no Article in the Constitution which imposes any restriction or bar on this Court to revisit its earlier decision or even to depart from them, nor the doctrine of stare decisis will come in its way so long as revisiting of the judgment is warranted, in view of the significant impact on the fundamental rights of citizens or in the interest of public good. ... On perusal of the paragraphs referred to hereinabove, we can safely reach a conclusion that this Court has absolute powers to re-visit, to review and or to set aside its earlier judgments/orders by invoking its Suo Motu Jurisdiction under Articles 184(3), 187 or 188 of the Constitution. The Powers of this Court to exercise its inherent jurisdiction under the above referred Articles of the Constitution are not dependant upon an application of a party." The same view has been reiterated in a recent judgment dated 5.1.2018 passed in the case of Syed Shabbar Raza Rizvi Vs. Federation of Pakistan (Const.P.No.1/2016). Intra Court Appeals No.4 of 2017 etc. -: 52 :-

72. The acts of gallantry in no way justify out of turn promotions. However, in order to increase the morale of the police personnel, we support the proposition that on exhibiting exceptional acts of gallantry, they should be given awards and rewards on merits and this concept is in line with the spirit of Article 259 (2) of the Constitution.

76. Keeping in view the above we hold as under:- i. The exception, created in para No.111 of the Shahid Pervaiz's Case (Supra) read with para No.143 thereof, wherein the protection was extended to the category of cases "wherein 'out of turn promotion' was granted to individuals, pursuant to the judgments of the High Court, Service Tribunal and the Supreme Court", is hereby withdrawn by exercising Suo Moto Review Jurisdiction; ii. The Intra Court Appeals filed against judgment dated 29.03.2017 and the Criminal Original Petitions filed for violation of judgment dated 30.12.2016 are dismissed. Furthermore, the Review Petitions filed against judgment dated 29.03.2017 are also dismissed. As the main cases have been decided hereinabove, the applications for impleadment as party are dismissed; iii. The Criminal Original Petition No. 96/2017 filed for violation of order dated 08.12.2016 is disposed of with the direction that the Punjab Service Tribunal shall proceed to decide the cases of the petitioners pending before it expeditiously, preferably within a period of two months of the decision of this case; iv. It would be open to the government to frame rules providing a Sports Group within the police in order to encourage sports but it will not form part of the regular police force and the members of Sports Group shall not be assigned field posting, and will only be restricted to their specialized Group; as already observed in Shahid Pervaiz's case (supra); Intra Court Appeals No.4 of 2017 etc. -: 55 :- v. The I.G.P, Punjab, the Home Secretary, Punjab, and the Secretary, Establishment Division, are directed to comply with the judgment, by fixing the seniority of all the Police Officers/Officials who were given out of turn promotions along with their batch-mates, as if they were never given out of turn promotion; vi. For the purpose of compliance of this judgment, necessary D.P.C/Board, as the case may be, shall be immediately held and a compliance report be

FILED TODAY
Deputy Registrar
29 MAY 2023

submitted to the Registrar of this Court for our perusal in Chambers within a period of one month. The Advocate General, Punjab, and the learned Attorney General for Pakistan shall communicate the directives of this Court to the relevant authorities.

- 3. Correct to the extent of creation of separate establishments of KP Police Force. Nevertheless, the overall scheme of the Police Rules, 1934 envisage the police force one indivisible body possessing various establishments performing the assigned functions such as District Police, Police Training Center, Crime Branch, Special Branch, Reserve Police and so on. Each of these establishments is in fact integral part of the police force, and under no rules of construction they can be construed as separate or independent Cadres. Moreover, all the establishments, other than the executive police establishment, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion.
- 4. Pertains to the extent of promulgation of Standing Order No. 2 of 1988.
- 5. Pertains to record.
- 6. Correct to the extent of the then Recruitment Policy. However, the same was promulgated in conflict with the Police Rules, 1934 which envisage that all the establishments, other than the executive police establishment, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion. This fact has been further clarified in the august apex court judgment reported in 2016 SCMR 1254, relevant para of which is reproduced below;

62. We are disturbed in the manner the powers were being exercised by the DIGs heading different establishments under the nose of the government, which was not only against the Police Rules but such practice has actually divided the Police Force. The establishments were created to facilitate the smooth working of the Police. There is no concept of cadre within the Police, which is one indivisible force. However, as referred to hereinabove the Police Rules prescribe three modes in recruiting the Police personnel. The first recruitment mode is appointment of the Executive Police, the second recruitment mode, which has a different set of Rules refers to appointment of technical District Police and the third mode brings the recruitment of the Inspectors / Sub-Inspectors Prosecution (Legal). There can be employees in the Police Department, which are non-uniformed like ministerial staff and / or I.T. Department but they are recruited and regulated by the Sindh Civil Servants Act, 1973 and the Rules framed thereunder.

