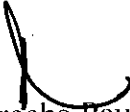



27.06.2023

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, learned Assistant Advocate General alongwith Burhand Din, ASI for the respondents present.

2. Former requested for adjournment due to engagement of learned senior counsel for the appellant before the Hon'ble Peshawar High Court, Peshawar. Granted. To come up for arguments on 25.10.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rashida Bano)  
Member (J)

\*Kaleemullah\*

17.03.2023

Appellant alongwith his counsel present. Mr. Fazal Shah Mohmand  
Additional Advocate General alongwith Mr. Burhanud Din, SI (Legal)  
for the respondents present.

Reply/comments not submitted despite last chance subject to payment  
of cost of Rs. 2000/-. Learned Additional Advocate General requested  
for further time. Last opportunity is further extended on enhancement of  
cost of Rs. 4000/-. To come up for reply/comments and costs on  
27.04.2023 before S.B. P.P given to the parties.

(Muhammad Akbar Khan)  
Member (E)

27<sup>th</sup> April, 2023

Counsel for the appellant present. Mr. Fazal Shah,  
Addl. AG alongwith Burhanud Din, S.I (Legal) for the  
respondents present.

Reply/comments on behalf of respondents received  
which is placed on file and a copy whereof handed over to  
learned counsel for the appellant. Representative of the  
respondents paid cost of Rs. 2000/- and requested for time  
to pay remaining cost of Rs. 2000/-. Granted. To come up  
for rejoinder, if any, and arguments on 27.06.2023 before  
the D.B. Representative of the respondents is directed to  
pay remaining cost of Rs. 2000/- on the next date. Parcha  
Peshi given to the parties.

(Fareeha Paul)  
Member(E)

SCANNED  
KPST  
Peshawar

SCANNED  
KPST  
Peshawar

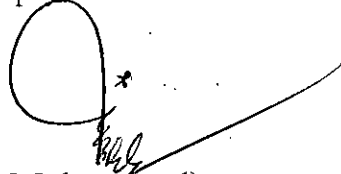
13.12.2022

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

Reply/comments on behalf of respondents not submitted.

Learned Assistant Advocate General seeks time to contact the respondents for submission of reply/comments. Last opportunity is granted. To come up for reply/comments on 31.01.2023 before S.B.

SCANNED  
KFST  
Peshawar


  
(Mian Muhammad)  
Member (E)

31.01.2023

Counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

Written reply not submitted. Learned AAG requested for time to submit written reply. Last opportunity is extended subject to payment of cost of Rs.2000/-. To come up for written reply/comments on 17.03.2023 before S.B.


SCANNED  
KFST  
Peshawar

  
(Rozina Rehman)  
Member (J)

10.10.2022

Junior to counsel for the appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

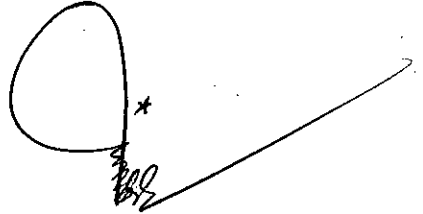
Reply on behalf of respondents not submitted. Learned Additional Advocate General seeks further time for submission of written reply. Adjourned. To come up for written reply/comments on 16.11.2022 before S.B.

  
(Fareeha Paul)  
Member (E)

16.11.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondent not submitted. Learned Additional Advocate General requested for time to submit reply/comments. Adjourned. To come up for reply/comments of on 13.12.2022 before S.B.

  
(Mian Muhammad)  
Member (E)

SCANNED  
KPST  
Peshawar

24<sup>th</sup> June, 2022

Learned counsel for the appellant present.

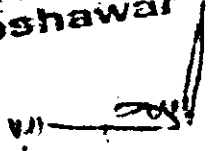
Learned counsel for the appellant seeks time to prepare the case. To come up for preliminary hearing on 21.07.2022 before S.B at Peshawar.

515

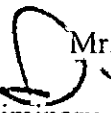
19/7/22

  
(Kalim Arshad Khan)  
Chairman

SCANNED  
KPST  
Peshawar




21.07.2022

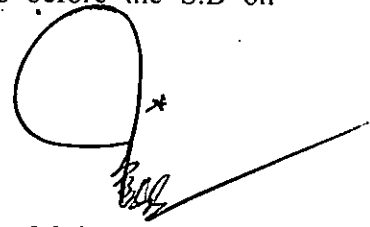
 Mr. Arbab Saiful Kamal, Advocate for the appellant present.

Preliminary arguments heard.

*illegible objection was placed*  
Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections. 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. To come up for reply/comments before the S.B on 10.10.2022.

*As Sool*  
  
26/7/22  
Out district respondent was not put on notice while local was served upon it.



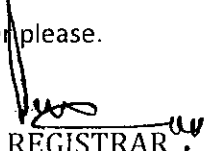


  
(Mian Muhammad)  
Member (E)

Form- A

FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 660/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/04/2022	<p>The appeal of Mr. Inamullah Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2- 12/5/22</p> <p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on 13/5/22. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>13.05 2022</p> <p>Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. To come up for preliminary hearing before the S.B on 24.06.2022.</p> <p style="text-align: right;"> (Kalim Arshad Khan) Chairman</p>

The appeal of Mr. Inamullah Head Constable No. 309 Police Line Lakki Marwat received today i.e. on 19.04.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures A, B & D of the appeal are illegible which may be replaced by legible/better one.
- 2- Annexures-G, H& I of the appeal are missing.

No. 895 /S.T,

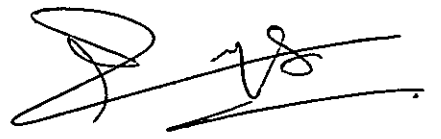
Dt. 19/4 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

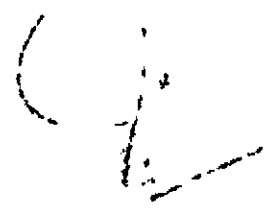
Saadullah Khan, Marwat Adv. Pesh.

Sir  
Re-submitted after WR/81  
defects.

All illegible copies were replaced  
with legible ones.

  
28-04-22





**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**S.A No. 660 /2022

Inamullah Khan

versus

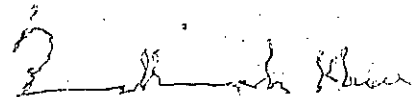
DPO &amp; Others

**I N D E X**

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Judgment dated 05-06-2007	"A"	4-8
3.	Promotion to HC dated 02-05-2009	"B"	9
4.	Demotion order dated 30-04-2021	"C"	10
5.	Salary slip for the month of December 2021	"D"	11
6.	Representation dated 03-01-2022	"E"	12

Appellant

Through


Saadullah Khan Marwat  
Advocate.21-A Nasir Mansion,  
Shoba Bazaar, Peshawar.

Ph: 0300-5872676

0311-9266609

Dated: 15-04-2022



**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_\_/2022

Inamullah Khan S/O Obaid Ullah Jan,  
Head Constable, B. No. 309,  
Now Constable, Police Line,  
Lakki Marwat. . . . . Appellant

**Versus**

1. District Police Officer,  
Lakki Marwat.
2. Regional Police Officer,  
Bannu Region, Bannu.
3. Provincial Police Officer,  
KP, Peshawar. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST OB NO. 251 DATED 30-04-2021 OF R.  
NO. 01, WHEREBY APPELLANT WAS DEMOTED TO  
THE RANK OF CONSTABLE FROM THE RANK OF  
HEAD CONSTABLE FOR NO LEGAL REASON:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth;**

1. That facts and grounds of the matter regarding dismissal from service, etc has been fully narrated in the judgment dated 05-06-2007 of the hon'ble Tribunal. (Copy as annex "A")
2. That on 02-05-2009, appellant was promoted to the rank of Head Constable from the rank of Constable. (Copy as annex "B")

3. That without any reason and justification, appellant was demoted from the rank of Head Constable to the rank of Constable vide order dated 30-04-2021 by R. No. 01. This order was never served upon appellant, yet he took monthly salaries of Head Constable till November 2021. (Copies as annex "G" & "H")
4. That on 03-01-2022, appellant submitted representation before the authority which met dead response till date. (Copy as annex "I")
5. Here it would be not out of place to mention that except District Police Lakki Marwat, no one was demoted throughout the districts of KP.

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

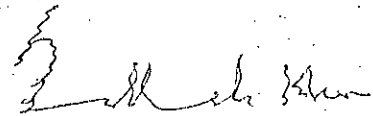
**GR O U N D S:**

- a. That appellant was promoted to the rank of Head Constable as per the mandate of Law. He has in his credit length of service, experience and qualified the required courses.
- b. That before issuing of the impugned order, appellant was neither served with any notice nor any enquiry was conducted, being mandatory, so the impugned order is of no legal effect.
- c. That since 2009, appellant performed his duties as and when required anywhere and as per routine if he was stationed in his own parent district, would have been promoted by then to the rank of Head Constable.
- d. That no lapses lies at the part of appellant and his demotion was without any legal reason and justification in the circumstances when police officials throughout the KP were never demoted to the rank of Constable in similar circumstances.
- e. That in the rank of Head Constable, appellant was paying monthly salaries of the grade but after reversion to the rank of Constable, he is now paying less pay of the grade.
- f. That the impugned order is not only against Law and Rules, as stated above but is also based on malafide and discrimination.

It is, therefore, most humbly prayed that on acceptance of appeal, the impugned order dated 30-04-2021 of R. No. 1 be set aside and appellant be restored to his original rank of Head Constable with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant

Through



Saadullah Khan Marwat

Arbab Saiful Kamal

Amjad Nawaz  
Advocates.

Dated.15-04-2022


### AFFIDAVIT

I, Inamullah Khan (Appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief

DEPONENT

### CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.



ADVOCATE

A 4 5.8.07  
BEFORE THE NWFP SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 25/2007

Date of institution - 13.01.2007

Date of decision - 05.06.2007

Inamullah Khan, No. 1117, Cook Constable, FRP D.I.Khan Range,  
D.I.Khan:.....(Appellant)

VERSUS

- R
1. S.P. D.I. Khan Range, D.I.Khan.
  2. Commandant, Frontier Reserve Police, NWFP, Peshawar.
  3. Inspector General of Police, NWFP, Peshawar.....(Respondents)

Appeal against O.B. No.295 dated 11.9.2006 of respondent No. 1  
whereby the appellant was dismissed from service w.e.f. 15.7.2006.

PRAYER.

On acceptance of the appeal, the impugned order dated 11.9.2006  
may be set aside and the appellant be re-instated in service with full  
back benefits.

Mr. Sadullah Khan Marwat, advocate.....For appellant.  
Mr. Usman Ghani, AGP.....For respondents.

MR. SHAH SAHIB .....MEMBER.  
MR. SULTAN MAHMOOD KHATTAK.....MEMBER.

JUDGEMENT.

SHAH SAHIB, MEMBER: - This appeal had been filed by the appellatant against the impugned order bearing OB No. 295 dated 11.9.2006 whereby he had been dismissed from service. It had been prayed that the said order may be set aside and the appellatant be re-instated in service with all back benefits.

2. As averred from the memo of the appeal, the appellatant had been enlisted as Cook Constable in the Respondent Department on 22.6.2001. He had been implicated in a criminal case by one Majid Khan S/o Mohammad Zaman, complainant and a report to this effect had been lodged in police Station, Serai Naurang. The appellatant had been served with a Charge Sheet on account of his involvement in the criminal case and his absence from duty. An inquiry had been instituted. The appellatant had been put on a Final Show Cause Notice. He had submitted reply and had denied the allegations. On 11.9.2006, the appellatant had been dismissed from service. He had preferred a departmental representation but the same had not been disposed of within the prescribed time limit. Hence, he had filed the instant appeal on the following grounds on 13.1.2007: -

R

ATTESTED  
EXAMINER  
PW/PD SERVICE TRIBUNAL  
PESHAWAR

- a. That the appellatant had been punished on the alleged absence from duty which was not wilful but due to his involvement in the criminal case in which he had been acquitted by the court of competent jurisdiction;
- b. That no full fledged inquiry had been conducted as required under the rules, so the impugned order was liable to be set aside;
- c. That the impugned order has been passed retrospectively which is also against the law and rules.

On receipt of the appeal, the respondents had been on a pre-admission notice. They shoes to appear through their representatives, filed their written reply, contested the appeal and denied the claim of the appellant.

4. Preliminary arguments heard and record perused.

5. The learned counsel for the appellant contended that the order of the appellant's dismissal from service had been passed without fulfilling the codal formalities. The appellant had been implicated in a false criminal case. His absence had not been wilful but due to the above stated reason. Later, he had been acquitted by the court of competent jurisdiction. He added that the period of the appellant's absence from duty should have been adjusted against the balance available in his leave account. The punishment awarded to the appellant had been too harsh for an allegation such as the one attributed to him. He prayed for the acceptance of the appeal.

R

ATTESTED  
EXAMINER  
NWFP Service Tribunal  
Peshawar

6. The learned Government Pleader contended that being an employee of a disciplined force, the appellant remained absent from duty without permission for a period of 17 days after having been involved in a murder case. He had been charge sheeted in accordance with NWFP Removal from service (Special Powers) Ordinance 2000. A regular inquiry had been conducted in which the appellant had been found guilty, therefore, he had

05-03-2019

Copy of the judgment is attached as Annexure-7

4  
served with a final show cause notice. He had been dismissed from service according to law/rules. He prayed that the appeal may be dismissed.

7. After hearing arguments on both sides, the Tribunal holds that the appellant had been awarded major penalty of dismissal from service on his alleged involvement in criminal case registered vide FIR No. 270 dated 16.7.2006 u/s 302/34 PPC, Police Station Serai Naurang, District Lakki Marwat and absence from duty for around 17 days on that account. Although, a departmental inquiry had been instituted against the appellant that inquired into the two allegations levelled in the Charge Sheet / Statement of Allegations against him, a perusal of the record transpired that the appellant had been subsequently acquitted in the criminal case by a court of competent jurisdiction i.e. Sessions Judge, Lakki Marwat vide order dated 24.1.2007. The inquiry instituted by the respondent department against the appellant appears to be merely a fact finding endeavour rather than a formal departmental inquiry under the NWFP Civil Servants Removal from Service (Special Powers) Ordinance, 2000. Besides, the inquiry had been conducted in the absence of the appellant, without providing him the opportunity to cross examine the witnesses. Strictly legally speaking, the imposition of major penalty of dismissal from service on the basis of a flawed inquiry report particularly, after the appellant's acquittal in the criminal case by the court of competent jurisdiction, appears to be a punishment dis-proportionate to the alleged charge of misconduct attributed to the appellant. Hence, warrants the Tribunal's interference.

ATTESTED  
EXAMINER  
NWFP Service Tribunal  
Peshawar

In view of the foregoing reasoning, the Tribunal accepts the appeal in limine; sets aside the impugned order of dismissal from service dated 11.9.2006 with direction to the respondent department to consider re-instating the appellant into service within a period of 3 months. However, the period intervening between his absence from duty i.e. 15.7.2006 till his re-instatement in service shall be treated as extra ordinary leave (leave without pay). The parties are left to bear their own costs. File be consigned to the record after completion.

ANNOUNCED.  
05.06.2007.

(SULTAN MAHMOOD KHATTAK)  
MEMBER.

(SHAH SAHIB)  
MEMBER.

Exhibited to the file copy.  
  
Tribunal  
Service Tribunal  
Peshawar

Number of Pages of Appeal ..... 23.6.07  
Number of Words ..... 2000  
Copying Fee ..... 12  
Fees .....  
Name of Copyist .....  
Date of Completion of Copy ..... 4.7.07  
Date of Delivery of Copy ..... 4.7.07



of FRP NWFP are here promoted to the rank of ... on a temporary basis with immediate effect.

S.No	Name & Number	Name of Range
1.	Khalid Mahmood 519	FRP Hazara
2.	Fuja Akbar 4217	FRP Hazara
3.	Habib Said 4278	FRP Malakand
4.	Mian Muhammad 4288	FRP Malakand
5.	Shah Jehan 4688	FRP Malakand
6.	Inam Ullah 117	FRP Dikhan
7.	Noor-ul-Basir 276	FRP PR
8.	Akhtar Zamra 224	FRP HQS
9.	Ashraf Khan 225	FRP HQS

On their promotion, no allowance as to posting of Head of FRP is hereby ordered with immediate effect.

S.No	Name & Number	From	To
1.	Khalid Mahmood 519	FRP Hazara	FRP Hazara Range
2.	Fuja Akbar 4217	FRP Hazara	FRP Hazara Range
3.	Habib Said 4278	FRP Malakand	FRP Kohat Range
4.	Mian Muhammad 4288	FRP Malakand	FRP Kohat Range
5.	Shah Jehan 4688	FRP Malakand	FRP Kohat Range
6.	Inam Ullah 117	FRP Dikhan	FRP Bannu Range
7.	Noor-ul-Basir 276	FRP PR	FRP Kohat Range
8.	Akhtar Zamra 224	FRP HQS	FRP Kohat Range
9.	Ashraf Khan 225	FRP HQS	FRP Dqrs Peshawa

(AWAL KHAN)  
DEPUTY COMMANDANT  
FRONTIER RESERVE POLICE,  
NWFP, PESHAWAR.

No. 107-53 I/C dated Peshawar the 10/5/53

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

- Superintendent of Police FRP Hazara Range
- Superintendent of Police FRP Kohat Range
- Superintendent of Police FRP Bannu Range
- Accountant FRP Bannu Range
- OSI/SRC FRP HQS Peshawar

...  
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POLICE DEPARTMENT

DISTRICT LAKKI MARWAT

Notification:

Dated 30/04/2021

No. 2873 Demotion: In the light of CPO Peshawar letter No.CPO/CPB/264 dated 06.10.2020, letter No.CPO/CPB/188 dated 26.04.2021, RPO Bannu Region, Bannu Order Endst: No.1507-11/EC dated 27.04.2021 and judgment of Apex Supreme Court of Pakistan, whereby out of turn promotion have been declared as illegal, unconstitutional, un-Islamic and null and void being in conflict with the constitution and also un-Islamic in a number decisions rendered by the apex court in the year 2013, 2017 and 2018. The following Police Officials of District Police Lakki Marwat, being beneficiaries of acceleratory promotion in different categories are hereby demoted to the ranks mentioned against their names:

**CADETS**

S.No	Name, Rank & No.	Demoted to the rank of	Fixing Seniority with their Batch Mates
1.	HC Waqas Khan No.612	LHC	His name is placed with his colleagues of Lower College Course for the term ending 30.11.2016
2.	HC Wasim No.26	Constable	
3.	LHC Nighat Bibi No.494	Constable	

**PPM**

S.No	Name, Rank & No.	Fixing Seniority with their Batch Mates
1.	IHC Muhammad Alam No.	Fixed his seniority with colleagues of Intermediate college course with IHC Masoom Jan and IHC Hamid Ullah

**GALLANTRY PERFORMANCE**

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Ikram Ullah Jan No.116	Constable

**PROMOTED AS TEMPORARY HC BY COMMANDANT FRP**

S.No	Name, Rank & No.	Demoted to the rank of
1. ✓	HC Inam Ullah No.267	Constable
2.	HC Tariq Iqbal No.725	Constable

**QUALIFIED LOWER COLLEGE COURSE WITHOUT PASSING B-I EXAM**

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Sadullah No.B	Constable
2.	HC Noor Aslam No.395	Constable

O/B NO-251  
D/A-30-04-2021

District Police Officer  
Lakki Marwat

No. 287478

Copy of above is submitted for favour of information to:

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r CPO Peshawar letter No. quoted above.
2. The Regional Police Officer, Bannu Region, Bannu w/r to his Order Endst: No. quoted above.
3. EC, PO & OHC for information and necessary action.

District Police Officer  
Lakki Marwat

LK41  
 P Sec 001 Month December 2021  
 LK4007 - SUPOT: OF POLICE POLICE IN  
 LAW AND ORDER LK41  
 WPN:  
 GPF #: 10100003122  
 OIS #:

PERS # 00198282 Buckle:  
 Name: INANULLAH 1019 FC  
 CONSTABLE  
 CHIC No. 15683978560  
 GPF Interest Applied  
 07 Active Temporary

PAYS AND ALLOWANCES:	LK4002	
0001-Basic Pay	29,750.00	
1001-House Rent Allowance 45%	2,124.00	
1210-Convey Allowance 2005	1,932.00	
1300-Medical Allowance	1,500.00	
1547-Fashion Allowance	681.00	
1567-Washing Allowance	150.00	
1646-Constabulary R Allowance	100.00	
1902-Special Incentive Allowance	775.00	
2148-15% Adhoc Relief All-2013	492.00	
Gross Pay and Allowances	47,695.00	
DEDUCTIONS:		
GPF Balance 205,210.00	Subro:	1,016.00
3530-Police wot: Fud RS-1 to 18		415.00
4004-R. Benefits & Death Comp:		450.00

Total Deductions 1,875.00  
 45,821.00

D.O.B 01.01.1979 LFP Quota:  
 NATIONAL BANK OF PAKSARA-I-GAMBEELA  
 23 Years, 00 Months, 001 Days 390975

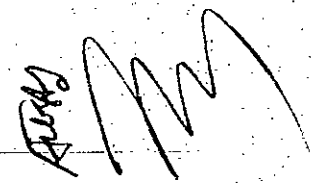
LK41  
 P Sec 001 Month December 2021  
 LK4007 - SUPOT: OF POLICE POLICE IN  
 LAW AND ORDER LK41  
 WPN:  
 GPF #: 10100003122  
 OIS #:

PERS # 00198282 Buckle:  
 Name: INANULLAH 1019 FC  
 CONSTABLE  
 CHIC No. 15683978560  
 GPF Interest Applied  
 07 Active Temporary

PAYS AND ALLOWANCES:	LK4002	
2158-Fixed Daily Allowance	1,000.00	
2199-Adhoc Relief Allow #15%	450.00	
2211-Adhoc Relief All 2016 10%	1,435.00	
2224-Adhoc Relief All 2017 10%	1,075.00	
2247-Adhoc Relief All 2018 10%	900.00	
2264-Adhoc Relief All 2019 10%	800.00	
2309-Adhoc Relief All 2020 10%	1,075.00	
2314-Risk Allow Police - 25%	1,175.00	
Gross Pay and Allowances	47,695.00	
DEDUCTIONS:		
GPF Balance 205,210.00	Subro:	1,016.00

Total Deductions 1,875.00  
 45,821.00

D.O.B 01.01.1979 LFP Quota:  
 NATIONAL BANK OF PAKSARA-I-GAMBEELA  
 23 Years, 00 Months, 001 Days 390975



کثرتِ جناب دلی صاحب فون ریج بنوں

درخواست برادری بر شہدہ بندگی

جناب عالی سائل دلی صاحب سے

۱۔ برادری توڑی سے تکرار تشریحی سائل بنیاد

جائزگی اور استعداد سے ساتھ فریقین بھی سرالجام دی ہیں۔

۲۔ یہ کہ ہذا کسی عدم و وجہ سے سائل نے تشریحی کا حکم

جناب عالی اور صاحب جاری کیا ہے۔ نہ کوئی فونس و نہ کوئی شہدگی

اور نہ ہی کوئی نگرانی کی ہوئی ہے

۳۔ یہ کہ تشریحی سرالجام میں جس سے نہ قانونی طور پر تکرار

فروری و کراچی ہوتا ہے۔ لیکن اس کے بغیر کوئی نہ بنا گیا

ہے۔ جو تشریحی اٹھاتا ہے

دستخط کے حکم فوراً 30 - 21

لیا اور صاحب تکرار کے کوئی حکم سرالجام اور سائل کو تکرار

تشریحی سے باوجود حکم فریاد سے سائل کو بندگی کے حکم

فرمانے کا حکم ہو گیا ہے۔ دعا ہے

مورخہ 22-01-3

309 الفکا اللہ خان

مستحق

یعد الشیخ جمال سید سید محمد علی صاحب مدظلہ العالی

مخترع

العام اللہ خان

دعویٰ

باعتبار

© ————— ©

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آل مقام پشاور  
کیسٹ سید احمد خان دوسرے ایڈووکیٹ، ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ وہ صاحب  
موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا نیز وکیل صاحب کو کرنے والی ہادی و آفیشز، واپس دیا جاتا ہے  
یہ جواب دہی اور قابل دعویٰ اور لہذا دہری کر کے اجراء اور دوسری چیک و روپیہ اور مرضی دعویٰ اور درخواست  
ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز لہذا عدم پیروی یا ڈگری یا طرفہ اپیل کی برآمدگی  
اور مستحق بننے والے کے اپیل نگران و نظریاتی و پیروی کرنے کا اختیار ہوگا اور لہذا صورت ضرورت سے مقدمہ بنا کر  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشارق قانونی کو اپنے ہمراہ یا اپنی بجائے تفریقہ اختیار ہوگا  
اور وہ اپنے مقرر شدہ کو بھی وہی جواب دہ کرے والا اختیار ملے گا اور اس کا سامنے پروا نہ منگوانا  
قبول ہوگا اور دوران مقدمہ میں جو خرچہ و تر جانہ التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب  
موصوف ہوں گے نیز لہذا و فریسی و صورتی کر کے اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ  
پر ہو یا سند سے باہر ہو تو وکیل صاحب یا مندرجہ ہوں گے کہ پیروی مذکور کریں۔

لہذا رکالت نامہ دیکھ دیا کہ سند ہے۔

الرقوم

العقد العقد العقد

ارباب نیفا کمال  
ایڈووکیٹ

سید محمد علی صاحب  
مدظلہ العالی  
ایڈووکیٹ

محمد علی صاحب  
مدظلہ العالی

محمد نواز  
ایڈووکیٹ

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

Appeal No. 659/ 2022

Ikram Ullah Head Constable No. 1327, Now Constable B. No. 116  
Police Line District Lakki Marwat.

..... Appellant

VERSUS

1. District Police Officer Lakki Marwat.
2. Regional Police Officer Bannu.
3. Provincial Police Officer KPK Peshawar.

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S.No.	Description of documents	Annexure	Pages
1.	Parasite Comments		1-2
2.	Affidavit		3
3.	Authority Letter		4
4.	Order of District Police Lakki	A	5
5.	Demotion List	B	6-7
6.	Demotion Letter	C	8

DEPONENT

(BUR) Dg

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

**Service Appeal No. 660/2022**

Inam Ullah Head Constable No. 309, Now Constable Police Line, District Police Lakki Marwat.....Appellant.

**VERSUS**

1. District Police Officer, Lakki Marwat.
2. Regional Police Officer, Bannu, Region Bannu.
3. Provincial Police Officer, KP, Peshawar.

.....Respondents.

**Para-wise comments by respondents:-**

**Respectfully Sheweth,**

**PRELIMINARY OBJECTIONS**

1. That the appellant has no cause of action and locus standi.
2. That the appeal of appellant is not maintainable under the law and rules.
3. That the appeal is bad due to non-joinder and mis-joinder of necessary and proper parties.
4. That the appellant has approached the Honorable Tribunal with unclean hands.
5. That the appellant does not possess the required qualification for promotion.

**REPLY ON FACTS**

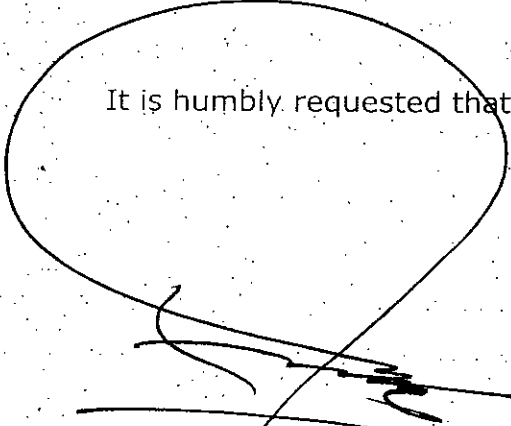

1. Related to court, Hence needs no comments.
2. Related to record. Hence needs no comments.
3. In-Correct: The appellant was rightfully demoted from the rank of Head Constable to the rank of constable vide order dated 30.04.2021 by R- No.01, and this order was in compliance of the apex courts Judgments reported as (2013 SCMR 1752, 2015 SCMR 456 and 2017 SCMR 206), the monthly salaries of Head Constable has been recovered from the appellant.
4. In-Correct: No representation was entertained.
5. In-correct: and misleading, the process of implementation has again been initiated on the fresh direction of the Apex Court in Crl.cp No.38/22 in CP No.381-P/2020 title Govt of KP VS Amjad Khan and others dated 13-10-2020.(Order sheet and letter No. 6743 enclosed).

**REPLY ON GROUNDS:**


- A. Pertaining to record, Hence needs no comments.
- B. In-correct: A committee was constituted to check the record and put up the cases of out of turn promotions in District Lakki Marwat, which is (***annexed as "A"***) as a result the said order was issued, which is (***annexed as "B"&C"***).
- C. This is the part of duty, Hence needs no comments.
- D. In-correct: The demotion of the applicant was the part of legal justification, and officials who have got out of turn promotion were demoted to lower ranks throughout Khyber Pakhtunkhwa.
- E. The applicant got the salaries of Head Constable when he was Head Constable, and when demoted to constable he takes the salary of constable.
- F. In-correct: The demotion order of the applicant is according to rules and implementation of the apex court orders.

