

1st June, 2023

1. Learned counsel for appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General alongwith Atta Ur Rehman Inspector for respondents present.

2. Learned counsel for appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 11.09.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman


Mutazem Shah

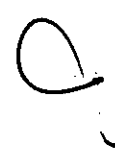
30th Jan, 2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present. Junior of learned counsel of private respondents No 4 to 85 present.

Request for adjournment was made on behalf of both the parties. Last opportunity is granted to both the parties to argue the case on the next date falling which the case will be decided on the available record without arguments. To come up for arguments on 24.03.2023 before D.B.

SCANNED
Peshawar


(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

24.03.2023

Counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the official respondents and junior to counsel for private respondents present.

The Worthy Chairman is on leave today, therefore, the bench is incomplete. The case is, therefore, adjourned to 01.06.2023 for arguments before the D.B. Parcha Peshi given to the parties.


SCANNED
Peshawar



(FAREEHA PAUL)
Member (E)

20th Oct, 2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG alongwith Mr. Atta Ur Rehman, Inspector for official respondents and counsel for private respondents No. 4 to 85 present.

Learned counsel for the private respondents No. 4 to 85 seeks adjournment on the ground that he has not prepared the case. Last opportunity is granted to argue the case on the next date failing which the case will be decided on the available record without arguments. To come up for arguments on 28.11.2022 before D.B.



(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman

28th Nov. 2022

Counsel for the appellant present. Mr Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Granted but as last chance. To come up for arguments on 30.01.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

18.05.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Atta-Ur-Rehman Inspector for official respondents present. Junior to counsel for private respondents No. 4 to 85 present.


File to come up alongwith connected service appeal No. 5740/2021 titled "Fawad Yousaf Versus Inspector General of Police Khyber Pakhtunkhwa Peshawar and others" on 24.06.2022 before S.B.


(Mian Muhammad)
Member (E)

24th June, 2022

Appellant with his counsel present. Mr. Muhammad Riaz Khan, Paindakhel, Assistant AG for respondents present.


Private respondents No.4 to 85 have submitted written reply/comments and learned counsel for appellant also submitted rejoinder to official written reply/comments which are placed on file. To come up for arguments on 13.09.2022 before D.B.


(Kalim Arshad Khan)
Chairman

01.09.2022

Clerk of learned counsel for the appellant present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

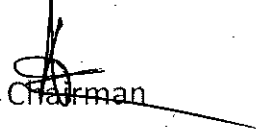
Learned Member (Judicial) Mrs. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 20.10.2022 before the D.B.


(Salah-Ud-Din)
Member(J)

Stipulated period passed reply not submitted.

29.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

02.09.2021

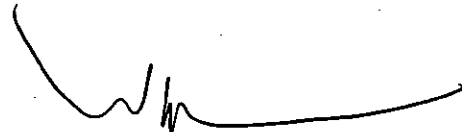
Due to summer vacations, the case is adjourned to 13.01.2022 for the same as before.

READER

13.01.2022

Junior to counsel for the appellant present.

Mr. Kabirullah Khattak, Addl. AG for official respondents present. Reply/comments on behalf of official respondents have already been submitted through office. Mr. Noor Muhammad Khattak, Advocate present and submitted Wakalat Nama in favor of respondents No. 4 to 85 and sought time for submission of reply/comments. Last opportunity is granted. To come up for reply/comments before the S.B on 02.03.2022.


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

2-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 18th 2022


Member (E)

21.06.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices positively. If the written reply/comments are not submitted within the stipulated time, the office is directed to submit the file with a report of non-compliance. File to come up for arguments on 02.09.2021 before the D.B.

Appellant Deposited
Security & Process Fee

21/6/21



15/20/21
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 5740 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/06/2021	<p>The appeal of Mr. Fawad Yousaf resubmitted today by Mr. Ali Gohar Durrani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	03/06/21	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/06/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

SCANNED
AT
Peshawar

The appeal of Mr. Fawad Yousaf son of Mian Nisar Yousaf PASI at Mardan received today i.e. on 29/03/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Appeal has not been flagged/annexed annexures' marks.
- 3- Copy of Khyber Pakhtunkhwa PSC recommendation letter mentioned in para-2 of the memo of appeal (Annexure-B) is not attached with the appeal which may be placed on it.
- 4- Copy of departmental appeal in respect of appellant is not attached with the appeal which may be placed on it.
- 5- Annexure-E of the appeal is incomplete which may be completed.
- 6- Address of appellant and respondent no. 3 is incomplete which may be completed.
- 7- Annexure-E of the appeal is illegible which may be replaced by legible/better one.
- 8- Sub-rule-4 of rules-6 of the Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect, shall also be shown as respondent.
- 9- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 615 /S.T.

Dt. 29/03 /2021

[Signature]
REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Haroon Inayat Adv. Islamabad.

Sir, Re Submitted,

please I need more time because
some papers are not present
with me *By 13/4*
⑮ days time further extended!

[Signature]
13/4/2021

Sir, due to covid counsel is not available, more
time is needed for re-submission. 27/4/21

⑮ days time further Extended!

[Signature]
27/4/21

[Signature]

Sir, due to covid the counsel is not available.
More time is needed for re submission.

① days time further extended.

Babar
17-05-2021

~~17/5/2021~~
17/5/2021

- So, due to non-availability of some documents, more time is required for submission of additional documents.

Babar
27-05-2021

⑤ days time further extended.

~~27/5/2021~~
27/5/2021

Sir, the case is re-submitted and the objection is removed.

Babar
21 June 2021

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

5740
Service Appeal No _____/2021

Fawad Yousaf S/O Mian Nisar Yousaf R/O TAKHTBHAI MARDAN
presently serving as PASI at MARDAN District (Regional No:351/MR)

..... Appellant

Versus

1. IGP (Inspector General of Police) KP, Peshawar
2. DIG (Deputy Inspector General of Police MARDAN Region-I MARDAN)
3. Supernumerary PASIs (SHUHADA Quota) 2016 Batch MARDAN region
through the office of Regional Police Officer MARDAN AND OTHERS

..... Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974**

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COPY OF APPOINTMENT ORDER	12.01.2016	C	14-17
SUPERNUMERARY PASIs COPY OF FINANCE DEPARTMENT LETTER	28.08.2015	D	18
COPY OF NOTIFICATION	27.02.2005	D/2	19-20
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ADVOCATE
Ali Gohar

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

5741
Service Appeal No _____/2021

Khyber Pakhtunkhwa
Service Tribunal

Fawad Yousaf S/O Mian Nisar Yousaf R/O TAKHTBHAI MARDAN
presently serving as PASI at MARDAN District (Regional No:351/MR) Diary No. 4188

Dated 29-3-2021

..... Appellant

Versus

1. IGP (Inspector General of Police) KP, Peshawar
2. DIG (Deputy Inspector General of Police MARDAN Region-I MARDAN)
3. Supernumerary PASIs (SHUHADA Quota) 2016 Batch MARDAN region through the office of Regional Police Officer MARDAN
4. Pasi Behzad Khan, Belt No. 435, Police Lines Sawabi, Swabi.
5. PASI Saddam Khan, Belt No. 437, Police Lines Mardan, Mardan.
6. PASI Abdullah Jan khan, Belt No. 440, PS city Mardan.
7. PASI Sahar Gul Khan, Belt No. 443, Police Lines Mardan, Mardan.
8. PASI Asif Khan, Belt No. 444, Police Lines Noshehra, Nowshehra.
9. PASI Adnan Khan, Belt No. 445, Police Lines Noshehra, Noshahra.
10. PASI Bilal Khan, Belt No. 446, Police Lines Swabi, Swabi.
11. Pasi Zeeshan Khan, Belt No. 447, Ps city Mardan, Mardan.
12. Pasi Farhad Khan, Belt No. 448 Pp Turlandi, PS Nisatta, Charsadda.
13. Pasi Tahir Rasool Khan, Belt No. 450, PS Saddar, Mardan.
14. Pasi Nasir khan, Belt No. 451, Police lines Swabi, Swabi.
15. Pasi Basheer Khan, Belt No. 453, Police lines Swabi, Swabi.
16. PASI Zulfiqar Khan, Belt No. 455, PTS Shah Kas, District Khyber, Mardan.
17. PASI Ali Raza khan, Belt No. 456 Police Training School Swabi, Charsadda.
18. PASI Shahzad Khan, Belt No. 457, Police Lines Swabi, Swabi.
19. PASI Akhtar Munir Khan, Belt No. 459, Police Lines Noshehra, Noshahra,
20. PASI Zahid Khan, Belt No. 460, PS Tangi, Charsadda.
21. PASI Suhail Khan, Belt No. 461, PP Labour, PS City, Mardan.
22. PASI Shah Faisal Khan, Belt No. 463 PS Rustam, Mardan

Filed to-day

Registrar

29/3/2021

Re-submitted to-day
and filed.

Registrar

29/3/2021

23. PASI Toseef Khan, 4 Belt No. 464, PS Shiekh Maltoon, Mardan.
24. PASI Waqas Khan, Belt No. 465, Bhai Dag Muhmand Frontier Corps North, District Muhmand, Charsadda.
25. PASI Adil Khan, Belt No. 466, C.Cell DPO Office Mardan, Mardan.
26. PASI Ishfaq Khan, Belt No. 467, PS Takht Bhai, Mardan.
27. PASI Shahab Khan, Belt No. 469, PS Saro Shah, Mardan.
28. PASI Imran Khan, Belt No. 471, Bhai Dag Muhmand Frontier Corps North, District Muhmand, Mardan.
29. PASI Abid Ali Khan, Belt No. 471, Police Lines Swabi, Swabi.
30. 27 PASI Aizaz Ali Khan, Belt No. 472, Police Lines Swabi, Swabi.
31. PASI Zaheer Khan, Belt No. 473, RW Branch DPO office Mardan, Mardan.
32. PASI Taimoor Khan, Belt No. 474, PP Sar Daryab, PS Charsadda, Charsadda.
33. 30 PASI Kamran Zeb Khan, Belt No. 475, PTS Shah Kas, District Khyber, Noshahra.
34. PASI Shakeel Khan, Belt No. 476, Police Lines Swabi, Swabi.
35. PASI Kashif Khan, Belt No. 477, In Charge PP Sarki PS Khan mai, Charsadda.
36. PASI Mazhar Khan, Belt No. 479, PTS Swabi, Mardan.
37. 34 PASI Bahar Khan, Belt No. 480, PS Khanmai, Charsadda.
38. PASI Kashif Khan, Belt No. 481, PTS Swabi, Mardan.
39. PASI Nihar Khan, Belt No. 482, PP Fazal e Haq, PS Saddar, Mardan.
40. PASI Asif Ayaz Khan, Belt No. 483, PTS Swabi, Mardan.
41. PASI Ata ullah Khan, Belt No. 484, PS Toru, Mardan.
42. PASI Taj ul Islam Khan, Belt No. 485, PS Par Hoti, Mardan.
43. PASI Naveed Rahman Khan, Belt No. 486, Police Lines Swabi, Swabi.
44. PASI Said Ali Shah Khan, Belt No. 487, PS Kharki, Mardan.
45. PASI Izhar Khan, Belt No. 488, Police Lines Mardan, Mardan.
46. PASI Mamoor Shah Khan, Belt No. 489, PS Sar Dheri, Charsadda.
47. PASI Adil Bacha Khan, Belt No. 490, Bhai Dag Muhmand Frontier Corps North, District Muhmand, Mardan.
48. PASI Shah Khalid Khan, Belt No. 491, PS Sar Dheri, Charsadda.
49. PASI Mujeeb Alam Khan, Belt No. 492, PP Husanzai PS Bata Gram, Charsadda.
50. PASI Mujeeb Khan, Belt No. 493, Motorway Check Post PS Prang, Charsadda.
51. PASI Saddam Khan, Belt No. 494, Police Lines Swabi, Swabi.
52. PASI Adil Khan, Belt No. 496, Police Lines Swabi, Swabi.

53. PASI Shahid Khan, Belt No. 497, Police Lines Mardan, Mardan.
54. PASI Saddam Khanm Belt No. 498, Police Lines Swabi, Swabi.
55. PASI Shahnamm Khan, Belt No. 499, PS Garhi Kapoora, Mardan.
56. PASI Murshid Khan, Belt No. 500, PP Shakoor PS Mandani, Charsadda.
57. PASI Wahab Khan, Belt No. 501, PS Katlang, Mardan.
58. PASI Nasir Khan, Belt No. 502, PP Shaheeda PS Mandani, Charsadda.
59. PASI Adnan Khan, Belt No. 505, PP pir Saddi PS Sher Garh, Mardan.
60. PASI Muhammad Qasim, Belt No. 507, PTS Swabi, Mardan.
61. PASI Zeshan Khan, Belt No. 508, Police Lines Swabi, Swabi.
62. PASI Naved Iqbal Khan, Belt No. 510, Police Lines Noshehra, Noshahra.
63. PASI Bilal Khan, Belt No. 511, Police Training School Swabi, Charsadda.
64. PASI Amir Khan, Belt No. 512, Police Lines Swabi, Swabi.
65. PASI Ishtiaq Khan, Belt No. 513, PS Umar Zai, Charsadda.
66. PASI Toheed khan, Belt No. 515, In Charge PP Jindi, PS Tangi, Charsadda.
67. PASI Rasool Khan, Belt No. 516, Dheri Zardad PS Nissata, Charsadda.
68. PASI Ziarat Gul Khan, Belt No. 517, In Charge PP Kalyas , Charsadda.
69. PASI Zameer Khan, Belt No. 518, Bhai Dag Muhmand Frontier Corps North, District Muhmand, Charsadda.
70. PASI Fakhr Alam Khan, Belt No. 519, Bhai Dag Muhmand Frontier Corps North, District Muhmand, Charsadda.
71. Pasi Musavir Khan, Belt No. 520, Ps Mandani, Charsadda.
72. Kifayat, Belt No. 438, Police Line Mardan.
73. Imad, Belt No. 441, Police Line Mardan.
74. Kamran Nadir, Belt No. 442, Nowshera Police Line.
75. Muhammad Asif, Belt No. 444, Nowshera Police Line.
76. Ikram Khan, Belt No.495, Police Line Mardan.
77. Shah Faisal, Belt No. 452, Police Line Mardan.
78. Waseem Iqbal, Belt No. 502, Police Line Nowshera.
79. Abdul Atif, Belt No. 458, Police Line Nowshera.
80. Bilal, Belt No. 449, Police Line Charsadda.
81. Zeeshan, Belt No. 478, Police Lines Mardan.
82. Sher Afzal, Belt No. 462, Police Line Nowshera.
83. Aimal Zeb, Belt No. 454, Police Line Nowshera.