- 7. The Standing Orders No. 1 & 2 of 1994 were promulgated erroneously and inconsistent with the Police Rules, 1934 wherein Rule 1.3, under which different establishments were made in the Police Force to facilitate the smooth working, was misconstrued. By flawed assumption of the powers under the Standing Orders or otherwise, the DIGs, who were heading the establishments construed the establishment as Ranges. Additionally, all the administrative powers conferred on the Range DIG, i.e who heads the Executive Police Range, were encroached on by the heads of these establishments created under the Rule 1.4. The said DIGs of the establishments also started maintaining seniority and making recruitments to these establishments, in negation of the clear language of the Police Rules.
- 8. As already explained vide above para, under Police Rules, the District police/Range DIG, shall make selection of Police personnel for police training and practical training, and no other establishment shall be authorized to make such selection. The petitioners on the other hand undergone their requisite trainings as Out of Turn or with accelerated intervals enabling them to jump from their original colleagues and conferring them seniority far ahead from colleagues as Out of Turn Promotion. The same Out of Turn Promotions have been withdrawn by the department in compliance with Apex Court above mentioned Judgments.

FILED TODAY
 Deputy Registrar

29 MAY 2023

9. Pertains to the judgment of the Hon'ble Peshawar High Court. However, the Hon'ble Supreme Court of Pakistan in its Judgment reported as 2018 SCMR 1218 has declared illegal all Out of Turn Promotions granted earlier by the Supreme Court, High Court and Service Tribunal in the following terms;

76. Keeping in view the above we hold as under:- i. The exception, created in para No.111 of the Shahid Pervaiz's Case (Supra) read with para No.143 thereof, wherein the protection was extended to the category of cases "wherein 'out of turn promotion' was granted to individuals, pursuant to the judgments of the High Court, Service Tribunal and the Supreme Court", is hereby withdrawn by exercising Suo Moto Review Jurisdiction;

10. Incorrect, the hon'ble Supreme Court of Pakistan in its judgments in Civil Review Petition No. 193/2003 reported in 2015 SCMR 456 has highlighted that no right or obligation can accrue under an unconstitutional law. The petitioners erstwhile have been granted benefits under invalid rules/ law, hence, their case fall in the ambit of out of turn promotions deprecated by the Hon'ble Apex Court.

11. Incorrect and misconceived, the petitioner themselves admits that in consequence of the erroneous decision of the DSC, they were place in D and E list while their other colleagues of FRP remained in A, B & C lists. The petitioners on the other hand undergone their requisite trainings as Out of Turn or with accelerated intervals enabling them to jump from their original colleagues and conferring them seniority for ahead from colleagues as Out of Turn Promotion. The same Out of Turn Promotions have been withdrawn by the department in compliance with Apex Court above mentioned Judgments.

12. Incorrect, the hon'ble Supreme Court of Pakistan had started Suo Moto Contempt proceedings vide Crl.O. Petition No. 38/2021 regarding non-compliance of court orders concerning out of turn promotions of Police officials and vide its order dated 26.01.2023 had given period of one-month for implementation. Therefore, in compliance with the Order of the Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto Contempt proceedings vide Crl.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan and to avoid imposition of Contempt of Court by the hon'ble Supreme Court of Pakistan on Khyber Pakhtunkhwa Police, out of turn promotions of all the officials of Khyber Pakhtunkhwa Police who erstwhile had availed out of turn promotions were withdrawn.

13. As already explained vide above para, the letter dated 11.03.2023 was issued in compliance with the Order of the Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto Contempt proceedings vide Crl.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan to avoid imposition of Contempt of Court by the Hon'ble Supreme Court of Pakistan on Khyber Pakhtunkhwa Police. While personal hearing of petitioners was a rightful legal remedy for them.

FILED TODAY
Deputy Registrar
29 MAY 2023

14. Incorrect, the petitioners have been given proper opportunity of hearing vide CPO Peshawar letter No. 991/ Legal dated 11.03.2023(copy of the letter is attached as **Annexure-A**). Moreover, the letter dated 12.03.2023 had been issued in compliance with the Order of the Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto Contempt proceedings vide Crl.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan and to avoid imposition of Contempt of Court by the hon'ble Supreme Court of Pakistan on Khyber Pakhtunkhwa Police. Acts of the department are justified, lawful and legal.