**PRAYER:-**

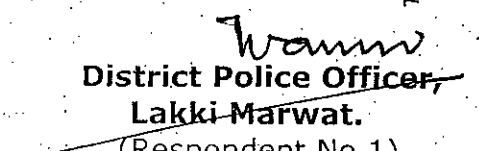
It is humbly requested that the appeal may be dismissed, please.

**Regional Police Officer,  
Bannu Region, Bannu.**  
(Respondent No. 2)



**Inspector General of Police,  
KPK, Peshawar.**  
(Respondent No.3)



**District Police Officer,  
Lakki Marwat.**  
(Respondent No.1)



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

**Service Appeal No. 660/2022**

Inam Ullah Head Constable No. 309, Now Constable Police Line, District Police Lakki Marwat.....Appellant.

**VERSUS**

- 1. District Police Officer, Lakki Marwat.
- 2. Regional Police Officer, Bannu, Region Bannu.
- 3. Provincial Police Officer, KP, Peshawar.

..... 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.

**Regional Police Officer,  
Bannu Region, Bannu.**  
(Respondent No. 2)

**Inspector General of Police  
KPK, Peshawar.**  
(Respondent No.3)

**District Police Officer,  
Lakki Marwat.**  
(Respondent No.1)

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

**Service Appeal No. 660/2022**

Inam Ullah Head Constable No. 309, Now Constable Police Line, District Police Lakki Marwat.....Appellant.

**VERSUS**

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3. Provincial Police Officer, KP, Peshawar.

.....Respondents.

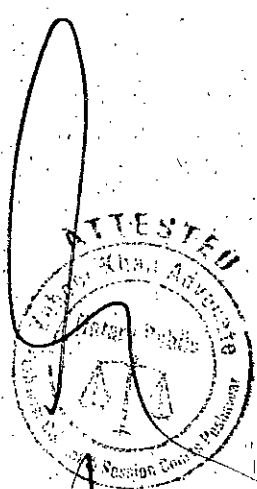
**AUTHORITY LETTER.**

Mr. **Burhan Ud Din** Inspector Legal Branch, (Police) Lakki Marwat 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.

**Regional Police Officer,  
Bannu Region, Bannu.**  
(Respondent No. 2)

**Inspector General of Police,  
KPK, Peshawar.**  
(Respondent No.3)

**Wamun  
District Police Officer,  
Lakki Marwat.**  
(Respondent No.1)



5

A

ORDER

A committee comprising of the following members is hereby constituted to check the record and put up cases of out of turn promotions in District Lakki Marwat. The committee shall check the record and put up recommendations within two days positively.

1. SP Investigation, Lakki Marwat
2. DSP/Hqrs, Lakki Marwat
3. SDPO/Naurang
4. Head Clerk
5. SRC
6. OHC

District Police Officer  
Lakki Marwat

OFFICE OF THE DISTRICT POLICE OFFICER, LAKKI MARWAT

No. 6743-B Dated Lakki Marwat the 13-10-2020

Copy of above is submitted for favour of information to:-

1. The Regional Police Officer, Bannu Region, Bannu.
2. All concerned for necessary action.

REGISTER

(BUR) DW  
3

**COMMITTEE REPORT/RECOMMENDATIONS WITH REGARDS TO DEMOTION OF OUT OF TURN PROMOTION**

091922378

In compliance with the directions/instructions with regard to the implementation of judgment of Apex Supreme Court of Pakistan, pertaining to out of turn promotion of Police Officers, Bannu Region, Bannu Order Endst. No.3440-42/EC dated 07.10.2020, the cases of the following Police officers, out of turn promoters of rank Constable, after thorough examination, are hereby recommended for demotion/fix the seniority from accelerated out of turn promotion on the reasons set out against their names:-

On demotion the names of the said Police Officials are also recommended to be placed with their colleagues on the basis of their inter-se-seniority.

S.No	Name & Rank	Reason of out of turn promotion	Rank at the time of promotion	Present rank	Rank of the batchmates	Promotion Process	Recommendation
1.	HC Ghani Ullah Jan No 1327	Active performance	Constable	Head Constable	Still Constables	One step promotion as HC by DPC on 31.05.2012 on active performance/Buty	Revert to the substantive rank of Constable with his colleagues
2.	HC Waqas Khan No.612	Best Cadet in Lower College Course	Constable	Head Constable	Still LHCs LHC Ibrahim LHC Gul Amin	Promoted as HC on cadetship in Lower College Course term end 30.11.2016	Revert to the rank of C-1 Constable and his name may be placed with his colleagues of lower college course for the term ending 30.11.2016
3.	HC Inam Ullah No 267	Nil	Constable	Head Constable	Still Constables	Promoted as Temporary HC by Commandant FRP KPK on 02.09.2009	Revert to the substantive rank of Constable with his colleagues
4.	HC Tariq Iqbal No.725	Nil	Constable	Head Constable	Still LHCs LHC Qudrat Ullah LHC Rehmat Ullah	Promoted as temporary HC by Commandant FRP KPK on 16.08.2013	Revert to the rank of C-1 Constable and his name may be placed with his colleagues of lower college course for the term ending 31.11.2014
5.	HC Wasim No.26	Best cadet in recruit course	Constable	Head Constable	Still Constables	Join Lower College Course term end 20.03.2013 on Cadetship in recruit course term end 20.06.2011 without passing A-I & B-I	His lower college course certificate may be withdrawn and also revert to the substantive rank of Constable with his colleagues
6.	IHC Muhammad Alam No.	Gallantry Award PPM	Constable	Head Constable	Still IHCs IHC Masoom Jan IHC Hamid Ullah	Promoted to the rank of HC on gallantry award of PPM on 26.10.2010	Fix his seniority with colleagues of intermediate college course
7.	Driver HC Khan Zaman No.773	Nil	Constable	Driver Head Constable	Still Constables	Promoted to the rank of Driver HC without DPC/Seniority-cum-fitness on 18.06.2008	Revert to the rank of Driver Constable with his colleagues

