



30<sup>th</sup> May, 2023

1. Learned counsel for appellant present. Mr. Muhammad Jan,  
District Attorney for respondents present.

2. Learned counsel for appellant requested for adjournment in  
order to prepare the brief. Adjourned. To come up for arguments on  
04.09.2023 before D.B. Peshi given to the parties.

**SCANNED**  
**KPST**  
**Peshawar**

  
(Muhammad Akbar Khan)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*

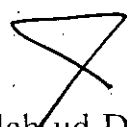
04.09.2023

Clerk of learned counsel for the appellant present.  
Mr. Asif Masood Ali Shah, Deputy District Attorney for the  
respondents present.

Due to incomplete bench, the case is adjourned to  
21.12.2023 for arguments before the D.B. Parcha Peshi given to  
the parties.

**SCANNED**  
**KPST**  
**Peshawar**

\*Nacem Amin\*

  
(Salah-ud-Din)  
Member (Judicial)

31<sup>st</sup> Mar, 2023

Learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl: AG for the respondents present.

Learned counsel for the appellant seeks adjournment. To come up for arguments on 02.05.2023 before D.B. P.P given to the parties.



(Salah Ud Din)  
Member (Judicial)



(Kalim Arshad Khan)  
Chairman

SCANNED  
PESHAWAR

2<sup>nd</sup> May, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Asst: AG for the respondents present.

2. During the course of arguments, learned Asst: AG stated that writ petitions of some of the employees regarding the similar relief <sup>now</sup> pending before the Peshawar High Court, Peshawar, therefore, time <sup>may</sup> be granted to him to apprise this Tribunal regarding the status and details of the concerned writ petition. Adjourned. To come up for arguments on 30.05.2023 before D.B. P.P given to the parties.



(Salah ud Din)  
Member (J)



(Kalim Arshad Khan)  
Chairman

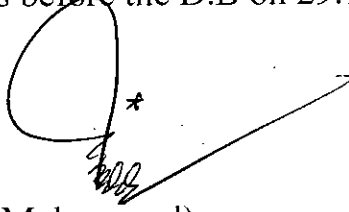
SCANNED  
KPST  
Peshawar

\*Adnan Shah, P.A\*

03.11.2022

Appellant counsel for the appellant present. Mr. Wisal Khan, H.C alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned Assistant Advocate General requested that as the representative is unable to properly brief him, therefore, adjournment may be granted. Adjourned. To come up for arguments before the D.B on 29.12.2022.



(Main Muhammad)  
Member (J)



(Salah-ud-Din)  
Member (E)

29/12/22

Due to winter vacation, the case adjourned to 27.3.23 for the same.

  
Reader,

SCANNED  
KPST  
Peshawar

22.03.2023

Learned counsel for appellant present.

Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 31.03.2023 for arguments before D.B. Parcha Peshi given to the parties.




(Muhammad Akbar Khan)  
Member (E)


SCANNED  
KPST  
Peshawar

26<sup>th</sup> May, 2022

Appellant in person present. Mr. Naseer Ud Din Shah,  
Asst: AG for respondents present.

Appellant seeks adjournment as his counsel is not available  
today. Last opportunity granted. To come up for arguments on  
11.08.2022 before D.B.

  
(Fareeha Paul)  
Member(E)

  
(Kalim Arshad Khan)  
Chairman

11-8-2022

Proper DB not available the case is  
adjourned to 3-11-2022

  
Reader

15.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

Learned counsel for the appellant at the outset of his arguments contended that it's a service appeal for pro-forma promotion. The appellant has rendered about 37 years service as Assistant in the respondent department and has attained the age of superannuation on 13.06.2021. He referred to serial No. 2 of Appendix 'A' of Notification dated 14<sup>th</sup> April 1974 (The Khyber Pakhtunkhwa Police Department Ministerial Service Rules) 1974, where under the mode of promotion for the post of Superintendent has been prescribed; by promotion from among members of the service holding the post of Assistant, Stenographer and Auditors, with at least five years experience as such; provided that the Stenographers must have passed the departmental examination prescribed for confirmation of Assistants. Order dated 07<sup>th</sup> May 2021 regarding constitution a committee for course contents and conducting of test for Stenographer/Assistant, have been impugned being violation of the said provisions of service rules. His Writ Petition No. 3114-P of 2021 has been dismissed in limine on the question of maintainability under Article 212 of the constitution, on 24.08.2021. The appellant was required to have submitted departmental appeal however, keeping in view his superannuation falling on 13.06.2021, service appeal has been instituted in the service Tribunal on 07.09.2021.

The appeal is admitted to regular hearing subject to all just legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 25.01.2021 before S.B.

Appellant Deposited  
Security & Process Fee  
28/11/21

(Mian Muhammad)  
Member(E)

25.01.2022


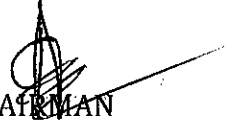
Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present. Reply/comments on behalf of respondents have already been submitted through office which is placed on file. To come up for rejoinder if any, and arguments before the D.B on 26.05.2022.

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

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7434 /2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 21/09/2021                | <p>The appeal of Mr. Ghani-ur-Rehman resubmitted today by Mr. Ibad-ur-Rehman 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;"><br/>REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/11/21</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p> |
| 2-    |                           |   |

SCANNED  
KPST  
Postawan

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Ghawi us Rahman v/s Govt

| S# | CONTENTS   | YES                                 | NO                                  |
|----|--|-------------------------------------|-------------------------------------|
| 1  | This Appeal has been presented by: <u>Ghawi us Rahman Adl</u>  |                                     |                                     |
| 2  | Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?   | <input checked="" type="checkbox"/> |                                     |
| 3  | Whether appeal is within time?   | <input checked="" type="checkbox"/> |                                     |
| 4  | Whether the enactment under which the appeal is filed mentioned?   | <input checked="" type="checkbox"/> |                                     |
| 5  | Whether the enactment under which the appeal is filed is correct?  | <input checked="" type="checkbox"/> |                                     |
| 6  | Whether affidavit is appended?   | <input checked="" type="checkbox"/> |                                     |
| 7  | Whether affidavit is duly attested by competent Oath Commissioner?   | <input checked="" type="checkbox"/> |                                     |
| 8  | Whether appeal/annexures are properly paged?   | <input checked="" type="checkbox"/> |                                     |
| 9  | Whether certificate regarding filing any earlier appeal on the subject, furnished?   | <input checked="" type="checkbox"/> |                                     |
| 10 | Whether annexures are legible?   | <input checked="" type="checkbox"/> |                                     |
| 11 | Whether annexures are attested?  | <input checked="" type="checkbox"/> |                                     |
| 12 | Whether copies of annexures are readable/clear?  | <input checked="" type="checkbox"/> |                                     |
| 13 | Whether copy of appeal is delivered to AG/DAG?   | <input checked="" type="checkbox"/> |                                     |
| 14 | Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?   | <input checked="" type="checkbox"/> |                                     |
| 15 | Whether numbers of referred cases given are correct?   |                                     |                                     |
| 16 | Whether appeal contains cutting/overwriting?   |                                     | <input checked="" type="checkbox"/> |
| 17 | Whether list of books has been provided at the end of the appeal?  |                                     |                                     |
| 18 | Whether case relate to this court?   | <input checked="" type="checkbox"/> |                                     |
| 19 | Whether requisite number of spare copies attached?   | <input checked="" type="checkbox"/> |                                     |
| 20 | Whether complete spare copy is filed in separate file cover?   | <input checked="" type="checkbox"/> |                                     |
| 21 | Whether addresses of parties given are complete?   | <input checked="" type="checkbox"/> |                                     |
| 22 | Whether index filed?   | <input checked="" type="checkbox"/> |                                     |
| 23 | Whether index is correct?  | <input checked="" type="checkbox"/> |                                     |
| 24 | Whether Security and Process Fee deposited? On   |                                     |                                     |
| 25 | Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On <u>18-05-2021</u> | <input checked="" type="checkbox"/> |                                     |
| 26 | Whether copies of comments/reply/rejoinder submitted? On   |                                     | <input checked="" type="checkbox"/> |
| 27 | Whether copies of comments/reply/rejoinder provided to opposite party? On  |                                     |                                     |

It is certified that formalities/documentation as required in the above table have been fulfilled.


