

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	31.12.2015	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.1450/2013</p> <p style="text-align: center;">(Rehmat Ali-vs-Regional Police Officer, Malakand Regions, Saidu Sharif, Swat and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u></p> <p>Appellant with counsel (Mr. Arbab Saif-ul-kamal, Advocate) and Mr. Khawas Khan, S.I (Legal) alongwith Mr. Kabirullah Khattak, Assistant Advocate General for respondents present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act-1974 against the order dated 31.05.2013 of Respondent No. 1 whereby appellant was not confirmed at the rank of Sub Inspector. He prayed that on acceptance of this appeal, order dated 31.05.2013 of respondent No.1 be set aside and appellant be made confirmed as Sub-Inspector since 17.05.2011 with all service benefits, with further request that his name be brought on list "F" with consequential relief.</p> <p>3. Brief facts giving rise to the instant appeal are that appellant was initially appointed as Constable on 01.09.1977 and was promoted to the rank of Head Constable on 01.06.1986. He was further promoted to the</p>

rank of Assistant Sub Inspector (ASI) on 20.05.2001 and was then promoted to the rank of Sub Inspector on 17.05.2008. That the appellant was serving the Force in FRP, Malakand Region, Swat, so on 11.02.2011, he submitted application to Respondent No. 3 that being eligible and qualified, he should be confirmed as Sub Inspector and to bring his name also on list "F" as per standing order No. 6/2007 after passing Upper College Course from PTC, Hangu with distinction. He further stressed that he should be posted as SHO in any Police Station. The said application was remitted by Respondent No. 3 to SP Investigation for necessary action which was further remitted for the purpose to DIG Malakand Region, Swat. That DIG Malakand Region, Swat sought permission of Commandant FRP, Peshawar who gave permission vide order dated 24.02.2011. That on 11.4.2011, SP, FRP, Swat, informed DIG Malakand Region, Swat about the permission to post appellant as SHO in any Police Station which was further transmitted to DPO, Swat and SP Investigation, Swat for further necessary action. That on 16.05.2013, the aforesaid practice was repeated but on 31.05.2013, the case was filed regarding confirmation at the rank of Sub Inspector as appellant was neither posted as SHO nor Incharge Investigation Branch or Special Branch nor CID Branch, etc. That on 29.06.2013, appellant submitted representation before Respondent No. 2 for the aforesaid purpose but in vain, hence the instant appeal.

4. The learned counsel for the appellant argued that impugned orders dated 31.05.2013 of respondent No. 1 declining confirmation of the appellant in the rank of Sub-Inspector was illegal, without lawful authority and against available material on record hence not tenable. He

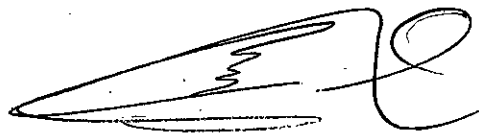
further argued that fulfillment of condition of posting as SHO of a Police Station as impediment in the way of confirmation of the appellant as Sub-Inspector was not attributable to the appellant as he had requested for such posting several times but was not obliged. He further questioned the legal status of standing order No 6/2007 and contended that the Hon'ble Tribunal and apex Supreme Court of Pakistan had given judgment wherein action of the authority declining confirmation of Police officials in the rank of Sub-Inspector on the strength of the said standing order were declared null and void and relief was given to the appellant. In this regard he relied on 1992 PLC (C.S) 944 and 2011 SCMR 408 and also referred to judgment of Service Tribunal dated 14.3.2012 in service appeal No. 1602/2010 titled "Naqibullah Khan" and prayed that being identical, the appeal may be accepted as prayed for.

RF 1

5. The learned Asst: AG resisted the appeal and relied on standing order 6/2007 read with Rules 10-13 of Police Rules, particularly Sub Rule, (2) thereof which required that no ASI shall be confirmed in a substantive vacancy in the rank of Sub-Inspector unless he has been tested for at least a year as an officiating sub-inspector in independent charge of a Police Station in a District other than that in which his home is situated. He further argued that every case had its own merits and relief on the strength of case of Naqibullah cited by the learned counsel for the appellant could not be extended in the instant case and prayed that the appeal being devoid of any merits maybe dismissed

6. Arguments of learned counsels for the parties heard and record perused with their assistance.

7. From perusal of the record and after hearing arguments of the counsels for the parties, it transpired that sole reason given by the respondents for non confirmation of the appellant as Sub Inspector was that the appellant had not been posted as SHO, nor Incharge Investigation or S.B or CID. The record is however silent on the attributes of efficiency or capability and hence depriving him from being confirmed in the rank of Sub-Inspector would tantamount to his deprivation from further career progression which was unjust and hence not justified. The appellant was not at fault by not having been posted Incharge of Police Station, Investigation, Special Branch, etc. which powers rest with the Competent Authority and subordinate officials cannot be punished for such administrative lapses on the part of relevant authority. In view of the foregoing, the Tribunal is of the considered view that the case of the appellant is on all fours with the case decided by this Tribunal vide judgment in the case titled, Naqibullah in service appeal No. 1602/2010 dated 14.03.2012 and therefore is inclined to accept the instant appeal, and set aside impugned order dated 31.05.2013. The respondent-department is directed to consider the appellant for confirmation from the due date with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record.



(PIR BAKHSH SHAH)
MEMBER



(ABDUL LATIF)
MEMBER

ANNOUNCED
31.12.2015


01.01.2015

Appellant in person and Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments on 24.06.2015.


Reader.

24.06.2015


Appellant in person and Asstt. AG for the respondents present. Counsel for the appellant was stated to be busy in the Hon'ble High Court. Therefore, case is adjourned to 19.08.2015 for arguments.


Member


Member

19.08.2015

Appellant with counsel and Mr. Khawas Khan, S.I (Legal) alongwith Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Abbottabad therefore, case is adjourned to 31-12-2015 for arguments.



Member

3. 09.01.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the original order dated 31.05.2013, the appellant filed departmental appeal on 29.06.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 09.10.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 03.04.2014.

Appellant Deposited
Security & Process Fee
Rs. 180/- Bank
Receipt is Attached with File.

Meh


Member

4. 09.01.2014

This case be put before the Final Bench I for further proceedings.


Chairman

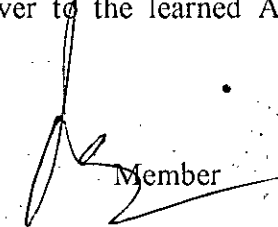
3.4.2014

Appellant in person and Mr. Khawas Khan, SI (Legal) on behalf of respondents with AAG present. Written reply received on behalf of respondents, copy whereof is handed over to the appellant for rejoinder on 4.7.2014.


Member

4.7.2014



Appellant with counsel and Mr. Khawas Khan, S.I (legal) for respondents with AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 01.01.2015.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1450 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	29/10/2013	<p>The appeal of Mr. Rehmat Ali resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	31-10-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-1-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Rehmat Ali Inspector received today i.e. on 09.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of the appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Law under which appeal is filed is not mentioned.
- 3- Annexures of the appeal may be attested.
- 4- Copy of order dated 24.2.2011 mentioned in para-3 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.
- 5- Appeal may be page marked according to the Index.
- 6- Order dated 31.5.2013 is illegible which may be replaced by legible/better one.
- 7- Five more copies/sets of the appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1430 /S.T,

Dt. 10/10 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Dear Sir
Objections are removed. The address of appeal will be corrected during hearing. The appeal is filed u/s 4 of the ST Act, 1974. Annexures are attached. Order dt 22/2/11 is placed as record. Pages are marked as per index. Order dt 31.5.13 is made legible & 5 more sets are submitted.

Submitted for further action.



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 1450/2013

Rehmat Ali

Versus

RPO, Swat & others.

I N D E X

S.No	Documents	Annex	P.No.
1.	Memo of Appeal		1-3
2.	Submission of application for confirmation as SI, 11.02.2011	"A"	4-6
3.	Permission for posting as SHO, 24.02.2011	"B"	7
4.	Further proceedings, 11.04.2011	"C"	8
5.	Filing of the case, 31.05.2013	"D"	9-10
6.	Representation, 29.06.2013	"E"	18-18

Dated. 9.10.2013

Through

Appellant



Saad Ullah Khan Marwat

Advocate.

21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph: 0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1456 / 2013

Rehmat Ali ~~XXXXXXXXXXXXXXXXXXXX~~
Reserve Inspector, FRP, Swat Appellant

Versus

1. Regional Police Officer, Malakand Regions, Saidu Sharif, Swat.
2. Provincial Police Officer, KPK, Peshawar.
3. Superintendent of Police, FRP, Malakand Region, Swat. Respondents

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
1455
09-10-13

⇔<=>⇔<=>⇔<=>⇔<=>⇔
APPEAL AGAINST OFFICE ORDER NO. 2815/E, DATED 31.05.2013 OF R.NO.1 WHEREBY APPELLANT WAS NOT CONFIRMED AT THE RANK OF SUB INSPECTOR.