**BURDU**

S.No | Name, Rank & No.

Demoted to the rank of

7

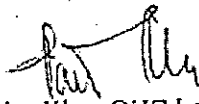
LHC Rafi Ullah No.187	Served as 3 years Drill Instructor in PTC Hangu.	Constable	LHC	Still Constables	Promoted as temporary HC by Commandant FRP MPK on 16.08.2013. Later on, he was promoted to the rank of ASI by PTC Hangu under PTC Manual rule 87 & 88 on dated 10.12.2015 and reverted back to Head Constable on 28.09.2016. He join lower course on 11.10.2017 on completion of 3 years as Drill instructor in PTC Hangu without passing A-I & B-I. He was repatriated to FRP Bannu, wherein he was reverted to the rank of Constable.	His lower college course certificate may be withdrawn and also revert to the substantive rank of Constable with his colleagues
LHC Nighat Bibi No.494	Best cadet in recruit course	Constable	LHC	Still Constables	Join Lower College Course on Cadetship in recruit course term end 20.12.2014 without passing A-I & B-I	Her lower college course certificate may withdraw and also revert to the substantive rank of Constable with her colleagues

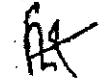
Mr. Azmat Khan DSP/ Hqr. Lakki

Mr. Muhammad Iqbal Mohmand SDPO/NAURANG

Mr. Ghulam Muhammad Head Clerk

  
Mohammed Shoaib SRC

  
HC Imtiaz Khan OHC Lakki

  
Mr. Gul Nasib Khan  
Superintendent of Police, Investigation  
Lakki Marwat

S.No	Name, Rank & No.	Demoted to the rank of
------	------------------	------------------------

Justification:

8

C

Dated 30/04/2021

2273/ Demotion: In the light of CPO Peshawar letter No.CPC/CPB/264 dated 06.10.2020, letter No.CPO/CPB/188 dated 26.04.2021, RPO Bannu Region, Bannu Order Endst: No.1507-11/EC dated 27.04.2021 and judgment of Apex Supreme Court of Pakistan, whereby out of turn promotion have been declared as illegal, unconstitutional, un-Islamic and null and void being in conflict with the constitution and also un-Islamic in a number decisions rendered by the apex court in the year 2013, 2017 and 2018. The following Police Officials of District Police Lakki Marwat, being beneficiaries of acceleratory promotion in different categories are hereby demoted to the ranks mentioned against their names:

**CADETS**

S.No	Name, Rank & No.	Demoted to the rank of	Fixing Seniority with their Batch Mates
1.	HC Waqas Khan No.612	LHC	His name is placed with his colleagues of Lower College Course for the term ending 30.11.2016
2.	HC Wasim No.26	Constable	--
3.	LHC Nighat Bibi No.494	Constable	--

**PPM**

S.No	Name, Rank & No.	Fixing Seniority with their Batch Mates
1.	IHC Muhammad Alam No.	Fixed his seniority with colleagues of Intermediate college course with IHC Mashoom Jan and IHC Hamid Ullah

**GALLANTRY PERFORMANCE**

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Ikram Ullah Jan No.116	Constable

**PROMOTED AS TEMPORARY HC BY COMMANDANT FRP**

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Inam Ullah No.267	Constable
2.	HC Tariq Iqbal No.725	Constable

**QUALIFIED LOWER COLLEGE COURSE WITHOUT PASSING B-I EXAM**

S.No	Name, Rank & No.	Demoted to the rank of
1.	HC Sadullah No.B	Constable
2.	HC Noor Aslam No.395	Constable

OB No. 257/1  
Dated 30/04/2021

District Police Officer  
Lakki Marwat

No. 2274-78/

- Copy of above is submitted for favour of information to:
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar w/r CPO Peshawar letter No. quoted above.
  2. The Regional Police Officer, Bannu Region, Bannu w/r to his Order Endst: No. quoted above.
  3. EC, PO & OHC for information and necessary action.

District Police Officer  
Lakki Marwat

*(Signature)*  
2