Name: Ghawi us Rahman  
 Signature: [Signature]  
 Dated: 8/9/2021

The appeal of Mr. Ghani-ur-Rehman Ex-Assistant Police Department received today i.e. on 07.09.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1-✓ Check list is not attached with the appeal.
- 2-✓ Address of respondent No. 3 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3-✓ Memorandum of appeal is misprinted.
- 4-✓ Certificate be given to the effect that the appellatant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 1785 /S.T,

Dt. 07/09 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Ibad-ur-Rehman Adv. Pesh.



Dear Sir,

Objections has been Removed, So

Plz Resubmitted .





BEFORE THE HONOURABLE KP SERVICETRIBUNAL  
PESHAWAR.

Service Appeal No. \_\_\_\_\_ / 2021

Ghani Ur Rahman ( Ex- Assistant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others

I N D E X

| <u>S.No.</u> | <u>Description of documents</u>                    | <u>Annex:</u> | <u>P.No.</u> |
|--------------|--|---------------|--------------|
| 1.           | Grounds of appeal                                  |               | 1-4          |
| 2.           | copy of Letter dated 20.04.2021                    | A             | 5            |
| 3.           | No Pending enquiry and Medical fitness Certificate | B             | 6            |
| 4.           | copy of Medical Fitness certificate                | C             | 7            |
| 5.           | Impugned Order dated 7.05.2021                     | D             | 8-9          |
| 6.           | Departmental appeal                                | E             | 10           |
| 7.           | Copy of order of Peshawar High court               | F             | 11-13        |
| 8.           | Wakalatnama  |               | 14           |



IBADUR RAHMAN  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri Peshawar.  
0312-5932939

Dated. 07/9/2021

BEFORE THE HONOURABLE KP SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 7434 / 2021

Khyber Pakhtunkhwa  
Service Tribunal

Ghani Ur Rahman ( Ex- Assistant) S/o Said Rehman  
R/o Chorlakk District Kohat.

Diary No. 7533

Date 07-9-2021

Appellant

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa.
2. AIG/ Establishment , for Inspector General of Police KP Peshawar.
3. Chairman / Members Departmental Promotion Committee for promotion to the rank of superintendent, KP Police Peshawar, through AIG police, Peshawar.

Respondents

APPEAL U/S 4 OF KP SERVICE TRIBUNAL ACT  
AGAINST THE ORDER NO. 1377-83/E-V DATED 07-05-  
2021 AND LETTER NO.1392-97/E-V DATED 07-05-  
2021 AGAINST WHICH THE APPELLANT FILED  
DEPARTMENTAL APPEAL ON 18-05-2021 WHICH IS  
NOT YET RESPONDED.

Filed to-day

Registrar

21/9/2021  
Respectfully sheweth,


Appellant submits as under :-

- 1- That the Appellant joined Police Department as Junior Clerk on 19-01-1984. Keeping in view the performance of the Appellant, the Appellant was promoted to the post of Senior Clerk and subsequently promoted to the post of Office Assistant (BPS-16) in the year 1996 and 2012 respectively.
- 2- That during the whole service career, the Appellant posted at different stations and was assigned different tasks which were performed by the Appellant whole heartedly and to the entire satisfaction of his superiors. On many occasion the services of the Appellant were duly acknowledged.


Re-submitted to-day  
and filed.

Registrar

21/9/2021

- 
- 3- That some posts of Office Superintendent fall vacant in Police Department for filling of which the respondents constituted a Departmental Promotion Committee for promotion to the post of Superintendent and the name of the Appellant was also included in the process as the Appellant was fully eligible to be promoted to the said post.
  - 4- That in this regard ACRs of the Appellant for the period 01-01-2020 to 31-12-2020 were also requisitioned along with proper Certificates regarding "No Pending Departmental Inquiry" as well as "Medical Fitness Certificate" which were properly communicated. (Kindly Peruse Annex: A-C).
  - 5- That the meeting of the aforesaid Departmental Committee was scheduled on 06-05-2021 and the Appellant was in full hope that the Appellant will be considered and promoted to the post of Superintendent as the Appellant was going to be retired on 13-06-2021.
  - 6- That contrary to the expectations of the Appellant, the Respondent No.2 circulated the impugned letter No. 1392-97/E-V, dated. 07-05-2021, vide which it was decided to conduct a Test for Promotion to the Post of office Superintendent (BPS-17). (Annex:-D).
  - 7- That against the said illegal, unjustified and void ab-initio letter, the Appellant approached the respondents and filed a departmental appeal but still no response from their side. (Annex:-E).
  - 8- That the Appellant filed a Writ Petition before the Honourable Peshawar High Court Peshawar but the same was dismissed for want of jurisdiction. (Copy of the same is attached as Annex:-F).
  - 9- That the Appellant got retired from service as Office Assistant and has left with no option but to approach this honourable court through Petition in hand on the following grounds amongst others :-

GROUND S :

- 
- A- That the letter No. 1392-97/E-V, dated 07-05-2021 (impugned herein) issued by the respondent No.2, is illegal, without lawful authority, Void ab initio, unjustified and in-effective upon the valuable rights of the Appellant.
- B- That the act of the respondents is totally against the norms of natural justice.
- C- That the respondents have no authority what so ever to deviate from the rules and regulations which are in filed till date.
- D- That the Appellant served in the KP Police Department for about 37 years and was of the view that at the verge of his retirement the Appellant will be promoted to the post of Superintendent but strange enough that the said right was not given to the Appellant.
- E- That the act/conduct of the respondents is totally against the legitimate expectance of the Appellant as the Appellant is fully eligible to be considered/promoted to the post of Superintendent.
- F- That there is not provision for conducting of Test in the rules and regulation applicable therein, therefore, the impugned letter for conducting of Test for the promotion to the post of Superintendent is nullity in the eyes of law.
- G- That the act of the respondents tantamount to refusal of monetary benefits to the Appellant.
- H- That since the creation of Police Department, no such kind of Test was ever conducted for the promotion to the Post of Superintendent as the sole criteria for the said purpose is Seniority-cum-Fitness was observed but strange enough that in the case of Appellant, the said Test was illegally and in an unjustified manner was introduced which is not acceptable any law.
- I- That the Appellant has badly been discriminated as in the past hundreds of office Superintendent were promoted without any Test.

J- That the instructions issued vide impugned letter dated 07-05-2021 of the Respondent No.2 is harsh and bad in law and on facts.

K- That the Appellant be allowed to add any other ground at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the Petition in hand, the decision of the DPC/Competent authority dated 06-05-2021 regarding conducting of Test for the Promotion to the post of Superintendent circulated vide letter dated 1392-97/E-V dated 07-05-2021, being illegal, unjustified and without lawful authority, be set a side and the respondents be directed to consider/promote the Appellant to the post of Superintendent from the date which the post fall vacant on proforma basis.

Any other remedy deem proper in the matter may also please be given with costs throughout.

  
Appellant

Through :

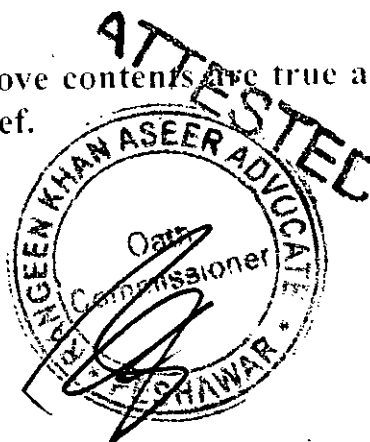


IBADUR RAHMAN  
Advocate High Court  
127-Sarhad Mansion  
Hashtnagri, GT Road  
Peshawar.

Dated. 07/9/2020.

AFFIDAVIT.

Stated on oath that above contents are true and correct to the best of my knowledge and belief.



  
Appellant

Certificate

07/09/2021

This is to certify that as per instructions from my client, no appeal was earlier filed on the subject.



5

Annex - A

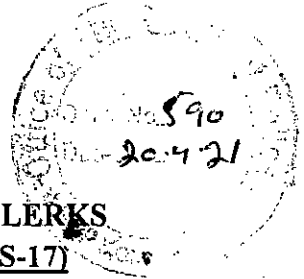


OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

No. S/ \_\_\_\_\_ / 21, Dated Peshawar the \_\_\_\_\_ / 2021.

