


FORM OF ORDER SHEET

Court of _____

Case No. _____

2018/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/10/2023	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar, and the Hon'ble High Court vide its order dated 26.09.2023 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on <u>18.10.2023</u>.</p> <p>By the Order of Chairman</p> <p> REGISTRAR</p>



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58

No. 80983 (1)/438/2023/WP-MN

Dated. 02-October-2023

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Case No. 8071

To

✓ The Chairman, Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

Dated 03/10/23

Subject: Writ Petitions W.P 2424/2023 Title: Jawaid Yunas VS Govt of KP and others

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and judgment of this Honble Court dated 26.09.2023 for compliance.

P Deputy Registrar (J)

2/10/23

Encl: As above.

(18)

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.2424-P/2023

Jawaid Yunas

Vs.

**Government of Khyber Pakhtunkhwa through Home
Secretary, Civil Secretariat, Peshawar and others.**

Date of hearing **26.09.2023.**
Petitioner(s) by: **Mr. Malik Usman Rahim Khattak,
Advocate.**
Respondent(s) by: **Mr. Farooq Afridi, AAG.**

JUDGMENT

IJAZ ANWAR, J. This writ petition has been filed under
Article 199 of the Constitution of the Islamic Republic of
Pakistan, 1973, with the following prayer: -

*"It is, therefore, humbly prayed that on
acceptance of this writ petition, the
respondents may kindly be please to:*

- i. Directed to consider the petitioner
promotion from Inspector to DSP
(BPS-17) on regular charge basis
and two advance increments
due/admissible to the petitioner
from the date of promotion on
26.06.2003.*
- ii. The petitioner may kindly be
considered as promoted to the
rank of S.P (BPS-18) from the
due date with all back benefits.*
- iii. Any other remedy which deems fit
by this Honorable Court may also
be granted in favour of
petitioner".*

2. Arguments heard and record perused.
3. Through the instant writ petition, the petitioner is
claiming proforma promotion to the posts of S.P (BPS-18)

though he has attained the age of superannuation and retired from service on 03.06.2010, albeit, he remained a civil servant irrespective of his retirement for the purpose of jurisdiction of the Khyber Pakhtunkhwa Service Tribunal. We, when questioned the learned counsel for the petitioner as to whether the petitioner has alternate remedy of filing appeal before the Khyber Pakhtunkhwa Service Tribunal and that the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, he stated that the petitioner has already submitted application/representation for his consideration for promotion, however, the same has not been responded, and as such, his promotion is to be given antedation, besides, he is also entitled to be considered for proforma promotion to said post.

4. In the case titled "Chief Secretary, Government of Punjab, Lahore and others Vs Ms. Shamim Usman (2021 SCMR 1390)", the Hon'ble Supreme Court of Pakistan has considered the cases pertaining to claim for proforma promotion and held that the bar contained in Article 212 of the Constitution of Islamic Republic of Pakistan, 1973 would be equally applicable even for claim pertaining to proforma promotion. As such, while respectfully following the judgment of the Hon'ble Supreme Court of Pakistan, above referred, we are of the view that the jurisdiction of this Court is barred under Article 212 of the Constitution of Islamic

Republic of Pakistan, 1973 to entertain constitutional petition pertaining to terms and conditions of service of a civil servant.

5. In the instant case, since the petitioner has duly submitted his representation/departmental appeal, as such, we, instead of dismissing the instant writ petition, transmit it to the Khyber Pakhtunkhwa Service Tribunal to treat it as service appeal and to decide the same in accordance with law. Parties are directed to appear before Khyber Pakhtunkhwa Service Tribunal on 18.10.2023. Office shall retain copies of the memo of this writ petition for the purpose of record.

Announced
Dt:26.09.2023.

JUDGE

JUDGE

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Shakeel Ahmad.

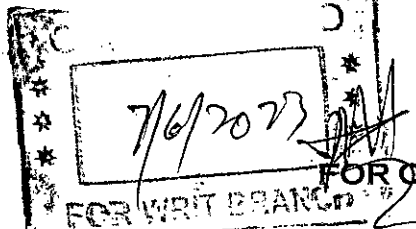
Amir Shehzad

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

CHECK LIST

1.	Case Title <u>Jawaid yunas</u>VERSUS..... <u>Goult A K.P.K + others</u>	
2.	Case is duly signed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3.	The law under which the case is preferred has been mentioned.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
4.	Approved file cover is used.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
5.	Affidavit is duly attested and appended.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
6.	Case and annexures are properly paged and numbered according to index.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
7.	Copies of annexures are legible and attested. If not, then better copies duly attested have annexed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
8.	Certified copies of all requisite documents have been filed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
10.	Case is within time.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
12.	Court fee in shape of stamp paper is affixed. [For writ Rs. 500, for other as required]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
13.	Power of attorney is in proper form.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
14.	Memo of addressed filed.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
15.	List of books mentioned in the petition.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
16.	The requisite number of spare copies attached [Writ petition-3, civil appeal (SB-2) Civil Revision (SB-1, DB-2)]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
17.	Case (Revision/ Appeal/petition etc) is filed on a prescribed form.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

It is certified that formalities/documentations as required in column 2 to 18 above, have been fulfilled.