- 15. In compliance with Order dated 26.01.2023 of the Hon'ble Supreme Court of Pakistan in Suo Moto Contempt proceedings vide CrI.O. Petition No. 38/2021 and in pursuance of Judgments passed by the 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 CPO, Peshawar 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 basis or otherwise belonging to different Units, Regions & Districts across the board 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.
- 16. Irrelevant, needs no comments.
- 17. Correct to the extent that after issuance of withdrawal Orders of Out of Turn Promotions, Writ Petitions have been filed in the Hon'ble Peshawar High Court, Peshawar by virtue of which Court has granted interim relief in the shape of Restraining Orders/ Suspension Orders to the petitioners (Out of Turn beneficiaries) and in this regard, Khyber Pakhtunkhwa Police is defending these Writ Petitions at various Judicial forums.
- 18. That the petitioners have been dealt in accordance with law and in compliance of the judgments of the Hon'ble Supreme Court of Pakistan pertaining to out of turn promotions. Therefore, the instant petition is not maintainable at this Forum being a matter of terms and conditions of service for which the Hon'ble High Court is barred by Article 212 of Constitution of Islamic Republic of Pakistan 1973. Furthermore, the Apex Court has in plethora of Judgments has declared that a Civil Servant cannot approach the Hon'ble High Courts, in matters of terms and conditions of services. In this regard the relevant Paras of 2013 SCMR 1752 and 2015 SCMR 456 are (annexed as Annexure "B") the instant Writ Petition being not maintainable may be dismissed on the following grounds:-

GROUNDS:

- A) Incorrect, the respondent department has issued withdrawal orders of all the Khyber Pakhtunkhwa Police officials across the province who erstwhile have availed out of turn promotions in compliance with the directions of the august apex court. Therefore, act of the respondents is in accordance with principle of justice.
- B) Incorrect, the respondent has issued withdrawal orders of out of turn promotions of Khyber Pakhtunkhwa Police in compliance with Order of the 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 and to avoid imposition of Contempt of Court by the hon'ble Supreme Court of Pakistan on Khyber Pakhtunkhwa Police. Therefore, no illegality and malafide on part of respondents is involved.
- C) Incorrect, already explained vide above para.
- D) The petitioners' case falls within the definition of out of turn promotions declared illegal and unconstitutional by the august apex court once for all in its landmark judgments reported 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.
- E) The matter of out of turn promotions has been decided once for all by the august apex court.


FILED TODAY
[Signature]
Deputy Registrar

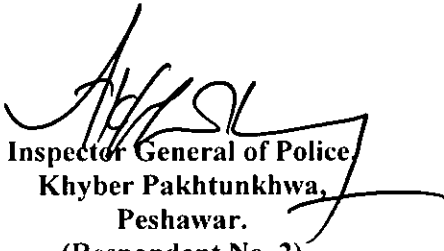
29 MAY 2023

- (10)
- F) Incorrect and misleading, out of turn selection to trainings and promotions thereof of officials of Sindh Reserve Police has been declared illegal by the august apex court in its judgment reported in 2016 SCMR 1254. The petitioners by virtue of similar establishment i.e. Frontier Reserve Police have availed erroneous promotions.
- G) Incorrect, the Memo dated 08.02.2021 has been declared redundant in the wake of CPO Peshawar subsequent directions issued vide Memo. No. CPO/ CPB/ 75 dated 14.02.2023(copy of the letter is attached as **Annexure-6**).
- H) Incorrect, the respondent department acted in compliance with the directions of the hon'ble Supreme Court of Pakistan. Therefore, no provision of the Constitution has been violated.
- D) Incorrect, one-time withdrawal orders of out of turn promotions of the petitioners have been issued in compliance with judgments of the hon'ble Supreme Court of Pakistan and its Order dated 26.01.2023 in Suo Moto Contempt proceedings vide CrI.O. Petition No. 38/2021 and contention of multiple jeopardy is misleading.
- J) The respondent department may also be allowed to adduce additional grounds at the time of hearing before the Hon'ble court.

PRAYERS

Keeping in view the above submissions and for the fact that the petitioner's absorption in Khyber Pakhtunkhwa Police as deprecated by the judgments of the hon'ble Supreme Court of Pakistan has been withdrawn by the respondent in the first instance to avoid imposition of Contempt of Court by the hon'ble Supreme Court of Pakistan on Khyber Pakhtunkhwa Police vide CrI.O. Petition No. 38/2021, the instant writ petition, being devoid of merits, not maintainable and barred by law, may kindly be dismissed with costs, please.

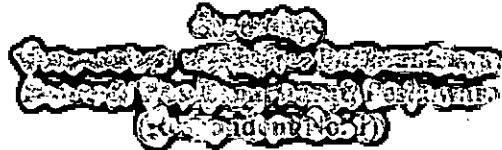

Commandant, FRP,
Khyber Pakhtunkhwa
(Respondent No. 6)


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

FILED TODAY

Deputy 

29 MAY 2023



BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 1289-P/2023.