To:

- The Addl: I.G.P. Investigation, Khyber Pakhtunkhwa.
- The D.Is.G Finance & Training, Khyber Pakhtunkhwa
- The Commandant, FRP, Khyber Pakhtunkhwa
- The SP/FRP, Kohat Range.
- The Director, FSL, Khyber Pakhtunkhwa.



Subject:- **MISSING ACRS – PROMOTION OF ASSISTANT GRADE CLERKS (BS-16) TO THE RANK OF OFFICE SUPERINTENDENT (BS-17)**

Memo:

The ACRs of following Assistant Grade Clerks/Stenographers (BS-16) for the period mentioned against each are urgently required in connection with their Promotion to the rank of Office Superintendent (BS-17). The same ACRs may please be provided to CPO within 03-days:-

| S.No. | Name                              | D.O.B      | Missing ACRs             |
|-------|-----------------------------------|------------|--------------------------|
| 1.    | Asstt: Muhammad Naeem             | 01.04.1968 | 01.01.2020 to 31.12.2020 |
| 2.    | Asstt: Ghani-ur-Rahman            | 14.06.1961 | 01.01.2020 to 31.12.2020 |
| 3.    | Asstt: Mumshad Khan               | 14.04.1963 | 01.01.2020 to 31.05.2020 |
| 4.    | Mr. Shahid Ali Shah, Stenographer | 12.11.1967 | 01.01.2020 to 31.12.2020 |
| 5.    | Mr. Inamullah Khan, Stenographer  | 01.10.1972 | 02.08.2019 to 31.12.2019 |

All concerned Assistant Grade Clerk/Stenographers may be directed to arrange personally their ACRs within 03-days.

PA  
 1-202 n/a  
 Superintendent of Police,  
 FRP Kohat Range, 20/4  
 Kohat

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

No. S/ 1628-30 / 21,

Attested

Copy of above is forwarded for favour of information to the:-

1. PSO to Worthy IGP Khyber Pakhtunkhwa Peshawar.
2. Registrar CPO Peshawar.
3. Office Supdts: E-V & CP Branch CPO.
4. PAs to Addl: IGP/HQrs., DIG/HQrs., AIG/Estab: & AIG/Legal CPO.

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

6

Annex - B

PO - 2020



OFFICE OF THE SUPERINTENDENT OF POLICE  
FRP KOHAT RANGE, KOHAT  
PH: NO. 0922-9260124, FAX: 0922-9260134

No. 1679 IEC, dated Kohat the 20/08/2020

To The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar

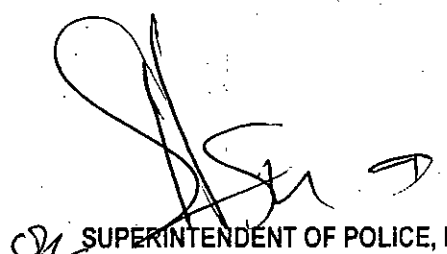
Subject: NO DEPARTMENTAL ENQUIRY AND MEDICAL FITNESS  
CERTIFICATE

Memo: Kindly refer to your office Memo No. CPO/CPB/DSC/197 dated  
17.08.2020 on the above cited subject.

In this regard, it is submitted that there is no departmental enquiry  
against Ghani Ur Rehman Assistant Grade Clerk of the undersigned office.

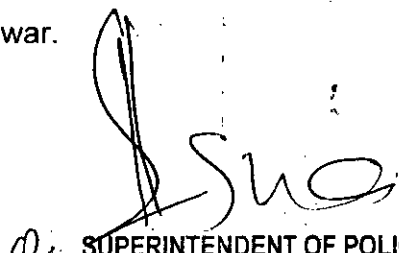
Medical fitness certificate of the above mentioned clerk is submitted  
herewith as desired please.

End: 3 (on)

  
SUPERINTENDENT OF POLICE, FRP  
KOHAT RANGE, KOHAT

No. 1680 IEC

Copy of above is submitted for favour of information to the  
Commandant FRP Khyber Pakhtunkhwa, Peshawar.

  
SUPERINTENDENT OF POLICE, FRP  
KOHAT RANGE, KOHAT

  
Attested

7

Annex-C

DHQ TEACHING HOSPITAL KDA;  
KOHAT.KHYBER PAKHTUNKHWA  
PAKISTAN.

Email. [msdhqkkt@yahoo.com](mailto:msdhqkkt@yahoo.com)  
Phone Nos: 929119260340-1.

**MEDICAL FITNESS CERTIFICATE.**

It is certified that Mr. Ghani Ur Rehman S/O Said Rehman Age: 59 Years R/O  
Chorlakki Kohat vide OPD No: 7245 A&E examined by me;

On examination;

Pulse: 75 Beats /min.

Blood Pressure: 140/85 mm of Hg.

Eye sight 6/6 with glasses.

Heart: No abnormality detected.

Chest: No abnormality detected.

Abdomen: No abnormality detected.

At present Mr. Ghani Ur Rehman is found fit physically and mentally for performing his job.

*[Faint, illegible text]*

*[Handwritten signature]*  
Attested

*[Handwritten signature]*  
Deputy Medical Superintendent,  
DHQ Hospital KDA,  
Kohat.

**CMO**  
**DHQ Hospital**  
**KDA Kohat**

Dated: 20/08/2020.





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

Annex - D

Dated Peshawar 07 May, 2021

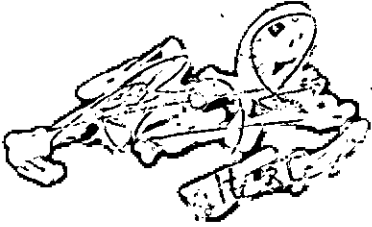
ORDER

In light of the decision taken in the meeting of DPC held on 06.05.2021, the competent Authority has constituted a committee comprising of the following officers under the chairmanship of Addl: IGP/HQrs in order to discuss the course content for conducting of test for Stenographer/Assistant for promotion to the rank of Office, Superintendent of Khyber Pakhtunkhwa, Police:-

- |  |        |
|--|--------|
| 1. DIG Training, Khyber Pakhtunkhwa      | Member |
| 2. AIG Establishment, Khyber Pakhtunkhwa | Member |
| 3. AIG Legal, Khyber Pakhtunkhwa         | Member |
| 4. Registrar, Central Police Office      | Member |
| 5. Office Supt: CPB                      | Member |

TORs:

The Committee shall submit report within one week time for the perusal of Competent Authority.



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

No. 1377-83 16v

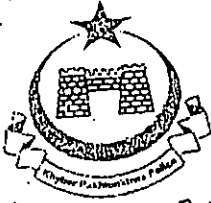
Copy to the:-

1. Addl: IGP/HQrs, Khyber Pakhtunkhwa.
2. DIG Training, Khyber Pakhtunkhwa.
3. AIG Legal Khyber Pakhtunkhwa.
4. Registrar, CPO
5. Office Supt: CPB, CPO
6. PA to AIG Estab: Khyber Pakhtunkhwa.

  
Attested

9

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



No. 1392-97/E-V dated Peshawar the 7.05.2021

To  
The Capital City Police Officer, Peshawar.  
The DIG Training, Khyber Pakhtunkhwa.  
The DIG Finance & Procurement, Khyber Pakhtunkhwa.  
The Commandant FRP, Khyber Pakhtunkhwa.  
The District Police Officer, Kohat.  
The Deputy Director Audit, Khyber Pakhtunkhwa.

Subject: Conducting of Test For Assistant Grade Clerk & Stenographer of Khyber Pakhtunkhwa Police

Memo:

I am directed to refer to the subject cited above and to state that the competent authority has decided in the DPC meeting held on 06.05.2021 to conduct the test for Promotion of Assistant Grade Clerk & Stenographer (BS-16) to the rank of office Superintendent (BS-17) as per Khyber Pakhtunkhwa Ministerial Rules-1974. The subject test is scheduled to be held on 19.05.2021 (Wednesday) at 1130 hours in Police Lines, Library Police Club, CCP Peshawar.