84. Latif ur Rehman, Belt No. 468, Police Line Mardan.

85. Jehan Ali, Belt No. 509, Police Line Sawabi.

Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974**

Interim relief in Appeal:

On acceptance of the instant appeal, the impugned confirmation order of supernumerary PASIs 2016 batch MARDAN region bearing number 7057-60/ES dated 13.11.2020 may be suspended. Which is contradictory to the prescribed rules laid down by the provincial government and seriously affecting the seniority of the appellant.

Respectfully Sheweth:

The brief facts giving rise to appeal are as under:

Facts:

1. That the appellant was appointed as commissioned officer in Khyber Pakhtunkhwa Police against the post of Probationer Assistant Sub Inspector advertised by the Khyber Pakhtunkhwa Public Service Commission.

(Advertisement no 4/2014 dated 18.07.2014 is annexed as annexure A)

2. That the competitive examination was held by KPPSC in terms of chapter 12 Rule 06 of the Police Rules, 1934 on its due date, in which the appellant appeared. Despite Qualifying the Written examination and interview the appellant was not initially recommended against the post of PASI for which the appellant filed a court case for appointment as ASI against 25% quota prescribed for initial appointment in chapter 12 Rule 03 of the police rules 1934 and also in section 32 (1)(iii) of Police Act 2017. The case was decided in favor of the appellant.
3. That upon the decision of the court the KPPSC recommended the appellant for appointment as Probationer Assistant Sub-Inspector (PASI) on regular basis on 20.02.2017.

5 (4-A)

(Appointment order dated 20.02.2017 is attached as annexure B)

4. That back in 2016 on January 16, a total of 82 PASIs Respondent No. 04 to 85 (SHUHADA QUOTA) were appointed on temporary basis against supernumerary posts (annexure C) subject to the condition as clearly mentioned in KP Finance Department letter dated 28.08.2015 " Finance Department agrees to the creation of the 300 supernumerary posts of ASI BS-9 subject to the condition that with gradual retirement of ASIs holding permanent/regular posts, the senior most from 300 holders of the supernumerary posts will be adjusted against the post falling vacant and the corresponding supernumerary posts will stand abolished accordingly in a gradual manner.

(Copy of appointment order dated 12.01.2016 is attached as annexure C)

(Copy of finance department letter dated 28.08.2015 is attached as annexure D)

5. That it is also worthwhile to mention that as of precedence the police Shuhada sons were always placed junior to ASI's appointed through Public Service Commission as regular ASI's such instances are a regular feature and can be seen from notification dated 27-02-2005.

Copy of the notification dated 27-02-2005 is annexure D/1.

6. That in respect of seniority between Deceased Son quota and regular PASI's of Kohat region, vide their seniority list gave seniority to PASI's coming under direct recruitment through the Public Service Commission over those who came through deceased son quota. This implies what has been laid in Para no. 05 that seniority of regularly appointed PASI's is protected: i.e. PASI'S coming on deceased quota.

(Copy of the seniority list is attached as annexure D/2)

7. That by implementing the afore mentioned policy contained in Para-4 of this appeal, the Regional Police Officer, MARDAN adjusted a total of 10 supernumerary PASIs in 5% quota specified for the wards of SHUHADA in due manner.

(Copy of the 05 % adjustment Order dated 31.08.2017 is attached as
Annexure E).

8. That in violation of service laws and the approved policy, the Regional Police Officer MARDAN confirmed a total of 68 supernumerary PASIs in the rank of ASI from the date of their temporary appointment on supernumerary posts on the basis of rules meant for direct/regular

ⓐ (4-B)

commissioned PASIs but these rules were acted upon wrongfully for the benefit/confirmation of the supernumerary PASIs.

(Copy of the confirmation and promotion to list E order dated 13.11.2020 is attached as annexure F)

9. That by issuing the confirmation order of supernumerary PASIs, (SHUHADA QUOTA) the Regional Police Officer MARDAN has confirmed even those supernumerary PASIs in the rank of ASI who were not yet adjusted in the Department against 5% specified quota. Whereas this adjustment was a mandatory pre-requisite as clearly mentioned in the approved policy contained in the Finance Department letter dated 26.08.2015.
10. That the Regional Police Officer MARDAN may confirm only those 10 supernumerary PASIs who were adjusted in due manner against 5% quota prescribed for SHUHADA wards but this confirmation was required to be done with effect from the date of their adjustment against the regular post dated 31.08.2017 instead from the date of their temporary appointment against the supernumerary post.
11. That KP Civil servant act 1973 section 8(4) seniority on a post service cadre to which a civil servant is promoted appointed shall take effect from the date of regular appointment to the post. Reliance placed on
1983 SCMR 859
1977 SCMR 365
12. That it is worth mentioning that till the date of appointment of appellant (PCS PASI) dated 20.02.2017; none of the above mentioned supernumerary PASIs were adjusted against the regular posts and every adjustment made against the regular post after 20.02.2017 would rank junior to the appellant (PCS PASI).
13. That the appellant being aggrieved from the unjust and illegal confirmation order dated 13.11.2020 of the Regional Police Officer MARDAN, filed a departmental appeal on 30.11.2020 but received no reply, hence this appeal.

(Copy of the Departmental Appeal dated 30.11.2020 is annexed as Annexure G).

14. That the appeal in hand and the departmental appeal both are within time.
15. That the appellants may also be allowed to rely on additional grounds at the time of arguments please.

GROUND

1. That the directly recruited PCS PASIs undergone through the process of written and physical examination prescribed by chapter 12 rule 6 Police Rules 1934, conducted by the KPPSC shall not be victimized by the illegal/without due process regularization of the SHUHADA Quota who were not regularly appointed but rather appointed on supernumerary/ temporary basis.
2. That in a similar situation in Kohat the PASI's of Kohat region, vide their seniority list given seniority over deceased sons PASI's.
3. That KP Civil servant act 1973 section 8(4) seniority on a post service cadre to which a civil servant is promoted appointed shall take effect from the date of regular appointment to the post, Reliance placed on

1983 SCMR 859

1977 SCMR 365

4. That consequence of decision of Honb'le Supreme Court in civil petition No. 164 P/2014 a cese was remanded to Inspector general Police KP which was decide as under:

"In view of what is discussed above it is recommended to place the name of respondent DSP Nasir Khan in place suggested vide para No. 10 of the report which will be in accordance and compliance of the court judgement. However, in order to protect the interests of the probationary ASI's it is recommended that every officers name may be brought on promotion list "E" from the date of his appointment which is in accordance with the principal of justice and service laws on the subject such as section No.07 (3) and (5), 8(4) of Khyber Pakhtunkhwa Civil Servant Act 1973 and Rule 16 and 17 (1) explanation- III (2) of the Khyber Pakhtunkhwa, Appointment, Promotion & Transfer Rules-1989.

(5-A)

Copy of Recommendations is Annex-H.

5. That such as early as 2005 the appointment orders carried the provision of giving seniority to regular PASI's over those employed in quota.
6. That there are no prescribed and clear rules for the confirmation and seniority of the supernumerary posts in the Police Rules 1934, except relying on the Departmental Promotion Committee meeting held at Peshawar dated 09.06.2016 in which the Regional Police Officer D.I.KHAN placed questions regarding the regularization/absorption of the supernumerary PASIs appointed against the supernumerary posts, their placement on list 'E' or otherwise, the date of commencement of their probation period and about their confirmation.

(Copy of Departmental Promotion Committee Meeting dated
09.06.2016 is annexed as annexure I)

7. That the List 'E' needs to be made with the due process which is prescribed in Chapter 13 Rule 10 Police Rules 1934, and the eligible, properly recruited commissioned PASIs may be preferred for displaying their names on list 'E'.
8. That the confirmation order passed by the Regional Police Officer MARDAN violates the law of natural justice which is clear and evident from the rules/conditions/pre-requisites that these **supernumerary posts** should be regularized on the subsequent adjustment upon the gradual retirement of ASIs. And by issuance of this order of the Regional Police Officer MARDAN has directly affected the seniority of the directly appointed commissioned officers who are still awaiting their confirmation after the lapse of probation period that shall be deemed confirmed from their date of appointment.
9. That there must be clear criteria for the promotion and seniority of the reserved quotas and the supernumerary/temporary PASIs should not be treated as a regular employee from the date of temporary appointment
Reliance placed on.....

PRAYER

It is therefore most humbly prayed that by accepting this appeal following reliefs may be granted

1. That this Honorable Tribunal may please declare the approval/ confirmation dated 13.11.2020 of 2016 supernumerary PASIs SHUHADA wards against/contrary to the prescribed rules and law.
2. That this Honorable Tribunal may please direct the respondent no 1 and 2 to revise the list 'E' and shall consider the name of capable candidate appellant who has secured his position by competing the exam and completed the probationary tenure as per rules and law. Need to be confirmed immediately.
3. That this competent Tribunal may please direct and restrict the respondent authorities to adhere the criteria of supernumerary posts, gradual abolition, regularization rules and the rules laid down in consultation with the provincial government which is not victimizing the seniority rights of the commissioned officers if properly implemented.
4. That this Honorable Tribunal may please be direct to confirm the Services of the Appellants forthwith.

As any other relief which this Honorable Tribunal deems fit in favor of appellant may very graciously be granted


Appellant

Through

18

(5-C)

Ali Gohar

ALI GOHAR DURRANI
Advocate High Court(s)
0332-9297427

khaneliegohar@yahoo.com

SHAH | DURRANI | KHATTAK
(A REGISTERED LAW FIRM)

HOUSE NO. 231-A, STREET NO. 13,
NEW SHAMI ROAD, PESHAWAR.

Certificate:

It is hereby certified that this is the first appeal before this Honorable Tribunal
against the impugned confirmation order

8

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No _____/2021

Fawad Yousaf S/O Mian Nisar Yousaf R/O TAKHTBHAI MARDAN
presently serving as PASI at MARDAN District (Regional No:351/MR)

..... Appellant

Versus

1. IGP (Inspector General of Police) KP, Peshawar
2. DIG (Deputy Inspector General of Police MARDAN Region-I MARDAN)
3. Supernumerary PASIs (SHUHADA Quota) 2016 Batch MARDAN region through the office of Regional Police Officer MARDAN and others

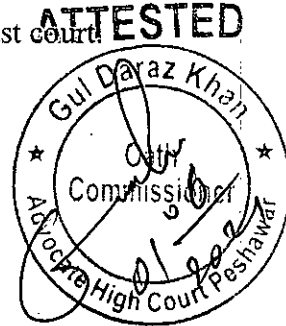
Respondents

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974**

AFFIDAVIT

I, Fawad Yousaf S/O Mian Nisar Yousaf R/O TAKHTBHAI MARDAN presently serving as PASI at MARDAN region do hereby solemnly affirm and declare on oath as below

- i- That the contents of instant appeal are true and correct to the best of my knowledge and belief.
- ii- That nothing has been concealed from this august court.



Deponent

Verification :

The above affidavit is verified and attested today... March 2021 by me at MARDAN

Advocate/Deponent

Annexure A

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KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

2- Fort Road Peshawar Cantt:

Website: www.kppsc.gov.pk

Tele: Nos. 091-9214131, 9213563, 9213750, 9212897

Dated: 18/07/2014

ADVERTISEMENT No. 04 / 2014.

Applications, on prescribed form, are invited for the following posts from Pakistani citizens having domicile of Khyber Pakhtunkhwa by **22/08/2014** (candidates applying from abroad by **05/09/2014**). Incomplete applications and applications without supporting documents required to prove the claim of the candidates shall be rejected.

1. TWO HUNDRED & SIXTY THREE (263) MALE ASSISTANT SUB-INSPECTORS IN POLICE DEPARTMENT (GENERAL QUOTA).

QUALIFICATIONS: Higher Secondary School Certificate or equivalent qualification from a recognized Board of Pakistan or Abroad.

PAY SCALE: (BPS-09).

AGE LIMIT: 18 to 25 years.

Gender: Male

PHYSICAL

STANDARD: Height: 5 feet and 7 inches (5' x 7")

Chest: 33" x 34 1/2"

Allocation: The allocation of the posts shall be district wise in the following order: -

S.#	Name of Districts	No. of Posts	S.#	Name of Districts	No. of Posts
1.	CCPO Peshawar	33	13.	Shangla	12
2.	Charsada	09	14.	Dir Upper	13
3.	Nowshera	09	15.	Dir Lower	17
4.	Mardan	09	16.	Buner	13
5.	Swabi	05	17.	Chitral	13
6.	Abbottabad	09	18.	Kohat	08
7.	Manshera	08	19.	Hangu	06
8.	Haripur	07	20.	Karak	07
9.	Battagram	05	21.	Bannu	09
10.	Torghar	08	22.	Lakki	08
11.	Kohistan	09	23.	D.I.Khan	09
12.	Swat	29	24.	Tank	08

2. TWENTY NINE (29) FEMALE ASSISTANT SUB-INSPECTORS IN POLICE DEPARTMENT (GENERAL QUOTA).

QUALIFICATIONS: Higher Secondary School Certificate or equivalent qualification from a recognized Board of Pakistan or Abroad.

PAY SCALE: (BPS-09).

AGE LIMIT: 18 to 25 years.