Tayyab Jan and others(Petitioners)

VERSUS

Govt: of Khyber Pakhtunkhwa etc..... (Respondents)

AFFIDAVIT

I, Muhammad Tariq Usman Acting DSP/ Legal CPO, Peshawar (BPS-17) do hereby solemnly affirm on oath that the contents of Para-wise comments on behalf of respondent No. 2 & 6 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Court.

DEPONENT

(MUHAMMAD TARIQ USMAN)

Acting DSP/ Legal,
CPO, Peshawar.
14202-2175088-1
0332-0538618

Identified by

Advocate General,
Khyber Pakhtunkhwa,
Peshawar.

FILED TODAY

Deputy Registrar

29 MAY 2023

No. 39262

Certified that the above was verified on solemnly affirmation before me in office, this 26 day of May 2023 by M. Tariq Usman s/o DSP to Peshawar who was identified by A.R.

Who is personally known to me:

Oath Commissioner
Peshawar High Court

AUTHORITY LETTER

(Bps-17)

Mr. Muhammad Tariq Usman Acting DSP/ Legal, CPO, Peshawar is authorized to defend the writ petitions and submission of Para-wise comments/replies in Hon'ble Peshawar High Court, Peshawar on behalf of undersigned.



**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**

(13)

'A'



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar.

No. 991 / Legal

dated the 11 / 03 / 2023.

To: All Regional Police Officers/ CCPO, Peshawar.
Khyber Pakhtunkhwa.

All Head of Units/ DIG Operations
Khyber Pakhtunkhwa.

Subject: PERSONAL HEARING OF POLICE OFFICIALS/ OFFICERS FALLING UNDER THE
AMBIT OF OUT OF TURN PROMOTIONS

Memo:

Giving personal hearing to address the grievances of Police officials/ officers is part and parcel of Police Department for their redressal, in most impartial and transparent manner.

2. Keeping in view the above, it is being requested to give personal hearing to all those Police officials/ officers who availed out of turn promotions in their respective regions positively for tomorrow i.e. on 12th March, 2023. In this regard Police officials/ officers who availed out of turn promotions and are borne at lists A, B & C will be heard by respective District Police Officers whereas officers enlisted to lists 'D' & 'E' will be heard by concerned Regional Police Officers. Rest of officers on list 'F' and above will be heard at CPO who shall be informed by the concerned RPOs/ DPOs offices. Therefore, necessary arrangements may be made for tomorrow on 12th March, 2023 regarding compliance on urgent basis.

3. Furthermore, all officers borne on 'F' list and other officers from the rank of Inspector and above will be heard by Deputy Inspector General of Police, Operations, Khyber Pakhtunkhwa who will be assisted by DSP/ Legal, CPO, Peshawar.

4. All officers being heard shall be bound to sign the attendance sheets and proceedings of such hearings should be shared with office of AIG/ Legal, CPO Peshawar by 13th March, 2023.

The matter should be treated as Most Immediate, please.

(RIZWAN MANZOOR) DSP
Deputy Inspector General of Police, NO-
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

C.C

- Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- PSO to W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- DSP/ Operations, CPO, Peshawar with direction to circulate to all concerned.
- DSP/ Legal, CPO, Peshawar.

Attended
DL
DSP/ Legal

(14)

'B'

MAINTAINABILITY

(2013 SCMR 1752)

177. Before parting with the judgment, we are surprised if not shocked to see that the Sindh High Court has entertained a Civil Suit No.102 of 2013 filed by Mirza Shahbaz Mughal relating to out of turn promotion, which is one of the issues pending adjudication before this Court. In this respect the background is that a Criminal Misc.Application No.278/2013 was filed by Syed Mehmood Akhtar Naqvi, in which he has given brief story of Shahbaz Mughal, who was appointed ASI on 29.01.1996 and promoted as Sub-Inspector on 17.12.2001 and was confirmed as Sub-Inspector on 18.12.2003. He was promoted as Inspector on 26.04.2004 on adhoc basis with the condition that he will not claim seniority over his seniors and will retain his original position in the promotion list and his promotion will be regularized on his turn alongwith his batch mates vide order dated Crl.Org.P.No.89/11 etc. 134 18.02.2009. However, he was promoted out of turn on adhoc basis as DSP in his own pay and scale. An application was made to the Chief Minister by his mother and his seniority was fixed and regularized on 01.04.2011. On the intervention of this Court on 03.09.2012 out of turn promotion granted to him along with Hamid Ali Bhurgari and Abdul Jabbar Khan and their interse seniorities were revised and he was reverted to his original rank of Sub Inspector.