Name:- Masood Khan
 Signature:- [Handwritten Signature]
 Dated:- 7/6/2023
 Job: Advocate General, Peshawar
 Job: 045-9-100-23 BC No: 10-7596

FOR OFFICE USE ONLY

Case:- _____

Case received on _____

Complete in all respect: Yes/ No, (If No, the grounds) _____

Date in court:- _____

Signature _____
 (Reader)

Date:- _____

Countersigned:- _____
 (Deputy Registrar)

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 2424 /2023
Service Appeal No. 2018/2023

Jawaid Yunas.....**Petitioner**

V E R S U S

Govt. of KPK and others**Respondents**

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Opening Sheet	*	A
2.	Writ Petition	*	1- 7
3.	Affidavit	*	8
4.	Addresses of Parties	*	9
5.	Copy of order dated 26/06/2003	A	10
6.	Copy of order dated 08/10/2009	B	11
7.	Copy of order dated 10/06/2009	C	12
8.	Copy of order dated 03/06/2010	D	13
9.	Copies of applications and others relevant documents	E	14-24
10.	Notice to Respondents	*	25
11.	Court Fee	*	26
12.	Wakalat Nama	*	27

Through

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mobile: 0345-9182313, BC No: 10-7596

Malik Usman Rahim Khattak
Advocate, High Court,
Peshawar
Cell# 0345-9182313

Date: 7/06/2023

FILED TODAY
Deputy Registrar
07 JUN 2023

Scanned USB Received
07 JUN 2023
Signature

IN THE PESHAWAR HIGH COURT, PESHAWAR OPENING SHEET FOR WRIT BRANCH				Date of Filing: 06/06/2023	
Case Type; Writ Petition Nature of Original Proceedings:				District: Peshawar	
Category Code	0	5	4	7	(Categories & Sub categories are given at the back of the opening sheet)
Review/ Contempt of Court in respect of:	NIL				
Writ of:	Hecbus Corpus	Prohibition	Mandamus √	Qua Warranto	Certiorari
Forum	Date		Interlocutory/ Final Order	Case Pertains to	
NIL	NIL		NIL	<input type="checkbox"/>	SB
NIL	NIL		NIL	<input type="checkbox"/>	DB
NIL	NIL		NIL	<input type="checkbox"/>	DB
NIL	NIL		NIL	<input type="checkbox"/>	DB
Petitioner Name	<u>Jawaid Yunas</u>				
Mobile No.	<u>0333-9374446</u>				
Address	<u>Karak Presently residing at Hayatabad, Peshawar</u>				
CNIC No.	<u>14301-1025203-7</u>				
Email Address	<u>NIL</u>				
Counsel for Petitioner(s)	<u>Malik Usman Rahim Khattak Advocate</u>				
Mobile No.	<u>0345-9182313</u>				
Address	<u>Off: House NO.103, Street No.3, Sector F-2, Phase-6, Hayatabad, Peshawar</u>				
CNIC No.	<u>17301-5338764-1</u>				
Email Address	<u>Malikusmanrahim61@gmail.com</u>				
Respondents	<u>Govt. of KPK and others</u>				
Address	<u>Peshawar</u>				
ORIGINAL ORDER/ ACTION/ INACTION COMPLAINED OF:					
PRAYER <u>On acceptance of this writ petition, the respondents may kindly be please to:</u> <u>Directed to consider the petitioner promotion from Inspector to D.S.P (BPS-17) on regular charge basis and two advance increments due/ admissible to the petitioner from the date of promotion on 26/06/2003.</u> <u>The petitioner may kindly be considered as promoted to the rank of S.P (BPS-18) from the due date with all back benefits.</u>					
LAW/ RULES/ GOVERNING THE ORIGINAL PROCEEDINGS/ ACTION/ LOCATION					
1) Constitution of Pakistan, 1973. 2) Case law according to					

Signature

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan.
Phone: 345-9182313, BC No: 10-7596

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07 JUN 2023

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 2424 /2023

Service Appeal No. 2018/2023

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 8071
Date: 3/10/23

Jawaid Yunas S/o Ikhtian Gul R/o Karak, Presently residing at House No. 640, Street No. 31, Phase-I, Hayatabad, Peshawar.....**Petitioner**

V E R S U S

1. Government of Khyber Pakhtunkhwa through Home Secretary, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar
3. A.I.G, Establishment, Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar
4. Chief Capital City Police Officer (CCPO), Malik Saad Police Lines, Peshawar.....**Respondents**

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

Prayer in Writ Petition:

On acceptance of this writ petition, the respondents may kindly be please to:

- i. Directed to consider the petitioner promotion from Inspector to D.S.P (BPS-

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07 JUN 2023

(2)

17) on regular charge basis and two advance increments due/ admissible to the petitioner from the date of promotion on 26/06/2003.