The syllabus for the aforementioned examination will be based on the following course content:-

1. Khyber Pakhtunkhwa ESTA Code
2. Rule of Business
3. Police Rules 1934 (including amendments till date)
4. Major Act (Police Act 2017)
5. Drafting letters
6. General Knowledge

In view of the above, the following officials of your respective command may be directed to appear in the said test/examination on due date & time, please.

| S. No | Name & Designation                 | Present Posting   |
|-------|------------------------------------|---|
| 1.    | Asstt: Grade Clerk Hamid Khan      | Audit Cell CPO  |
| 2.    | Asstt: Grade Clerk Haseeb Ullah    | Office of Finance & Procurement Branch CPO                        |
| 3.    | Asstt: Grade Clerk Sher Nawab      | I/C Police officers CPO Library Police line Police Club, Peshawar |
| 4.    | Asstt: Grade Clerk Ghani Ur Rehman | SP FRP Office Kohat Range   |
| 5.    | Asstt: Grade Clerk Muhammad Shoaib | DPO Office Kohat  |
| 6.    | Asstt: Grade Clerk Nasir Khan      | CCP Peshawar office   |
| 7.    | Asstt: Grade Clerk Halim Khan      | FRP Khyber Pakhtunkhwa  |
| 8.    | Asstt: Grade Clerk Mumshad Khan    | Training Branch, CPO  |
| 9.    | Stenographer Muhammad Anwar        | PA to Commndt: FRP Peshawar                                       |
| 10.   | Stenographer Shahid Ali Shah       | Training Branch, CPO  |
| 11.   | Stenographer Inam Ullah            | Acting office Supt: Procurement Branch CPO                        |

Received for day  
CPO RA  
18/05/21 at  
16.5 PM.



(IRFAN ULLAH KHAN) PSP  
Procurement

10

3206 / CP

18/5/21

Respected Sir,

It is very humbly submitted for favour of your kind perusal and consideration that I am serving in Police department since 19.1.1984. I performed my duties day and night dedicatedly with great zeal and interest to the entire satisfaction of my superior officers and never given a chance of complaint to my various senior respectable Police officers which can be verified from my Annual confidential reports and the applicant was promoted to the rank of Asstt: Grade Clerk BPS-16 during the year 2012.

Amer-E

The applicant is retiring on pension at the age of superannuation on 13.06.2021 after completion of 37 years qualifying service and in this regard the applicant has also submitted a presentation to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar through proper channel for promotion vide SP FRP Kohat Memo: No: 725/EC, dated 23.04.2021.

It is further stated that No departmental enquiry and medical fitness certificate in compliance with CPO Peshawar Memo: No. CPO/CPB/DSC/56, dated 29.01.2021 have already been submitted for promotion as Office Superintendent BPS-17.

Now it has been came to know through some sources that CPO Peshawar sheduled a test of Asstt: Grade Clerks and Steno Graphers to be held on 19.5.2021 for promotion as office Superintendent BPS-17.

In this regard it is submitted any kind of such test of Asstt: Grade Clerks for promotion to the post of office Superintendent was not conducted by CPO Peshawar or any other department of Khyber Pakhtunkhwa. It is further pertinent to mention here that according to Khyber Pakhtunkhwa department, Ministerial service Rules, 1974 bearing No. SOS (iii) S&GAD-1-50/71 dated 4.4.1974 vide Para No. 2 is reproduced for favour of your kind perusal "By promotion from among members of the service holding the post of Asstt; Steno Grapher and auditors, with atleast five years experience as such; provided that the Steno Graphers must have passed the departmental examination prescribed for confirmation of Assistants"

In view of the above it is very humbly stated that the Ministerial staff are exempted from test for promotion to the post of Office Superintendent-BPS-17 and such promotion of Ministerial Staff is on the basis of seniority-cum-ACR-no involvement in any departmental proceedings.

It is therefore requested that the applicant may very kindly be exempted from scheduled test to be held on 19.05.2021 and promoted on the basis of seniority-cum-ACR-no involvement in any departmental proceedings to the post of Office Superintendent BPS-17 for which the applicant is eligible and applicant is also retiring on pension at the age of superannuation on 13.06.2021 and obliged.

I shall ever pray for your long life & prosperity.

Dated 18.05.2021.

*18/5/21*  
*Asstt: Grade Clerk CPO*

Yours Obedient Servant,

*(Signature)*

(Ghani Ur Rehman)  
Asstt: Grade Clerk,  
Office of the SP FRP, Kohat.

*Attested*

11

Annex - F

*Judgment Sheet*  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
(Judicial Department)



**Writ Petition No.3114-P of 2021**

**Ghani-ur-Rehman**  
**Versus**  
**Inspector General of Police Khyber**  
**Pakhtunkhwa & two others**

For petitioner: **Mr. Ibad ur Rehman Advocate.**

For respondents: **Nemo (Motion case)**

Date of hearing **24.08.2021**

**JUDGMENT**

**ABDUL SHAKOOR, J.-** Petitioner through this petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, is seeking the following relief.

*It is, therefore, humbly prayed that on acceptance of the petition in hand, the decision of the DPC dated 06.05.2021 regarding conducting of Test for the Promotion to the post of Superintendent circulated vide letter dated 1392-97/E-V dated 07.05.2021, being illegal, unjustified and without lawful authority, be set aside*

SP

**ATTESTED**  
EXAMINER  
Peshawar High Court

*and the respondents be directed to consider/  
promote the petitioner to the post of  
Superintendent from the date which the post  
fall vacant on proforma basis.*


*Any other remedy deem proper in the matter  
may also please be given with costs  
throughout.*

2. Facts of the case in brief are that the petitioner was serving in the Police Department against the post of Office Assistant (BPS-16) and in the meanwhile some posts of Office Superintendent fall vacant. In order to fill-up the said vacancies, process for departmental promotions was carried out and the service record of petitioner as well as others was placed before the Departmental Promotion Committee for the purpose of award of promotions to the posts of Office Superintendent but the said committee in its meeting held on 06.05.2021 decided to conduct a test for such promotions. In this regard AIG Establishment issued letter dated 07.05.2021, impugned herein, notifying the syllabus for the ibid test as well as the date of test at 19.05.2021. However, in the meanwhile, petitioner attained the age of superannuation and got retired from service on 13.06.2021. Hence, this petition with the above mentioned relief.

ATTESTED  
EXAMINER  
Peshawar High Court

- 3. Arguments heard and record perused.
- 4. Record reveals that the petitioner has already been retired from service and he, being ex-civil servant, is seeking proforma promotion which in view of the recent judgment of the Apex Court fully falls within the jurisdiction of Service Tribunal. When learned counsel appearing on behalf of petitioner was confronted with the aforesaid situation, he remained speechless.
- 5. For what has been discussed in the preceding para, we understand the instant petition is not maintainable before this Court, and as such, the same is dismissed in limine. However, the petitioner shall be at liberty to pursue his remedy before the proper forum, if so desired.

**Announced.**  
 24.08.2021  
 (\*M/Subhan)

*[Handwritten signature]*  
 JUDGE  
  
 JUDGE

(D.B)  
Hon'ble Mr. Justice Ishtiaq Ibrahim and Hon'ble Mr. Justice Abdul Shakoor

4629  
 Date of Presentation of Application 24/8/2021  
 No of Pages 9  
 Copying fee 36/-  
 Total 36/-  
 Date of Preparation of Copy 24/8/2021  
 Date of Delivery of Copy 24/8/2021  
 Received By [Signature]

*[Handwritten signature]*  
 CERTIFIED TO BE TRUE COPY  
 EXAMINER  
 Peshawar High Court, Peshawar  
 Authorized Under Article 87 of  
 the Constitution of Pakistan  
 26 AUG 2021

بعدالت صاحب کسوس ٹریبونل لیسٹ ور

14

Appeal No. 2021

2021ء منجانب ایبیلز انٹ  
بنام گورنمنٹ

عنی المرعین

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیسٹ اور سیکٹے علیہ المرعین و عمران خان محمدی ایبیلز انٹ  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا ایبیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داخہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند رہے۔

2021ء

ستمبر

ماہ

07

المرقوم

العبد لگ

کے لئے منظور ہے۔

مقام لیسٹ اور

علی المرعین و سید رحمان

ایبیلز

علی المرعین و سید رحمان

14307-18330666-5

25/01

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

Service Appeal No. 7434/ 2021.