181. In fact, order of the nature has disturbed us and in such like situation earlier this Court has passed orders when the Sindh High Court entertained Constitutional Petitions and suspended Notifications of the Sind Government which were issued under the directives of this Court. AG office has also failed to discharge its duties by not bringing the real facts to the notice of the Sind High Court, which has resulted in suspension of the Notification. In any event the proceedings in Suit will be regulated by the findings in these proceedings.

Attested
Dil
DSP/1640

MAINTAINABILITY

(2015 SCMR 456)

WHETHER A CIVIL SERVANT CAN APPROACH THE HIGH COURT OF SINDH
IN A SUIT OR IN CONSTITUTION PETITION IN RELATION TO TERMS AND
CONDITIONS OF HIS SERVICE

140. We have noticed that since more than a year, the High Court of Sindh has been entertaining Civil Suits of Civil Servants relating to their terms and conditions of service. This issue was taken note of by us in our orders dated 30-8-2012 (in Cr.Misc. Applns No. 42-K of 2012 and others) and 3-1-2014 (in Civil Petition No. 345-K of 2013), relevant portions of which are reproduced below:-- "We have heard the learned Advocate Supreme Court, learned AAG and Secretary Services and have also perused the record. It is an admitted fact that the applicant is on deputation and issue of right of audience of a deputationist has been fully dealt with in the Judgment dated 10-1-2011 of this Court in Civil Petition No.802-K of 2011. The Applicant after the Judgment of this Court dated 10-1-2011 and order of this Court passed on 2-5-2012 did not relinquish the charge and challenged the notification of his repatriation before Sindh High Court, which notification was issued on 2-5-2012 pursuant to the directives of this Court and obtained status-quo order. The High Court, in exercise of its Constitutional jurisdiction, could not pass an order of status quo in respect of a notification (No.S.O.II (SGA&CD)1-169 dated 2-5-2012, which on the face of it shows that it was issued by the Government of Sindh in strict compliance of the order of the Supreme Court dated 2-5-2012. However, a learned Division Bench of the High Court of Sindh in an unprecedented manner, in violation of Article 189 of the Constitution, not only entertained the petition of the applicant praying therein for such relief and passed such order, but repeated this illegality by passing similar orders in some other petitions. It seems that the respondents in these cases were also passively party to such illegality as they did not respond to such illegality by raising such objection, which was otherwise evident from the very language of the said notification. We expect that in future the High Court of Sindh would be vigilant while entertaining petitions of such nature. A copy of this order may be sent to the Registrar, High Court of Sindh for perusal of the Honourable Chief Justice of the High Court and its circulation amongst other Honourable Judges of the High Court of Sindh." Civil Petition No. 345-K of 2013 "The issue of intervention of Sindh High Court in service matters has also been noticed by this Court on 20-12-2013 in Civil Petition No. 1927 of 2013 whereon a Misc. Application bearing No. 7632/2013, following order was passed:- "(3) Subject to all just exceptions, this C.M.A. is allowed. (4) We have noted with concern that off late interference has been made by the High Courts in exercise of jurisdiction under Article 199 of the Constitution notwithstanding the Constitutional bar contained in Article 212 of the Constitution. In the referred circumstances, we are persuaded to direct the Registrar, High Court of Sindh, Karachi, to give a detail list of all those pending cases in which order of a departmental authority in a service matter has been challenged and stay has been granted. The report shall be submitted within two weeks of the receipt of this order." (7) We have been provided with a list of the suits and Constitutional Petitions relating to service matters of the police officers pending in the Sindh High Court and in many of these cases, interim orders have been passed. We are further informed that pursuant to the judgment of this Court referred to hereinabove the Inspector General of Police, Sindh, has issued a Standing order to re-fix the seniority position of different police officers on their demotion in line with the findings of the judgment of this Court and in a suit bearing No.970 of 2013, the Sindh High Court has suspended the operation of said Standing Order, as a result of which the Sindh Government cannot fix seniority position of the police officers, which run in many thousands. (8) The learned Additional AG further informed us that pursuant to suspension of operation of the Standing Order, many police officers who were sent on training had to be withdrawn and some of them