- ii. The petitioner may kindly be considered as promoted to the rank of S.P (BPS-18) from the due date with all back benefits.
- iii. Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioner.

Respectfully Sheweth:

1. That the petitioner started service in Police Department as ASI on 22/03/1974.
2. That the petitioner promoted to the rank of Sub Inspector (S.I) in the year 1981 then promoted to the rank of Inspector in the year 1989.
3. That the petitioner promoted from Inspector BPS-16 to DSP BPS-17 on 26/06/2003 on acting charge basis but as per rule, the respondent are legal bound to promoted the petitioner on regular

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(3)

charge basis, so the respondent no given the mandatory allowance of two advance increment of promotion from the rank of Inspector to the rank of DSP. So petitioner submitted many application but no fruitful result. **(Copy of order dated 26/06/2003 is attached as Annexure-A)**

4. That the promotion of the petitioner from BPS-17 to BPS-18 was over due in the year 2009-10 but was not given to him without assigning any reason and so much that there were vacancies and officers of the petitioner strongly recommended him for promotion from BPS-17 to BPS-18. **(Copy of order dated 08/10/2009 is attached as Annexure-B)**

5. That the petitioner was appointed as BPS-18 as S.P Security but in his own scale and he promoted his duties to the best of his abilities and entire satisfaction of his Senior officer. **(Copy of order dated 10/06/2009 is attached as Annexure-C)**

6. That the petitioner performed his duties as BPS-18 but was paid as BPS-17 which is against the norms of justice and equity.

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07 JUN 2023

(4)

7. That the petitioner retired from service on 60 years of age on dated 03/06/2010. **(Copy of order dated 03/06/2010 is attached as Annexure-D)**
8. That the petitioner after retirement also submitted application again and again to the competent authority to give him due rights of promotion and advance two increments on his promotion from rank of inspector to the rank of DSP.
9. That the petitioner also submitted application to Information Commission KPK but not provided all document and information. **(Copies of applications are attached as Annexure-E)**
10. That the petitioner feeling aggrieved, left with no choice but to approach this Honourable Court, on the following grounds amongst others:

GROUND S:

- A. That the act of the respondents is manifestly illegal, without lawful authority, void ab-initio

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07 JUN 2023

(5)

and ineffective upon the rights of the petitioner, hence need to be reversed.

- B. That after promotion by adopting proper procedure the respondents are not authorized legally to withdraw promotion of the petitioner without any reason/ inquiry and merely on their own wish and whim.
- C. That the petitioner is not being treated in accordance with law and respondents are violating the basic right of the petitioner guaranteed under Article 4 to 25 of the Islamic Republic of Pakistan, 1973
- D. That the petitioner has been discriminated and he is being treated against the law, rules and regulations, thus, deprived of equal protection of law, which is mandated by Article 24/25 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That act of the respondents are simply based on mere presumptions and conjecture, which have no legal factual base at all.
- F. That the petitioner seeks leave of this Honourable Court to raise additional grounds.

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07 JUN 2023

(6)

It is therefore, humbly prayed that on acceptance of this writ petition, the respondents may kindly be please to:

- i. Directed to consider the petitioner promotion from Inspector to D.S.P (BPS-17) on regular charge basis and two advance increments due/ admissible to the petitioner from the date of promotion on 26/06/2003.
- ii. The petitioner may kindly be considered as promoted to the rank of S.P (BPS-18) from the due date with all back benefits.
- iii. Any other remedy which deems fit by this Honourable Court may also be granted in favour of petitioner.

Through

Petitioner

Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 9345-9182313 BC No: 10-7596
7/6/2023
Malik Usman Rahim Khattak
Advocate, High Court,
Peshawar

Date: 7/06/2023

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Deputy Registrar

07 JUN 2023

(7)

CERTIFICATE:

Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter.

Malik Usman Bahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-8182313, BC No: 10-7596
ADVOCATE

LIST OF BOOKS:

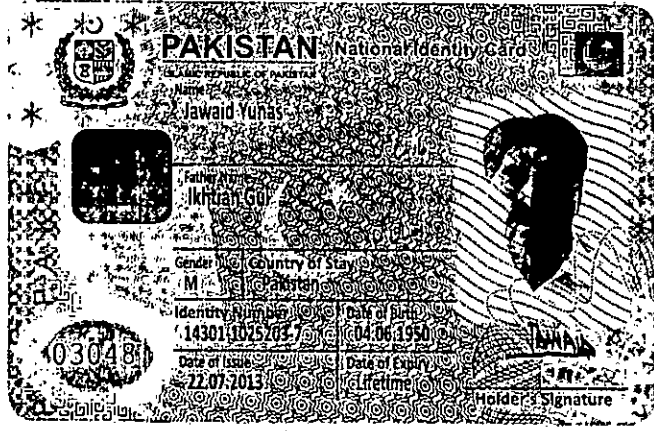
1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need

Malik Usman Bahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-8182313, BC No: 10-7596
ADVOCATE