Ghani Ur Rehman Ex-Assistant..... (Appellant)

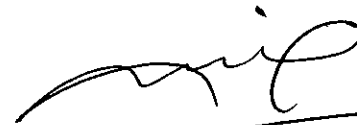
VERSUS

Inspector General of Police KP etc..... (Respondents)

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| 2.    | Affidavit   |          | 4     |
| 3.    | Authority Letter                                    |          | 5     |
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| 5.    | Copy of Letter No. 1377-83/E-V, dated<br>07.05.2021 | B        | 9     |
| 6.    | Copy of Ministerial Service Rules, 1974             | C        | 10-21 |

DEPONENT



**(TARIQ UMAR)**

DSP/ Legal,  
CPO, Peshawar.



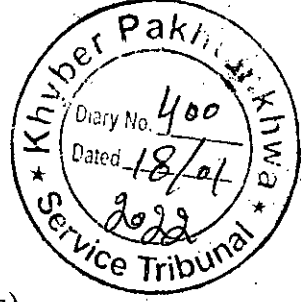
**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Service Appeal No. 7434/ 2021.

Ghani Ur Rehman Ex-Assistant..... (Appellant)

VERSUS

Inspector General of Police KP etc..... (Respondents)



**PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 3.**

RESPECTFULLY SHEWETH:

**PRELIMINARY OBJECTIONS:-**

- a) That the appeal is not based on facts.
- b) That the appellant has got no cause of action and locus standi to file present appeal.
- c) That the appeal is bad for non-joinder and miss-joinder of necessary and proper parties.
- d) That the appellant is estopped by his own conduct to file the present appeal.
- e) That the appeal is not maintainable in the present form.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.

**OBJECTIONS ON FACTS:**

1. Pertains to service record of the appellant hence needs no comments.
2. Pertains to posting record of the appellant hence needs no comments.
3. Correct to the extent of constitution of Departmental Promotion Committee for promotion to the post of Office Superintendent wherein meeting of the said committee was held on 06.05.2021, under the Chairmanship of Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa to discuss/ examine the promotion cases of senior most Assistant Grade Clerks and Stenographers (BS-16) to the rank of Office Superintendent (BS-17). The name of the appellant was also considered in DPC meeting but due to not pass the required courses the name of appellant was deferred.

4. Pertains to ACR of the appellant hence needs no comments.
5. The meeting of the Departmental Promotion Committee was held on 06.05.2021, wherein the Competent Authority decided to conduct the test for promotion of Assistant Grade Clerk & Stenographer (BS-16) to the rank of Office Superintendent (BS-17) as per Khyber Pakhtunkhwa Ministerial Rules, 1974. The subject test was scheduled to be held on 19.05.2021, in Police lines Library, Peshawar but the appellant along with other officials denied to sit in the said examination/ test.
6. As already explained in Para No. 5 of Facts.
7. Incorrect. Let the appellant to prove this Para. There is no record of such departmental appeal.
8. The appellant filed the writ petition before the Honorable Peshawar High Court, Peshawar with all these prayers which he is seeking here from this Honorable Tribunal. The Honorable Peshawar High Court, Peshawar vide judgment dated 24.08.2021 dismissed the writ petition being not maintainable. (Copy of judgment dated 24.08.2021 is annexed as "A").
9. The appellant along with other colleagues did not comply with the directions of Competent Authority and challenged the legal order of the Competent Authority through unsound Grounds.


**OBJECTIONS ON GROUNDS:**

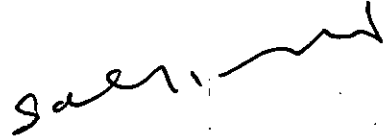
- A. Incorrect. The Letter No. 1377-83/E-V, dated 07.05.2021 in this Para is quite legal, lawful authority. No right of the appellant has been violated by the answering respondents. (Copy of Letter is annexed as "B").
- B. Incorrect. Acts of respondents are quite legal and in accordance with norms of natural justice and service rules.
- C. Incorrect. Respondents acted in accordance with law/ rules. As already explained that appellant along with others denied to sit in the test for promotion to the rank of Office Superintendent (BS-17).
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. Appellant willfully did not appear in the required test for promotion and was found ineligible for promotion by Departmental Promotion Committee.
- F. Incorrect. The Letter mentioned in this para is quite legal and in accordance with Khyber Pakhtunkhwa Ministerial Service Rules, 1974.

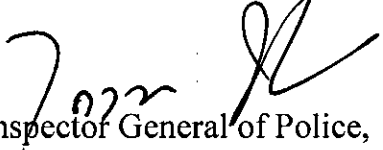
- G. Incorrect. The answering respondents did not refuse any benefits of the appellant but dealt the appellant in accordance with rules and criteria required for promotion.
- H. Incorrect. As already explained in Para No. 5 of Facts.
- I. Incorrect. The appellant has not been discriminated by the answering respondents.
- J. Incorrect. As already explained in preceding paras. Presently no official has been promoted to the rank of Office Superintendent without qualifying the test under Khyber Pakhtunkhwa Ministerial Service Rules, 1974 etc. (Copy of said rules annexed as "C").
- K. The answering respondents may also be allowed to raise additional Grounds at the time of hearing/ arguments.

**PRAYERS:**

In view of the above narrated facts, it is, humbly prayed that the instant service appeal is not maintainable being devoid of merits may kindly be dismissed with costs, please.

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

  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 1)

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

Service Appeal No. 7434/ 2021.

Ghani Ur Rehman Ex-Assistant..... (Appellant)

**VERSUS**

Inspector General of Police KP etc..... (Respondents)

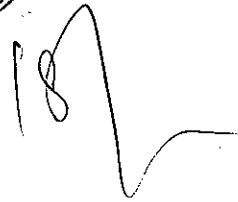
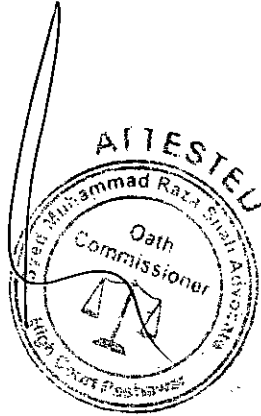
**AFFIDAVIT**

I, Tariq Umar Acting DSP/ Legal CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1 to 3 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

Respondents through



**(TARIQ UMAR)**  
DSP/ Legal,  
CPO, Peshawar.  
17301-4997553-7  
0333-8878882

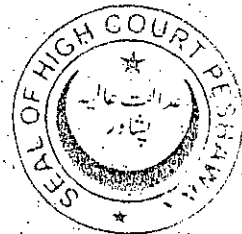


A

11

Annex - F

*Judgment Sheet*  
**IN THE PESHAWAR HIGH COURT,**  
**PESHAWAR**  
(Judicial Department)



**Writ Petition No.3114-P of 2021**

**Ghani-ur-Rehman**  
**Versus**  
**Inspector General of Police Khyber**  
**Pakhtunkhwa & two others**

For petitioner: Mr. Ibad ur Rehman Advocate.

For respondents: Nemo (Motion case)

Date of hearing 24.08.2021

**JUDGMENT**

**ABDUL SHAKOOR, J.-** Petitioner through this petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, is seeking the following relief.

*It is, therefore, humbly prayed that on acceptance of the petition in hand, the decision of the DPC dated 06.05.2021 regarding conducting of Test for the Promotion to the post of Superintendent circulated vide letter dated 1392-97/E-V dated 07.05.2021, being illegal, unjustified and without lawful authority, be set aside*

AD

**ATTESTED**

**EXAMINER**  
Peshawar High Court


*and the respondents be directed to consider/  
promote the petitioner to the post of  
Superintendent from the date which the post  
fall vacant on proforma basis.*

*Any other remedy deem proper in the matter  
may also please be given with costs  
throughout.*

2. Facts of the case in brief are that the petitioner was serving in the Police Department against the post of Office Assistant (BPS-16) and in the meanwhile some posts of Office Superintendent fall vacant. In order to fill-up the said vacancies, process for departmental promotions was carried out and the service record of petitioner as well as others was placed before the Departmental Promotion Committee for the purpose of award of promotions to the posts of Office Superintendent but the said committee in its meeting held on 06.05.2021 decided to conduct a test for such promotions. In this regard AIG Establishment issued letter dated 07.05.2021, impugned herein, notifying the syllabus for the ibid test as well as the date of test at 19.05.2021. However, in the meanwhile, petitioner attained the age of superannuation and got retired from service on 13.06.2021. Hence, this petition with the above mentioned relief.