GENDER: Female

PHYSICAL

STANDARD: Height: 5 feet and 1 inch (5' x 1")

ATTESTED

Allocation: The allocation of the posts shall be district wise in the following order: -

S.#	Name of Districts	No. of Posts	S.#	Name of Districts	No. of Posts
1.	CCPO Peshawar	03	13.	Shangla	01
2.	Charsada	01	14.	Dir Upper	01

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3.	Nowshera	01	15.	Dir-Lower	02
4.	Mardan	01	16.	Buner	01
5.	Swabi	01	17.	Chitral	01
6.	Abbottabad	01	18.	Kohat	01
7.	Manshera	01	19.	Hangu	01
8.	Haripur	01	20.	Karak	01
9.	Battagram	01	21.	Bannu	01
10.	Torghar	01	22.	Lakki	01
11.	Kohistan	01	23.	D.I.Khan	01
12.	Swat	03	24.	Tank	01

3. **NINE (09) MALE/FEMALE ASSISTANT SUB-INSPECTORS IN POLICE DEPARTMENT (MINORITY QUOTA).**

QUALIFICATIONS: Higher Secondary School Certificate or equivalent qualification from a recognized Board of Pakistan or Abroad.

PAY SCALE: (BPS-09).

AGE LIMIT: 18 to 25 years.

Gender: Male/Female

PHYSICAL

STANDARD: For Male: Height: 5 feet and 7 inches (5' x 7")
Chest: 33" x 34 1/2"

For Female: Height: 5 feet and 1 inch (5' x 1")

Allocation: The allocation of the posts shall be district wise in the following order: -

S.#	Name of Districts	No. of Posts
1.	CCPO Peshawar	2
2.	Mardan	1
3.	Abbottabad	1
4.	Manshera	1
5.	Swat	1
6.	Kohat	1
7.	Bannu	1
8.	D.I.Khan	1

4. **THREE HUNDRED & TWENTY FOUR (324) MALE/FEMALE ASSISTANT SUB-INSPECTORS IN POLICE DEPARTMENT AMONGST IN-SERVICE GRADUATE CONSTABLES/ HEAD CONSTABLES.**

QUALIFICATIONS: Bachelor degree from any recognized university of Pakistan or abroad.

PAY SCALE: (BPS-09).

AGE LIMIT: Upto 35 years.

Gender: Male/Female

Training and Experience:

1. Basic Police Recruit Course Passed.
2. Minimum five (05) years service in police department.
3. Satisfactory service record.

ATTESTED

Allocation: The allocation of the posts shall be district wise in the following order: -

S.#	Name of Districts	No. of Posts	S.#	Name of Districts	No. of Posts
1.	CCPO Peshawar	38	13.	Shangla	12
2.	Charsada	09	14.	Dir Upper	16
3.	Nowshera	08	15.	Dir Lower	26
4.	Mardan	10	16.	Buner	15
5.	Swabi	04	17.	Chitral	17
6.	Abbottabad	15	18.	Kohat	10
7.	Manshera	15	19.	Hangu	10
8.	Haripur	10	20.	Karak	08



9.	Battagram	06	21.	Bannu	08
10.	Torghar	08	22.	Lakki	08
11.	Kohistan	11	23.	D.I.Khan	16
12.	Swat	39	24.	Tank	05

MODE OF EXAMINATION

Physical Endurance Test:-

All the eligible candidates applying for initial recruitment for the post of Assistant Sub-Inspector, shall qualify the following physical endurance tests to be conducted by a team of three members, two from the Public Service Commission and one from Police Department to be nominated by the Provincial Police Officer.

CATEGORIES

RACE

Male Candidates: 1600 meters in 8:00 minutes.

Female candidates: 1000 meters in 8:00 minutes.

All categories of candidates shall qualify physical endurance test. Candidates who fail to qualify the physical endurance test shall not be eligible to appear in other tests.

Written Examination:-

Candidates, both general and in service, who qualify the physical endurance test, shall be eligible to appear in the written examination to be conducted by the Khyber Pakhtunkhwa Public Service Commission.

The written examination shall be conducted in the subjects specified in the table below:-

S. No	Subject	Maximum Marks	Paper Duration	Qualifying Marks
1.	Urdu Essay and Comprehension	75	1 hours	40%
2.	English Essay and Comprehension	75	1 hours	40%
3.	General Knowledge and Current affairs	50	1 hours	40%
4.	Basic Proficiency in computer literacy like MS Word, Ms Power Point, MS Excel, Internet surfing and Email	50	1 hours	40%
5.	Viva voce	50		40%
Total		300		40%

Psychological Test:-

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Candidates, both general and in Service, who qualify written examination, shall be called by the Public Service Commission for psychological test to be conducted by certified psychologist of Khyber Pakhtunkhwa Public Service Commission. The result of this test shall be a guide for the interview panel whether or not candidate is suitable for the police job.

Viva Voce Examination:-

Psychological test shall be followed by viva voce exam to be conducted by the Public Service Commission. The candidate shall appear before the interview panel at the time of viva voce examination. Failure in or absence from viva voce shall mean that the candidate has failed to qualify the examination for the post of Assistant Sub-Inspector.

Candidates who qualify physical endurance test, written examination and viva voce shall undergo medical examination to be conducted by Director Health Services Government of Khyber Pakhtunkhwa.

Final merit list shall be prepared by the Khyber Pakhtunkhwa Public Service Commission. If the total marks of any of the two candidates are equal, the candidate with higher marks in viva voce test shall be placed higher on merit and, in case, where the marks obtained in viva voce are also equal, the candidate older in age shall be placed higher on merit list.

Issuance of appointment order shall be subject to background clearance reports from intelligence agencies.

GENERAL CONDITIONS

- i) Age shall be reckoned on **01/01/2015**. The candidates are required to be academically qualified in all respects by **22/08/2014**. Candidates not in possession of the required qualification by the last date for receipt of application for inland candidates shall not be considered. Maximum age limit as prescribed in the recruitment rules shall be relaxed upto Ten years for Disable persons and Govt. servants who have completed two years continuous service and upto 03 years for candidates belonging to backward areas specified in the appendix attached to the Khyber Pakhtunkhwa Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008. However, a candidate shall be allowed relaxation in age in one of the above categories provided that the candidates from backward areas, in addition to automatic relaxation of three years shall be entitled to one of the relaxations available to govt. servants, general or disable candidates, whichever is relevant and applicable to them. Employees or Ex-employees of development projects of the govt. of Khyber Pakhtunkhwa and employees or Ex-employees of development projects of the federal govt. under the administrative control of the govt. of Khyber Pakhtunkhwa shall also be entitled to age relaxation equal to the period served in the projects, subject to a maximum limit of ten years provided that this age relaxation shall not be available in conjunction with any other provisions of the age relaxation rules.
- ii) Degrees / Experience Certificates / Testimonials of unrecognized institution are not accepted. Only original Degrees / Certificates are accepted, however, the candidates can apply on provisional certificate signed by the Controller of Examination of the respective institution. The candidates shall have to produce original degrees / certificates till last date of interviews. Detail Marks Certificates shall necessarily be required and these should be attached with the application forms.
- iii) The candidates are required to apply on the prescribed application form obtainable from the listed below branches of the **NATIONAL BANK**. Only one application will be sufficient for the above posts, the candidates intending for different categories mentioned above should however indicate the categories/quotas in the application form. The application Fee is Rs.285/- for all candidates. In addition to application fee, the candidates will have to pay Rs.15/- on account of Bank charges. Application form obtained other than the specified branches of the National Bank will be considered invalid and such applications will not be entertained. **The application on plain paper or photostat shall not be accepted. Incomplete applications if not supported by requisite documents or late applications shall also be rejected.**
- iv) Candidates can also apply online through the Commission's website (www.kppsc.gov.pk). However the application fee needs to be deposited in State Banks of Pakistan or a National Bank of Pakistan Branch under head of account No. **C02101- Organs of State-Examination Fee of KP PSC** through Challan on or before

ATTESTED



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- the closing date. The same alongwith attested copies of all the documents need to be submitted to the Commission within 10 days.**
- v) Applications must be submitted within stipulated time as no extra time is allowed for postal transit. Applications if posted on the last date must reach the Commission's office by the closing hours.
 - vi) Applicants married to Foreigners are considered only on production of the Govt: Relaxation Orders.
 - vii) Employees of Govt:/ Semi-govt/ autonomous/ semi-autonomous bodies may apply directly but their departmental permission certificates shall reach the Commission Office within 30 days of the closing date.
 - viii) The District wise allocation and Quotas shall be strictly followed in the filling of vacancies. Government reserves the right to fill or not to fill any post.
 - ix) Candidates who have already availed three chances by physical appearance before the Commission and have failed for the post(s) having one and the same qualifications, pay scale and nomenclature of post shall be ineligible.

SPECIFIED BRANCHES OF THE NATIONAL BANK OF PAKISTAN.

- (1) Main Branches of:
Parachinar, Mardan, Swabi, Malakand, Shangla, Chitral, Timargara, Daggar, D.I.Khan, Bannu, Karak, Kohat, Hangu, Lakki Marwat, Abbottabad, Haripur, and Mansehra
- (2) Saddar Road Branch, Tehkal Payan Branch, G.T Road (Nishtar Abad) Branch and University Campus Branch Peshawar.
- (3) Tehsil Bazar Branch Charsadda, Nowshera Cantt: Branch, Bank Square Branch Mingora and City Branch Tank

(SHARIF HUSSAIN)
Secretary
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

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

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Anx-B

No. 4550/Legal dated Peshawar, the 26/09/2017.

- To: -
1. Capital City Police Officer,
Peshawar
 2. All Regional Police Officers
Khyber Pakhtunkhwa.

Subject:- RECRUITMENT OF ASIs THROUGH PUBLIC SERVICE COMMISSION (ADVERTISEMENT NO. 04/2014)

Memo:-

In compliance with the consolidated judgment of the Honorable Peshawar High Court Peshawar dated 16.05.2017, passed in Writ Petitions No. 4616-P/2016, 4338-P/2016, 4625-P/2016, 4629-P/2016, 4673-P/2016, 4686-P/2016, 4687-P/2016, & 4693-P/2016, vide which grant of age relaxation was directed in respect of the following candidates. Khyber Pakhtunkhwa Public Service Commissions also made recommendations vide letter No. K.P.K. PSC-Exam/2016/62452 dated 19.06.2017, received vide Home department Memo No. SO(Police-II)/HD/8-5/ASI/017/62452 dated 03.07.2017, for their appointment. Therefore, the following candidates are hereby provisionally approved for appointment as ASI (BPS-09) till decision of CPLA against the 25% allotted share for direct recruitment.

S. NO.	Name & Father Names	Districts
1.	Shah Saud Son of Masood Khan	Peshawar
2.	Majid Khan son of Sanab Gul	Peshawar
3.	Muhammad Faisal son of Munir Akhtar	Nowshera
4.	Fawad Yousaf son of Nisar Yousaf	Mardan
5.	Muhammad Ismail son of Abdur Rashid	Swabi
6.	Syed Fahad son of Syed Javed Hussain Shah	Abbottabad
7.	Noor Muhammad son of Sikar Khan	Kohistan
8.	Wajid Ali Khan son of Zard Ali Khan	Bannu
9.	Rafi Ullah Khan son of Abdul Manan Khan	Lakki Marwat

Necessary Notification regarding their appointment may please be issued subject to Medical Fitness, verification of antecedent and verification of documents/ testimonials from the concerned Board/University under the relevant rules

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and prescribed manner under intimation to all concerned. Their application together with other relevant documents are also sent herewith for placing in their character Roll/Service Roll.

(Muhammad Ali Khan) PSP
DIG/Headquarter
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

No. _____ /E-III

Copy of the above is forwarded for information & Necessary action to the:-

1. Director Examination Khyber Pakhtunkhwa Public Service Commission w/r to his above quoted letter.
2. All District Police Officers, in Khyber Pakhtunkhwa.
3. Section Officer (Police) Govt. Khyber Pakhtunkhwa, Home & TAs Department Peshawar w/r to his above quoted letter.

(Muhammad Ali Khan) PSP
DIG/Headquarter
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

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Government of Khyber Pakhtunkhwa
Deputy Inspector General of Police
Mardan Region-I, Mardan.

Phone No. 0937-9230113, Fax No. 0937-9230115.

The Deputy Inspector General of Police,
Mardan Region-I, Mardan.

To: All DPOs, in Mardan Region-I, Mardan.

(14) (Am) (C)

No. 407-10/ES.

12, January, 2016.

Subject: APPOINTMENT/ABSORPTION OF POLICE SHUHADA'S SONS/BROTHERS AS PASIS IN POLICE DEPARTMENT (KHYBER PAKHTUNKHWA) OF MARDAN REGION.