FILED TODAY

Deputy Registrar

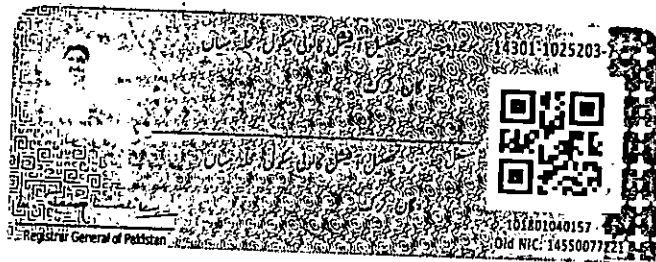
07 JUN 2023



Attended

Malik Usman Bahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-5182313, BC No: 10-7596

7/8/2022



گمشدہ کارڈ ہونے پر قریبی لیٹر بکس میں ڈال دیں

(8)

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 2424-P 2023

Jawaid Yunas.....Petitioner

V E R S U S

Govt. of KPK and othersRespondents

AFFIDAVIT

I, **Jawaid Yunas S/o Ikhtian Gul R/o Karak, Presently residing at House No. 640, Street No. 31, Phase-I, Hayatabad, Peshawar,** do hereby solemnly affirm and declare that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

D E P O N E N T

CNIC: 14301-1025203-7

Cell: 0333-9374446

Identified by

*Malik Usman Rahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-988233, GC No: 10-7596*

Malik Usman Rahim Khattak
Advocate, High Court,
Peshawar

FILED TODAY

Deputy Registrar

07 JUN 2023

Imp: 40370
Certified that the above was verified on solemn
affirmation before me in office, this 07
day of Jun at Jawaid Yunas
s/o Ikhtian Gul who was identified
by Malik Usman
Who is personally known to me
27/6/2023

(9)

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 2424 /2023

Jawaid Yunas.....**Petitioner**

V E R S U S

Govt. of KPK and others**Respondents**

ADDRESSES OF PARTIES

PETITIONER

Jawaid Yunas S/o Ikhtian Gul R/o Karak, Presently residing at House No. 640, Street No. 31, Phase-I, Hayatabad, Peshawar

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Home Secretary, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar
3. A.I.G, Establishment, Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar
4. Chief Capital City Police Officer (CCPO), Malik Saad Police Lines, Peshawar

Through

Petitioner 
Malik Usman Rahim Khattak

Advocate High Court of

Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

Malik Usman Rahim Khattak

Advocate, High Court,
Peshawar

Date: 7/06/2023

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Deputy Registrar

07 JUN 2023

BETTER COPY OF THE PAGE NO.

Government of N.W.F.P
Home and Tribal Affairs Department
Dated Peshawar the 26th June 2003.

NOTIFICATION

No. SO(Police)HD/3-13/2002. The competent authority in consultation with the Departmental Promotion Committee is pleased to order the promotion of the following Police Inspectors (BPS 16) to the rank of Deputy Superintendent of Police (BPS-17) on the acting charge basis with immediate effect:

1. Mr. Masud Asim No. H/50
2. Mr. Mohammad Riaz No. H/33
3. Mr. Khurshid Khan No. H/94
4. Mian Javed Younis No. H/41
5. Mr. Nisar Muhammad No. H/65
6. Pir Iqbal Ud Din No. P/311
7. Mr. Sardar Saadat Mehdi
8. Mr. Muhammad Ijaz NO. P/313
9. Mr. Abdur Rashid No. P/314
10. Mr. Khurshid Hussain No. P/316
11. Mr. Wajid Ali No. P/317
12. Mr. Muhammad Tariq No. P/319

The above promotion will not counter on them any right of regular appointment or seniority as Deputy Superintendents of Police and their services are placed at the disposal of Inspector General of Police, NWFP, for further posting.

SECRETARY TO GOVERNMENT OF N.W.F.P
HOME & TRIBAL AFFAIRS DEPARTMENT

Endst No. SO(Police)HD/3-12/2002 dated 26th June 2003

Copy forwarded to:

1. Secretary Establishment NWFP.
2. Secretary Finance, NWFP.
3. The Inspector General of Police NWFP, Peshawar.
4. The Accountant General NWFP, Peshawar.
5. All District Coordination Officer, NWFP, Peshawar.
6. PS to Chief Minister NWFP, Peshawar.
7. PS to Chief Secretary NWFP, Peshawar.
8. Officer Concerned.
9. The Manager, Government Printing and Stationary Department, NWFP, Peshawar for publication in the next Government Gazette.

Attest
Malik Usman Raheem Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
7/8/2003
1066/2345-9182313, SIC No: 10-7596

SD/-

257

Annexure-A

10

23

Government of N.W.F.P.,
Home and Tribal Affairs Department
Dated Peshawar the 26th June 2003.