*Attested
All
osp/kepo*

had filed different Constitution Petitions, which included Petitions Nos.4414 of 2013, 4447 of 2013, 4722 of 2013 and 4775 of 2013, impugning their withdrawal from police training and the learned Division Bench of Sindh High Court has directed them to become party in the suit in which interim orders were passed. (9) Prima facie, we fail to understand as to how could the Sindh High Court while exercising jurisdiction as a Civil Court under Civil Procedure Code or even under the Constitution can overlook the provisions of Article 212 of the Constitution, which bars their jurisdiction. Besides, pursuant to the judgment of this Court neither a party can approach the Sindh High Court directly nor the latter can entertain any proceedings either on the Original side or under Article 199 of the Constitutional jurisdiction on any of these issues decided by this Court. Moreover, seniority of a Civil Servant relates to the terms and conditions of a Civil Servant and the Service Tribunal has the jurisdiction to decide it. (10) We are also surprised to notice that inspite of the specific directions contained in the judgment of this Court, which judgment was ordered to be circulated amongst the learned Judges, the Suit No. 102 of 2013 is still pending with interim order, which is violative of Article 189 of the Constitution. We are disturbed to notice that Sindh High Court has assumed the jurisdiction of Sindh Service Tribunal and is entertaining civil suits and Constitution petitions overlooking the bar contained under Article 212 of the Constitution. (11) In these circumstances, we feel it more appropriate that this petition and the list of cases submitted by Mr. Ali Sher Jakhriani, AIGP, Legal, through Mr. Muhammad Sarwar Khan, Additional AG, Sindh, be placed before the Honourable Chief Justice of Pakistan, for his kind perusal and passing appropriate orders, which may be taken up along with Petition No. 1927 of 2013 in which a directive was issued by this Court to the Registrar of Sindh High Court to submit a list of pending cases relating to service matters, as reproduced hereinabove, so that the parameters under which High Court while exercising jurisdiction either under C.P.C. or the Constitution, can be determined and issue be settled once for all and or in the alternative the issue can be taken up along with the Review Petition filed by the Sindh Government against the referred judgment of this Court, as the intervention of the nature by the High Court would defeat the effect of the judgment of this Court and the beneficiaries of the instruments which were declared ultra vires of the Constitution should be dealt with in terms of the judgment of this Court without loss of time. Prima facie, beneficiaries of the instruments which were declared ultra vires of the Constitution through the different proceedings initiated by them in the Sindh High Court in fact have attempted to defy the judgment of this Court and are liable to be proceeded against for committing wilful contempt."

*Approved
 All
 DSP/16-epo*

141. Besides the aforesaid orders, even in the judgment under review, we have observed as under:-- "177. Before parting with the judgment, we are surprised if not shocked to see that the Sindh High Court has entertained a Civil Suit No. 102 of 2013 filed by Mirza Shahbaz Mughal relating to out of turn promotion, which is one of the issues pending adjudication before this Court. In this respect the background is that a Criminal Misc.Application No.278 of 2013 was filed by Syed Mehmood Akhtar Naqvi, in which he has given brief story of Shahbaz Mughal, who was appointed ASI on 29-1-1996 and promoted as Sub-Inspector on 17-12-2001 and was confirmed as Sub-Inspector on 18-12-2003. He was promoted as Inspector on 26-4-2004 on ad hoc basis with the condition that he will not claim seniority over his seniors and will retain his original position in the promotion list and his promotion will be regularized on his turn along with his batch mates vide order dated 18-2-2009. However, he was promoted out of turn on ad hoc basis as DSP in his own pay and scale. An application was made to the Chief Minister by his mother and his seniority was fixed and regularized on 1-4-2011. On the intervention of this Court on 3-9-2012 out of turn promotion granted to him along with Hamid Ali Bhurgari and Abdul Jabbar Khan and their inter se seniorities were revised and he was reverted to his original rank of Sub-Inspector. 178.
 179.
 180.
 181. In fact, order of the nature has disturbed us and in such like situation earlier this Court has passed orders when the Sindh High Court entertained Constitutional Petitions and suspended Notifications of

the Sindh Government which were issued under the directives of this Court. AG office has also failed to discharge its duties by not bringing the real facts to the notice of the Sindh High Court, which has resulted in suspension of the Notification. In any event the proceedings in Suit will be regulated by the findings in these proceedings."

142. The High Court of Sindh, overlooking the aforesaid observations, has continuously entertained the Civil Suits and Constitutional Petitions in defiance of Article 189 of the Constitution. We did communicate to the High Court of Sindh through the Registrar that the High Court of Sindh does not have jurisdiction over the aforementioned issues and that a Civil Servant can only approach the Services Tribunal for redress of his grievances, but this direction has not been cared about by some of the learned Judges, overlooking the provisions of Articles 175, 189 and 212 of the Constitution. 143. Section 9 of Civil Procedure Code confers general jurisdiction upon Courts to try all suits of civil nature. In order to appreciate the scope of section 9 of C.P.C., the same is reproduced herein under:-- "(9) Courts to try all Civil Suits unless barred. ---The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred. Explanation: A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies."