Memo:

Having been approved by the Departmental Selection Committee, appointment/absorption of the following Police Shuhada's Sons/Brother's as Assistant Sub Inspectors (BPS-09) (8015-495-22865) in Police Department (Khyber Pakhtunkhwa) on 03-years probation period, against the Supernumerary Posts in the light of directions vide Central Police Office, Peshawar letter No. 8905-8935/A-3 dated 17.09.2015 subject to the condition that, their appointment/absorption will be on temporary basis, and verification of their educational degree/certificates. Moreover if the degree/certificates of any candidate found forged, shall be immediately discharged: -

On the appointment/absorption of the following Shuhada's Sons/Brothers, they are also allotted Regional Numbers with posting to their parent Districts noted against each their names:-

S. No.	Name & No.	Appointment /Absorption	Date of Shahadat of Father/Brothers	Region No.	District
1.	Muhammad Behzad S/o Shaheed FC Shah Fazil	Newly appointed	25.03.1992	435/MR	Swabi
2.	FC Azam Khan S/o Shaheed ASI Jamsher Khan	Absorbed	14.11.1992	436/MR	Mardan
3.	Saddam Hussain S/o Shaheed FC Jan Alam	Newly appointed	22.01.1994	437/MR	Charsadda
4.	Khalid Ahmad S/o Shaheed FC Noor Hayat	Newly appointed	19.02.1994	438/MR	Swabi
5.	FC Kifayat Ullah S/o Shaheed FC Karim Ullah	Absorbed	14.10.1994	439/MR	Mardan
6.	Abdullah Jan s/o Shaheed Constable Wali Muhammad	Newly appointed	14.10.1994	440/MR	Mardan
7.	Imad Khan S/o Shaheed FC Jehan Zeb No. 105	Newly appointed	01.08.1995	441/MR	Charsadda
8.	Kamran Nadir S/o Shaheed Gul Nadir	Newly appointed	05.09.1995	442/MR	Charsadda
9.	Sahar Gul S/o Shaheed FC Nowsherwan	Newly appointed	10.04.1996	443/MR	Charsadda
10.	FC Muhammad Asif s/o LHC Yousaf Khan	Absorbed	30.04.1996	444/MR	Nowshera
11.	FC Adnan Khan S/o Shaheed FC Said Qamar No. 983	Absorbed	12.07.1996	445/MR	Mardan
12.	Muhammad Bilal S/o Shaheed FC Muhammad Javid	Newly appointed	18.08.1996	446/MR	Swabi

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13.	Muhammad Zeeshan S/o Shaheed FC Sardar Muhammad	✓	Newly appointed	14.01.1998	447/MR	Mardan
14.	FC Farhad Ali Shah S/o Shaheed IIC Mukamil Shah	✓	Absorbed	22.08.1999	448/MR	Charsadda
15.	Bilat S/o Shaheed FC Shahzada	✓	Newly appointed	01.05.2001	449/MR	Charsadda
16.	FC Tahir Rasool s/o Shaheed Constable Hazrat Rasool	✓	Absorbed	10.05.2001	450/MR	Mardan
17.	FC Nasir Khan S/o Shaheed IIC Laiq Shah	✓	Absorbed	17.03.2002	451/MR	Swabi
18.	FC Shah Faisal No. 1842 B/o Shaheed FC Shad Muhammad No. 959	✓	Absorbed	22.02.2003	452/MR	Mardan
19.	Muhammad Bashir S/o Shaheed SI Husan Zada	✓	Newly appointed	22.02.2003	453/MR	Swabi
20.	FC Aimal Zeb No. 149 S/o Shaheed ASI Jehan Zeb Khan	✓	Absorbed	27.09.2005	454/MR	Nowshera
21.	FC Zulfiqar Ali S/o Shaheed FC Muhammad Sher No. 2929	✓	Absorbed	28.03.2006	455/MR	Mardan
22.	Ali Raza S/o Shaheed ASI Noorullah	✓	Newly appointed	02.04.2006	456/MR	Charsadda
23.	Muhammad Shahzad S/o Shaheed IIC Wisal Muhammad	✓	Newly appointed	21.05.2006	457/MR	Swabi
24.	Abdul Latif B/o Shah Khalid No. 277	✓	Newly appointed	27.01.2007	458/MR	Nowshera
25.	FC Akhtar Munir No. 1107 B/o Shaheed FC Muhammad Zubair No. 1061	✓	Absorbed	14.06.2007	459/MR	Nowshera
26.	Zahid Shah S/o Shaheed FC Hidayat Shah	✓	Newly appointed	05.07.2007	460/MR	Charsadda
27.	Sohail Nasir S/o Shaheed DSP Saleem Dad Khan	✓	Newly appointed	02.02.2008	461/MR	Mardan
28.	Sheraz Afzal S/o Shaheed FC Afzal Shah	✓	Newly appointed	23.02.2008	462/MR	Nowshera
29.	FC Shah Faisal S/o Shaheed FC Qaisar Khan	✓	Absorbed	16.03.2008	463/MR	Mardan
30.	FC Tauseef Ahmad 1204 S/o Shaheed FC Farukh Said	✓	Absorbed	25.01.2008	464/MR	Mardan
31.	Waqas Ahmad S/o Shaheed FC Israr Khan	✓	Newly appointed	17.08.2008	465/MR	Charsadda
32.	FC Adil Khan s/o Shaheed HC Amjid Ali	✓	Absorbed	22.08.2008	466/MR	Mardan
33.	Ashfaq Ali B/o Shaheed Adil Ali No. 1514	✓	Newly appointed	31.10.2008	467/MR	Mardan
34.	FC Atiq-ur Rehman B/o shaheed FC Arif Shah	✓	Absorbed	01.11.2008	468/MR	Mardan
35.	Shahab B/o Shaheed FC Taimoor Khan No. 2129	✓	Newly appointed	06.01.2009	469/MR	Mardan
36.	Imran B/o Shaheed FC Fazal Rahman	✓	Newly appointed	07.01.2009	470/MR	Mardan
37.	Abid Ali S/o Shaheed FC Usman Ali	✓	Newly appointed	08.02.2009	471/MR	Swabi
38.	FC Izaz Ali S/o Shaheed HC Muhammad Taj No. 54	✓	Absorbed	24.03.2009	472/MR	Swabi
39.	JC Zaheer Muhammad B/o Shaheed FC Naseer Muhammad	✓	Absorbed	26.03.2009	473/MR	Mardan
40.	Taimoor Ahmad S/o Shaheed DSP Bahadar Khan	✓	Newly appointed	15.04.2009	474/MR	Charsadda
41.	Kamran Zeb S/o Shaheed ASI Aurangzeb	✓	Newly appointed	20.04.2009	475/MR	Charsadda
42.	FC Shakeel B/o Shaheed FC Siyar No. 4763/FRP	✓	Absorbed	11.05.2009	476/MR	Swabi
43.	Muhammad Kashif S/o Shaheed FC Fazal Subhan No. 593	✓	Newly appointed	20.05.2009	477/MR	Charsadda
44.	FC Zeeshan No. 23 S/o Shaheed FC Musharaf	✓	Absorbed	01.06.2009	478/MR	Mardan
45.	Mazhar Fawad S/o Shaheed Inspector Fazal Khanan	✓	Newly appointed	04.06.2009	479/MR	Mardan

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46.	FC Bahar Ali B/o Shaheed FC Farman Ali No. 1095	Absorbed	12.08.2009	480/MR	Charsadda
47.	Kashif B/o Shaheed FC Nasir	Newly appointed	01.10.2009	481/MR	Mardan
48.	FC Nihar Ali S/o Shaheed SI Gul Inran	Absorbed	24.10.2009	482/MR	Mardan
49.	FC Asif Ayaz No. 2801 B/o Shaheed FC Muhammad Ayaz	Absorbed	11.03.2010	483/MR	Mardan
50.	FC Atta Ullah No. 989 B/o Shaheed FC Alamgir	Absorbed	14.06.2010	484/MR	Mardan
51.	Taj Islam S/o Shaheed Muhammad Ishaq	Newly appointed	06.07.2010	485/MR	Mardan
52.	FC Naveed ur Rehman s/o Shaheed SI Khushdil Khan	Absorbed	07.09.2010	486/MR	Swabi
53.	Syed Ali Shah B/o FC Shaheed Syed Kamal Shah No. 1298	Newly appointed	13.12.2010	487/MR	Mardan
54.	FC Izhar Ahmad No. 1401 B/o Shaheed FC Wiqar Ahmad & Shaheed ASI Mukhtiar Ahmad	Absorbed	15.03.2011 18.01.2007	488/MR	Mardan
55.	FC Muammar Shah B/o Shaheed Inspector Mazhar Shah	Absorbed	15.03.2011	489/MR	Charsadda
56.	Syed Adil Badshah B/o shaheed FC Syed Usman Badshah	Newly appointed	16.04.2011	490/MR	Mardan
57.	FC Shah Khalid B/o Shaheed Kausar Ali	Absorbed	22.04.2011	491/MR	Charsadda
58.	Mujeeb Alam B/o Shaheed FC Sardar Alam No. 381	Newly appointed	25.05.2011	492/MR	Charsadda
59.	FC Mujeeb ur Rehman B/o Shaheed Niaz ur Rehman No. 130	Absorbed	25.05.2011	493/MR	Charsadda
60.	Saddam Hussain S/o Shaheed LHC Mir Wali	Newly appointed	16.07.2011	494/MR	Swabi
61.	Ikram Khan B/o Shaheed LHC Ayaz Khan	Newly appointed	12.11.2011	495/MR	Mardan
62.	Muhammad Adil S/o Shaheed LHC Ali Zar	Newly appointed	17.03.2012	496/MR	Swabi
63.	FC Shahid Hussain B/o Shaheed FC Shah Hussain	Absorbed	12.05.2012	497/MR	Mardan
64.	Saddam Ali B/o Shaheed FC Kashif Ali	Newly appointed	09.06.2012	498/MR	Swabi
65.	FC Shah Naam B/o Shaheed FC Noorul Islam	Absorbed	19.07.2012	499/MR	Mardan
66.	Murshed Alam S/o Shaheed SP Khurshid Alam	Newly appointed	14.10.2012	500/MR	Charsadda
67.	Wahab Ali Shah S/o Shaheed Tajamul Shah	Newly appointed	03.12.2012	501/MR	Mardan
68.	FC Waseem Iqbal S/o Shaheed HC Arshed Iqbal of Special Branch	Absorbed	18.02.2013	502/MR	Swabi
69.	FC Nasir Khan B/o Shaheed Azmat Jan	Absorbed	19.02.2013	503/MR	Charsadda
70.	Muhammad Tariq Hayat B/o Shaheed Abdul Nasir	Newly appointed	23.02.2013	504/MR	Nowshera
71.	Adnan Ahmad S/o Shaheed FC Islam Gul	Absorbed	26.03.2013	505/MR	Mardan
72.	Adnan Khan S/o Shaheed SI Gharib Ullah	Newly appointed	16.07.2013	506/MR	Nowshera
73.	FC Muhammad Qasim s/o Shaheed ASI Fazal Wahab	Absorbed	20.10.2013	507/MR	Mardan
74.	Zeeshan S/o Shaheed FC Istikhar Ahmad	Newly appointed	13.12.2013	508/MR	Swabi
75.	Jehan Ali B/o Shaheed FC Nawaz Ali	Newly appointed	12.01.2014	509/MR	Swabi
76.	FC Naveed Iqbal No. 809 S/o Shaheed Muhammad Iqbal	Absorbed	14.01.2014	510/MR	Nowshera
77.	FC Bilal Ahmad B/o Shaheed LHC Khwaja Muhammad	Absorbed	22.01.2014	511/MR	Charsadda
78.	Amir Khan S/o Shaheed Sabir Khan No. 738	Newly appointed	24.01.2014	512/MR	Swabi

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79.	Ishtiaq Ahmad B/o Shaheed FC Ashfaq Ahmad	Newly appointed	15.02.2014	513/MR	Charsadda
80.	Fakhar Yar Khan S/o Shaheed FC Shehryar Khan	Newly appointed	25.05.2014	514/MR	Charsadda
81.	Tauheed Khan S/o Shaheed SI Sattar Khan	Newly appointed	20.06.2014	515/MR	Charsadda
82.	Rasool Khan B/o Shaheed FC Alam Khan No. 2000	Newly appointed	23.07.2014	516/MR	Charsadda

Necessary notification regarding their appointment/ absorption may please be issued subject to their medical fitness and verification of character/antecedent.

(Signature)
 (MUHAMMAD SAFAED)PSP
 Deputy Inspector General of Police,
 Mardan Region-I, Mardan.

Copy to Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for information w/r to his office Memor Nos. 4016-22/E-III dated 31.12.2015 & 4017-22/E-III dated 11.01.2016.

(MUHAMMAD SAFAED)PSP
 Deputy Inspector General of Police,
 Mardan Region-I, Mardan.

(Signature)
 C.P./FC/PO/CAS
 for information

(Signature)

ATTESTED

(Signature)
 11-16



GOVERNMENT OF KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT

NO. BO-III/FD/7-1/2015-2016

Dated Peshawar the 26th August 2015



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Anz

To

1. The Secretary to Government of Khyber Pakhtunkhwa, Home and Tribal Affairs Department.
2. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

Subject: - CREATION OF 600 POSTS IN THE RANK OF ASI FOR THE ELIGIBLE WARDS OF POLICE SHUHADA.

Dear Sir,

I am directed to refer to Home and Tribal Affairs Department letter No. SO (Budget)/HD/15-2/2014 dated 10-08-2015 addressed to this department and copy thereof endorsed to Provincial Police Officer on the subject noted above and to state that in compliance to the approval of Summary by the Honorable Chief Minister Khyber Pakhtunkhwa, Finance Department agrees to the creation of the 300 supranumerary posts of ASI BS-9 subject to the condition that with gradual retirement of ASIs holding permanent/regular posts, the senior most from 300 holders of the supranumerary posts will be adjusted against the posts falling vacant and the corresponding supranumerary posts will stand abolished accordingly in a gradual manner.

2. The expenditure involved is debitable to the function "03-Public Order and Safety Affairs 032-Police 0321-Police 032102-Provincial Police NC 21014 (010)" and will be met out from A01270-086-Other LS at the disposal of Finance Department during the current financial year 2015-16.

3. Draft Sanction showing DDo wise distribution of posts may be prepared and sent to this department for authentication.


Yours faithfully


(SHAH MUHAMMAD)
BUDGET OFFICER-III

ATTESTED

DSC/IF

So (Budget)


28/08/15

19

- 1. The Provincial Police Officer, NWFP, Peshawar.
- 2. The Deputy Inspector General of Police, Mardan Region-I, Mardan
- 3. The Capital City Police Officer, NWFP, Peshawar.
- 4. The Deputy Inspector General of Police, Hazara Region.
- 5. The Deputy Inspector General of Police, Kohat Region.
- 6. The Deputy Inspector General of Police, Mulakand Region-III, Swat
- 7. The Deputy Inspector General of Police, Bannu Region.

Amir

D/1

No 3213-18 /E-11 Dated Peshawar the 27/2/2005.

Subject: APPOINTMENT OF POLICE SHUHADA'S SONS

Memo

The Honourable Chief Minister NWFP has been pleased to approve the appointment / absorption of the following Police Shuhada's sons of NWFP Police as Assistant Sub Inspector UPS-09 (2770-165-7720) against 5% quota reserved for "SHUHADA'S SONS" in Police Department vide Government of NWFP Home & L.A.s Department letter No. SO(P)11D:3-22/06 Dated: 21.02.2006 subject to their medical fitness. They shall stand junior from the ASIs being appointed through Public Service Commission NWFP, Peshawar vide Advertisement No. 1/2005.