⇔<=>⇔<=>⇔<=>⇔<=>⇔
Respectfully Sheweth;

1. That appellant was initially appointed as Constable on 01.09.1977 in the Force and was promoted to the rank of Head Constable on 01.06.1986. He was further promoted to the rank of Assistant Sub Inspector (ASI) on 20.05.2001 and was then promoted to the rank of Sub Inspector on 17.05.2008. On glorious performances, he was awarded with promotion on 01.06.2012 as Inspector, Cash prizes and 1st Class Certificates.

~~XXXXXXXXXXXXXXXXXXXX~~
9/10/13

2. That as appellant was serving the Force in FRP, Malakand Region, Swat, so on 11.02.2011, he submitted application to R.No.3 that being eligible and qualified, he should be

Re-submitted to 409 and filed.

~~XXXXXXXXXXXXXXXXXXXX~~
29/10/13

confirmed as Sub Inspector and to bring his name also on list "F" as per Standing Order No.6/2007 after passing Upper College Course from PTC, Hangu with distinction.

He further stressed that he should be posted as SHO in any Police Station. The said application was remitted by R.No.3 to SP Investigation for necessary action which was further remitted for the purpose to DIG Malakand Region, Swat. (Copy as annex "A")

3. That DIG Malakand Region, Swat sought permission of Commandant FRP, Peshawar who gave permission vide order dated 24.02.2011. (Copy as annex "B")
4. That on 11.04.2011, SP, FRP, Swat, informed DIG Malakand Region, Swat about the permission to post appellant as SHO in any Police Station which was further transmitted to DPO, Swat and SP Investigation, Swat for further necessary action. (Copy as annex "C")
5. That on 16.05.2013, the aforesaid practice was repeated but on 31.05.2013, the case was filed regarding confirmation at the rank of Sub Inspector as appellant was neither posted as SHO nor Incharge Investigation Branch or Special Branch nor CID Branch, etc. (Copy as annex "D")
6. That on 29.06.2013, appellant submitted representation before R.no.2 for the aforesaid purpose but in vain. (Copy as annex "E")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

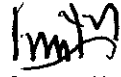

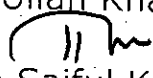
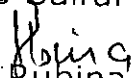
- a. That appellant made several requests, verbal as well as in writings to authorities to post him as SHO, etc in any Police Station but his such request was not acceded to for any reason.

- b. That appellant has no fault at his level but it was the authority who made deprived him from confirmation as Sub Inspector for no legal reason, yet appellant is entitled for confirmation as Sub Inspector as per Police Rules, 1934, Chapter 13, clause No.18.
- c. That Standing Order No.60/2007 has no legal value in the eyes of law.
- d. That not only this hon'ble Tribunal but also the apex Supreme Court of Pakistan has given verdicts in this repeat that lapses of the authorities by not posting someone as such should not be attributed to servant, so he is entitled for confirmation from the date of availability of the vacancy.
- e. That the impugned order is based on malafide and is against the law, rules, etc.

It is, therefore, most humbly prayed that on acceptance of appeal, order dated 31.05.2013 of R.No.1 be set aside and appellant be made confirmed as Sub Inspector since 17.05.2011 with all service benefits, with further request that his name be brought on list "F" with consequential relief.

Dated. 9.10.2013

Through


Appellant

Saad Ullah Khan Marwat

Arbab Saiful Kamal
&

Miss Rubina Naz,
Advocates.

جناب عالی :-

سائیل مورخہ 1977-09-01 کا نمبر 1 شدہ ہے۔ اور ایف کے

تک تعلیم یافتہ ہونے کے علاوہ سائیل نے سال 2006ء میں ایف کے کورس
PTC بنکر سے بی اے کے فزوں کے ساتھ پاس کر چکا ہے۔

جناب PPO صاحب صوبہ خیبر پختونخواہ ایف کے کے سٹڈنٹ آرڈر نمبر 06

سال 2007ء کے مطابق گریڈ "F" پر ترقی دینے کے واسطے Investigation
برائچ میں بحیثیت ایف کے SHO Investigation تمام ایک سال تعیناتی

فرم دی ہے۔ لہذا FRP کے اپنے ذرائع منصفی کے ساتھ ساتھ مذکورہ بالا

سٹڈنٹ آرڈر کے تحت عرصہ ایک سال کے واسطے Investigation برائچ

میں بحیثیت ایف کے ایف کے Investigation تعینات کرنے کا حکم صادر

فرم میں تو میری جانی ہوگی -

تاہم مستقبل میں میری ترقی کا عمل متاثر نہ ہو کر سائیل اپنے

حق سے محروم نہ ہو سکے۔ تاہم دعا گو رہوں گا۔

العارض

sdc/-

SI رحمت علی 362/M مقیم

ریزرو انسپکٹر ایف کے ایف کے سوات

11.2.11

EC

for n/a

sdc/ SP/FRP Sوات

11.2.11

Allah
by

ذخات عالیٰ
 فرسٹ مورچہ 01/09/1977 کا بھرنی شدہ ہے۔ اور ایف۔ ایس۔ کے تعلیم یافتہ ہونے کے علاوہ سیکرٹری
 نے سال 2006 میں ایس۔ ایف۔ کے کورس PTC منگوانے سے بھی اعلیٰ مسروں کے ساتھ مابین کر چکا ہے۔
 راجات PPO صاحبہ جسٹس ججوں خواہ تیار کے سٹڈنگ آرڈر ستمبر 06 سال 2007 کے مطابق
 رولٹ (F) برہنہ کے واسطے Investigation راج میں تحقیق ایس۔ ایف۔ کے مطابق
 SHO تھانہ ایک سٹیشن اعلیٰ مسروں کے لیے لکھا گیا ہے۔ اور ایف۔ ایس۔ کے اعلیٰ مسروں کے ساتھ مابین
 سٹڈنگ آرڈر کے تحت عرصہ ایک سال کے واسطے Investigation راج میں تحقیق ایس۔ ایف۔ کے مطابق
 Investigation اعلیٰ مسروں کے ساتھ مابین کر چکا ہے۔ اور ایف۔ ایس۔ کے اعلیٰ مسروں کے ساتھ مابین
 تیار مستحق میں برہنہ ترقی کا عمل متاثر نہ ہو کر سائل اے سے محروم نہ ہونے کے باعث متاثر نہ ہوگا

الغرض
 362/M
 ایف۔ ایس۔ کے اعلیٰ مسروں کے ساتھ مابین کر چکا ہے۔ اور ایف۔ ایس۔ کے اعلیٰ مسروں کے ساتھ مابین

ee
 Porula
 12/2/11

نسبہ علی
 12/2/11

5

11-2-11

Telephone & Fax No. 0946-9240253.

From: - The Superintendent of Police FRP,
Malakand Range Swat.

To: - The Superintendent of Police,
Investigation, Swat.

No. 169 /E, dated Saidu Sharif the 11/2 /2011.

Subject: - APPLICATION FOR POSTING AS INCHARGE INVESTIGATION.

Memorandum.

It is submitted for your kind information that Si Rahmat Ali No. 362/M posted as RI, FRP Swat has submitted the attached application stated therein that he has passed Upper Collage Course from P.T.C, Hangu but not remained posted as SHO as well as Incharge Investigation in the District being posted in FRP. He has further requested in his application that according to standing order No. 6/2007 issued by PPO, K.P.K., Peshawar, one year posting as Sub Inspector Incharge Investigating is sufficient for confirmation as SI in a substantive Rank, therefore he was ignored from such facilities time and again due to non posting as SHO as well as Incharge Investigation in the District. The applicant has applied for posting as Incharge Investigation in any Police Station in addition to his own duty in FRP, who is being posted on loan basis to Investigation Wing, Swat.

It is, therefore, requested that Si Rahmat Ali No. 362/M may kindly be posted as Incharge Investigation in any Police Station of Swat District, so that he may not be deprived from his legal rights please.

Superintendent of Police FRP,
Malakand Range Swat.

No. 170 /E,

Copy of above is submitted to the Worthy Adll: IGP/
Commandant FRP, K.P.K., Peshawar for information please.

Attested
by

Superintendent of Police FRP,
Malakand Range Swat.

6

17-2-11

From: The Superintendent of Police,
Investigation, Swat. +

To: The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif Swat.

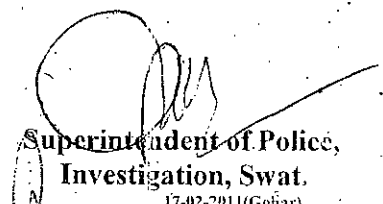
No. 948 /GB, Dated Saidu Sharif the, 17-2-2011.

Subject: APPLICATION FOR POSTING AS INCHARGE INVESTIGATION.