NOTIFICATION

Under the authority in consultation with the Departmental Promotion Committee is pleased to order the promotion of the following Police Inspectors (IPS-16) to the rank of Deputy Superintendents of Police (BPS-17) on acting charge basis with immediate effect:-

1. Mr. Mastud Aslam No. H/50
2. Mr. Mohammad Rizvi No. H/33
3. Mr. Khurshid Khan No. H/24
4. Mian Jayed Younis No. H/41
5. Mr. Nisar Mohammad No. H/65
6. Pir Iqbal-ud-Din No. H/11
7. Mr. Sardar Saadul Mehtab
8. Mr. Muhammad Ijaz No. H/13
9. Mr. Abdur Rashid No. H/11
10. Mr. Khurshid Aslam No. H/316
11. Mr. Wajid Ali No. H/11
12. Mr. Muhammad Ijaz No. H/19

The above promotion will be on their any right of regular appointment or seniority as Deputy Superintendents of Police and their services are placed at the disposal of Inspector General of Police, NWFP for further posting.

SECRETARY TO GOVERNMENT OF N.W.F.P.
HOME & TRIBAL AFFAIRS DEPARTMENT

Subst. No. SO(POLICE)HD/3-13/2002 dated 26 June 2003

Copy forwarded to:

1. Secretary Establishment, NWFP
2. Secretary Finance, NWFP
3. The Inspector General of Police, NWFP, Peshawar.
4. The Accountant General, NWFP, Peshawar.
5. All District Coordination Officers, NWFP.
6. PS to Chief Minister, NWFP, Peshawar.
7. PS to Chief Secretary, NWFP, Peshawar.
8. Officer Concerned
9. The Manager, Government Printing and Stationery Department, NWFP, Peshawar for publication in the next Government Gazette.

Abbas
Abul Ghasem Rashid Khattak
7/6/2003
10-7596

[Signature]

Annexure - B

(11)

From The Capital City Police Officer,
Peshawar.

To The Provincial Police Officer,
NWFP, Peshawar.

No. 1567 IPA, dated Peshawar the 8/6/2009.

Subject:- PROMOTION/POSTING AS SP/SECURITY

Memo

It is submitted that Mian Javed Younis DSP/Security in addition to his own duties has worked as acting SP/HQrs CCP Peshawar satisfactorily. He is in promotion zone as Superintendent of Police. The post of SP/Security in CCP Peshawar is lying vacant since long.

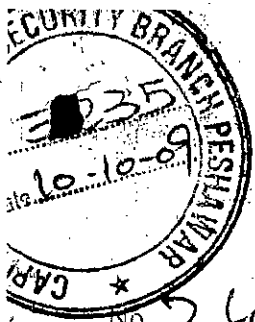
It is therefore, requested that he may kindly be promoted on acting charge basis and posted as SP/Security CCP Peshawar.

Abdullah
Abdullah Aman Rashid Chhattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mobile: 335-518223, PC No: 10-7596
7/6/09
Capital City Police Officer
Peshawar

Annexure - 2

20


(12)



GOVERNMENT OF NWFP.
POLICE DEPARTMENT.
PESHAWAR.
DATED: 10 / 10 / 2009.

NOTIFICATION.

In exercise of the powers conferred upon the Provincial Police Officer, NWFP, under article 17(2) of the Police Order 2002, Mian Javaid Younas (BS-17) DSP/Security, Capital City Police, Peshawar is hereby posted as Acting SP/Security, CCP Peshawar (in his own rank, pay and scale) with immediate effect, and until further orders.



(MALIK NAVEED KHAN)
Provincial Police Officer.
NWFP, Peshawar.

No. 24852-71 /E-I. dated Peshawar, the 10 / 10 / 2009.

Copy forwarded for information and necessary action to the:-

1. Chief Secretary, NWFP Peshawar.
2. Secretary to Chief Minister, NWFP Peshawar.
3. Secretary, Govt. of NWFP, Estt. & Admn. Deptt: Peshawar
4. Addl: Chief Secretary, Govt. of NWFP Home & T.As. Deptt: Peshawar
5. Addl: IGP/Operations, NWFP Peshawar.
6. Addl: IGP/HQrs: NWFP Peshawar.
7. Capital City Police Officer Peshawar w/r reference to his memo -
No.1567/PA, dated 08.10.2009.
8. DisG/Operations & HQrs: NWFP Peshawar
9. Accountant General, NWFP Peshawar.
10. Superintendent of Police, Security CCP Peshawar.
11. S.O (Secret) Establishment & Admn: Deptt: NWFP, Peshawar.
12. PA to IGP NWFP, CPO Peshawar
13. Supdt: Secret CPO, Peshawar
14. U.O.P File.

Attested


Malik Aman Bahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

7/6/23

Annexure - D

13

**FOR PUBLICATION IN THE NWFP POLICE GAZETTE PART-II,
ORDERS BY THE PROVINCIAL POLICE OFFICER NWFP PESHAWAR.**

NOTIFICATION

Dated: 17/2/2010

No. 4043 /E-1, **RETIREMENT ON SUPERANNUATION PENSION :-** Mian Jawaid Younas, Acting SP/Security (BS-17) of CCP/Peshawar is hereby retired on superannuation pension (i.e. completion of 60 years) with effect from 03.06.2010. (F.N)

MALIK NAVEED KIAN
Provincial Police Officer,
NWFP, Peshawar.