- 3. Arguments heard and record perused.
- 4. Record reveals that the petitioner has already been retired from service and he, being ex-civil servant, is seeking proforma promotion which in view of the recent judgment of the Apex Court fully falls within the jurisdiction of Service Tribunal. When learned counsel appearing on behalf of petitioner was confronted with the aforesaid situation, he remained speechless.
- 5. For what has been discussed in the preceding para, we understand the instant petition is not maintainable before this Court, and as such, the same is dismissed in limine. However, the petitioner shall be at liberty to pursue his remedy before the proper forum, if so desired.

**Announced.**  
 24.08.2021  
 (\*M/Subhan)

*[Handwritten Signature]*  
 JUDGE  
  
 JUDGE

(D.B)  
Hon'ble Mr. Justice Ishtiaq Ibrahim and Hon'ble Mr. Justice Abdul Shakoor

4648  
 Date of Presentation of Application 24/8/2021  
 No of Pages 9  
 Copying fee 36/-  
 Total 36/-  
 Date of Preparation of Copy 26/8/2021  
 Date of Delivery of Copy 26/8/2021  
 Received By [Signature]

*[Handwritten Signature]*  
 CERTIFIED TO BE TRUE COPY  
 EXAMINER  
 Peshawar High Court, Peshawar  
 Authorized Under Article 87 of  
 the Constitution of Pakistan  
 26 AUG 2021



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

Annex D

Dated Peshawar 07 May, 2021

ORDER

In light of the decision taken in the meeting of DPC held on 06.05.2021, the competent Authority has constituted a committee comprising of the following officers under the chairmanship of Addl: IGP/HQrs in order to discuss the course content for conducting of test for Stenographer/Assistant for promotion to the rank of Office Superintendent of Khyber Pakhtunkhwa, Police:-

- |  |        |
|--|--------|
| 1. DIG Training, Khyber Pakhtunkhwa      | Member |
| 2. AIG Establishment, Khyber Pakhtunkhwa | Member |
| 3. AIG Legal, Khyber Pakhtunkhwa         | Member |
| 4. Registrar, Central Police Office      | Member |
| 5. Office Supt: CPB                      | Member |

TORs:

The Committee shall submit report within one week time for the perusal of Competent Authority.

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

No. 1377-83 1E-V

Copy to the:-

1. Addl: IGP/HQrs, Khyber Pakhtunkhwa.
2. DIG Training, Khyber Pakhtunkhwa.
3. AIG Legal Khyber Pakhtunkhwa.
4. Registrar, CPO
5. Office Supt: CPB, CPO
6. PA to AIG Estab: Khyber Pakhtunkhwa.

Attested



GOVERNMENT OF <sup>1</sup>[Khyber Pakhtunkhwa]  
SERVICES, INFORMATION AND GENERAL  
ADMINISTRATION DEPARTMENT.

NOTIFICATION.

Peshawar, dated the 4th April, 1974.

No. SOS (iii) S&GAD-1-50/71.—In exercise of the powers conferred by sub-section (1) of section 26 of the <sup>2</sup>[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (<sup>3</sup>[Khyber Pakhtunkhwa], Act XVIII of 1973), and in supersession of the West Pakistan Police Department Ministerial Service (Headquarters) Rules, 1964, and the West Pakistan Police Department Ministerial Service (Range) Rules, 1964 in their application to the <sup>4</sup>[Khyber Pakhtunkhwa], the Governor of the <sup>5</sup>[Khyber Pakhtunkhwa] is pleased to make the following rules regulating recruitment to the <sup>6</sup>[Khyber Pakhtunkhwa] Police Department Ministerial Service and prescribing conditions of service for the persons appointed thereto, namely—

THE <sup>7</sup>[Khyber Pakhtunkhwa] POLICE  
DEPARTMENT MINISTERIAL SERVICE RULES, 1974,

PART I—GENERAL.

1. *Short title and commencement*—(1) These rules may be called the <sup>8</sup>[Khyber Pakhtunkhwa] Police Department Ministerial Service Rules, 1974.

(2) They shall come into force at once.

2. *Definitions*.—In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

- (a) "Appendix" means an Appendix to these rules;
- (b) "Appointing Authority" means the authority specified in Rule 5;
- (c) "Assistant Inspector-General" means the Assistant Inspector-General of Police (Headquarters), <sup>9</sup>[Khyber Pakhtunkhwa];

<sup>1</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>6</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>7</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>8</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>9</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (d) "Board" means a Board of Secondary Education established by law in Pakistan or any other Educational Authority or institution declared by Government in consultation with the Commission to be a Board for the purposes of these rules;
- (e) "Commission" means the <sup>10</sup>[Khyber Pakhtunkhwa] Public Service Commission;
- (i) "Department" means the Police Department, <sup>11</sup>[Khyber Pakhtunkhwa];
- (g) "Government" means the Government of the <sup>12</sup>[Khyber Pakhtunkhwa];
- (h) "Initial Recruitment" means appointment made otherwise than by promotion or transfer from another Service/Department/Post;
- (i) "Inspector-General" means the Inspector-General of Police, <sup>13</sup>[Khyber Pakhtunkhwa];
- (j) "Recognised Institute" means any institute recognised by Government in, consultation with the Commission to be a recognised Institute for the purposes of these rules;
- (k) "Recognised University" means any University incorporated by law in Pakistan or any other University declared by Government in consultation with the Commission to be a recognised University for the purposes of these rules;
- (l) "Scheduled Castes" means the castes, races or tribes or parts or groups within castes, races or tribes, declared to be scheduled castes, under any law in force in Pakistan, or so declared by Government for the purposes of these rules;
- (m) "Selection Board" means the Selection Board constituted by or under orders of Government for the purposes of making appointments to the posts declared as selection posts;
- (n) "Service" means the <sup>14</sup>[Khyber Pakhtunkhwa] Police Department Ministerial Service; and

<sup>10</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>11</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>12</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>13</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>14</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

- (o) "Under Developed Areas" means the Tribal Areas of Dera Ismail Khan, Malakand and Peshawar Divisions, the Added Areas (Merged Areas) of Hazara and Mardan Districts and such other areas as Government may declare to be under developed areas for the purposes of these rules.

PART II—RECRUITMENT.

3. *Constitution and composition of Service.*—The Service shall comprise the posts specified in column 2 of Appendix 'A' and such other ministerial posts as may be determined by Government from time to time.

4. *Eligibility.*—(1) No person who has married a Foreign National shall be, eligible for a appointment to the Service,

(2) The restriction imposed by sub-rule (1) may be relaxed by Government in the case of a person who has married a citizen of India.

5. *Appointment Authority*— Appointments to the Service shall be made—

- (a) in the case of Registrar and Superintendents, by the Inspector-General; and
- (b) in other cases, by the Assistant Inspector-General/Deputy Inspector-General, Headquarter, as the case may be.

6. *Method of recruitment.*—(1) Recruitment to the Service shall be made by initial recruitment or by transfer from other Government Departments or by promotion, in the manner provided in this rule.

(2) Appointments to the cadre posts of the Service shall be made in the following manner: —

- (a) vacancies in the posts of Registrar, Superintendents and Senior Clerks shall be filled by promotion;
- (b) fifty per cent of the vacancies in the posts of Assistants and Auditors shall be filled by initial recruitment or by transfer from other Government Departments; provided that the appointments by transfer shall not exceed five per cent of the total posts; and the remaining fifty per cent vacancies in such posts shall be filled by promotion;
- (c) vacancies in the posts of Stenographers shall be filled at the discretion of the appointing authority by initial recruitment or by promotion; and
- (d) not more than twenty per cent of the vacancies in the posts of Junior Clerks and Steno-Typists shall be filled by promotion from among Daftri,

Restorers and Peons of the Department and the remaining vacancies in such posts shall be filled by initial recruitment.