S/No	NAME, PARENTAGE	ADDRESS
1.	Sabir Gul s/o Shaheed ASI Abid Gul	Kaka Abad Kallang, District Mardan
2.	Rehamat Ullah s/o Shaheed SI Atta Ullah	Mandozai Hazar Khawani, District Peshawar.
3.	Sajjad Hussain s/o Shaheed ASI Javed Khan	Hayat Abad Quarter Phase IV, Sector P-4 Street 9, H/No. 08 Hayatabad Peshawar
4.	Faisal Khan s/o Shaheed Head Constable Muhammad Anwar	Chacha P/O Kallag District Mardan
5.	Shoukat Hayat s/o Shaheed SI Abdul Hakeem	Merozai District Kohat
6.	Junior Clerk Wariq Shah s/o shaheed ASI Raheem Shah	Village Passani PO Sharakan District Peshawar
7.	Maruf Khan s/o Shaheed ASI Khalid Khan	Jan Khan Kaday Talhar Bai District Mardan
8.	Constable Umar Hayat No. 924 s/o Shaheed Const. Muhammad Alam	Village Himindari Kala Lataba District Swat
9.	Zahid Alam s/o Shaheed SI Bakhtiar Alam	Attakay, District Charsadda
10.	Zeeshan s/o Shaheed, Constable Jehanzeb	Village Marozai, District Charsadda
11.	Ejaz Ali s/o Shaheed SI Sher Ali	Utmanzai Chamrozebad, District Charsadda
12.	Fahim Bacha s/o Shaheed Head Constable Sadiq Ullah	Cham Dher, Mian Gan District Mardan
13.	Fahad Khan s/o Shaheed ASI Zahir Shah	Odigram Muhallad Amir Khan Jabo Zar District Swat.
14.	Adnan Azam s/o Shaheed Head Constable Zoor Talah	Village Shabqadar, Mohallah Mirza District Charsadda.
15.	Mr. Waheed Iqbal s/o Shaheed HC Muhammad Iqbal	Village Mudi Khel P/O Ghandu Khan District Lakki Marwat
16.	Roohul Amin s/o Shaheed Constable Wisal Muhammad	Village Adina District Swat
17.	Shahar Rahman s/o Shaheed SI Alab Gul	Village Bughra Dehri District Mardan

ATTESTED

BETTER COPY

(19-A)

To,

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

No.3213-18/E-II

Dated Peshawar the 27.02.2005

Subject: **APPOINTMENT OF POLICE SHUHADA'S SONS**

Memo;

The Honourable Chief Minister NWFP has been pleased to approve the appointment/absorption of the following Police Shuhada's sons of NWFP Police as Assistant Sub-Inspector BPS-09 (2770-165-7720) against 5% quota reserved for "SHUHADA'S SONS" in Police Department vide Government of NWFP Home & T.As Department letter No.SO(P)HD/3-22/06 dated 21.02.2006 subject to their medical fitness. They shall stand junior from the ASIs being appointed through Public Service Commission NWFP, Peshawar vide Advertisement No.1/2005.

S/N.	NAME, PARENTAGE	ADDRESS
1.	Sabir Gul S/o Shaheed ASI Abid Gul	Kaka Abad Katlang, District Mardan
2.	Rehman Ullah S/o Shaheed SI Atta Ullah	Mandozai Hazar Khawani, District Peshawar.
3.	Sajjad Hussain S/o Shaheed ASI Javed Khan	Hayat Abad Quarter Phase-IV, Sector P-I, Street 9, H/No.08 Hayatabad, Peshawar.
4.	Faisal Khan S/o Shaheed Head Constable Muhammad Anwar	Chacha P/o Kaileg District Haripur
5.	Shaoukat Hayat S/o Shaheed SI Abdul Hakeem	Merozai District Kohat
6.	Junior Clerk Wariq Shah S/o Shaheed ASI Raheem Shah	Village Passani PO Sharikara District Peshawar.
7.	Maruf Khan S/o Shaheed ASI Khalid Kha	Jan Khan Kalay Takht Bai District Mardan
8.	Constable Umar hayat No.924 S/o Shaheed Const; Muhammad Alam	Village Simandari Kala Latnabar, District Karak
9.	Zahid Alam S/o Shaheed SI Bakhtiar Alam	Attakay, District Charsadda.
10.	Zeeshan S/o Shaheed, Constable Jehanzeb	Village Marozai, District Charsadda
11.	Ejaz Ali S/o Shaheed SI Sher Ali	Utmanzai Chamrangabad, District Charsadda
12.	Fahim Bacha S/o Shaheed Head Constble Sadiq Ullah	Cham Dheri Mian Gan District Mardan
13.	Fahad Khan S/o Shaheed ASI Zahir Shah	Odigram Muhallah Amir Khan Babo Zai District Swat.
14.	Adnan Azam S/o Shaheed Head Constable Zoor Talab	Village Shabqadar Mohallah Mirzai District Charsadda.
15.	Mr. Waheed Iqbal S/o Shaheed HC Muhammad Iqbal	Village Madi Khel P/o Ghandi Khan Kehl District Lakki Marwat
16.	Roohul Amin S/o Shaheed Constable Wisal Muhammad	Village Adina District Swabi
17.	Shafi ur Rehman S/o Shaheed SI Ajab Gul	Village Baghica Dehri, District Mardan.

ATTESTED

ATTENDED

(M. BAKHT KHAN)
 District Police Officer
 District Police Officer

Necessary Notification regarding the appointment of persons may please be issued under the relevant rules in prescribed forms under intimation to all concerned.

S.No	NAME OF CANDIDATES	REGION TO WHICH POSTED
1	Sahib Gul	Mardan Region
2	Rehamul Ullah	CCP/eshayva
3	Sajjad Hussain	CCP/eshayva
4	Faisal Khan	Hazara Region
5	Shoukat Hayat	Kohat Region
6	Junior Clerk Waris Shah	CCP/eshayva
7	Mazhar Khan	Mardan Region
8	Constable Iqbal Ilyas No. 924	Kohat Region
9	Zahid Alam	Mardan Region
10	Zechan	Mardan Region
11	Ejaz Ali	Mardan Region
12	Fahim Dachs	Mardan Region
13	Fahad Khan	Malakand Region
14	Adnan Azam	Mardan Region
15	Wahced Iqbal	Bannu Region
16	Roohul Amin	Mardan Region
17	Shafi ur Rehman	Mardan Region
18	Shams ur Rehman	CCP/eshayva
19	Asad Ali Shah	Bannu Region
20	Abber Zeb Shah	Malakand Region
21	Constable Saadat Ali No. 372	Mardan Region
22	Races Khan wa Shated	Malakand Region
23	Constable Muhammad Naeem	Malakand Region
24	Constable No. 399	Mardan Region
25	Constable Muhammad Naeem	Mardan Region
26	Muz Hussain	Mardan Region

On appointment fabrication they are notified/indicated to the Region assigned against their names:-

18	Shams ur Rehman wa Shated	Molaitan Yasin Khan District, District Police Officer
19	Asad Ali Shah wa Shated	Kohat District, District Police Officer
20	Abber Zeb Shah	Dehri Jangal District, District Police Officer
21	Constable Saadat Ali No. 372 wa Shated Head Constable	Molaitan Yasin Khan District, District Police Officer
22	Races Khan wa Shated	Village Soghar Tehsil & District Dir Lower
23	Constable Muhammad Naeem	Village Ioshire, District Chitral
24	Muz Hussain wa Shated	Village Nawar, District, District

20

(20-A)

BETTER COPY

18.	Shams ur Rehman S/o Shaheed IHC Zarghun Shah No.126	Mohallah Yasin Khel Urmur District petitioner
19.	Asad Ali Shah S/o Shaheed SI Said Ali Shah	Korka Pir Dil Khel Bazar, District Bannu
20.	Akber Zeb S/o Shaheed constable Akber Khan	Dhero Julagram Malakand Agency
21.	Constable Saadat Ali No.372 S/o Shaheed Head Constable Khurshid Khan	Mohallah Bazidkhel Village Kalo Kha District Swabi.
22.	Raees Khan S/o Shaheed Constable Sabir Khan	Village Sugiar Tehsil & District Dir Lower.
23.	Constable Muhammad Naeem Khattak No.399 S/o Shaheed Driver Const; Zavor Shah	Village Dosehra, District Charsadda.
24.	Niaz Hussain S/o Shaheed Shaz Ali Khan	Village Nawan Kalay PS Rustam, District Mardan.

On appointment/ absorption they are posted/ allotted to the Region as noted against their names:-

S/No.	Name of candidate	Region to which posted/ allotted
1.	Sabir Gul	Mardan Region
2.	Rehmat Ullah	CCP/ Peshawar
3.	Sajjad Hussain	CCP/ Peshawar
4.	Faisal Khan	Hazara Region
5.	Shoukat Hayat	Kohat Region
6.	Juino Clerk Wariq Shah	CCP/ Peshawar
7.	Maruf Khan	Mardan Region
8.	Constable Umar Hayat No.924	Kohat Region
9.	Zahid Alam	Mardan Region
10.	Zeeshan	Mardan Region
11.	Ejaz Ali	Mardan Region
12.	Fahim Bacha	Mardan Region
13.	Fahad Khan	Malakand Region
14.	Adnan Azam	Mardan Region
15.	Waheed Iqbal	Bannu Region
16.	Roohul Amin	Mardan Region
17.	Shafi ur Rehman	Mardan Region
18.	Shams ur Rehman	CCP/ Peshawar
19.	Asad Ali Shah	Bannu Region
20.	Akber Zeb	Malakand Region
21.	Constable Saadat Ali No.372	Mardan Region
22.	Raees Khan	Mardan Region
23.	Constable Muhammad Naeem Khattak No.399	Mardan region
24.	Niaz Hussain	Mardan Region

Necessary Notification regarding their appointment/ absorption may pleased be issued under the relevant rules in prescribed manner under intimation to all concerned.

Sd/-
M. RAFFAT PASATT
Provincial Police Officer
NWFP, Peshawar

ATTESTED

Annex

(21)

D/2

POLICE DEPTT:

SENIORITY LIST OF PROBATIONER ASIS OF KOHAT REGION.

KOHAT REGION

Subject:- SENIORITY LIST.

The Seniority list of the following P/ASIs, as it stood on 01.02.2021 is hereby published as per Police Rules 12.2(3) & 13.18(2) according to their age, for the information of all concerned :-

S.No.	Rank, Name & Number	Date of Birth	Date of Enlistment	Date of Confirmation	Date of promotion list "C"	Edu:	Place of Posting	Remarks
1.	P/ASI Muhammad Adil (Grd:FC) 28/K	04.04.1979	10.03.2017			MA	Oper: Karak	
2.	P/ASI Muhammad Idriss (PSC) 22/K	22.03.1991	10.03.2017			B.Sc	Oper: Karak	
3.	P/ASI Waqar Ahmed (PSC) 21/K	02.06.1991	10.03.2017			MS	Oper: Karak	
4.	P/ASI Faizan Sattar (PSC) 23/K	01.04.1993	10.03.2017			BS (Pol: Sc)	Oper: Kohat	
5.	P/ASI Nasir Farid (PSC) 13/K	08.08.1995	10.03.2017			F.Sc	CCP Pesh:	
6.	P/ASI Khizar Farid (PSC) 11/K	26.09.1995	10.03.2017			F.Sc	Oper: Hangu	
7.	P/ASI Zeeshan Zahoor (PSC) 25/K	14.10.1995	10.03.2017			BA	Oper: Kohat	
8.	P/ASI Shahid Ullah 29/K	06.03.1981	T/ASI 18.01.2016 P/ASI 27.04.2017			FA	Oper: Kohat	
9.	P/ASI Adnan Ahmed (PSC) 06/K	03.07.1989	22.12.2017			BS (Eng)	Oper: Kohat	
10.	P/ASI Syed Gulshan Abbas 12/K	10.08.1986	T/ASI 18.01.2016 P/ASI 24.04.2019			FA	Oper: Kohat	
11.	P/ASI Wasim Akram 27/K	20.04.1987	T/ASI 18.01.2016 P/ASI 24.04.2019			FA	Oper: Hangu	
12.	P/ASI Sana Ullah 31/K	21.04.1987	T/ASI 18.01.2016 P/ASI 24.04.2019			FA	Oper: Kohat	
13.	P/ASI Adeel Salah ud Din 24/K	25.05.1989	T/ASI 18.01.2016 P/ASI 24.04.2019			B.Sc	Oper: Kohat	
14.	P/ASI Muhammad Hanif 63/K	18.02.1990	T/ASI 18.01.2016 P/ASI 24.04.2019			FA	Oper: Kohat	
15.	P/ASI Irfan Shah 66/K	03.03.1990	T/ASI 18.01.2016 P/ASI 24.04.2019			DAE	Oper: Karak	

16.	P/ASI Tasawar Hussain 79/K	11.04.1990	T/ASI 18.01.2016 P/ASI 24.04.2019			FA	Oper: Karak	
17.	P/ASI Muhammad Irfan 80/K	20.09.1990	T/ASI 18.01.2016 P/ASI 24.04.2019			BA	Oper: Kohat	

OFFICE OF THE REGIONAL POLICE OFFICER, KOHAT REGION, KOHAT

NO. 226-70 /EC, Dated Kohat the 12/13- /2021.

Copy of above is forwarded to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar for favour of information please.
2. Capital City Police Officer, Peshawar.
3. All District Police Officer, Kohat Region.
4. All Heads of Investigation, Kohat Region.
5. Asstt: Secret Range office, Kohat.

ATTESTED

Regional Police Officer,
Kohat Region.

ORDER.

() (E) (22)

On adjustment from supernumerary posts in 5% Shuhada's Wards quota issued vide this office order endorsement No. 2832-36/ES dated 14.04.2017. The following PASIs are hereby transferred/posted to the District as noted against each their names:-

Police Officer
7-198
Date 5/9/17
Mardan

S. No.	Name & No.	From	To (In 5% existing vacant posts)
1.	Muhammad Belizad No. 435/MR	Swabi District	Swabi District
2. ✓	Saddam Hussain No. 437/MR	Charsadda District	Mardan District
3.	Khalid Ahmad No. 438/MR	Swabi District	Mardan District
4.	Kifayat Ullah No. 439/MR	Mardan District	Mardan District
5.	Abdullah Jan No. 440/MR	Mardan District	Mardan District
6. ✓	Imad Khan No. 441/MR	Charsadda District	Mardan District
7. ✓	Kamran Nadir No. 442/MR	Charsadda District	Mardan District
8. ✓	Sahar Gul No. 443/MR	Charsadda District	Mardan District
9.	Muhammad Asif No. 444/MR	Nowshera District	Nowshera District
10.	Adnan Khan No. 445/MR	Mardan District	Mardan District

(Muhammad Alam Shinwari) PSP
Regional Police Officer,
Mardan. *Alw*

No. 6684-87/ES,

Dated Mardan the 31/08 2017.