144. Civil Courts are Courts of ultimate jurisdiction with regard to a civil right, duty or obligation, unless their jurisdiction is either expressly or impliedly barred. Section 9 of the Code only confers jurisdiction upon Courts and does not grant a substantive right of action. The right of action is to be established by reference to the substantive law. After the promulgation of the Constitution of 1973, the jurisdiction of civil courts has been restricted in respect of the matters of Civil Servants relating to their terms and conditions of service. Article 240 of the Constitution in Part XII, Chapter-I deals with structure of Civil Services. Pursuant to Articles 240 and 242 of the Constitution, the Sindh Assembly promulgated Sindh Civil Servants Act, 1973, on 5th December 1973, to regulate the appointment of persons to, and the terms and conditions of service of persons in the service of Pakistan in connection with the affairs of the province of Sindh. The language of the preamble is reproduced hereunder:-- "To regulate the appointment of persons to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sindh. WHEREAS it is expedient to regulate by law, the appointment of persons, to, and the terms and conditions of service of persons in, the service of Pakistan in connection with the affairs of the Province of Sindh and provide for matters connected therewith or ancillary thereto:"

Attested
All
DS/1640

145. The Preamble to the Civil Servants Act, in fact, reflects the language of Article 240 of the Constitution. On the 5th December, 1973, the Sindh Assembly also promulgated the Sindh Service Tribunals Act, 1973 by which Service Tribunal was established to exercise jurisdiction in respect of matters relating to the terms and conditions of service of Civil Servants. The Preamble to the Sindh Service Tribunals Act is reproduced herein under:-- "Whereas, it is expedient to provide for the establishment of Administrative Tribunals, to be called Service Tribunals, to exercise exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants, and for matters connected therewith or ancillary thereto:"

146. Section 3(2) of the Service Tribunal Act provides that the Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of Civil Servants, including the disciplinary matters. In other words, the jurisdiction of all other Courts is barred by the provisions of the Sindh Service Tribunals Act, 1973, read with Article 212 of the Constitution.

147. Section 4 of the Service Tribunals Act provides Civil Servant with the right of filing an Appeal before the Tribunal, subject to the qualifications provided therein.

148. In this background, all the Civil Courts, including a Judge (in Chambers) of High Court of Sindh, exercising jurisdiction on the original side as a civil court under C.P.C. cannot entertain a civil suit of a civil Servant relating to the terms and conditions of his service. The exercise of jurisdiction by the High Courts is conferred under Article 175(2) which reads as under:-- "175(2) No Court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law." 149. Article 212 of the Constitution ousts the jurisdiction of High Courts and civil Courts in respect of the matters pertaining to terms and conditions of civil servants. In other words, the provisions of Article 212 do not confer a concurrent jurisdiction to civil Courts, High Courts and Tribunals. The ouster contemplated under the said Article is a Constitutional command, and, therefore, of necessity restricts the jurisdiction of civil courts and High Courts on the subject, which squarely falls within the exclusive domain of Tribunals.

150. The High Court of Sindh has completely overlooked the intent and spirit of the Constitutional provisions relating to the terms and conditions of service, while entertaining Civil Suits and constitution petitions filed by the civil servants, which are explicitly barred by Article 212. The expression 'Terms and Conditions' includes transfer, posting, absorption, seniority and eligibility to promotion but excludes fitness or otherwise of a person, to be appointed to or hold a particular post or to be promoted to a higher post or grade as provided under section 4(b) of the Sindh Service Tribunals Act, 1973. Surprisingly, it has been ignored that it is, by now, a settled principle of law that the civil and writ jurisdictions would not lie in respect of the suits or petitions filed with regard to the terms and conditions of Civil Servants, and yet some of the learned Judges of High Court of Sindh have erroneously exercised both civil and writ jurisdictions with regard to the terms and conditions of civil servants.

151. We, for the aforesaid reasons, conclude that the exercise of jurisdiction by way of suit and Constitution petition filed by a civil Servant with regard to his terms and conditions of service is violative of Articles 175, 212 and 240 and the law.

152. During the present proceedings, we were informed by the learned Additional Advocate General Sindh and other petitioners that the Civil Servants have filed suits and petitions before the High Court of Sindh on the subject, which was conclusively determined by this Court in its judgment under review. We called for the list of the Constitution Petitions as well as of the suits which were filed before the High Court of Sindh, and we are shocked to notice that numerous petitions and suits filed by the Civil Servants were pending and in some cases even restraining orders had been passed in the matters strictly falling outside the ambit of the suit or writ petition and the only and proper forum available in such cases was the Tribunal.