Memo:
It is submitted for your kind information that SP, FRP, Malakand Range has addressed this office for posting of SI Rahmat Ali Khan No. 364/M of FRP, Swat in a Police Station as C.I.O for fulfilling the formality of the standing Order No. 6/2007 issued by worthy Provincial Police Officer, K.P.K, Peshawar that one year posting as Sub Inspector Incharge Investigation is sufficient for confirmation as SI in substantive rank as he has been ignored from such facilities for the reasons that he was not posted as SHO/ C.I.O in the Police Stations. SP, FRP, Malakand Range has also posted the SI named above on loan basis to Investigation Wing, Swat for posting as Incharge Investigation.

It is, therefore, requested that necessary approval for posting as Incharge Investigation of the above named Officer may kindly be accorded, so that he may not be deprived from his such rights. Photo copy of letter No. 169/E, dated 11-02-2011 issued from SP, FRP, Malakand Range Swat is enclosed for ready reference please.

Attested
by


Superintendent of Police,
Investigation, Swat.
17-02-2011(Gohar)

B

7

22-2-11
24

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

To: The Superintendent of Police FRP,
Malakand Range

No. 1426 /EC dated, Peshawar, the 24.02.2011

Subject: APPLICATION FOR POSTING AS I/C INVESTIGATION

Memo: Reference your Encls. No. 170/E dated 11.02.2011

This is to inform you that your suggestion for posting of SI
Rehmat Ali in Investigation wing of District Swat in addition to his own duties
is hereby approved by the undersigned.

Addl. IGP/Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
22-2-2011

Attested
by

C

8

11-4-11

Telephone & Fax No. 0946-9240258.

From: - The Superintendent of Police FRP,
Malakand Range Swat.

To: - The Deputy Inspector General of Police,
Malakand Region, Saidu Sharif Swat.

No. 373 /E, dated Saidu Sharif The 11/4 /2011.

Subject: - APPLICATION FOR POSTING AS INCHARGE INVESTIGATION.



Memo:

It is submitted for your kind information that SI Rahmat Ali No. 362/M posted as RI, FRP Swat has submitted the attached application stated therein that he has passed Upper College Course from PTC, Hangu but not remained posted as SHO as well as Incharge Investigation in the District being posted in FRP. He further added in his application that according to Standing order No. 6/2007 issued by PPO, K.P.K Peshawar, one year posting as Sub Inspector Incharge Investigation is sufficient for confirmation in substantive Rank of SI, therefore he was ignored from such facilities time and again due to non posting as SHO as well as Incharge Investigation in the District. The applicant has applied for posting as Incharge Investigation in any Police Station in addition to his own duty in FRP who is being posted on loan basis to Investigation Wing, Swat as approved by Worthy. Addl. IGP/Commandant FRP, K.P.K-Peshawar vide their office letter No 1426/EC, dated 24/02/2011, (copy enclosed for ready reference) for the smooth running of official duty of FRP, Malakand Range so that the work of FRP may not also be suffered.

It is therefore, requested that SP, Investigation Swat may kindly be directed to post SI Rahmat Ali No. 362/M as Incharge Investigation in any police station of Swat District so that he may not be deprived from his legal rights please.

Superintendent of Police FRP,
Malakand Range Swat.
11/4

Submitted please
this was discussed by
your good self with the
SP/FRP Swat
for approval
W/DIG/R-117
Allotted by
2591/11/26/4/11
SP Swat
1205/11/26/4/11
SIC. MRS

D

9

31-5-13

P.00

From : The Regional Police Officer,
Malakand at Saidu Sharif, Swat.

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

No. 2815 /E, dated Saidu Sharif, the 31/5/2013.

Subject: DETAIL OF ORDERLY ROOM HELD AT REGION OFFICE,
MALAKAND AT SAIDU SHARIF, SWAT.

Memorandum:

Detail of Orderly Room held in this office on 23rd May, 2013 is submitted below please:-

S.No.	Name and Rank	District	Purpose of Appearance	Order of the undersign:
1.	Rahmat Ali one step promotee Inspector	FRP Swat	Request for confirmation as SI.	Neither the applicant has been posted as SHO, I/C Invest, nor SB and IC etc. hence filed.
2.	SI Muhammad Ghulam	Invest: Buner	Request for expunction of adverse remarks in ACR.	The same has been expunged. The category of ACR upgraded to "B" and warned to be careful in future.
3.	SI Fenin Nawaz	Invest: Chitral	Request for De-novo enquiry in connection with stoppage of live increments, and recovery an amount of Rs.168000/-	De-novo enquiry has been entrusted to SP Upper Swat.
4.	SI Bakht Zamin	Buner	Request for selection to Upper College Course.	Being coverage about 5 years, hence filed.
5.	D/HC Amir Haider No.679	Buner	Request for promotion as Driver ASI.	Proposed as Driver / ASI against the existing vacancy of MF Staff in Buner.
6.	Ex-Const: Gul Zada No.1031	Dir Upper	Request for reinstatement.	As his appeal has already been filed by the then RFO Malakand vide No. 1147/E dated 23/02/2012, hence not maintainable.
7.	Ex-Const: Karimullah No.1191	Dir Lower	Request for reinstatement.	Filed.
8.	Ex-Const: Umar Zada No.1407	Swat	Request for reinstatement.	Filed.
9.	Ex-Const: Murad Ali No.949	Swat	Request for reinstatement.	Reinstated.
10.	Ex-SPF Khan Zeb No.84	Buner	Request for reinstatement.	Filed.
11.	Ex-SPF Shaukat Ali No.1924	Swat	Request for reinstatement.	Filed.
12.	Ex-SPF Hacrat Ali No.562	Swat	Request for reinstatement.	Filed.
13.	Ex-SPF Sher Ali No.2001	Swat	Request for reinstatement.	Filed.
14.	Ex-SPF Said Ali	Swat	Request for reinstatement.	Filed.

No.	Name and Rank	District	Purpose of Appearance	Order of the undersigned
	JAN No. 1111		Reinstatement.	
15	Ex-SPF Zahid No. 2937	Swat	Request for Reinstatement.	Filed.
16	Ex-SPF Shafiqur Rahman No. 1016	Swat	Request for reinstatement.	Filed.
17	Ex-SPF Sher Zaman No. 2509	Swat	Request for reinstatement.	Filed.
18	Ex-SPF Bokht Shah No. 499	Buner	Request for reinstatement.	Filed.
19	Ex-L/SPF Tahira Naz No. 125	Buner	Request for reinstatement.	Entrusted to Asstt. to DIO Malakand Region for enquiry.
20	Ex-Const. Zainul Mahab No. 307 (Ex-Army const-60)	Swat	Request for reinstatement.	Reinstated.
21	One step promotee SC Shaukat Ali	Invest: Swat	Request for the grant of TA.	Entrusted to Asstt. to DIO Malakand Region for enquiry and report.

[Signature]
 Regional Police Officer,
 Malakand at Saidu Sharif, Swat.

No. 3816-23 /E

Copy for information to the:-

1. District Police Officer, Swat.
2. District Police Officer, Buner.
3. District Police Officer, Dir Lower.
4. District Police Officer, Dir Upper.
5. Superintendent of Police, Investigation, Swat.
6. Superintendent of Police, Investigation, Buner.
7. Superintendent of Police, Investigation, Chitral.
8. Superintendent of Police, FRP, Malakand Range, Swat.

Attested by

[Signature]
 Regional Police Officer,
 Malakand at Saidu Sharif, Swat.
 SAIP

بخدمت جناب PPO صاحب صوبہ خیبر پختونخواہ پشاور

اپیل برخلاف حکم نمبر 2815/E مورخہ 31/05/2013 مجاریہ جناب

RPO صاحب ملاکنڈہ ریجن سیدو شیرف سوات کی روسے سائل

کنفرمیشن بہ عقدہ سب انسپکٹر سے تاحال محروم ہے۔

جناب عالی! ذیل معروضات پیش خدمت ہیں۔ ہمدردانہ غور فرما کر مشکور فرمائیں۔

۱۔ یہ کہ سائل مورخہ 01/09/1977 کو محکمہ پولیس گوجہیت کا نیشنل بھرتی ہو کر مورخہ 01/06/1986 کو بہ عہدہ ہیڈ کانسٹیبل، مورخہ 20/05/2001 کو بہ عہدہ ASI اور مورخہ 17/05/2008 کو بہ عہدہ سب انسپکٹر ترقیاب ہوا ہے۔ لیکن تاحال سب انسپکٹر کے عہدے پر کنفرمیشن نہیں ہوئی ہے۔ باوجود اسکے سائل کو اعلیٰ شاندار کارکردگی اور علاقہ میں نامساعد حالات کی وجہ سے ایک درجہ ترقی بہ عہدہ انسپکٹر بھی مورخہ 01/06/2012 کو دی جا کر نقد انعام اور کلاس ایشوٹیکٹ بھی عطا کی گئی ہے۔

۲۔ یہ کہ مورخہ 29/05/2008 کو سائل کو دیگر ملازمین کے ساتھ بہ عہدہ سب انسپکٹر ترقیاب کر کے FRP صوبہ خیبر پختونخواہ میں متعین کرنے دیا گیا۔