Copy to All DPOs in Mardan Region-I, Mardan for information and necessary action.

(*****)

ATTESTED

E-C / P.O
For action
[Signature]

Government of Khyber Pakhtunkhwa
Office of the Regional Police Officer,
Mardan

Phone No. 0937-9230113, Fax No. 0937-9230115.
Email Address: - esrpomardan@gmail.com

(F) (23)

To : The District Police Officer, Swabi.
District Police Officer, Mardan.
District Police Officer, Nowshera.
District Police Officer, Charsadda.

No. 2057-60 /ES, dated Mardan Region, the 13 /11/2020.

Subject: CONFIRMATION IN THE RANK OF ASI & PROMOTION TO LIST "E".

Memo:

Consequent upon recommendations of the Departmental Promotion Committee held in this office on 10.11.2020, the following Probationer Assistant Sub Inspectors of Mardan Region, who were appointed on supernumerary posts being Wards of Shuhada's are hereby approved for confirmation in the rank of ASI's from the date of their appointment in light of Police Rules, 1934 Chapter-12 Rule-8, Rule-12 Sub Rule-2 Clause-3 and Chapter 19 Rule-25 Sub Rule-5 as well as Standing Order No. 10/2014 and the decision made during Departmental Promotion Committee Meeting held on 09.06.2016 at Central Police Office, Peshawar wherein guidance had been sought for bringing names of PASIs appointed on supernumerary posts on promotion list "E". Their names are brought on promotion list "E" with immediate effect.

S. No.	Name & Region Number	Date of Birth	Date of appointment/absorption as PASI	Date of confirmation as PASI
1.	PASI Ashfaq Ali No. 467/MR	02/02/1981	12/01/2016	12/01/2016
2.	PASI Shah Khalid No. 491/MR	30/03/1981	12/01/2016	12/01/2016
3.	PASI Shakeel No. 476/MR	01/04/1982	12/01/2016	12/01/2016
4.	PASI Zaheer Muhammad No. 473/MR	10/04/1982	12/01/2016	12/01/2016
5.	PASI Akhtar Munir No. 459/MR	12/03/1983	12/01/2016	12/01/2016
6.	PASI Muammar Shah No. 489/MR	05/03/1984	12/01/2016	12/01/2016
7.	PASI Syed Ali Shah No. 487/MR	06/04/1984	12/01/2016	12/01/2016
8.	PASI Naveed Ur Rehman No. 486/MR	14/03/1985	12/01/2016	12/01/2016
9.	PASI Azhar Ahmad No. 488/MR	12/04/1986	12/01/2016	12/01/2016
10.	PASI Attaullah No. 484/MR	01/05/1986	12/01/2016	12/01/2016
11.	PASI Nasir Khan No. 451/MR	06/01/1987	12/01/2016	12/01/2016
12.	PASI Bilal Ahmad No. 511/MR	09/01/1987	12/01/2016	12/01/2016
13.	PASI Mujeeb Ur Rahman No. 493/MR	30/03/1987	12/01/2016	12/01/2016
14.	PASI Nihar Ali No. 482/MR	19/04/1987	12/01/2016	12/01/2016
15.	PASI Kashif No. 481/MR	24/04/1987	12/01/2016	12/01/2016
16.	PASI Nasir Khan No. 503/MR	10/01/1988	12/01/2016	12/01/2016
17.	PASI Taj ul Islam No. 485/MR	02/02/1988	12/01/2016	12/01/2016
18.	PASI Shahid Hussain No. 497/MR	05/04/1988	12/01/2016	12/01/2016
19.	PASI Farhad Ali Shah No. 448/MR	30/08/1989	12/01/2016	12/01/2016
20.	PASI Zulfiqar Ali No. 455/MR	10/03/1990	12/01/2016	12/01/2016
21.	PASI Saddam Ali No. 498/MR	05/04/1990	12/01/2016	12/01/2016
22.	PASI Muhammad Bashir No. 453/MR	30/06/1990	12/01/2016	12/01/2016
23.	PASI Mujeeb Alam No. 492/MR	15/01/1991	12/01/2016	12/01/2016
24.	PASI Muhammad Shahzad No. 457/MR	29/03/1991	12/01/2016	12/01/2016
25.	PASI Tauheed Khan No. 515/MR	13/04/1991	12/01/2016	12/01/2016
26.	PASI Saddam Hussain No. 437/MR	25/05/1991	12/01/2016	12/01/2016
27.	PASI Muhammad Asif No. 444/MR	03/09/1991	12/01/2016	12/01/2016
28.	PASI Tauseef Ahmad No. 464/MR	02/01/1992	12/01/2016	12/01/2016
29.	PASI Adrian Khan No. 445/MR	24/01/1992	12/01/2016	12/01/2016

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(24)

30.	PASI Shah Naam No. 499/MR	02/03/1992	12/01/2016	12/01/2016
31.	PASI Sahar Gul No. 443/MR	10/03/1992	12/01/2016	12/01/2016
32.	PASI Rasool Khan No. 516/MR	10/04/1992	12/01/2016	12/01/2016
33.	PASI Asif Ayaz No. 483/MR	01/05/1992	12/01/2016	12/01/2016
34.	PASI Muhammad Behzad No. 435/MR	05/05/1992	12/01/2016	12/01/2016
35.	PASI Muhammad Qasim No. 507/MR	25/11/1992	12/01/2016	12/01/2016
36.	PASI Ishtiaq Ahmad No. 513/MR	03/03/1993	12/01/2016	12/01/2016
37.	PASI Wahab Ali Shah No. 501/MR	10/03/1993	12/01/2016	12/01/2016
38.	PASI Aizaz Ali No. 472/MR	15/03/1993	12/01/2016	12/01/2016
39.	PASI Naveed Iqbal No. 510/MR	06/04/1993	12/01/2016	12/01/2016
40.	PASI Shah Faisal No. 463/MR	03/05/1993	12/01/2016	12/01/2016
41.	PASI Adil Khan No. 466/MR	02/02/1994	12/01/2016	12/01/2016
42.	PASI Adnan Ahmad No. 505/MR	25/02/1994	12/01/2016	12/01/2016
43.	PASI Syed Adil Badshah No. 490/MR	03/03/1994	12/01/2016	12/01/2016
44.	PASI Muhammad Bilal No. 446/MR	13/03/1994	12/01/2016	12/01/2016
45.	PASI Saddam Hussaim No. 494/MR	01/04/1994	12/01/2016	12/01/2016
46.	PASI Muhammad Zeeshan No. 447/MR	10/04/1994	12/01/2016	12/01/2016
47.	PASI Abdullah Jan No. 440/MR	11/04/1994	12/01/2016	12/01/2016
48.	PASI Imran No. 470/MR	12/08/1994	12/01/2016	12/01/2016
49.	PASI Zahid Shah No. 407/MR	01/09/1994	12/01/2016	12/01/2016
50.	PASI Tahir Rasool No. 450/MR	15/01/1995	12/01/2016	12/01/2016
51.	PASI Murshid Alam No. 500/MR	03/02/1995	12/01/2016	12/01/2016
52.	PASI Bahar Ali No. 480/MR	03/03/1995	12/01/2016	12/01/2016
53.	PASI Mazhar Fawad No. 479/MR	20/03/1995	12/01/2016	12/01/2016
54.	PASI Muhammad Adil No. 496/MR	01/04/1995	12/01/2016	12/01/2016
55.	PASI Taimoor Ahmad No. 474/MR	20/08/1995	12/01/2016	12/01/2016
56.	PASI Kamran Zeb No. 475/MR	10/09/1995	12/01/2016	12/01/2016
57.	PASI Wiqas Ahmad No. 465/MR	25/01/1996	12/01/2016	12/01/2016
58.	PASI Ali Raza No. 456/MR	18/02/1996	12/01/2016	12/01/2016
59.	PASI Abid Ali No. 471/MR	03/03/1996	12/01/2016	12/01/2016
60.	PASI Sohail Nasir No. 461/MR	05/04/1996	12/01/2016	12/01/2016
61.	PASI Shahab No. 469/MR	31/05/1996	12/01/2016	12/01/2016
62.	PASI Zeeshan No. 508/MR	07/03/1997	12/01/2016	12/01/2016
63.	PASI Amir Khan No. 512/MR	05/04/1997	12/01/2016	12/01/2016
64.	PASI Muhammad Kashif No. 477/MR	10/04/1997	12/01/2016	12/01/2016
65.	PASI Ziarat Gul No. 517/MR	10/01/1986	02/02/2016	02/02/2016
66.	PASI Muhammad Zameer No. 518/MR	03/07/1994	02/02/2016	02/02/2016
67.	PASI Fakhre Alam Shah No. 519/MR	01/06/1991	10/02/2016	10/02/2016
68.	PASI Musavir Ali No. 520/MR	25/08/1994	30/06/2016	30/06/2016

Necessary Gazette Notification be issued accordingly.

ATTESTED

Regional Police Officer,
Mardan.



**OFFICE OF THE
DISTRICT POLICE OF
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email dpo_mardan@yahoo.com

2020

25

To:

The Deputy Inspector General of Police,
Mardan Region-I, Mardan.

G Amet

No. 6786 /EC, dated Mardan, the 03/12 /2020.

Subject: APPLICATION.

Memo:

Enclosed kindly find herewith self explanatory applications submitted by the following PASIs of this district police for favor of consideration please.

1. Pasi Farooq Ali 679/MR
2. Pasi Ijaz Ali 686/MR
3. Pasi Yasir Arafat 682/MR
4. Pasi Faizan Ahmad 685/MR
5. Pasi Shahid Alam 680/MR
6. Pasi Ansar Ahmad 681/MR
7. Pasi Amir Riaz 683/MR
8. Pasi Fawad Yousaf 351/MR
9. Pasi Muhammad Asim 684/MR

6786 (27)

District Police Officer
Mardan

ATTESTED

HUAWEI NOVA
DUAL CAMERA

26

To

The Deputy Inspector General of Police,
Mardan Region-I, Mardan.

Subject: **APPEAL AGAINST THE UNJUST/ILLEGAL FIXATION OF MERIT ON LIST "E" OF SUPERNUMERARY PASIs (SHUHADA QUOTA) 2016 BATCH IN MARDAN REGION, WHICH IS ALSO IN CONTRADICTION TO THE POLICY APPROVED AND THE QUOTA PRESCRIBED FOR SHUHADA WARDS.**

R/Sir,

With profound veneration and to start with it is stated that I am filing an appeal against the subject noted above on the following grounds.

- As per RPO Mardan office letter bearing number 7057-60/EC dated 13-11-2020 a total of 68 Supernumerary PASIs (Shuhada Quota) are approved to be brought on list "E"/confirmed from the date of appointment on Supernumerary posts. Which is not only unjust and illegal but also against the spirit of merit and in contradiction to Finance Department letter bearing number BO-III/FD/7-1/2015-2016 dated 26.08.2015 which clearly describes that "In compliance to the approval of summary by the honorable Chief Minister KPK, Finance department agrees to the creation of the 300 supernumerary posts of ASI BS-09 subject to the condition that with gradual retirement of ASIs holding permanent/regular posts, the senior most from 300 holders of these supernumerary posts will be adjusted against the posts falling vacant and the corresponding supernumerary posts will stand abolished accordingly in gradual manner". (Annexure-A)
- That appointment of PASIs (Shuhada Quota) on Supernumerary posts were made purely on temporal/non-regular bases and subject to the subsequent adjustment against future substantive/permanent vacancies under the prescribed quota i.e. 5% as and when become available upon retirement of ASIs holding regular/permanent posts. As previously done vide the RPO Mardan office order endorsement number 2832-36/ES dated 14.04.2017 wherein a total of 10 supernumerary PASIs (Shuhada quota) were adjusted on regular permanent posts in 5% quota specified for them. (Annexure-B)
- That their confirmation should, therefore, be considered from the date of actual incorporation of each candidate on regular/permanent post according to the law in vogue.
- That, their unjust confirmation/fixation of merit position on list "E" has sent a shockwave in all PASIs (PCS) Batch 2017 who have qualified Public service commission exam after a rigorous, tough and open competition and were appointed on substantive sanctioned posts. It would not only negatively affect the seniority of PCS PASIs but also greatly de-motivate these competent young PCS officers.
- That in future, in such like circumstances if arises the parameters and unjustified illogical norms established in this case would be definitely infructuous being devoid of merit and violation of service law.
- That it is an established principle of law that no executive order would be deemed competent if it grossly violates such like order would not only deprive the meritorious and competent service men but would also shake the credibility of all the departmental orders issued so.
- Therefore with great concern and appeal, it is requested to please put your kind attention on this issue in favor of justice and merit.

