

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7930

Dated 26/9/23

Service Appeal No. 1771/2023

Tayyab Jan etc.....(Appellants)

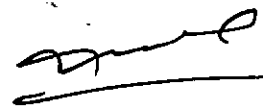
Versus

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

INDEX

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	CM application for vacation of stay granted vide dated 05.09.2023		1-2
2.	Affidavit		3
3.	Authority Letter		4

DEPONENT



DSP/ Legal,
CPO, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1771/2023

Tayyab Jan etc.....(Appellants)

Versus

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

CIVIL MISCELLENOUS APPLICATION FOR VACATION OF STAY DATED

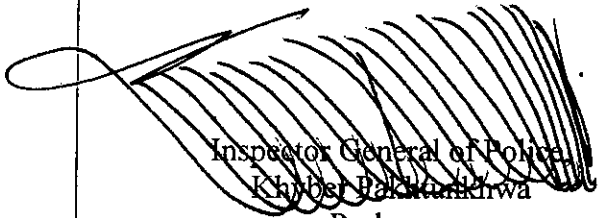
05.09.2023 UNDER ORDER 39 RULE 4 OF CPC 1908

1. Those, out of turn promotions of Police officials have been deprecated by the Hon'ble Supreme Court of Pakistan in its judgments in Cr.Org.P. No. 89/2011 etc reported in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019.
2. That, out of turn promotions of appellants have been withdrawn by Police Department in compliance of order of Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto Contempt proceedings vide Cr.I.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide this office Letter No. CPO/CPB/75, dated 14.02.2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their Batchmates who were promoted during their intervening period by maintaining original inter-se-seniority.
3. That, after withdrawal of out of turn promotions, the appellants filed Writ Petition No. 1289-P/ 2023 in the Hon'ble Peshawar High Court, Peshawar.
4. That, Hon'ble Peshawar High Court, Peshawar vide order dated 29.08.2023 remitted the WP No. 1289-P/2023 to the Hon'ble Khyber Pakhtunkhwa Service Tribunal.
5. That, the appellants approached Hon'ble Tribunal through Service Appeal No. 1771/2023.
6. That, this Hon'ble Tribunal vide order dated 05.09.2023, suspended the operation of orders dated 11.03.2023, 12.03.2023 & 16.03.2023.

7. That, interim relief granted to the appellants are restraining respondent department from holding promotions from the rank of Deputy Superintendent of Police to Superintendent of Police and from rank of Inspector to the rank of Deputy Superintendent of Police. As a result deserving Police officers are being deprived of their rightful promotions to next ranks.
8. That, the appellants are beneficiaries of FRP and they had gained out of turn promotions already deprecated by the Hon'ble Apex Court in landmark judgments detailed already in Paras No. 1 & 2.
9. That, the appellants are not entitled for relief as their out of turn promotions are in contradiction with Apex Court judgments.

PRAYERS

Keeping in view the above facts and circumstances, it is therefore, requested that the interim relief granted vide Order dated 05.09.2023, may kindly be revoked in best interest of natural justice, please.



Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 1771/2023

Tayyab Jan etc.....(Appellants)

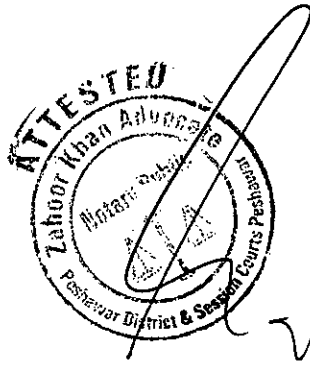
Versus

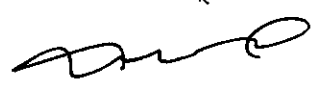
Govt: of Khyber Pakhtunkhwa etc..... (Respondents)

AFFIDAVIT

I, Tariq Umar DSP/ Legal, CPO, do hereby solemnly affirm on oath that the contents of accompanying CM on behalf of Respondent i.e. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar are correct to the best my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

Respondents through




(Tariq Umar)
DSP/ Legal,
CPO, Peshawar.

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

Service Appeal No. 1771/2023

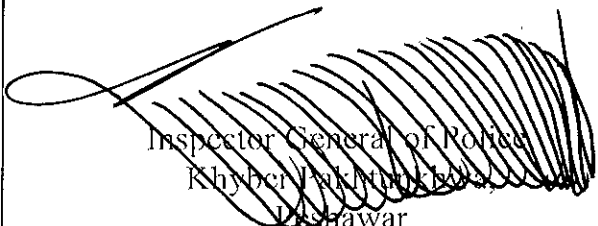
Tayyab Jan etc.....(Appellants)

Versus

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

AUTHORITY LETTER

Mr. Tariq Umar DSP/ Legal, CPO, Peshawar is authorized to defend the above mentioned Service Appeal and submission of documents in Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar.


Inspector General of Police
Khyber Pakhtunkhwa
Peshawar