(3) For the purpose of filling the vacancies by initial recruitment, there shall be a block of 18 vacancies which shall be reserved for *bona fide* resident of the Zones specified in column 2 of Appendix 'B' in accordance with the number of posts shown against each Zone in column 4 thereof:

Provided that where a Zone has been further sub-divided into, parts specified in column 3 of Appendix 'B', the vacancies allocated to the Zone shall be made available to each part of the Zone in equal shares or by rotation, as the case may be:

"Provided further that in the case of a vacancy allocated to a Zone or, as the case may be, a part of the Zone, if no suitable candidate from that Zone or part is available, the vacancy shall be filled from any other Zone or part of that Zone, as the case may be, and the vacancy of the latter Zone or part of that Zone, as the case may be, when available shall be filled from former Zone, or as the case may be a part of that Zone, where no suitable candidate was available".

- (4) Vacancies to be filled by promotion shall be filled in the following manner—
- (i) ninety per cent of such vacancies shall be filled by selection on merit with due regard to seniority from among persons eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of Appendix 'A' and
  - (ii) the remaining ten per cent of such vacancies shall form a merit quota and shall be filled by selection on merit from among persons of outstanding record, who are eligible for promotion to such vacancies in accordance with the provisions contained in column 4 of Appendix 'A'.

(5) Where a person with the qualifications specified in clause (ii) of sub-rule (4) is not available for appointment to a vacancy referred to in that clause, the vacancy may be filled in the manner provided in clause (i) of sub-rule (4).

(6) Appointments by initial recruitment or by transfer to posts in the service carrying an initial salary of Rs. 275.00 per mensem or above and appointments by promotion to posts in the service carrying an initial salary of Rs. 325.00 per mensem or above shall be made on the recommendations of the Selection Board.

*Explanation.*—Where two pay scales are attached to a post on the basis of different academic qualifications and the minimum of the higher scale falls within the jurisdiction of the Selection Board, then appointments to all vacancies in such posts, irrespective of the entitlement of the candidates to higher or lower pay scales, shall be made on the recommendations of the Selection Board.

7. *Age.*—No person shall be appointed to a post in the service by initial recruitment, who is less than eighteen years or more than twenty-five years of age: —

- (a) where recruitment is to be made on the basis of a written examination, on the 1st of January of the year in which the examination is proposed to be held; and
- (b) in other cases, on the last date, fixed for submission of applications for appointment;

Provided that—

- (i) upto the 1st July, 1977, the upper age limit in the case of a candidate from the Scheduled Castes or Under-Developed Areas shall be twenty-eight years;
- (ii) in the case of a person whose services under Government have been terminated for want of a vacancy, the period of service already rendered by him shall, for the purpose of the upper age limit under this rule, be excluded from his age; and
- (iii) in the case of Ex-Defence personnel, the interval between the date of their release from the Defence Forces of Pakistan, including the Mujahid Force and the date of re-employment in a Civil Department, subject to maximum of seven years and the whole of the period of service rendered by them in such forces shall, for the purpose of upper age limit under this rule, be excluded from their age.

8. *Qualification.*—(1) No person shall be appointed to a post in the Service by initial recruitment or by transfer unless he possesses the qualifications prescribed for the post in column 3 of Appendix 'A'.

(2) No persons not already in Government service shall be appointed to a post in the Service unless he produces a certificate of character from the principal academic officer of the academic institution last attended, and also certificates of character from two other responsible persons not being his relatives, who are well acquainted with his character and antecedents.

### PART III—CONDITION OF SERVICE.

9. *Probation.*—(1) A person appointed to a post in the Service against a substantive vacancy shall remain on probation for a period of two years, if appointed by initial recruitment, and for a period of one year, if appointed otherwise.

*Explanation.*—Officiating service and service spent on deputation to a corresponding or a higher post may be allowed to count towards the period of probation.

2. If the work or conduct of a member of the Service during the period of probation has, in the opinion of the appointing authority, not been satisfactory, the appointing authority may, notwithstanding that the period of probation has not expired, dispense with his services, if he has been appointed by initial recruitment, and if he has been appointed otherwise, revert him to his former post, or if there be no such post, dispense with his services.

(3) On completion of the period of probation of a member of the Service, the appointing authority may, subject to the provisions of sub-rule (4), confirm him in his appointment or if his work or conduct has, in the opinion of such authority, not been satisfactory—

- a. in case he has been appointed by initial recruitment, dispense with his services; or
- b. in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services; or
- c. extend the period of probation by a period not exceeding two year in all, and during or on the expiry of such period pass such orders as it could have passed during or on the expiry of the initial probationary period.

*Explanation I.*—If no orders have been made by the day following the completion of the initial probationary period, the period of probation shall be deemed to have been extended.

*Explanation II.*—If no orders have been made by the day on which the maximum period of probation expires, the probationer shall be deemed to have been confirmed in his appointment from the date on which the period of probation was last extended or may be deemed to have been so extended.

4. No person shall be confirmed in the service unless, he successfully completes such training and passes such departmental examination as may be prescribed by Government from time to time.

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

- a. in case he has been appointed by initial recruitment, dispense with his services; and
- b. in case he has been appointed otherwise, revert him to his former post, and if there be no such post, dispense with his services.

10. *Seniority*—(I) The seniority *inter se* of the members of the Service in the various grades thereof shall be determined—

- a. in the case of members appointed by initial recruitment, in accordance with the order of merit assigned by the Selection Board, if the appointment is made on the recommendation of the Selection Board, and in other cases in accordance with the order of merit assigned by the appointing authority; provided that persons selected for the service in an earlier selection shall rank senior to the persons selected in a later selection; and
- b. in the case of members appointed otherwise, with reference to the dates of their continuous regular appointment therein:

Provided that if the date of continuous regular appointment in the case of two or more members is the same, the older official if not junior to the younger official or officials in the next below grade, shall rank senior to the younger official or officials:

Provided further that the members who are selected for promotion to a higher grade in one batch shall on their promotion to the higher grade, retain their *inter se* seniority as in the lower grade,

(2) The seniority in the various grades of the Service of the members appointed by initial recruitment *vis-a-vis* those appointed otherwise shall be determined with reference to the date of regular appointment to such vacancy in the case of the official appointed by initial recruitment and to the date of continuous regular appointment against such vacancy in the case of official appointed otherwise; provided that if the two dates are the same, the official appointed otherwise shall rank senior to the official appointed by initial recruitment.

(3) Nothing in this rule shall be construed to confer on the members of the Service any vested right to a particular seniority in the Service, cadre or grade, as the case may be.

11. *Liability to transfer and serve.*—Members of the Service shall be liable to—

- (a) transfer anywhere in the <sup>15</sup>[Khyber Pakhtunkhwa]; and
- (b) serve in any Department of Government or any local authority or statutory body set up or established by Government.

12. *General Rules.*—In all matters not expressly provided for in these rules, members of the Service shall be governed by such rules as have been or may hereafter be prescribed by Government and made applicable to them.

13. *Relaxation.*—Any of these rules may, for reasons to be recorded in writing, be relaxed in individual cases, if Government is satisfied that a strict application of the rules would cause undue hardship to the individual concerned:

<sup>15</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

Provided that wherever such relaxation involves a question on which consultation with the Commission is mandatory, the Commission shall be consulted before the relaxation is made.

14. *Delegation.*—Government may delegate all or any of its powers under these rules to any Officer subordinate to it.

15. *Powers of Governor to safeguard rights of Government Servants.*—Whenever in the application of these rules, the terms and conditions of service of any person serving in connection with the affairs of the <sup>16</sup>[Khyber Pakhtunkhwa], as guaranteed by any law for the time being in force, are likely to be adversely affected the Governor of the <sup>17</sup>[Khyber Pakhtunkhwa] shall make appropriate orders to safeguard the legal rights of such person,

By order of the Governor.

NASRUM MINALLAH,  
Chief Secretary to Government,  
<sup>18</sup>[Khyber Pakhtunkhwa]

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<sup>16</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>17</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>18</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.