۳۔ یہ کہ مورخہ 11/02/2011 کو سائل نے جناب SP صاحب FRP ملاکنڈہ ریجن سوات کو ایک درخواست گزاری جس میں تحریر کیا گیا تھا کہ سائل نے سال 2006 میں اپر کالج کورس PTC ہنگو سے امتیازی پوزیشن سے پاس کر چکا ہے۔ بمطابق سٹینڈنگ آرڈر نمبر 06/2007 بہ عہدہ SI کنفرمیشن کرنے اور لسٹ F پر نام لانے کیلئے investigation برانچ میں بحیثیت انچارج انوسٹی گیشن اور SHO تھانہ کی ایک سال تعیناتی ضروری ہے۔ سائل کی اس درخواست کو جناب SP صاحب FRP سوات نے SP صاحب انوسٹی گیشن سوات کو برائے ضروری کارروائی ارسال کیا تھا۔ اور بعدہ مورخہ

17/02/2011 کو جناب SP صاحب انوسٹی گیشن سوات نے جناب DIG صاحب ملاکنڈ ریجن سوات کو برائے ضروری منظوری ارسال کیا تھا۔

۴۔ یہ کہ چونکہ سائل اسی دوران FRP سوات میں خدمات سرانجام دے رہا تھا۔ لہذا DIG صاحب ملاکنڈ ریجن نے کمانڈنٹ صاحب FRP صاحب صوبہ خیبر پختونخواہ سے مذکورہ بالا مقصد کیلئے اجازت لینی ضروری خیال کیا تھا۔ اسلئے کمانڈنٹ صاحب FRP نے بحوالہ حکم نمبری 1426/E سے مورخہ 24/02/2011 کو منظوری عطا فرمائی تھی۔

۵۔ یہ کہ مورخہ 11/04/2011 کو SP صاحب FRP سوات نے جناب DIG صاحب ملاکنڈ ریجن سوات کو بابت منظوری منجانب کمانڈنٹ صاحب FRP دینے سے مطلع فرمایا۔ کہ سائل کو کسی ضلعی پولیس سٹیشن میں بحیثیت SHO یا انوسٹی گیشن انچارج متعین کیا جائے۔ جو کہ متعلقہ DIG صاحب نے یہی درخواست DPO صاحب سوات اور SP صاحب انوسٹی گیشن سوات کو برائے مناسب کارروائی ارسال کی تھی۔

۶۔ یہ کہ SP صاحب FRP سوات نے کنفرمیشن بہ عہدہ SI کیلئے محکمہ سے سالانہ ACR اور دیگر متعلقہ ریکارڈ حسب طلبی DIG صاحب ملاکنڈ ریجن سوات کو مورخہ 08/08/2012 کو ارسال کئے تھے۔ مگر تاحال کوئی خاطر خواہ نتیجہ برآمد نہ ہو سکا۔

۷۔ یہ کہ مورخہ 16/05/2013 کو مذکورہ بالا پریکٹس دوبارہ دہرائی گئی مگر مورخہ 31/05/2013 کو سائل کی استدعا اس وجہ پر مسترد کی گئی کہ سائل نہ تو کسی تھانہ میں SHO یا انچارج انوسٹی گیشن نہ ہی پیشل برانچ یا CID وغیرہ میں متعین رہ چکا ہے۔ لہذا اس وجہ سے سائل کی استدعا فائل کی گئی ہے۔

۸۔ یہ کہ سائل بہ عہدہ SI مورخہ 17/05/2011 سے کنفرم کرنے کا حقدار ہے۔ کیونکہ سائل کو افسران بالا نے کسی بھی ضلعی پولیس سٹیشن میں SHO وغیرہ متعین کرنے کا حکم جاری نہ کیا ہے۔

۹۔ یہ کہ اس بابت سائل نے مورخہ 11/02/2011 کو درخواست بھی گزاری تھی کہ سائل کو کسی بھی تھانہ میں SHO یا انچارج انوسٹی گیشن متعین کیا جائے۔ لیکن سائل کی درخواست پر باوجود یہ کہ متعلقہ کوارٹرز نے منظوری بھی دی، کوئی غور نہ ہو سکا۔

۱۰۔ یہ کہ معاملہ متذکرہ میں سائل کی کوئی غلطی یا کوتاہی نہیں ہے۔ بلکہ افسران بالانے کسی جائز وجہ کے بغیر تاحال سائل کو بہ عہدہ SI کنفرمیشن سے محروم کیا ہے۔ جس کا سائل پولیس رولز 1934 باب 13 فقرہ 18 کے تحت حقدار ہے۔

۱۱۔ یہ کہ سٹینڈنگ آرڈر نمبر 06/2007 کا قانون کی رو سے کوئی قانونی حیثیت نہیں ہے۔

۱۲۔ یہ کہ نہ صرف فاضل سروس ٹریبونل بلکہ سپریم کورٹ آف پاکستان نے بھی اپنے متعدد فیصلوں میں یہ قرار دیا ہے کہ اگر افسران بالا کسی ملازم کو پولیس سٹیشن میں SHO یا انچارج انوسٹی گیشن تعینات نہ کریں تو یہ سزا ملازم کو نہیں ملنی چاہئے اور ملازم کو تاریخ مقررہ سے متعلقہ عہدے پر کنفرم کرنے کا حقدار قرار دیا ہے۔

۱۳۔ یہ حکم مذکورہ خلاف قانون و فیصلہ جات عدالت ہائے کے خلاف اور مبنی بر بدینتی ہے۔ کیونکہ سائل پولیس رولز 1934 باب 13 فقرہ 18 کی رو سے بہ عہدہ سب انسپکٹر کنفرم کرنے کا حقدار ہے۔

استدعا ہے کہ حکم مورخہ 31/05/2013 کو کالعدم قرار دیا جا کر سائل کو بہ عہدہ سب انسپکٹر مورخہ 17/05/2011 سے کنفرم کرنے اور لسٹ F پر نام درج کرنے کا حکم صادر فرما کر مشکور فرمائیں۔

المقوم :- 29/06/2013

الحق

رحمت علی ون سٹیپ پروموشن انسپکٹر متعینہ FRP RI سوات

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سوریتا

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1450/2013

Rahmat Ali, Inspector FRP Malakand Range, Swat, ... (Appellant)

VERSUS

1. Regional Police Officer, Malakand Region, Saidu Sharif,
Swat and others. ... (Respondents)

APPLICATION FOR EARLY HEARING INSTEAD OF 01.01.2015 IN SERVICE APPEAL NO.
1450/2014.

RESPECTFULLY SHEWETH

- 1, That the above mentioned Service Appeal was fixed for submission of rejoinder on 04.07.2014.
- 2, That rejoinder was filed on the date fixed and next date fixed for arguments on 01.01.2015 due to incomplete bench for want of appointment of another Member.
- 3, That now the hon'ble Member has been appointed and the bench is complete now.
- 4, That the matter is simple and short regarding confirmation of the appellant.

It is, therefore, most humbly prayed that on acceptance of the application, the
aforementioned appeal may very kindly be fixed as soon as possible instead of 01.01.2015.

Dated 02.09.2014.


(RAHMAT ALI)
APPELLANT.

Seen by W. M. Chishti
Recd

Before the KP Service Tribunal Petitioner

A. No. 1450/13

Retiree Ali

vs

Police Deptt etc

REPLICATION

R/shamir

All the PVT objections are illegal & incorrect. NO reason in support of the same is ever given as to why applicant has no cause of action, locus standi, necessary parties, time barred, contact, unclear heads, no jurisdiction of Tribunal, barred by law & concealment of facts.

ON FACTS

1. Needs no comment
2. Not correct. serving Police station for two years is not mandatory. Mess, PVT was never posted as head of the P.S. It was the duty of the respondents to post him as such any where. For this purpose applicant submitted application which was processed but was not finalized

3-4 Not commented upon by respondents

5. Not correct. The Honble Tribunal was pleased to accept appeals on the same point. Copies attached.

6. The appeal was filed for no legal reason.

Grounds

All the grounds of the appeal are legal & correct while out of the reply are illegal & incorrect. The same reappears again.

It is, therefore, most humbly requested that the appeal be accepted as prayed for

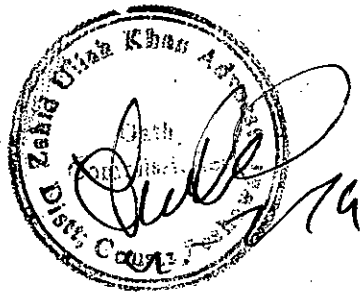
Dated 4.7.14

^{WMS}
Applicant
Ange K. K. K.
(Sachin K.)
Advocate

Affidavit

I, Rehman Ali, applicant do hereby solemnly affirm & declare that the contents of the appeal & rejoinder are true & correct while that of the reply are illegal & incorrect.

I reaffirm the same on oath once again to be true & correct as per the available record.



[Signature]
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appel No. 1602/2010

Date of Institution: 05.8.2010
Date of Decision: 14.3.2012

Nagibullah Khan son of Noorul Haq,
Sub Inspector, Police Lines, Kohat. (Appellant)

VERSUS

1. Deputy Inspector General of Police, Kohat Range, Kohat.
2. Inspector General of Police Peshawar. (Respondents)

APPEAL AGAINST OFFICE ORDER NO. 7708-19/EC, DATED 15.9.2009 OF RESPONDENT NO.1, WHEREBY APPELLANT WAS NOT CONFIRMED AS SUB INSPECTOR ON THE GROUND OF NOT QUALIFYING THE UPPER COLLEGE COURSE OR ORDER NO. 8982/EC, DATED 14.10.2009 OF RESPONDENT NO.2, WHEREBY REPRESENTATION OF APPELLANT WAS REJECTED.

MR. SAADULLAH KHAN MARWAT,
Advocate

MR. ARSHAD ALAM,
Addl. Government Pleader

SYED MANZOOR ALI SHAH,
MR. KHALID HUSSAIN,

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER: This appeal has been filed by

Naqibullah Khan, the appellant against the order dated 15.9.2009 of respondent No.1, whereby appellant was not confirmed as Sub Inspector and against the order dated 14.10.2009, whereby his departmental appeal has been rejected. It has been prayed that on acceptance of the appeal, the impugned orders may be set aside and the appellant may be confirmed as Sub-Inspector in his substantive rank with effect from 15.9.2009 with all back benefits.

2. Brief facts of the case are that the appellant was appointed as Constable in the year, 1975. He was promoted to the rank of Head Constable in the year, 1985, and then promoted to the rank of ASI in the year, 2002. The appellant was further promoted as Sub-Inspector in the year, 2007 on official basis. The department initiated process of confirmation in the subject rank of Sub Inspector and held a

EXAMINER
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
Peshawar

meeting on 29.8.2009 for the purpose. The DPC considered the appellant by placing him at S.No.32 of the list but was dropped due to non-qualifying of Upper College Course vide order dated 15.9.2009. Feeling aggrieved, the appellant filed departmental appeal before respondent No.2 on 25.9.2009, which was rejected on 14.10.2009, hence the present appeal.

3. The appeal was admitted to regular hearing on 20.9.2010 and notices were issued to the respondents. The respondents have filed their joint written reply and contested the appeal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant was promoted as Sub-Inspector in June, 2007 on officiating basis. He served as Incharge Sub-Inspector (Investigation) and remained SHO in various Police Stations and also remained posted as Sub Inspector out of district and was entitled to be confirmed as Sub-Inspector from the date of promotion as Sub Inspector. He further argued that under Rule 13.10 of Police Rules, 1934 there is no provision of passing of Upper College Course for confirmation as Sub Inspector but the appellant has been dropped due to not qualifying Upper College Course and juniors colleagues have been made senior to him. He stated it was the responsibility of the respondent department to guide the appellant for the aforementioned course for which the appellant should not suffer. He further stated that case of similar nature has already been accepted by this Tribunal vide consolidated judgment dated 14.2.2009 in Service Appeal No. 1102/2008, titled "Noor Muhammad Officiating S.I Police Lines, Peshawar versus Capital City Police Officer, Peshawar etc." The appellant is also entitled to the same of Inspector and not for Sub-Inspector confirmation. The learned counsel for the appellant also stated that in existence of Police Rules subsequent instructions/rules/policy issued by the Provincial Police Officer without the approval of Provincial Government must be ignored. In this respect he relied on 2011 SCMR 201. He requested that the appeal may be accepted as prayed for.

6. The learned AGP argued that the appellant was promoted as Officiating Sub Inspector in June, 2007. As per Standing order No. 10 of 2009, passing of Upper College Course was made a mandatory provision for further promotion to the rank of Inspector in case the incumbents less than of 48 years age. He further argued that the appellant has not passed the Upper College Course and his name has rightly been

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

dropped from confirmation as Sub-Inspector. He requested that the appeal may be dismissed.

7. The Tribunal observes that the appellant was promoted as Sub Inspector on officiating basis in June, 2007 and is still performing his duties in that capacity. As per Rule 13.10 of Police Rules, 1934 there is no provision of passing merit list for Course for confirmation as Sub Inspector. Similarly, this Tribunal has also accepted cases of similar nature and the appellants in those cases have been confirmed as Sub Inspectors from due dates with all consequential benefits, vide consolidated judgment dated 14.2.2009 in service Appeal No. 1102/2008, as referred to by the learned counsel for the appellant. The department already confirmed other officiating Sub Inspectors namely Ajab Khan, Ehsanullah, Mir Asghar and Naqashbani as discussed in the aforementioned mentioned judgment of the Tribunal. The appellant is also entitled to the same treatment. The Tribunal agrees with the arguments put forth by the learned counsel for the appellant. The Standing Order No. 10/2009 issued by the department is of no consequence as it has not been approved by Provincial Government. The Police Department should get approval of order from Provincial Government to give it status of Law as per 2011-SCMR-408(c).

8. In view of the above, the appeal is accepted, the impugned order to the extent of appellant is set aside and the respondents are directed to consider the appellant for confirmation as Sub Inspector from the date when his junior were confirmed. Parties are left to bear their own costs. File be consigned to the record.

Sd/- Syed Manzoor Ali Shahi
Member
Sd/- Wahid Hussain
Member

ANNOUNCED
14.3.2012.

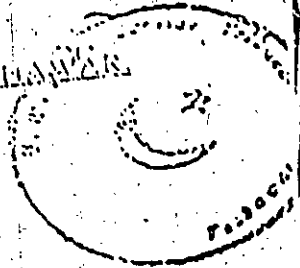
Certified to be true copy

[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 3.4.2014
Number of Words 1200
Copying Fee 8
Urgent 2
Total 10
Name of C.O. [Signature]
Date of Completion of Copy 3.4.2014
Date of Receipt of Copy 3.4.2014

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BEFORE THE SWEP SERVICE TRIBUNAL, PESHAWAR.



Appeal No. 1102/2008

Date of institution - 07.08.2008

Date of decision - 14.02.2009

Noor Muhammad Officiating SI No 83/P. Police Lines, Peshawar
.....(Appellant)

VERSUS

1. Capital City Police Officer, Peshawar.
2. Additional I.G.P. KWFP Peshawar.
3. Hammas Khan Inspector, P.S. Hayatabad, Capital City Police District Peshawar.....(Respondents)

Appeal against the orders of Respondent No. 1 who rejected the representation of the appellant for substantive promotion as Sub Inspector, vide Notification No. 6563 P.C.4 dated 31.7.2008.

Haji Shamsul Qanun, Advocate.....For appellant.
Ghulam Mustafa, A.G.P.....For respondents.

SYED MANZOOR ALL SHAH.....MEMBER.
MR. BISMILL AH SHAH.....MEMBER.

JUDGMENT

SYED MANZOOR ALL SHAH, MEMBER :- This appeal has been filed by the appellant against the order of Respondent No. 1 who rejected representation for substantive promotion as Sub Inspector, vide Notification No. 6563 P.C.4 dated 31.7.2008. He prayed that the impugned order may be set aside and the respondents be directed to confirm him as Sub Inspector from the date when his juniors were confirmed as sub inspectors.

ATTESTED
EXAMINER
SWEP SERVICE TRIBUNAL
PESHAWAR

Attest
[Signature]

2. Brief facts of the case are that the appellant joined the Police Department as constable on 4.7.1969. After passing courses of Lower and Intermediate Courses required for promotion, he was promoted as Head Constable and thereafter, vide Notification dated 17.9.1997 confirmed as A.S.I. His name was brought on promotion list "E" vide Notification dated 9.9.1997. He was promoted as officiating Sub Inspector by the D.I.G Peshawar Range, Peshawar vide Notification dated 12.6.1999. Respondent No. 1 confirmed certain officiating Sub Inspectors as Sub Inspectors in the past but the name of the appellant was not included in the penal of confirmation for the reason that he had not passed Upper Class Course. The appellant preferred a departmental appeal but the same has been rejected vide the impugned order dated 31.7.2008. Hence, the instant appeal.

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

Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant has a clean and unblemished record of service and has got all the qualifications required for confirmation as Sub Inspector. He was promoted as officiating Sub Inspector in the year 1999 and is still working against the same post. The order of Respondent No. 1 is against Police Rules 13.10 as there is no provision of passing Upper Class Course for confirmation as Sub Inspector. In the past certain officiating Sub Inspectors have been confirmed as Sub Inspectors without qualifying Upper Class Course which include Ajab Khan,

25 Comm. No. 15

Ehsanullah, Mir Asghar and Naqashband, Sub Inspectors etc. There are also some examples that officiating Sub Inspectors were first confirmed as Sub Inspectors, promoted as Inspectors and thereafter, selected for Upper Class Course which include Mr. Gulzarullah who was later on retired as Superintendent of Police. There was no fault of the appellant as nomination/selection for Upper Class Course is the responsibility of Respondent No. 1. Respondent No. 3 is junior to the appellant as he was confirmed as ASI in 1999 vide Notification dated 29.1.2001 but was confirmed as S.I. w.e.f. 22.9.2002 vide Notification dated 27.3.2005, hence according to seniority, the appellant is entitled to be confirmed as Sub Inspector from the date his junior Banaras Khan was promoted i.e. 22.9.2002. He prayed that the appeal may be accepted.

6. The learned A.G.P argued that the appellant is serving as officiating Sub Inspector and was not qualified to be confirmed against the said post under the rules, as he has not passed the prescribed Upper Class Course. The prescribed course has been mentioned in Chapter 19, Article 2 (i) of the Police Rules. He prayed that the appeal may be dismissed.

7. After hearing both sides at length, the Tribunal while agreeing with the arguments put forth by the learned counsel for the appellant, holds that the claim of the appellant is bonafide and the appellant has made out a case for indulgence of the Tribunal. The Police Rules Chapter 19, article 2(1).1 relates to courses for recruits and Article 2(i) does not prescribe course for promotion rather it relates to Sergeant (Anglo Indians), which is not relevant in this case. The appellant is also entitled to the same treatment as meted out

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(SYED MANZOOK ALI SHAH)
MEMBER

(SHAHID ALI SHAH)
MEMBER

ANNOUNCED
14.02.2009

to the record.
The parties are, however, left to bear their own costs. File be assigned
of law, in the same manner.
Versus (Capital City Police Officer, Peshawar etc, involving common question
Nos. 1103/2008 Shabin Shah and 1238/2008 Niskin Khan officiating S.As,
8. This judgment will also dispose of the other connected appeals bearing
benefits.
the appellant as Sub Inspector from the date with all consequential
aside the impugned order. The respondent department is directed to continue
to his other colleagues. The Tribunal therefore, accepts the appeal and set

1992

P L C (C.S.) 944

[Service Tribunal N.W.F.P.]

Before Muhammad Siddique Khattak and Taj Muhammad Khan, Members

ASHFAQ AHMAD

Versus

INSPECTOR-GENERAL OF POLICE, N.W.F.P., PESHAWAR and 6 others

Appeal No. 193 of 1990, decided on 8th May, 101.

Police Rules, 1934---

---R. 13.10 (2)---Promotion---Civil servant seeking substantive promotion in rank of Sub-Inspector of Police, initially was appointed as Assistant Sub-Inspector of Police and subsequently was brought on promotion list 'E' and was promoted as officiating Sub-Inspector---While considering case of admission to list 'E' of officiating Sub-Inspectors of Police for substantive promotion in rank of Sub-Inspector of Police, officers were required to be given independent charge of a police station for assessing their suitability and testing their capabilities---Civil servant admittedly was posted as Station House Officer at one place where he reported for duty, but later his posting as such was cancelled by Authority---Civil servant's name was not considered for promotion as substantive Sub-Inspector for the reason that he had not held independent charge of S.H.O. of a Police Station for one year as required under relevant rules as such Authority declined promotion as substantive Sub-Inspector declaring him incapable of running post of Station House Officer independently---Early appointment of civil servant as Sub-Inspector was cancelled after about 3 days and that cancellation was more for other reasons than for reasons of inefficiency and incapability---After such cancellation at one time he again independently worked as S.H.O. at another Police Station when incharge of that station was transferred and no complaint was received against civil servant, but he could not work as S.H.O. until he was posted as such by Superintendent of Police concerned---Civil servant, thus was not at fault if he was not given an independent charge of post of S.H.O.---To declare civil servant as incapable of running post of S.H.O. independently, would be unjustified, unless he was tested by giving him posting first and allowing him to stay there for a reasonable time so as to assess his capability and efficiency---Civil servant could fulfil requirements of concerned Rules only if he was given an opportunity of working independently as S.H.O. and until he was posted as such---Assessment of capability of civil servant, would be quite unfair, mala fide and one sided without evaluating facts---Nothing being on record to show that civil servant was inefficient and incapable, depriving him of his due rights without any convincing grounds was not justified.

Atiqur Rehman Qazi for Appellant.

Lutfullah Khan, P.D.S.P. for Respondents.

Before the K.P. Service Tribunal Petitioner

A. NO. 1450/13

Retiree Ali

vs

Police Deptt etc

REPLICATION

R/submit

All the P.V. objections are illegal & incorrect. NO reason in support of the same is ever given as to why applicant has no cause of action, locus standi, necessary parties, time barred, contact, unclear heads, no jurisdiction of Tribunal, barred by law & concealment of facts.

ON FACTS

1. Needs no comments
2. Not correct. serving Police station for two years is not mandatory. Hence, P.V. was never posted as head of the P.S. It was the duty of the respondents to post him as such any where. For this purpose applicant submitted application which was processed but was not finalized.

3-4 Not commented upon by respondents

5. Not correct. The Noble Tribal was pleased to accept appeals on the same point. Copies attached.

6. The appeal was filed for no legal reason.

Grounds

All the grounds of the appeal are legal & correct while that of the reply are illegal & incorrect. The same reappeared again

It is, therefore, most humbly requested that the appeal be accepted as prayed for

Date: 4.7.14

^{WMS}
Applicant
W. M. S. K. K.
(Sachellat) (see)
D. S. K.

Affidavit

I, Rehman Ali, applicant do hereby solemnly affirm & declare that the contents of the appeal & rejoinder are true & correct while that of the reply are illegal & incorrect.

I reaffirm the same on oath once again to be true & correct as per the available record.



myself
Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1602/2010

Date of Institution. 05.8.2010.
Date of Decision. 14.3.2012.



Naqibullah Khan son of Noorul Haq,
Sub Inspector, Police Lines, Kohat.

(Appellant)

VERSUS

1. Deputy Inspector General of Police, Kohat Range, Kohat.
2. Inspector General of Police Peshawar. (Respondents)

APPEAL AGAINST OFFICE ORDER NO. 7708-19/EC, DATED 15.9.2009 OF RESPONDENT NO.1, WHEREBY APPELLANT WAS NOT CONFIRMED AS SUB INSPECTOR ON THE GROUND OF NOT QUALIFYING THE UPPER COLLEGE COURSE OR ORDER NO 8982/EC, DATED 14.10.2009 OF RESPONDENT NO.2, WHEREBY REPRESENTATION OF APPELLANT WAS REJECTED.

MR. SAADULLAH KHAN MARWAT,
Advocate

For appellant

MR. ARSHAD ALAM,
Addl. Government Pleader

For respondents.

SYED MANZOOR ALI SHAH,
MR. KHALID HUSSAIN,

MEMBER
MEMBER

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER:- This appeal has been filed by Naqibullah Khan, the appellant against the order dated 15.9.2009 of respondent No.1, whereby appellant was not confirmed as Sub Inspector and against the order dated 14.10.2009, whereby his departmental appeal has been rejected. It has been prayed that on acceptance of the appeal, the impugned orders may be set aside and the appellant may be confirmed as Sub-Inspector in his substantive rank w.e.f. 15.9.2009 with all back benefits.

2. Brief facts of the case are that the appellant was appointed as Constable in the year, 1975. He was promoted to the rank of Head Constable in the year, 1985 and then promoted to the rank of ASI in the year, 2002. The appellant was further promoted as Sub-Inspector in the year, 2007 on officiating basis. The department initiated process of confirmation in the substantive rank of Sub Inspector and held a

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Service Tribunal,
Peshawar

meeting on 29.8.2009 for the purpose. The DPC considered the appellant by placing him at S.No.32 of the list but was dropped due to non-qualifying of Upper College Course vide order dated 15.9.2009. Feeling aggrieved, the appellant filed departmental appeal before respondent No.2 on 25.9.2009, which was rejected on 14.10.2009, hence the present appeal.

3. The appeal was admitted to regular hearing on 20.9.2010 and notices were issued to the respondents. The respondents have filed their joint written reply and contested the appeal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant was promoted as Sub-Inspector in June, 2007 on officiating basis. He served as Incharge Sub-Inspector (Investigation) and remained SHO in various Police Stations and also remained posted as Sub Inspector out of district and was entitled to be promoted as Sub-Inspector from the date of promotion as Sub Inspector. He further argued that under Rule 13.10 of Police Rules, 1934 there is no provision of passing of Upper College Course for confirmation as Sub Inspector but the appellant has been dropped due to not qualifying Upper College Course and juniors colleagues have been made senior to him. He stated it was the responsibility of the respondent department to promote appellant for the aforementioned course for which the appellant should not suffer. He further stated that case of similar nature has already been accepted by the Tribunal vide consolidated judgment dated 14.2.2009 in Service Appeal No. 1102/2008, titled "Noor Muhammad Officiating S.I Police Lines, Peshawar versus Capital City Police Officer, Peshawar etc." The appellant is also entitled to the same treatment. Furthermore, the Standing Order No. 10/2009 is for promotion to the rank of Inspector and not for Sub-Inspector confirmation. The learned counsel for the appellant also stated that in existence of Police Rules subsequent instructions/rules/policy issued by the Provincial Police Officer without the approval of Provincial Government must be ignored. In this respect he relied on 2011 SCMR 2011. He requested that the appeal may be accepted as prayed for.

6. The learned AGP argued that the appellant was promoted as Officiating Sub Inspector in June, 2007. As per Standing order No. 10 of 2009, passing of Upper College Course was made a mandatory provision for further promotion to the rank of Inspector in case the incumbents less than of 48 years age. He further argued that the appellant has not passed the Upper College Course and his name has rightly been

ATTESTED

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Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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dropped from confirmation as Sub-Inspector. He requested that the appeal may be dismissed.

7. The Tribunal observes that the appellant was promoted as Sub Inspector on officiating basis in June, 2007 and is still performing his duties in that capacity. As per Rule 13.10 of Police Rules, 1934 there is no provision of passing merit College Course for confirmation as Sub Inspector. Similarly, this Tribunal has also accepted cases of similar nature and the appellants in those cases have been confirmed as Sub Inspectors from due dates with all consequential benefits, vide consolidated judgment dated 14.2.2009 in service Appeal No. 1102/2008, as referred to by the learned counsel for the appellant. The department already confirmed other officiating Sub Inspectors namely Ajab Khan, Ehsanullah, Mir Asghar and Naqashbani as discussed in the aforementioned mentioned judgment of the Tribunal. The appellant is also entitled to the same treatment. The Tribunal agrees with the arguments put forth by the learned counsel for the appellant. The Standing Order No. 10/2009 issued by the department is of no consequence as it has not been approved by Provincial Government. The Police Department should get approval of Standing Order from Provincial Government to give it status of Law as per 2011-SCMR-408(c).

8. In view of the above, the appeal is accepted, the impugned order to the extent of appellant is set aside and the respondents are directed to consider the appellant for confirmation as Sub Inspector from the date when *his junior were* confirmed. Parties are left to bear their own costs. File be consigned to the record.

Ed/ Javed Manzoor Ali Shahi
Member
Ed/ Wahid Hussain
Member

ANNOUNCED
14.3.2012.

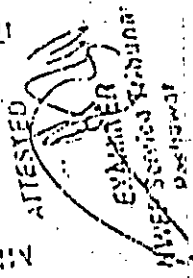
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EXAMINER
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

Date of Presentation of Application	3.4.2014
Number of Words	1200
Copying Fee	8
Urgent	2
Total	10
Name of C. Copy	<i>[Signature]</i>
Date of Presentation of Copy	3.4.2014
Date of Receipt of Copy	3.4.2014

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...the date when his juniors were confirmed as sub inspectors
...and the respondents be ordered to confirm him as Sub Insp
...dated 31.7.2008. He prayed that the impugned order may
...for substantive promotion as Sub Inspector, vide official
...No. 1 who rejected
... This appeal has be



MEMBER
MEMBER
MEMBER

For appellants
For respondents

Appeal against the orders of Respondent No. 1 who rejected the
... promotion as Sub
... dated 31.7.2008.

- 1. Appellant
2. Additional J.C.P. NWFP Peshawar
3. Additional Sub Inspector P.S. Hayatabad, Capital City Police District Peshawar

Mohtasham Khan (Appellant)
Noor Muhammad Officiating S.I No 83/P Police Lines, Peshawar

Appel No. 1102/2008
Date of institution: 07.08.2008
Date of decision: 14.02.2009



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2. Brief facts of the case are that the appellant joined the Police Department as constable on 4.7.1969. After passing courses of Lower and Intermediate Courses required for promotion, he was promoted as Head Constable and thereafter, vide Notification dated 17.9.1997 confirmed as A.S.I. His name was brought on promotion list "E" vide Notification dated 9.9.1997. He was promoted as officiating Sub Inspector by the D.I.G Peshawar Range, Peshawar vide Notification dated 12.6.1999. Respondent No. 1 confirmed certain officiating Sub Inspectors as Sub Inspectors in the past but the name of the appellant was not included in the penal of confirmation for the reason that he had not passed Upper Class Course. The appellant preferred a departmental appeal but the same has been rejected vide the impugned order dated 31.7.2008. Hence, the instant appeal.

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

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant has a clean and unblemished record of service and has got all the qualifications required for confirmation as Sub Inspector. He was promoted as officiating Sub Inspector in the year 1999 and is still working against the same post. The order of Respondent No. 1 is against Police Rules 13.10 as there is no provision of passing Upper Class Course for confirmation as Sub Inspector. In the past certain officiating Sub Inspectors have been confirmed as Sub Inspectors without qualifying Upper Class Course which include Ajab Khan,

in this case, the appellant is also entitled to the same treatment as listed out for promotion rather it relates to Sergeant (Anglo Indians), which is not relevant to courses for recruits and Article 2(i) does not prescribe course for individuals of the Tribunal. The Police Rules Chapter 19, article 2(1), 1 relates claim of the appellant is bonafide and the appellant has made out a case for arguments put forth by the learned counsel for the appellant, holds that the

After hearing both sides at length, the Tribunal while agreeing with the Police Rules, he prayed that the appeal may be dismissed.

6. The learned A.C.J. argued that the appellant is serving as officiating Sub Inspector and was not qualified to be confirmed against the said post under the rules, as he has not passed the prescribed Upper Class Course. The prescribed course has been mentioned in Chapter 19, Article 2 (i) of the

7. He prayed that the appeal may be accepted.

Inspector from the date his junior Damaras Khan was promoted i.e. 22.9.2002. according to seniority, the appellant is entitled to be confirmed as Sub confirmed as S.I. w.e.f. 22.9.2002 vide Notification dated 27.3.2005, hence confirmed as ASI in 1999 vide Notification dated 29.1.2001 but was

nomination/selection for Upper Class Course is the responsibility of Superintendent of Police. There was no fault of the appellant as

Course which include Mr. Gulzarullah who was later on retired as Inspectors, promoted as Inspectors and thereafter, selected for Upper Class

some examples that, officiating Sub Inspectors were first, confirmed as Sub Ehsanullah, Mr. Asghar and Nagashband, Sub Inspectors etc. There are also

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(SYED MANZOOK ALI SHAH)
MEMBER.
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(SHAHID ALI SHAH)
MEMBER.

ANNOUNCED
14.02.2009

to the record.
The parties are, however, left to bear their own costs. The be assigned
of law, in the same manner.
Versus (Capital City Police Officer, Peshawar etc, involving common question
Nos. 1103/2008 Shahin Shah and 1228/2008 Niskin Khan officiating S.As,
8. This judgment will also dispose of the other connected appeals bearing
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aside the impugned order. The respondent department is directed to continue
to his other colleagues. The Tribunal, therefore, accepts the appeal and set

1992

1992 P.L.C (C.S.) 944

[Service Tribunal N.W.F.P.]

Before Muhammad Siddique Khattak and Taj Muhammad Khan, Members

ASHFAQ AHMAD

Versus

INSPECTOR-GENERAL OF POLICE, N.W.F.P., PESHAWAR and 6 others

Appeal No. 193 of 1990, decided on 8th May, 101.

Police Rules, 1934---

---R. 13:10 (2)---Promotion---Civil servant seeking substantive promotion in rank of Sub-Inspector of Police, initially was appointed as Assistant Sub-Inspector of Police and subsequently was brought on promotion list 'E' and was promoted as officiating Sub-Inspector---While considering case of admission to list 'E' of officiating Sub-Inspectors of Police for substantive promotion in rank of Sub-Inspector of Police, officers were required to be given independent charge of a police station for assessing their suitability and testing their capabilities---Civil servant admittedly was posted as Station House Officer at one place where he reported for duty, but later his posting as such was cancelled by Authority---Civil servant's name was not considered for promotion as substantive Sub-Inspector for the reason that he had not held independent charge of S.H.O. of a Police Station for one year as required under relevant rules as such Authority declined promotion as substantive Sub-Inspector declaring him incapable of running post of Station House Officer independently---Early appointment of civil servant as Sub-Inspector was cancelled after about 3 days and that cancellation was more for other reasons than for reasons of inefficiency and incapability---After such cancellation at one time he again independently worked as S.H.O. at another Police Station when in charge of that station was transferred and no complaint was received against civil servant, but he could not work as S.H.O. until he was posted as such by Superintendent of Police concerned---Civil servant, thus was not at fault if he was not given an independent charge of post of S.H.O.---To declare civil servant as incapable of running post of S.H.O. independently, would be unjustified, unless he was tested by giving him posting first and allowing him to stay there for a reasonable time so as to assess his capability and efficiency--Civil servant could fulfil requirements of concerned Rules only if he was given an opportunity of working independently as S.H.O. and until he was posted as such---Assessment of capability of civil servant, would be quite unfair, mala fide and one sided without evaluating facts---Nothing being on record to show that civil servant was inefficient and incapable, depriving him of his due rights without any convincing grounds was not justified.

Atiqur Rehman Qazi for Appellant.

Lutfullah Khan, P.D.S.P. for Respondents.