Dated: 30 / 11 / 2020

Kind regards

Fawad Yousof
351/My

Accepted

H

27

COMMITTEE REPORT

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

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

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

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



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(27-A)

COMMITTEE REPORT

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

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

ATTESTED

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

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(28-A)

3. The facts in brevity leading to the instant case appear that it is a simple matter of determination of seniority of Respondent DSP Nasir Khan whose name was brought on promotion list "E" on officiating basis on 20.02.2001, however, he was reverted later on which was challenged by him by way of filing a Service Appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar. Such Service Appeal was decided by the Tribunal dated 23.02.2008, whereby his name was restored to promotion list "E" with effect from date of notification dated 20.02.2002. The Respondent was confirmed in the position of Sub-Notification before the Service Tribunal and prayed for granting him confirmation with effect from 20.02.2003. The tribunal by the impugned judgment dated 13.05.2012 modified the notification to the extent that name of the Respondent was enlisted in the list "F" with effect from 20.02.2003 with all consequential back benefits. However, it was misreading and omission on the part of the learned Tribunal by not fully appreciating the facts of the case coupled with the prayer of the petitioner claiming seniority in the position of confirmed Sub-Inspector as of 20.02.2003 the tribunal instead directed the inclusion of his name list "F" with effect from 20.02.2003 enabling him to overtake many probationer ASIs some of whom where even recruited long before his induction in the rank of Constable in the year 1991.
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ATTESTED

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

(29-A)

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ATTESTED

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

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

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ATTESTED

31

Interim award of seniority among the upper sub-ordinates which are laid down in rule 12.2 (b) and jotted down below for better understanding:-

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

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

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

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(31-A)

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

- I. Seniority shall be reckoned from the date of appointment in the first place which means that the one who is appointed earlier shall be considered senior to those who are appointed later in point of time;
 - II. A promote officer shall be considered senior to the directly recruited officer if both appointed on the same date;
 - III. Officers appointed directly in one batch have their seniority determined on the basis of age; the overage shall be considered senior to the rest of the batch who are junior in age; and
 - IV. Seniority shall be finally determined from the date of confirmation provided the seniority inter-se of several officers confirmed on the same date being that allotted to them on first appointment.
9. According to the judgment of the apex Court dated 07.10.2020, wherein Respondent Nasir Khan DSP was assigned seniority in promotion List "E" with effect from 20.02.2003, which means that on the mentioned date he was confirmed Asstt; Sub-Inspector and promoted as Offg; Sub-Inspector. Further in accordance with Police Rules 13.8 the Respondent was to remain on probation for a period of two years ending on 20.02.2005. Although Police Rules 13.14(2) laid down the pre-condition of SHO period for one year in non-domicile district of the officer for confirmation in the Rank of Sub-Inspector, but the tribunal Judgment brushed aside this aspect of the matter therefore, the Respondent Officer was eligible for confirmation in the Rank of Sub-Inspector with effect from 20.02.2005, the effective date on which his two years probation was ended.
10. Going by this, the Respondent further seniority and admission to promotion List "F" is to be seen after the date of his confirmation in the Rank of Sub-Inspector. According to Seniority List "F" which stood on 31.12.2005 issued by CPO vide

ATTESTED

No. 1045/G2/E-II dated 02.02.2006 the name of Respondent DSP Nasir Khan would fall at Serial No. 309 above the name of Ishtiaq Ahmad at Serial No. 310, and below the name of Falak Niaz at Serial No. 309. It is further clarified that the name of DSP Nasir Khan at Serial No. 309 above the name of Ishtiaq Ahmad is due to the fact that the later officer is also on the strength of CCPO, Peshawar who was promoted as confirmed Sub-Inspector on 23.08.2005 almost Six (06) months later than the former officer.

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

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

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

RECOMMENDATIONS: -

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

(32-A) BETTER COPY

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

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

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

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

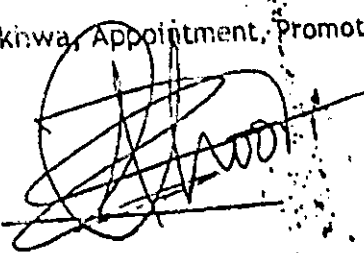
RECOMMENDATIONS:-

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

ATTESTED

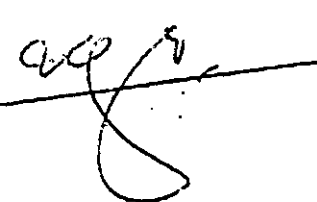
in order to protect the interests of the probationary ASIs it is recommended that every Officer's name may be brought on promotion List "E" from the date of his appointment which is in accordance with the principles of justice and service laws on the subject such as Section-7 (3) and (5), 8 (4) of Khyber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

(ZAHOOB LABAR AFRIDI)
AIG/Establishment
Khyber Pakhtunkhwa
Peshawar



(Member)

(JAVED AHMAD)
AIG/Logist
Khyber Pakhtunkhwa
Peshawar



(Member)

(APPROVED)

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



(33-A)

BETTER COPY

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

Sd/-
Member

Sd/-
ZAHOOR BABAR AFRIDI
AIG/ Establishment
Khyber Pakhtunkhwa
Peshawar

Sd/-
Member

Sd/-
JAVED AHMAD
AIG/ Legal
Khyber Pakhtunkhwa
Peshawar

Approved
Sd/-
SAJID ALI KHAN
COMMANDANT
Fortier Reserve Police
Khyber Pakhtunkhwa, Peshawar
(CHAIRMAN)

ATTESTED

06.2016 IN THE CONFERENCE ROOM-II, CPO, PESHAWAR

P=34

(I)

A meeting of Departmental Promotion Committee was held on 09.06.2016 at 1100 hours in CPO Conference Room-II, under the Chairmanship of Mian Muhammad Asif, Addl: CPO/Headquarters Khyber Pakhtunkhwa.

2. The following officers attended the meeting:-

I	Addl. IGP/HQs: Khyber Pakhtunkhwa.	Chairman
II	DIG/HQs: Khyber Pakhtunkhwa.	Member
III	DIG-Enquiry & Inspection, Khyber Pakhtunkhwa.	Member
IV	AIG/Establishment, Khyber Pakhtunkhwa.	Member
V	AIG/Legal, Khyber Pakhtunkhwa.	Member

3. The Committee discussed the following cases:-

I. GUIDELINES SOUGHT BY REGIONAL POLICE OFFICER DILKHAJ REGION

The Regional Police Officer, D.LKhan Region has intimated that on the creation of supernumerary post of ASIs vide Finance Department letter No. BO-III/FD/7-1/2015-16 dated 26.08.2015 and approval of CPO letter No. 4016-22/F-III, dated 31.12.2015, the wards of Shuhada having permanent/regular post, the senior most of the supernumerary post will be adjusted against the post falling vacant. He has requested that his office may be granted on the following points, so that, to avoid any legal complication in future:-

- As to whether their names be placed at non List "E" or otherwise.
- If an ASI of regular posts is not retired on pension during not three years, whether they still will be on non List "E" or otherwise.
- Whether their names will be considered from the date of appointment for confirmation or otherwise.
- Their probation period will be considered from the date of appointment or from the date of adjustment on regular post.

DECISION

The committee declared that these posts will be considered as regular posts. The names of PASIs recruited against these posts will be brought on List "E" according to standard procedure in vogue.

II. APPLICATION OF SUB-INSPECTOR EBAAD WAZIR NO. 89/D

He stated that he was charged in case FIR No. 594, dated 10.09.2013 u/s 506/186 PPC PS Hangu city, he was tried by the Court of Senior Civil Judge acquitted him after trial when no proof was found against him. Departmental enquiry was initiated against him wherein he was exonerated and nothing was proved against him. He has completed his physical Upper Course training and has passed Drill and Fire exam. After being bailed out from Central Jail by the Honorable Court he was allowed by the Worthy Commandant PTC Hangu to appear in the remaining examination and he took examination from 14th September 2013 to 16th September 2013. Later-on, in another session of Upper Course he gave an application for permission in taking exam of remaining papers missed due to absence because of arrest. He was allowed conditionally for appearing in the Upper College Course. He took his examination, he passed his examination and exonerated from the enquiry and acquitted by the Honorable Court of Senior Civil Judge Hangu. He has requested that his Upper Course may kindly be considered and he has completed the course physically of long six months. His result may kindly be announced.

DECISION

The committee decided that when the applicant has been cleared from charges by the court and during departmental proceedings he was allowed conditionally to sit in the exams and has qualified all

ATTESTED

(34-A)

BETTER COPY

06.2016 IN THE CONFERENCE ROOM-II, CPO, PESHAWAR

A meeting of Departmental Promotion Committee was held on 09.06.2016 at 1100 hours in the CTO Conference Room-II, under the Chairmanship of Mian Muhammad Asif, Addl; GP/ Headquarters Khyber Pakhtunkhwa.

2. The Committee discussed the following cases:-

1. **GUIDELINES SOUGHT BY REGIONAL POLICE OFFICER DIKHAN REGION**

The Regional Police Officer, D.I.Khan Region has intimated that on the creation of supernumerary post of ASIs vide Finance Department letter No.BO-III/FD/7-1/2015-16 dated 26.08.2015 and approval of CPO letter No.4016-22/E-III, dated 31.12.2015 the wards of Shuhada have been appointed/ absorbed as PASIs subject to the condition that with gradual retirement of ASIs having permanent/ regular post, the senior most of the supernumerary post will be adjusted against the post falling vacant. He has requested that his office may be granted on the following points, so that, to avoid any legal complication in future:-

- i. As to whether their names be placed at non List "E" or otherwise.
- ii. If an ASI of regular posts is not retired on pension during not three years, whether they still will be on List "E" or otherwise.
- iii. Whether their names will be considered from the date of appointment for confirmation or otherwise.
- iv. Their probation period will be considered from the date of appointment or from the date of adjustment on regular post.

DECISION

The Committee declared that these posts will be considered as regular posts. The names of PASIs recruited against these posts will be brought on List "E" according to standard procedure in vogue.

II. **APPLICATION OF SUB-INSPECTOR EBBAD WAZIR NO.89/D**

He stated that he was charged in case Fir No.894, dated 10.09.2013 u/s 506/186 PPC PS Hangu City, he was trialed by the Court of Senior Civil Judge acquitted him after trial when no proof was found against him. Departmental enquiry was initiated against him wherein he was exonerated and nothing was proved against him. He has completed his physical Upper Course training and has passed Drill and Fire exam. After being bailed out from Central Jail by the Honorable Court he was allowed by the worthy Commandant PTC Hangu to appear in the remaining examination and he took examination from 14th September, 2013 to 16th September, 2013. Later-on, in another session of Upper Course he gave an application for permission in taking exam of remaining papers missed due to absence because of arrest. He was allowed conditionally for appearing in the Upper College Course. He took his examination, he passed his examination and exonerated from the enquiry and acquitted by the Honorable Court of Senior Civil Judge Hangu. He has requested that his Upper Course may kindly be considered and he has completed the course physically of long six months. His result may kindly be announced.

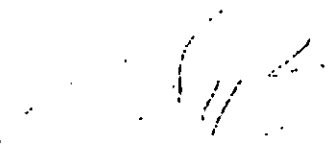
DECISION


The Committee decided that when the applicant has been cleared from charges by the Court and during departmental proceedings he was allowed conditionally to sit in the exams and has qualified all


ATTESTED

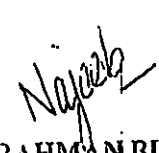
... results of Upper College Course, his result cannot be withheld. Thus the Commandant
... declare his result


Chairman


(MIAN MUJAMMAD ASIF)
Add: IGP/Headquarters,
Khyber Pakhtunkhwa,
Peshawar.

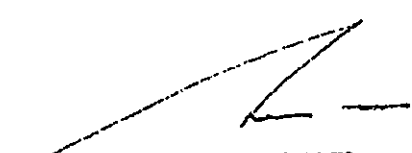

(MUHAMMAD ALAM SHINWARI)
DIG/Headquarters,
Khyber Pakhtunkhwa,
Peshawar.


(ABDUL SHAFUOR AFRIDI)
DIG/Enquiry & Inspection,
Khyber Pakhtunkhwa,
Peshawar.


(NAJEEB UR RAHMAN BUGVI)
AIG/Establishment,
Khyber Pakhtunkhwa,
Peshawar.


(FALAK NAWAZ)
AIG/Legal,
Khyber Pakhtunkhwa,
Peshawar.

Approved


(NASIR KHAN DURRANI)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


ATTESTED

(35-A)

BETTER COPY

the components of Upper College Course, his result cannot be withheld. Thus the Commandant Hangu must declare his result.

Chairman

Sd/-

MIAN MUHAMMAD ASIF
Addl; IGP/ Headquarters,
Khyber Pakhtunkhwa
Peshawar

Sd/-

MUHAMMAD ALAM SHINWARI
DIG/ Headquarters
Khyber Pakhtunkhwa
Peshawar

sd/-

ABDUL GHAFUOR AFRIDI
DIG/ Enquiry & Inspection
Khyber Pakhtunkhwa
Peshawar

Sd/-

NAJEEB UR REHMAN GUGVI
AIG/ Establishment,
Khyber Pakhtunkhwa
Peshawar

Sd/-

FALAK NAWAZ
AIG/ Legal,
Khyber Pakhtunkhwa
Peshawar

Approved

Sd/-

NASIR KHAN DURRANI
Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

ATTESTED

POWER OF ATTORNEY

BEFORE THE Service Tribunal Pesh

No. _____ of 2021

Fawad Yousof VERSUS Govt

I/we Petitioner. do hereby

appoint & constitute **SHAH | DURRANI | KHATTAK**


(a registered law firm) as counsel in the above mentioned case, to do all or any of the following acts, deeds and things:-

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal or any other court/tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file Plaint/Written Statement or withdraw all proceedings, petitions, suit appeals, revision, review, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other document, as may be deemed necessary or advisable by him for proper conduct, prosecution or defence of the said case at any stage.
3. To do and perform all other acts which may be deemed necessary or advisable during the course of the proceedings.

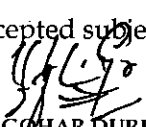
AND HEREBY AGREE:-

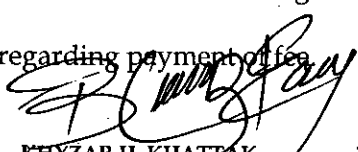
- a) To ratify whatever the said Advocates may do in the proceedings in my interest
- b) Not to hold the Advocates responsible if the said case be proceeded ex-parte or dismissed in default in consequence of their absence from the Court/Tribunal when it is called for hearing or is decided against me/us.
- c) That the Advocates shall be entitled to withdraw from the prosecution of the said case if the whole OR any part of the agreed fee remains unpaid.


In witness whereof I/We have signed this Power of Attorney/Wakalat Nama hereunder the contents of which have been read/explained to me/us and fully understood by me / us this _____ day of _____ at _____


Signature of Executant(s)

Accepted subject to term regarding payment of fee


ALI GOHAR DURRANI
Advocate High Court
0332-9297427


KHYZAR H. KHATTAK
Advocate High Court
0333-2854999


ZARAK SHAH
Advocate High Court
0333-8335886

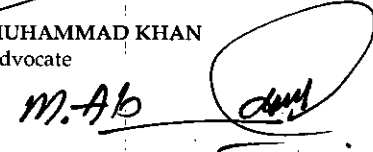

BABAR KHAN DURRANI
Advocate High Court


MUHAMMAD ABBAS KHAN
Advocate


MUHAMMAD KHAN
Advocate


HANNAH ZAHID DURRANI
Advocate


EELUM GUL
Advocate


M. ABDULLAH ATHER
Advocate

SHAH | DURRANI | KHATTAK (a registered law firm)

House No. 231-A, Street No. 13, New Shami Road, Peshawar.