153. More alarmingly, we also observed that some of the suits and petitions were clearly in violation of the principles set by this Court in the judgment under review. The admission of these suits and petitions by the learned Judges concerned obviously confront and defy Article 189, if not attract the provisions of Article 209 of the Constitution.

154. Hence, the suits and C.Ps which have been filed by the officers who were de-notified by the Sindh Government in compliance with the judgment under review, shall stand abated as the High Court of Sindh lacks the jurisdiction to hear such suits and C.Ps. in view of the bar under Article 189. However, the plaintiffs or petitioners, whose suits or CPs stand abated by this judgment can approach this Court, if he has not filed Review Petition earlier.

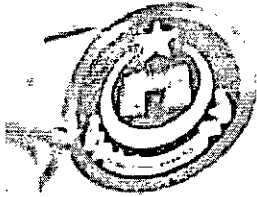
155. The second category of the Petitions relates to the Civil Servants, who have filed Petitions or Suits against orders of departmental authorities which have no nexus with the findings of the judgment under review. The list provided to us by the Registrar reflects that the Civil Servants have filed as many as 2,278 Constitutional Petitions besides a substantial number of Suits in the High Court of Sindh in relation to their terms and conditions of service.

*Attested
D.W.
PSP/LCPD*

156. We direct the Hon'ble Chief Justice of the High Court of Sindh to constitute a Special Division Bench comprising Senior Judges of the Court to scrutinize the aforesaid Constitutional Petitions, in the light of the principles enunciated by this Court in these proceedings. In case, the learned Special Division Bench comes to the conclusion that the subject matter of the Constitution Petitions relates to the terms and conditions and or the disciplinary proceedings of the Civil Servants, they shall forthwith remit such Constitutional Petitions to the Sindh Service Tribunal or the Federal Service Tribunal, as the case may be.

157. Likewise, the Hon'ble Chief Justice of High Court of Sindh shall also constitute a Special Bench comprising the Senior Judge of the Court, who will examine the nature of Civil Suits filed by the Civil Servants and transfer them to the Sindh Service Tribunal or the Federal Service Tribunal, as the case may be, in case such suits pertain to the terms and conditions of their service including disciplinary proceedings, forthwith under intimation to this Court. The Federal Service Tribunal or the Sindh Service Tribunal, on receipt of the R&PS of the Constitution Petitions or Suits, shall treat them as Appeals deemed to have been filed before them on the date when presented before the High Court of Sindh and decide them in accordance with law. The question of limitation, if involved, will be considered by the respective Tribunals, in accordance with law, in the peculiar facts and circumstances of the cases.

Attested
Dil
DSP/12-CPD



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

No. CPO/CPB/ 75

Dated Peshawar 14 February, 2023

COURT MATTER
MOST IMMEDIATE

To: All Heads of Unit Police,
Khyber Pakhtunkhwa,
The Regional Police Officers,
Malakand, Mardan, Hazara, Kohat and Banna.
The Capital City Police Officer,
Peshawar.

Subject: COLLECTION OF DATA OF POLICE OFFICERS FALLING UNDER THE
DEFINITION OF OUT OF TURN PROMOTION.

Memo: Please refer to this office letter No. CPO/CPB/45, dated 27.1.2023 on the subject noted above.

Perusal of record available with CPO and the reports coming from your range reveal that there is an urgent need to personally examine case of each and every police officer who is deemed to have been promoted out-of-turn.

2. You are, therefore requested to ensure that:-

i) Case of each police officer is examined afresh carefully with a view to ascertain as to whether or not his/her promotion falls under the definition of out-of-turn promotion provided in the following judgments of the Supreme Court of Pakistan:-

- i). 2013 SCMR 1752
- ii). 2015 SCMR 456
- iii). 2016 SCMR 1254
- iv). 2017 SCMR 206
- v). 2018 SCMR 1218

Note: copies of the judgments are being emailed to your Establishment Branch as a ready reference and perusal.

ii) Those orders of promotion / confirmation are identified and recorded in your replies / reports with a certified copy of the same attached therewith.

iii) A comprehensive reports on the line stated above may be submitted to this office by 20/02/2023.

Encl:

Sample Proforma of DI Khan Region.

Encls: No. and dated even

1. Copy of above is forwarded for information to the:-
1. Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa.
3. Assistant Inspector General of Police, Legal, Khyber Pakhtunkhwa.
4. PSO to Inspector General of Police, Khyber Pakhtunkhwa.
5. PA to AIG/Establishment Khyber Pakhtunkhwa.

Sl
14/02/23
(SHAIKAT ABBAS) PSP
DIG/HQrs,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Sl
14/02/23
(SHAIKAT ABBAS) PSP
DIG/HQrs,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Attended
Sl
osp/kepo