خدمت جناب ریجنل صاحب عدالت عالیہ
سرورس ٹریبونل صوبہ خیبر پختون خوا پشاور

A.W.F. Province
Service Tribunal
Diary No. 89
dated 20.2.15

عنوان .. درخواست لبراد تقریر کرنے قریبی تاریخ

جناب عالی

سائل کا سرورس اپیل نمبر /1450 بجوہ آپ
2013
صاحبان کیا کہ پیچ لبراد میں زیر سماعت ہے۔
مورخہ 1.1.15 کو عدالت عالیہ ہذا میں پیش ہوئے
اولاً تاریخ مورخہ 24.6.15 کو لبراد arguments
مقرر ہوئی ہے۔

Record Perused
To be heard
on the date
already fixed

چونکہ سائل ضلع سوات میں زیر سرورس ہے۔
اور اپیل مذکورہ تقریباً دو سال کے عرصہ زیر سماعت ہے
لہذا اگر آپ صاحبان مہربانی فرما کر ہمارے
سرورس اپیل مندرجہ بالا میں -
Early Hearing - قریبی تاریخ مقرر فرمادیں۔
تو دعاؤں رہو تقاضا۔

23.02.15

وکیل صاحب

المعارض

سعید اللہ جان عروت صاحبہ دہمت علی اپیل نمبر /1450

2013
قلم لولیب ضلع سوات

20.2.15

1992 P L C (C.S.) 944

[Service Tribunal N.W.F.P.]

Before Muhammad Siddique Khattak and Taj Muhammad Khan, Members

ASHFAQ AHMAD

Versus

INSPECTOR-GENERAL OF POLICE, N.W.F.P., PESHAWAR and 6 others

Appeal No. 193 of 1990, decided on 8th May, 101.

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Atiqur Rehman Qazi for Appellant.

Lutfullah Khan, P.D.S.P. for Respondents.

1992 P L C (C.S.) 944

[Service Tribunal N.W.F.P.]

Before Muhammad Siddique Khattak and Taj Muhammad Khan, Members

ASHFAQ AHMAD

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Police Rules, 1934---

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Atiqur Rehman Qazi for Appellant.

Lutfullah Khan, P.D.S.P. for Respondents.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 79 ST

Dated 13 / 1 / 2016


To

The Regional Police Officer,
Malakand Region, Saidu Sharif Swat.

Subject: - Judgement.

I am directed to forward herewith certified copy of Judgement dated 31.12.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1450/2013.

Rahmat Ali Reserve Inspector, FRP Swat.

Appellant

VERSUS

1. The Deputy Inspector General of Police, Malakand Region-I, Saidu Sharif Swat.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
3. The Superintendent of Police, FRP, Malakand Region, Swat.

Respondents.

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

Respected Sheweth,

1. Preliminary Objections.

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad in law due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant is estopped by his own conduct to file the instant appeal.
5. That the appellant has not come to the Tribunal with clean hands.
6. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
7. That the instant appeal is barred by law.
8. That the appellant concealed the material facts from this Hon'ble Tribunal.

2. REPLY ON FACTS.

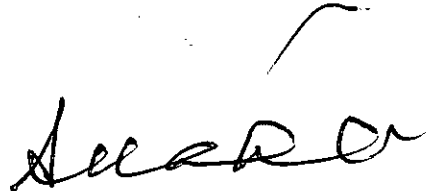
1. Para No. 1 of appeal, pertains to record, hence needs no comments.
2. Para No. 2 of appeal is correct to extent that appellant moved an application for confirmation in the rank of Sub Inspector but his application was not accepted due to the reason that as per Standing Order No. 6/2007 as well as Police Rules 13-10 (2) He has not completed two year period as Incharge Investigation Wing or one year as SHO in operation (standing order and P.R 13-10 (2) are annexed).
3. Para No. 3 of appeal pertains to record, hence needs no comments.
4. Para No 4. Needs no comments.
5. Para No. 5 of appeal is correct to the extent that confirmation of the appellant was not considered by the respondents in accordance with Law & Rules.
6. Para No. 6 of appeal is correct to the extent that appellant filed an appeal before respondent No. 2 but the same was examined and filed on merits.

GROUNDS.


- a. Incorrect, appellant has only moved one application requesting therein for posting as SHO in the year 2011 which was properly entertained and examined, however posting transfer of Police Officials is an administrative function which has been exercised with due care and according to the circumstances of each and every case.

- 2
- b. Incorrect, the respondents only deferred the case of confirmation as Sub inspector for the time being due to existence of some legal bar in standing order and rules referred in para 2 above.
 - c. Incorrect, Standing Order No. 6/2007 is issued in accordance with law and not repugnant to the Police Rules.
 - d. Incorrect, each case has its own facts and circumstances.
 - e. Incorrect, orders of respondents are quite legal, in accordance with Law & Rules.


It is therefore requested that the appeal of appellant may kindly be dismissed with cost being devoid of merits and without any legal substance.



Deputy Inspector General of Police,
Malakand Region Saidu Sharif Swat.
Respondent No. 1.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 2.



Superintendent of Police,
FRP, Malakand Region, Swat.
Respondent No. 3

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 1450/2013.

Rahmat Ali Reserve Inspector, FRP Swat.

Appellant

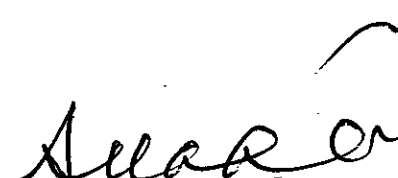
VERSUS


1. The Deputy Inspector General of Police, Malakand Region-I, Saidu Sharif Swat.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
3. The Superintendent of Police, FRP, Malakand Region, Swat.


Respondents.

POWER OF ATTORNEY.

We, the undersigned No. 1 to 4 do hereby appoint Mr Muhammad Ayaz Khan DSP Legal Swat as special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal in Submission of record.


Deputy Inspector General of Police,
Malakand Region Saidu Sharif Swat.
Respondent No. 1.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
Respondent No. 2.


Superintendent of Police,
FRP, Malakand Region, Swat.
Respondent No. 3

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWAH, PESHAWAR.

Service Appeal No. 1450 /2013.

Rahmat Ali Reserve Inspector FRP, Swat.

(Appellant)


VERSUS


- 1) The Deputy Inspector General, of Police Malakand at Saidu Sharif Swat.
- 2) District Police Officer, Swat.
- 3) Deputy Superintend, of Police Head Quarter, swat.
- 4) Provincial Police Officer, Khyber Pukhtunkhwah, Peshawar.

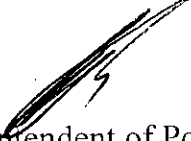
(Respondents)

AFFIDAVIT:-

We the above respondents do hereby solemnly affirm on oath and declare that the content of the appeal are collect/ true to the best of our knowledge/ belief and nothing has been kept secret from the honorable service tribunal Khyber Pukhtunkhwah, Peshawar.


 Deputy Inspector General of Police,
 Malakand Region Saidu Sharif Swat.
 Respondent No. 1.


 Provincial Police Officer,
 Khyber Pakhtunkhwa, Peshawar.
 Respondent No. 2.


 Superintendent of Police,
 FRP, Malakand Region, Swat.
 Respondent No. 3

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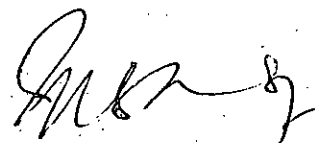
STANDING ORDER NO. 6/07

Subject: INCENTIVES FOR POSTING IN INVESTIGATION BRANCH

Competent, efficient and good officers avoid their posting to Investigation Branch as a result the incompetent and discarded officers are posted to Investigation wing. This has tarnished the image of the wing.

Therefore, in supersession of circular order No 12 dated 28th Sept, 2007, the following incentives are provided to Investigation staff for attracting experienced, devoted and efficient officers:-

1. Separate budget will be placed at the disposal of Addl: I.G.P Investigation, DIG Investigation and District Head of Investigation for grant of reward for exceptional work and Successful investigation.
2. Period spent in Investigation Branch by a Sub Inspector as Officer Incharge Investigation of Police Station shall be considered as holding an independent charge of Police Station, one year of such charge being sufficient for confirmation as SI in a Substantive Rank.
3. For the purpose of actualizing promotion to an Inspector, three years spent in Investigation Branch by a Sub Inspector shall be counted as an year long tenure of posting, as officer incharge of Police Station.



(MUHAMMAD SHARIF VIRK)
Provincial Police Officer,
NWFP, Peshawar

* * * * *

OFFICE OF THE PROVINCIAL POLICE OFFICER, N.W.F.P. PESHAWAR.

No. 8774-8809/C-I, Dated Peshawar the 23.10.2007.

Copy of above is forwarded to the:-

1. All Region Police Officers, N.W.F.P.
2. All District Police Officers, in N.W.F.P.
3. Dy:Inspector General of Police/Investigation-I CPO.
4. Dy:Inspector General of Police/Investigation-II, CPO.
5. Sr:Superintendent of Police/Investigation, CPO.
6. Superintendent of Police/Investigation, CPO.
7. All Superintendents of Police/Investigation in NWFP.