ATTESTED

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: 5740 OF 2020

Fawad Yousaf

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt.:

(RESPONDENT)
(DEFENDANT)

I/We Private Respondents 4 to 85

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

Dated. ___/___/2021

Buz (4)

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

KAMRAN KHAN

UMER FAROOQ MOHMAND

SAID KHAN

& Haider Ali
HAIDER ALI
ADVOCATES

58	NIZ	A	41	ARM	25	Smt	5
59	Asman	Amr	42	A	26	Abd	6
60	Q	Am	43	Jm	27	ST	7
61	Azm	Smt	44	Am	28	ASIF	8
62	IF	IZKH	45	Am	29	Am	9
63	Am	M	46	Am	30	BA	10
64	Am	BA	47	IZ	31	Am	11
65	Whit	Smt	48	Am	32	Am	12
66	Am	Am	49	TR	33	Am	13
67	Am	Am	50	Re	34	Am	14
68	Am	Am	51	Am	35	Am	15
69	Am	Am	52	Am	36	Am	16
70	Am	Am	53	Am	37	Am	17
71	Am	Am	54	Am	38	Am	18
72	Am	Am	55	Am	39	Am	19
73	Am	Am	56	Am	40	Am	20
		Am	57	Am	41	Am	21
		Am		Am	42	Am	22
		Am		Am	43	Am	23
		Am		Am	44	Am	24

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

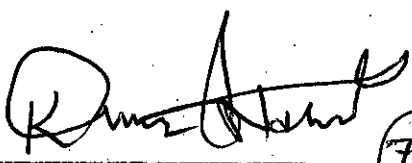
(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt. (RESPONDENT)
(DEFENDANT)

I/We vs. Respondent 4 to 85
Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

 (74)
CLIENTS

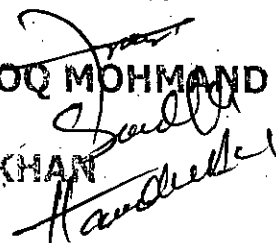
ACCEPTED

NOOR MUHAMMAD KHATTAK

KAMRAN KHAN

UMER FAROOQ MOHMAND

SAID KHAN

& 
HAIDER ALI
ADVOCATES

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BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 5740/2021

Fawad Yousaf PASI/351 MR s/o Mian Nisar Yousaf r/o Takht Bhaj Mardan presently serving as PASI at Mardan District (Regional No.351/MR).....Appellant

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police Mardan Region-I Mardan.
3. 82 PASIs Mardan Region.

.....Respondents

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	----	1-3
2.	Copy of Affidavit.	----	4
3.	Copy of Authority Letter.	----	5

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

Service Appeal No. 5740/2021

Fawad Yousaf PASI/351 MR s/o Mian Nisar Yousaf r/o Takht Bhai Mardan presently serving as PASI at Mardan District (Regional No.351/MR).....Appellant

VERSUS

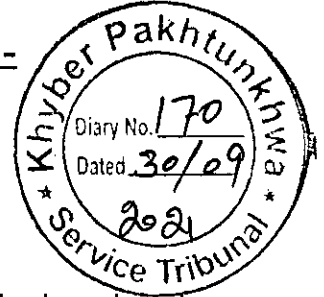
1. Inspector General of Police Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police Mardan Region-I Mardan.
3. 82 PASIs Mardan Region.

.....Respondents

Para-wise comments by respondents No. 01 & 02:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS



1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the appeal is barred by law & limitation.

REPLY ON FACTS

1. Correct to the extent that the appellant was appointed against the post of probationer Assistant Sub Inspector through Khyber Pakhtunkhwa Public Service Commission.
2. Correct to the extent that the appellant appeared in the competitive examination held by the Khyber Pakhtunkhwa Public Service Commission but being overage he was not initially recommended against the post of PASI. However, the appellant alongwith others have approached the Honorable Peshawar High Court Peshawar by filing Writ Petitions which were allowed. Resultantly the Khyber Pakhtunkhwa Public Service Commission made recommendations and the appointment order of appellant alongwith others was issued conditionally till decision of CPLA filed by the respondent department.
3. Para already explained needs no comments.
4. Correct to the extent that some of wards of Shuhada were appointed against Shaheed Quota on supernumerary posts created after agreeing by the Finance Department for the wards of Shuhada.
5. Plea taken by the appellant is not plausible because only a notification has been annexed with the instant appeal which does not amount a Law/Rules.

6. Incorrect. Plea taken by the appellant is totally devoid of merit because no one is/was/can be appointed as PASI against Deceased's Son Quota as alleged by the appellant. Therefore, seniority of PASIs appointed through Public Service Commission is immaterial as there is no concept of appointment as PASI against Deceased's Son Quota. Moreover, the bald perusal of the annexure D/2 clearly depicts that the PASIs of Kohat Region have been assigned seniority according to their age as mentioned in the ibid notification.
7. Para pertains to record needs no comments.
8. Incorrect. Plea taken by the appellant is not plausible because Police is governed by its own Special Law i.e Police Act & Police Rules and reference made by the appellant in terms of Service Laws is immaterial.
9. Correct to the extent that PASIs appointed against Shaheed Quota as alleged by the appellant, have been confirmed as per Police Rules 1934 Chapter 12 Rule 8, Rule 12 Sub Rule 2 Clause-3 and Chapter 19 Rule 25 Sub Rule 5 as well as Standing Order 10/2014 and the decision made during Departmental Promotion Committee meeting held on 09.06.2016. Hence, stance of the appellant is totally ill based.
10. Para already explained needs no comments.
11. Incorrect. Plea of the appellant is totally devoid of merit because Police is governed by its own Special Law i.e Police Act and Police Rules 1934, wherein promotion, seniority and confirmation is fully explained. Therefore, the stance taken by the appellant is ill based.
12. Incorrect. Plea taken by the appellant is totally without a justification as he is relying only a notification which does not mean a Law or Rule. Hence, stance of the appellant may be set at naught.
13. Correct to the extent that the departmental appeal was filed by the appellant while rest of the para is incorrect because the same was dismissed having no legal footing. Moreover, plea of the appellant regarding non receipt of the order is totally baseless because the same was duly sent to the District concerned.
14. Para pertains to record hence no comments.
15. That respondents also seek permission of this Honorable Tribunal to raise additional grounds at the time of arguments.

REPLY ON GROUNDS:


1. Incorrect. Plea of the appellant in terms of victimizing by the respondent department is totally devoid of merit because the replying respondents have no grudges or ill will against the appellant.
2. Incorrect. Plea taken by the appellant is totally devoid of merit because no one is/was/can be appointed as PASI against Deceased's Son Quota as alleged by the appellant. Therefore, seniority of PASIs appointed through Public Service Commission is immaterial as there is no concept of appointment as PASI against Deceased's Son Quota. Moreover, the bald perusal of the annexure D/2 clearly depicts that the PASIs of Kohat Region

have been assigned seniority according to their age as mentioned in the ibid notification.

3. Incorrect. Plea taken by the appellant is not plausible because Police is governed by its own Special Law i.e Police Act & Police Rules and reference made by the appellant in terms of Service Laws is immaterial.
4. Plea taken by the appellant is not plausible because he has referred just the recommendation. Besides, as discussed earlier Police is governed by its own Special Law i.e Police Act & Police Rules and reference made by the appellant in terms of Service Laws is immaterial.
5. Plea taken by the appellant is not plausible because only a notification has been annexed with the instant appeal which does not amount a Law/Rules.
6. Para already explained needs no comments.
7. Para to the extent of preparing list "E" as per Police Rules 1934 is correct needs no comments, while rest of the para is not plausible because promotion to list "E" may not be restricted only to the Commissioned Officers because no one can be treated out of the way.
8. Para already explained needs no comments.
9. Para explained earlier needs no comments.

PRAYER:-

It is therefore most humbly prayed that on acceptance of above submissions, appeal of the appellant being not maintainable and barred by limitation may very kindly be dismissed with costs.


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


**Regional Police Officer,
Mardan**
(Respondent No. 02)

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

Service Appeal No. 5740/2021

Fawad Yousaf PASI/351 MR s/o Mian Nisar Yousaf r/o Takht Bhai Mardan presently serving as PASI at Mardan District (Regional No.351/MR).....Appellant


VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police Mardan Region-I Mardan.
3. 82 PASIs Mardan Region.

.....Respondents

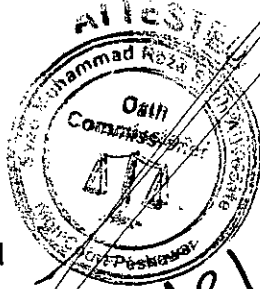
COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


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


**Regional Police Officer,
Mardan**
(Respondent No. 02)

30 SEP 2021



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 5740/2021

Fawad Yousaf PASI/351 MR s/o Mian Nisar Yousaf r/o Takht Bhai Mardan presently serving as PASI at Mardan District (Regional No.351/MR).....Appellant


VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police Mardan Region-I Mardan.
3. 82 PASIs Mardan Region.

.....Respondents

AUTHORITY LETTER.

Mr. Khyal Roz Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


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


Regional Police Officer,
Mardan
(Respondent No. 02)

SCANNED
KPST
Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3189

Dated 27-1-2023

BEFORE THE HONOURABLE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 594/2021

Fawad Yousaf Vs. IG Police KPK & Others

REJOINDER TO THE COMMENTS FILED BY THE
PRIVATE RESPONDENTS.

RESPECTFULLY SUBMITTED:

That the appellant most graciously request the permission of this Honourable Court to submit this rejoinder to the comments furnished by the Respondents:

Preliminary Objections:

All the preliminary objections raised by the Respondents are untenable, illegal and without any basis in law. The appellant have got cause of action, because their service is at stake. The stance of the respondents have no nexus with legality. The appellant is the one aggrieved of these actions and thus has cause of action. The appellant also has legal rights violated and thus is well within his rights to approach this honourable court.

On Facts:

Para 1 of the appeal is correct, the reply is also admitted as correct. As the appellant was appointed against the post of Probationer Assistant Sub-Inspector through Khyber Pakhtunkhwa Public Service Commission.

Para 2 of the appeal is correct, the reply thereto also admitted as correct. As the appellant appeared in the competitive examination held Khyber Pakhtunkhwa Public Service Commission

Para 3 of the appeal is correct, the reply thereto is misconceived as no details were given in the reply.

Para 4 of the appeal is totally correct, the reply thereto is an admission on part of the respondent that indeed supernumerary posts were created after being agreed by the finance department to the creation of 300 supernumerary posts of ASI (BPS-9).

Para 5 of the appeal is correct and the reply thereto is incorrect.

There cannot be two different yardsticks for the same posts. If the Notification is not legal and in negation of the law, then how does it still holds field and why has it not been rescinded.

Furthermore, this is what makes the case of the appellant one of discrimination.

Para 6 of the appeal is correct, the reply thereto is incorrect.

Inadvertently the word deceased is written in place of Shuhada.

It is imperative to note that similar issues came before Kohat and Bannu. Reference can be made to RPO Bannu letter dated 22-12-2021, RPO Kohat letter dated 11-01-2022 and letter dated 18-09-2020 of 16 PKP.

Para 7 of the appeal is correct, the reply is also admitted correct as the matter pertains to record.

Para 8 of the appeal is correct, the reply thereto is incorrect. The Rules and Act have been violated and the same is wrongly applied to appellants in one way to their detriment as against others. The letters referred to in response to para 6 makes it clear.

Para 9 of the appeal is correct. However the reply is misconceived, the rules pertaining to regular employees are wrongly being applied to temporary employees.

Para 10 of the appeal is correct, the reply thereto is evasively denied. The Regional Police Officer Mardan may confirm only those ten supernumerary PASI's who were adjusted in due manner against the 5% Quota prescribed for Shuhada Wards but conformation was required to be done with effect from the date of their adjustment instead of the date of their temporary appointment.

Para 11 of the appeal is correct, the reply thereto is denied. The Act and Rules have even been violated by the Respondent and reference has been given to judgements of superior courts in the appeal.

Para 12 of the appeal is correct, the reply thereto is incorrect. The notification was issued by the respondent to which they are bound and not by the appellants because none of the above mentioned supernumerary PASI's were adjusted against the regular posts and every adjustment made against the regular post after 20-02-2017 would rank junior to the appellant.

Para 13 of the appeal is correct, the reply thereto is incorrect. The alleged order was never communicated to the appellant.

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No such thing is available on the record regarding communication of the said self-styled order to the appellant. Furthermore, the alleged order is neither addressed nor communicated by any means to the appellant. It is also imperative to note that the reply of the official respondents is ironically silent on any order having been issued. If there were any order issued, the official respondents would have annexed the same. Therefore, the self-styled concocted order annexed with the reply of the private respondents is denied having no bearing on the appellant and thus should be discarded.

Para 14 of the appeal is correct, the reply thereto is admitted being a matter of record.

Para 15 of the appeal is correct the reply thereto is incorrect as no grounds exist on part of the respondents.

Grounds:

All the grounds of the appeal are correct, the reply thereto is denied in totality. Reply has been given in above paras.

The referral of the appellant is to the judgement and the recommendation is based on the verdict of the Supreme Court in the same judgement as referred to by the appellant.

The eligible and properly recruited commissioned PASI's may be preferred for displaying their names on list "E."

Prayer:

It is, therefore, most humbly prayed that the appeal may so kindly be allowed.

Appellant

Through



ALI GOHAR DURRANI
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BEFORE THE HONOURABLE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. /2021

Fawad Yousaf Vs. IG Police KPK & Others

AFFIDAVIT

I, *Fawad Yousaf*

, do hereby solemnly affirm on oath that the contents of this rejoinder are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Court.



Fawad
DEPONENT