No. 5044-48/-1

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

1. Addl: Inspector General of Police Investigation NWFP, Peshawar alongwith 2 spare copies for publication in the NWFP Gazette Part-II.
2. Capital City Police Officer Peshawar w/r to his Memo No. 2102/EC-1 dated: 02.02.2010 with the request to please provide leave admissibility certificate of the above named officer duly verified by AG NWFP.
3. Accountant General NWFP Peshawar.
5. Office Supdt: Secret CPO
6. U.O.P. File

(ABDUL MAJEED KIAN MARWAT)
PSP
Addl: IGP/Headquarters,
For Provincial Police Officer,
NWFP, Peshawar.

Attested

Malik Usman Bahim Khattak
Advocate High Court of
Federal Shariat Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

7/6/2023

To

Annexure - E

(14)

The Inspector General of Police
Rifat Pasha

Subject :- Request for To grant me Regular
Promotion as a DSP (BPS17) and give me two
increments on Regular Promotion

Dear Sir,

It is requested that I was
Promoted by Home Department as a DSP BPS17
on acting charge Basis. On acting charge Basis
Promotion two increments were not fixed with
my Pay. I request you to please grant
me promotion on Regular charge Basis in
BPS17 and fix two increments with my
Pay as per Rule please

Regards

~~JAWAD~~
DSP Mian JAWAD Jans
Crime Branch Peshawar

Date 07-03-2005.

Attest
Advocate High Court &
Special Pleural Court of Pakistan
Mob: 0345-9182313, BC No: 10-7596

7/6/2023

(15)

To

The Inspector General of Police
Rifat Pasha

Dear Sir,

with reference to my application
dt 07-03-2005 please no action has been taken on
my application regarding my Regular Promotion
as a DSP BPS 17 No action has been taken till
now. I once again request you please to
give me Regular Promotion in BPS 17 and
may be fix two increments according to Rules

Regards.

Date 03-11-2005

Attest
Atiq-Ul-Uman Kohattak
Advocate High Court &
Sessions Court of Pakistan
Mob: 0345-9182313, BC No: 10-755
9/11/2005

DSP ~~MIAAN~~ MIAAN JAWAID JUNG
Crime Branch Peshawar

To

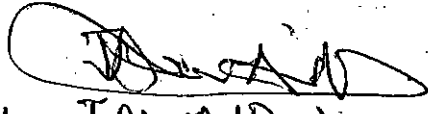
(16)

The Inspector General of Police
Rifat Pasha

Dear Sir,

With Reference to my previous applications regarding my Regular Promotion in BPS 17 till now regular promotion was not granted me. I once again request you to please grant me Regular Promotion in BPS 17 and grant me two increments according to Rules please

date 13-05-2006


MIAN JAWAID Yunus

DSP Crime Branch

Peshawar

Attested


Malik Usman Ibrahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 0345 9182313, BC No: 10-7556

7/6/2003

To

Inspector General of Police
Rawalpindi

(17)

Dear Sir,

with Reference to my previous applications regarding my Regular Promotion in BPS 17 No action has been taken till now I once again request you to please grant me Regular Promotion in BPS 17 and give me two increments as per Rules

Date 11-09-2027

~~JAWAID~~
DSP Mian JAWAID yunus
Crime Branch Peshawar

Attested

Malik Usman Bahim Khattak
Advocate High Court of
Federal Judicial Court of Pakistan
Mob: 9345-9182313, BC No: 10-759

7/6/2023

(18)

To
The Inspector General of Police
Mohammad Sharif Visk.

Dear Sir,

with Reference to my previous
applications regarding my Regular Promotion
in BPS 17. No action has been taken
till now. I once again request you
to please grant me Regular Promotion
in BPS 17 and give me two advance
increments according to Rules Please

Date 17-02-2008

~~JAWAID~~
DSP Mian JAWAID Yous

Attested

Crime Branch, Peshawar

Attested by
Malik Usman Bahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mobi: 0345-9188313, BC No: 10-7596

7/6/2022

خدمت جناب انسپکٹر جنرل آف پولیس

حکومت نوید خان

(19)

جناب عالی! گزارش ہے۔ کہ میرا سال 2023 میں سیرم

ڈیپارٹمنٹ نے ایکٹنگ چارج پر گریڈ سترہ (BP317) میں
پروموشن کیا۔ اب آپ صاحب سے یہ استدعا ہے۔ کہ میرا ریگولر
ٹیپا ڈیپارٹمنٹ 17 میں پروموشن دجائے۔ تاکہ قانون کے مطابق
سیرم کے تنخواہ کے ساتھ ڈو ایڈمنٹس لگائے جاسکے۔

(2) میں نے تاقیام HA SP ڈیوٹی بنایت خوش اسلوبی سے سرانجام دیا ہے۔

اب مجھے تاقیام SP سیکورٹی لگایا ہے۔ میں گریڈ 18 کے
ریگولر پروموشن کے لئے کھڑے ہوں۔ کیونکہ میرا ریگولر صاحب ہے۔
اس کے علاوہ میں SP رینک کے تمام اختیارات استعمال کرتا ہوں۔
SP رینک سے آشر کی ڈیوٹی سرانجام دیتا ہوں۔ لیکن تنخواہ مجھے
گریڈ 17 آئی دجاتی ہے۔ جو کہ سراسر ناجائز ہے۔

3۔ آپ صاحب سے گزارش ہے۔ کہ گریڈ 17 میں مجھے ریگولر پروموشن دی
جانے۔ تاکہ قانون کے مطابق ڈو ایڈمنٹ لگائے جاسکے۔

4۔ میں SP رینک میں ڈیوٹی سرانجام دے رہا ہوں۔ بیٹریوں
استدعا ہے۔ کہ مجھے گریڈ 18 میں ریگولر ترقی دجائے۔

8-12-2023

Attested

Malik Usman Bahim Khattak
Advocate High Court &
Federal Judicial Court of Pakistan

Mob: 0345-5182313, BC No: 10-7596

7/12/23

SP یان جاوید پونس
سیورٹی COP
یاد

جناب عالی - گزارش ہے - کہ مجھے سال 2003 میں مجرم واقعہ کے ایکٹنگ چارج پر پروٹ کیا تھا۔ مجھے گریڈ 17 میں ریٹائر کیا گیا۔ پروٹیشن دی جائے۔ اور تنخواہ کے ساتھ قانون کے مطابق ڈی اے انکریمنٹس لگائے جائے۔

۲۔ میں SP سیکورٹی ڈیوٹی سرانجام دیتا ہوں۔ لیکن تنخواہ مجھے گریڈ 17 آتی رہتی ہے۔ میں جون 2015 میں ریٹائر ہونے والا ہوں۔ میں پینشنوں - اس وجہ سے مجھے SP سیکورٹی لگایا گیا ہے۔

۳۔ جناب عالی - پروٹیشن کے بارہ میں آپ صاحب کو میں نے دفتر میں پیش ہو کر گریڈ 18 میں ترقی دینے کی استدعا کی تھی۔ آپ نے گریڈ 18 میں پروٹیشن کا وعدہ کیا تھا۔

۴۔ جناب عالی - آپ سے ایک بار کھرا استدعا ہے۔ مجھے گریڈ 17 میں ریٹائر پروٹیشن دیا گیا اور تنخواہ کے ساتھ قانون کے مطابق ڈی اے انکریمنٹس لگائے جائے۔

۵۔ میں آج کل SP سیکورٹی آفیس ڈیوٹی سرانجام دیتا ہوں لیکن تنخواہ گریڈ 17 آتی رہتی ہے۔

۶۔ جناب عالی - میں جون 2015 میں ریٹائر ہونے والا ہوں۔ لیذا مجھے اپنا جائز حق دیا جائے۔ میرا بی بی پی -

11-04-2023

Attested
Malik Usman Bahim Khattak
Advocate High Court &
Sudania Sharif Dept of Excise
Mob: 0345-9182313, SC No: 10-7596
7/6/2023

SP سیکورٹی جان چار پولیس
ceP بناور

(21)

To

*The Inspector General
of Police KPK, Peshawar.*

Subject:- *APPEAL OF MIAN JAVED YOUNAS, DSP (RTD).*

Respected Sir,

With due respect and reverence, the applicant submits as under:-

1. That the applicant/appellant was inducted in Police Department as ASI on 22/03/1974 after proper interview/test and after completion of all the codal formalities.
2. That the applicant/appellant was promoted to the rank of Sub Inspector (SI) in the year, 1981 and as Inspector of Police in the year, 1989.
3. That the applicant was promoted as Deputy Superintendent of Police in the year, 2003.
4. That the applicant, while performing duties in his entire service, always kept interest of the department and the national interest at the forefront and cost of threats even his own life.
5. That the regular and timely promotion of the appellant is the glaring example of his devotion, hard work and keen interest in the performance of his official duties.
6. That inspite of hard work, the appellant was not given the mandatory allowance of two advance increments of promotion from the rank of Inspector to the rank of DSP.
7. That the promotion of the officer/appellant from BPS-17 to BPS-18 was overdue in the year, 2009/2010, but was not given to him without assigning any reason and so much that there were vacancies and the superior officers of the appellant strongly recommended him for promotion from BPS-17 to BPS-18.
8. That so much so, the appellant was appointed as BPS-18 officer SP Security, but on his own scale and he performed his duties to the best of his abilities and entire satisfaction of his senior officers. *(Copy of letter No 1567 dated 08/10/2009 & No 24856 dated 10/06/2009 are attached).*
9. That the officer assumed charge of the post of SP/Security Capital City Police Peshawar on 10/10/2009. *(Copy of Charge Report is attached).*
10. That inspite of the fact that the officer worked and performed his duties as BPS-18 officer, but was paid as BPS-17 officer against the norms of justice and equity.

Attested
Malik Usman Bahim Khattak
Advocate High Court &
Charal Court of Peshawar.
Mob: 0345-9882313, B.C No: 10-7596

- 11. That the officer raised hue and cry and requested again and again the competent authority and his seniors to give him due rights of promotion and advance increments on his promotion from the rank of Inspector to the rank of DSP.
- 12. That the officer was retired from service on 60 years of age vide order No 4043 dated 17/02/2010. *(Copy of retirement order is attached).*
- 13. That all the notification of the promotions as explained above are with the department, but inspite of requests have not been provided and even in this respect the Information Commission KPK has also requested the officer of Inspector General of Police for provisions of all necessary documents orders/notifications to the appellant, but in vain. *(Copy of Letter No KPIC/AR/1-92172021/10982-87 is attached).*

Forgoing in view, it is humbly requested that:-

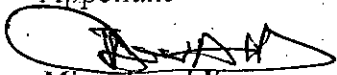
- 1. *The Two Advance Increments due/admissible on promotion from Inspector to DPS, as per rules be granted to the appellant from the date with back benefits.*
- 2. *The appellant/Officer may graciously be given promotion from BPS-17 to BPS-18 from the due date with all back benefits.*
- 3. *All the information/documents below be provided to the appellant.*

Appointment letter of the appellant/officer as ASI.
Notification of promotion from ASI to SI.
Notification of promotion from SI to Inspector
Notification of promotion from Inspector to DPS.
Any other information required, may also be allowed as an when required

o/c

Dated:- 19/11/2022

Attested o/c
Malik Usman Raahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Ph: 4545-918222, BC No: 10-7596
7/6/2023

Appellant

 Mian Javed Younas
 DSP (Rtd)
 R/o House No 650, Street No
 31, Sector D/4, Phase-I,
 Hayatabad, Peshawar.
 CNIC No 14301-1025203-7



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION

Near BRT Abdara Station, Behind Jabar Flats,
Arbab Colony, University Road, Peshawar

Email: complaints.kprti@kp.gov.pk

Ph: +92-91-9216557

Fax: +92-91-9216561

(23)

No. RTIC/AR/1-9217/2022

Dated:

114811
14 FEB 2023
13

To

Mr. Mian Jawaid Younas,
House# 650, Street#31, Sector D-4, Phase-I,
Hayatabad Peshawar.

Sub:

**COMPLAINT AGAINST NON-SUPPLY OF INFORMATION UNDER
RTI. ACT, 2013 (COMPLAINT NO. 09217)**

I am directed to refer to the subject noted above and to enclose please find the requisite information received from **Inspector General of Police Khyber Pakhtunkhwa, Peshawar** vide letter No. **5669/Legal**, dated: **04-11-2022** regarding your case.

With these remarks your complaint stands disposed of.

Assistant Registrar
KP. Information Commission,
Peshawar.

Copy to:-

1. PS to Chief Information Commissioner, Khyber Pakhtunkhwa Information Commission, Peshawar.
2. AIG (Legal)/PIO, Central Police Office, Peshawar.

Assistant Registrar
KP. Information Commission,
Peshawar.



GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
Near BRT Abdara Station, Behind Jabar Flats,
Arbab Colony, University Road, Peshawar
Email: complaints.kprti@kp.gov.pk
Ph: +92-91-9216557
Fax: +92-91-9216561

(26)

No. KPIC/AR/1-9217022
Dated: 25 OCT 2022

10982
94

To

The SP Courts & Litigation,
Inspector General of Police,
Central Police Office,
Peshawar.

Sub:

**COMPLAINT AGAINST NON-SUPPLY OF INFORMATION UNDER KP
RTI ACT, 2013 (COMPLAINT NO.09217)**

I am directed to refer to your department letter No. 4043/Legal dated: 22-08-2022 and to state that you are directed to provide the requested information to the Commission within five (5) working days positively.

Attested

Malik Usman Raahim Khattak
Advocate High Court &
Federal Shariat Court of Pakistan
Mob: 9245-9182313, BC No: 10-7596

7/6/2023

Copy to:-

1. PS to Chief Information Commissioner, Khyber Pakhtunkhwa Information Commission, Peshawar.
2. Mr. Mian Javed Younas (complainant).

Assistant Registrar
KP. Information Commission,
Peshawar.

Assistant Registrar
KP. Information Commission,
Peshawar.

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/2023

Jawaid Yunas.....Petitioner

V E R S U S

Govt. of KPK and others Respondents

Subject: NOTICE FOR FILING WRIT PETITION.

To:

1. Government of Khyber Pakhtunkhwa through Home Secretary, Civil Secretariat, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar
3. A.I.G, Establishment, Khyber Pakhtunkhwa, Central Police Office (CPO), Peshawar
4. Chief Capital City Police Officer (CCPO), Malik Saad Police Lines, Peshawar

Respected Sir

Please take notice that I am going to file a writ petition before Peshawar High Court Peshawar, you are hereby informed regarding the filing of writ Petition.

Petitioner

Through

Date: 7/06/2023

Malik Usman Rahim Khattak
Advocate, High Court,
Peshawar

Malik Usman Rahim Khattak
Advocate, High Court of Peshawar
Malik Usman Rahim Khattak
BC No. 10-1396