## APPENDIX 'A'

[ See Rules 3, 6 (4) and 8 (1) ].

| Serial No. | Nomenclature of the posts. | Minimum qualifications prescribed for appointments by initial recruitment. | Method of recruitment.  |
|------------|----------------------------|--|---|
| 1          | 2                          | 3  | 4   |
| 1.         | Registrar                  |  | By promotion from among members of the Service holding posts of Superintendents.  |
| 2.         | Superintendents            |  | By promotion from among members of the Service holding the posts of Assistants, Stenographers and Auditors, with at least five years' experience as such; provided that the Stenographers must have passed the Departmental examination prescribed for confirmation of Assistants.                        |
| 3.         | Assistants                 | Degree from a recognised University.                                       | (i) Fifty per cent by initial recruitment; or by transfer in accordance with the provisions contained in clause (b) of sub-rule (2) of Rule 6; and<br><br>(ii) Fifty per cent by promotion from among members of the Service holding post of Senior Clerks with at least three years' experience as such. |

| Serial No. | Nomenclature of the posts. | Minimum qualifications prescribed for appointments by initial recruitments.   | Method of recruitment.   |
|------------|----------------------------|---|--|
| 4.         | Auditors                   | <p>(a) B. Com. from a recognised University; or</p> <p>(b) Graduate in Economics from a recognised University and a certificate or diploma in Accounts from a recognised Institute.</p> | <p>(i) Fifty per cent by initial recruitment or by transfer in accordance with the provisions contained in clause (c) of sub-rule (2) of rule 6; and</p> <p>(ii) Fifty per cent by promotion from among members of the Service holding post of Senior Clerks with at least three years' experience as such who possess a diploma or certificate in Accounts from a recognised Institute.</p> |
| 5.         | Senior Clerks              |   | <p>By promotion from among members of the Service holding posts of Junior Clerks with at least two years' experience as such.</p>  |
| 6.         | Junior Clerks              | <p>Matriculate or equivalent qualification from a recognised University; or Board.</p>  | <p>(i) Not more than twenty per cent by promotion from among Daftri/Restorers/Peons of the Department with two years' service as such, who are having the qualifications prescribed for initial recruitment; and</p> <p>(ii) not less than eighty per cent by initial recruitment.</p>   |

| Serial No. | Nomenclature of the posts. | Minimum qualifications prescribed for appointments by initial recruitment.   | Method of recruitment.   |
|------------|----------------------------|--|--|
| 1          | 2                          | 3  | 4  |
| 7.         | Steno-graphers             | <p>(i) Matriculation or equivalent qualification from a recognised University; or Board; and</p> <p>(ii) Speed of 100 w. p. m. in Short-hand in English and 40 w. p. m. in typing.</p> | <p>(a) By initial recruitment; or</p> <p>(b) By promotion from among members of the Service holding post of Steno-typist.</p>  |
| 8.         | Steno-typists              | <p>(i) Matriculation or equivalent qualification from a recognised University; or Board; and</p> <p>(ii) Speed of 80 w. p. m. in Short-hand in English and 35 w. p. m. in typing.</p>  | <p>(i) Not more than twenty per cent by promotion from among Daftri/Restorers/Peons of the Department with two years' service as such, who are having the qualifications prescribed for initial recruitment; and</p> <p>(ii) not less than twenty per cent by initial recruitment.</p> |

## APPENDIX 'B'

[ See Rule 6 (3) ].

| Serial No. | Zones.  | Parts of Zones.  | No. of posts for each Zone. |
|------------|---|--|-----------------------------|
| 1.         | 2   | 3  | 4                           |
| 1.         | Agencies of Mohmand, Khyber, Kurram, North Waziristan, South Waziristan, Tribal Area attached to the Districts of Peshawar, Kohat, Bannu and Dera Ismail Khan and Bajaur Area of Malakand Agency. | (i) North and South Waziristan and Bajaur.<br>(ii) Mohmand and Khyber Agencies.<br>(iii) Kurram Agency and Centrally Administered Tribal Areas attached to the Districts of Peshawar, Kohat, Bannu and Dera Ismail Khan. | 4                           |
| 2.         | Peshawar and Mardan Districts   |  | 4                           |
| 3.         | Districts of Swat, Dir, Chitral and Malakand Protected Area (Swat Ranizai and Sam Ranizai) and Backward Area of Hazara District and Added Area of Mardan District                                 | (i) Swat.<br>(ii) Dir.<br>(iii) Chitral.<br>(iv) Malakand Protected Area (Swat Ranizai and Sam Ranizai) and Backward areas of Hazara District and Added Area of Mardan District.   | 4                           |
| 4.         | Dera Ismail Khan, Bannu and Kohat.  |  | 3                           |
| 5.         | Hazara District, excluding backward Areas of Hazara District.   |  | 3                           |



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

Dated Peshawar 30 / // /2020

NOTIFICATION

No. 4416-SD /E-V, PROMOTION: - In pursuance to the provision contained in the Khyber Pakhtunkhwa Police Department Ministerial Service Rules, 1974 at S.No. 2 of the Appendix-A to the said Rules, the Competent Authority on the recommendations of the Departmental Selection Committee (D.S.C) meeting held on 18.11.2020, is pleased to promote the following Assistant Grade Clerks and Stenographers (BS-16) to the rank of Office Superintendents (BS-17) on regular basis with immediate effect:-

| S/II | NAME OF OFFICIAL   | PRESENT PLACE OF POSTING   |
|------|--------------------|--|
| 1.   | Fazal Shah         | CCPO, Peshawar (He is conditionally promoted to the rank of Office Superintendent (BPS-17) subject to completion of ACRs for the period from 01.01.2015 to 31.12.2015, 01.01.2016 to 31.12.2016, 25.03.2017 to 16.07.2017 and 01.01.2018 to 30.06.2018 within fortnight) |
| 2.   | Muhammad Saleem    | Special Branch Khyber Pakhtunkhwa  |
| 3.   | Masood Khan        | BOU/Special Branch Khyber Pakhtunkhwa  |
| 4.   | Sardar Hussain     | Budget Branch CPO, Peshawar  |
| 5.   | Akhtar Aurangzeb   | FRP Khyber Pakhtunkhwa Peshawar  |
| 6.   | Syed Sahz Ali Shah | Elite Force, Khyber Pakhtunkhwa  |
| 7.   | Muhammad Israr     | DPO Office Mardan (He is conditionally promoted to the rank of Office Superintendent (BPS-17) subject to completion of ACRs for the period from 01.01.2018 to 31.12.2018 within fortnight)   |
| 8.   | Naimatullah        | Special Branch Khyber Pakhtunkhwa  |
| 9.   | Ghulam Ishfaq      | DPO Office Haripur   |
| 10.  | Fazal Khaliq       | DPO Office Mardan  |
| 11.  | Noor Rehman        | E-IV Branch CPO, Peshawar  |
| 12.  | Muhammad Iqbal     | DPO Office Kurram  |
| 13.  | Jafar Shah         | CCPO, Peshawar   |
| 14.  | Bashir Ul Haq      | Special Branch Khyber Pakhtunkhwa  |

Terms and conditions of promotion are as under:-

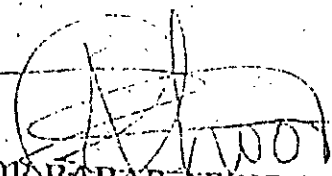
1. They will be on probation for a period of one year extendable for another year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servant Act-1973 read with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
2. Their promotion will take effect from the date of they actually assume the charge of their higher responsibilities.
3. The promotion of officials having ACRs deficiency will be conditioned with submission of their remaining ACRs within fortnight. In case of non-compliance, they shall be considered deferred and a fresh Notification of their deferment shall be issued.

Sd/-  
(Dr. ISHTIAQ AHMED) PSP/PPM  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,  
Peshawar.

Encls: No. and dated even

Copy forwarded to the:-

- All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
- All Regional Police Officers, in Khyber Pakhtunkhwa.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- All Deputy Inspectors General of Police in Khyber Pakhtunkhwa.
- Capital City Police Officer, Peshawar.
- Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
- All Assistant Inspectors General of Police in Khyber Pakhtunkhwa.
- All District Account Officers in Khyber Pakhtunkhwa.
- PSO to Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- Registrar, CPO, Peshawar.
- Office Supdts: Establishment-I, II, III, IV, Secret, CP Branch CPO Peshawar.

  
(ZAHOOB BABAR AFRIDI) PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar