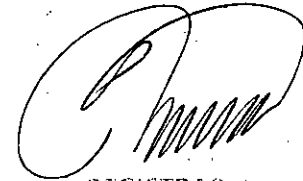


The appeal of Mr. Anees Khan son of Sararf Khan Driver/Head Constable Telecommunication, Peshawar received today i.e on 05.10.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- ✓ Check list not attached with the appeal.
- 2- ✓ Memorandum of appeal is not signed by the appellant.
- 3- ✓ Appeal has not been flagged/marked with annexures, marks.
- 4- ✓ The paper used in printing of grounds of appeal is low standard.
- 5- ✓ Some documents attached with the appeal are unattested.
- 6- Annexures of the appeal are not in sequence be annexed serial wise as mentioned in the memo of appeal.
- 7- ✓ Seniority list attached with the appeal is incomplete be completed.
- 8- ✓ The authority whose order is challenged has not been arrayed a party.
- 9 Page no. 7 & 12 of the appeal are illegible which may be replaced by legible/better one.
- 10- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3356 /S.T,

DI. 6/10 /2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Kanwar Kamal Adv.
High Court Peshawar.

Sir =
Rec Submitted after completion
14/10/23

**BEFORE THE HON'BLE
SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 2075 /2023

Anees Khan

(Petitioner)

VERSUS

Inspector General of Police and others

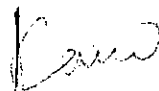
(Respondents)

INDEX

S. No.	Documents	Annexure	Page No.
1	Appeal U/s 4 of the KPK Service Tribunal Act		1-7
2	Copy of advertisement	A	8
3	Copy of application	B	9
4	Copy of appointment letter dated 09.06.2008	C	10
5	Merit List	D	11
5	Copies of Letters dated 19.06.2008 & 26.06.2008	E-F	12-13
6	Copy of order dated 03.07.2008	G	14
7	Copy of senior list a/w better copy	H	15-22
8	Copy of departmental appeal	I	23
9	Copy of writ petition No. 2625/2023	J	24-29
10	Copy of writ petition No. 1289/2023	K	30-43
11	Copy of order dated 19.04.2023	L	44-45
12	Wakalat Nama		46

Petitioner

Through



Kanwar Kamal
Advocate High Court,
Peshawar

Date: 04.10.2023

①

**BEFORE THE HON'BLE
SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 2075 /2023

Anees Khan S/o Saraf Khan

Driver / Head Constable, Telecommunication, KPK Peshawar

8153
05/10/23

_____ (Appellant)

V E R S U S

- 1) Inspector General of Police, Telecommunication, KPK Peshawar
- 2) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
- 3) Assistant Inspector General Legal, Khyber Pakhtunkhwa, Peshawar

_____ (Respondents)

Appeal Under Section 4 of the KPK Service Tribunal Act, 1973 against the impugned order dated 19.04.2023 vide the promotion of the appellant to the rank of Head Constable was termed as "Out of Turn" petition was withdrawn vide office order dated 30.03.2023.

(2)

**BEFORE THE HON'BLE
SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR**

Service Appeal No. 2075 /2023

Anees Khan S/o Saraf Khan

Driver / Head Constable, Telecommunication, KPK Peshawar

_____ (Appellant)

V E R S U S

- 1) Inspector General of Police, Khyber Pakhtunkhwa
Peshawar
- 2) Deputy Inspector General of Police Telecommunication,
Khyber Pakhtunkhwa, Peshawar
- 3) Assistant Inspector General Legal, Khyber
Pakhtunkhwa, Peshawar

_____ (Respondents)

**Appeal Under Section 4 of the KPK Service
Tribunal Act, 1974 against the impugned order
dated 19.04.2023 vide the promotion of the
appellant to the rank of Head Constable was
termed as "Out of Turn" petition was withdrawn
vide office order dated 30.03.2023.**

Prayer in Appeal:

- 1) That the letter / order dated 19.04.2023 and office order dated 30.03.2023 and any subsequent proceedings or order, arising therefrom are illegal, unlawful, without lawful authority and thus of no legal effect.
- 2) That the reversal of the appellant be declared against the law and fair play, and pick and choose, be stopped in order to promote the blue eyed, thereby setting aside the same and appellant may kindly be restored his previous position with all back benefits.
- 3) That respondents be permanently restrained from reversing the appellant under the grab of apex court judgment passed in respect of out of turn promotion, which is not applicable to the case of appellant.

Respectfully Sheweth,

The appellant most humbly submits as under:

1. That the appellant belongs to respectable family and law abiding citizen of Pakistan.
2. That the appellant was initially in 2006 while serving as Driver in Agency Surgeon FR Kohat in department of Health.

3. That in the year 2008 posts of Driver / Constable were advertised by the respondent No.2 wherein the appellant applied through proper channel for the above said post and after fulfillment of all cordal formalities, appellant was selected in Telecommunication Department of KPK Police. (Copy of advertisement, application and appointment letter dated 09.06.2008 and merit list are attached as Annexure A, B, C & D respectively)

4. That after selection of appellant vide appointment letter dated 19.06.2008 the Provincial Police wrote a letter to Agency Surgeon to relieve the appellant upon which Agency Surgeon relieved appellant on 19.06.2008. (Copies of letters dated 19.06.2008 and 26.06.2008 are attached as Annexure E & F respectively)

5. That the appellant reported his arrival on 01.07.2008 and appointment / absorption order was passed on 03.07.2008. (Copy of order dated 03.07.2008 is attached as Annexure G)

6. That according to seniority list, the appellant upon the strength of age was a head of one Farman Ullah and Manzoor Ahmad and after considerable time for the reasons best known respondents and by exercising

colorful exercises the appellant was placed in the seniority list dated 16.06.2008, the appellant was Seniority List on 36, pertinent to mention here that appellant had applied to the post through proper channel although senior from all the appointees except one Noor Ul Qamar appearing at Serial No. 37 and one Jasim appearing at Serial No. 38 is older in age from the rest was not placed at the lower number ironically that by exercising colorful powers in the impugned order dated 19.04.2023, the appellant has shown Junior to Farman Ullah and Manzoor Ahmad both constables. It is noted to be here that both the constables are junior in age from the appellant. (Copy of seniority list is attached as Annexure H)

7. That aggrieved from the order of respondent No. 2, the appellant made departmental representation before the respondent No. 2 which was on 03.05.2023 and then moved Peshawar High Court Peshawar in constitution petition in 2625/2023 which was withdrawn by the petitioner keeping in light of judgment delivered 1289/2023 and other similarly writ petition in Writ Petition No. 1589-P/2022. The writ petition was withdrawn and the instant appeal on the following grounds amongst others. (Departmental appeal is attached as Annexure I and writ petition No. 2625/2023 is attached as annexure J while Writ

②

Petition No. 1289/2023 is attached as Annexure K respectively)

Grounds:

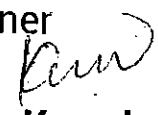
- a) That the act, of the respondent are against the law and basic human right guaranteed by the constitution of Islamic Republic of Pakistan.
- b) That the impugned order is harsh, arbitrary and against the principles of natural justice.
- c) That the respondents should not be allowed to be wiser, then law and in the garb of colorful exercise of power, they cannot be allowed to deprive the petitioner from her vested and basic rights.
- d) That to be promoted is the right of appellant and treating the appellant in the out of turn categorically is not applicable to prudent mind.
- e) That the order dated 19.04.2023 by respondent No. 2 is against the law and justice. (Copy of order dated 19.04.2023 is attached as Annexure L)
- f) That the impugned order is based on malafide.
- g) That any other ground will be raised at the time of

It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the letter / order dated 19.04.2023 and office order dated 30.03.2023 and any subsequent proceedings or order, arising therefrom are illegal, unlawful, without lawful authority and thus of no legal effect. The reversal of the appellant be declared against the law and fair play, and pick and choose, be stopped in order to promote the blue eyed. The respondents be permanently restrained from reversing the appellant under the grab of apex court judgment passed in respect of out of turn promotion, which is not applicable to the case of appellant.



Appellant's Petitioner

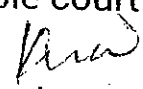
Through



Kanwar Kamal
Advocate High Court,
Peshawar

Date: 04.10.2023

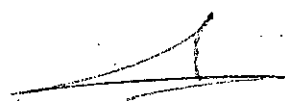
Note: No such service appeal on the same subject matter has earlier been filed before this hon'ble court.



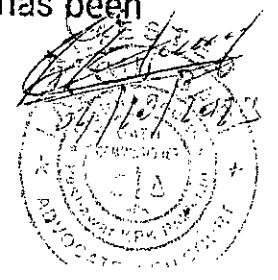
Advocate

AFFIDAVIT

I, **Anees Khan** S/o Saraf Khan Driver / Head Constable, Telecommunication, KPK Peshawar, do hereby solemnly affirm and declare on Oath that the contents of the instant service appeal are true and correct to the best of my knowledge and belief and nothing has been conceal from this hon'ble court.



DEPONENT



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پشاور عیبت آباد سے ہر یک وقت شام 7 بجے اور صبح 7 بجے کے بعد کا کثیر الاشاعت اخبار

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اشتہار برائے بھرتی

پولیس ٹیلی کمیونیکیشن NWFP پشاور میں (44) ڈرامیٹک ٹیلیفون کی خالی اسامیاں پر کرنے کیلئے امیدواران جو ذیل کو اکتف و شرائط پر پورا اترتے ہوں کو بذریعہ اشتہار پر اطلاع کیا جاتا ہے کہ اپنی درخواستیں بمقتصد حق شدہ دستاویزات (اسناد شناختی کارڈ، تعلیمی اسناد ڈویسائل) اور ڈرامیٹک لائسنس وغیرہ NWFP Tele-Communications پشاور کے دفتر میں مورخہ 09-06-2008 تک دفتری اوقات میں جمع کروائیں۔ مقررہ تاریخ کے بعد کوئی درخواست قابل قبول نہیں ہوگی اور پہلے سے موصول شدہ درخواستیں قابل قبول نہیں ہوگی۔ سرکاری ملازمین اپنے ملگروں کی وساطت سے درخواستیں دے سکتے ہیں۔

شرائط بھرتی برائے ٹو انٹیووز کانستیبلان

1-	تعلیم	میٹرک (کم از کم)
2-	عمر	18 سے 25 سال
3-	قد	5.7"
4-	جھاتی لائسنس	33" x 34-1/2"
5-	ڈویسائل	HTV / LTV
6-	کون	سوپر حد کا ہونا لازمی ہے (پشاور کے ڈویسائل کو ترجیح دی جائیگی)
7-	انٹرویو جیسائی ٹیسٹ	50 فیصد برائے پولیس منرار اور 50 فیصد میرٹ
8-	ڈرامیٹک ٹیسٹ	09-06-2008
9-	تجویز	10-06-2008
10-	ہتھام	11-06-2008

ٹیلی ایڈ کوارٹرز ملک سروسز پولیس لائن پشاور

(صادق کمال خان) پی ایس پی

پولیس ٹیلی کمیونیکیشن کیلئے کیلنیشن، صوبہ خیبر پختونخوا

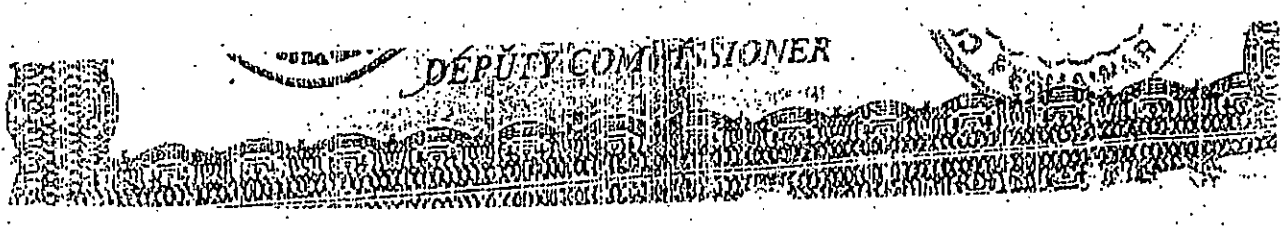
خدمت صاب اشکری جنرل پولیس ہونے سے پہلے
 درخواست ہوائے لوہٹ ڈرائیور کے طور پر پولیس کونٹین
 صاب علی

سودا گزشتہ گزشتہ ہے کہ سندھ کی حکومت کا ایک افسر

ایف آر کوٹھالہ ایچ ایس برصغیر کے دفتر میں ڈرائیور
 مقرر ہوئے۔ اور 2 سال سے پور ڈرائیور افسران
 ڈیوٹی دے رہا ہے۔ مسائل کو معلوم ہوا ہے کہ کل پولیس
 کنگ کونٹین پولیس میں ڈرائیوروں کی اسٹیشن خالی ہے
 سندھ کا وائس راج خاں نے پور سٹیشن سے کہے کہ
 3 سال ملازمت کیا ہے۔ لہذا ہم مسائل کو حل کرنے
 کے لیے کونٹین میں ڈرائیور مقرر ہو رہے ہیں سندھ
 کے کاغذی صادر کر دیا

ایف آر کوٹھالہ ڈرائیور ایف آر کوٹھالہ
 سٹیشن ڈک گڈ پولیس ٹیم
 دفتر ایچ ایس برصغیر محمد صحت خان ایف آر کوٹھالہ
 ایف آر کوٹھالہ

ATTESTED
 To be true copy
 [Signature]



Annex C

10

OFFICE OF THE AGENCY SURGEON FR, KOHAT/PESHAWAR.
No. /AS/FR, Kohat/Peshawar Date. 9 /6/2008.

To, The Provincial Police Chief
NWFP, Peshawar.

Subject:- APPLINATION FOR THE POST OF DRIVER IN RESPECT OF ANEES KHAN FOR OBSERATION AS ADRIVER IN TELECOMMINACTIC

Memo, Enclosed find herewith an application in respect of Driver Anees Kh S/O Saraf Khan of this office for the observation of the post of Driver under your kind control, The applicant is serving as Driver about two years in this office. is qualified Driver and his father is also Rtd from your Department is senior CI it requested that his application may be consider is special case.

Agency Surgeon
FR, Kohat/Peshawar
Dated. 9 /6/2008

No 392-94 /AS/FR, Kohat/Peshawar

Copy forwarded to:-

1. The Director Health & Population Welfare Service FATA, Peshawar.
2. The Deputy Director Health Services FATA, Peshawar.
3. Official Concerned.

Ali
Agency Surgeon
FR, Kohat/Peshawar


ATTACHED

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bar

103 (11) Annex D 11

**SUCCESSFUL CANDIDATES FOR THE RECRUITMENT OF POLICE DRIVERS IN
TELE-COMMUNICATION, HORs, NWFP, PESHAWAR**

S.NO.	NAME & FATHER NAME	DOMICILE
1.	Zawar Hussain S/O Nasrullah Khan	Mardan
2.	Ishaq Shah S/O Ibrahim Shah	Peshawar
3.	Roman Ullah S/O M. Idrees	Peshawar
4.	Sadaqat Khan S/O Aslam	Peshawar
5.	Bilal Rehman S/O Doost Muhammad	Nowshera
6.	Asif Khan S/O Rahmat Khan	Mardan
7.	Abidullah S/O Abdul Hamid	Lakki
8.	Sajid Ali S/O Ahmad Ali	Swabi
9.	Sajjad Ali S/O Muhammad Israr	Peshawar
10.	Adbul Aziz S/O Adbul Jamil	Swabi
11.	Hazrat Umar S/O Khitab Gul	Peshawar
12.	Amjid Ali S/O Liaqat Ali	Charsada
13.	Zafar Ullah S/O Rizwan Ullah	Charsada
14.	Muhammad Iqrar Khan S/O Waris	Peshawar
15.	Said Wali Shah S/O Farooz Shah	Nowshera
16.	Khiyal Karam S/O M. Karam	Nowshera
17.	Siar Ahmed S/O M. Kamal	Mardan
18.	Syed Jehanzeb Shah S/O Syed Arab Shah	Peshawar
19.	Muhammad Haris S/O Abbas Khan	Peshawar
20.	Jasim S/O Sir Biland Khan	Mardan
21.	Noor Afzal S/O Said Ullah	Nowshera
22.	Amjad Khan S/O Sharif Ullah	Peshawar
23.	Saddiq Ali S/O Qayum	Bunir
24.	Noor Ul Qamar S/O Shamsual Qamar	Nowshera
25.	Jamshed Ahmad S/O Amir Muhammad	Peshawar
26.	Muhammad Adnan S/O Muhammad Shoaib	Peshawar
27.	Anis Khan S/O Saraaf Khan	Peshawar
28.	Qasim Jan S/O Muhammad Rafique	Peshawar
29.	Sarfaraz Khan S/O Nawab Sher	Peshawar
30.	Ijaz Khan S/O Tasleem Khan	Peshawar
31.	Ikram Ullah S/O Amir Ullah	Peshawar
32.	Ishfaq Ahmed S/O Din Muhammad	Peshawar
33.	Manzoor Ahmed S/O Din Muhammad	Peshawar
34.	Amjad Ali S/O Sher Afzal	Mardan
35.	Muhammad Nasir S/O Amir Muhammad	Peshawar
36.	Shahid Khan S/O Abdur Rasheed	Mardan
37.	Shah Khalid S/O Sharafat Ullah	Swabi
38.	Shahid Hussain S/O Sir Biland	Peshawar
39.	Ibrahim Ahmad S/O Jamil Ahmad	Mardan
40.	Rahat Gul S/O Subhun Muhammad	Peshawar
41.	Naeem Khan S/O Muhabbat Shah	Swabi
42.	Asad Khan S/O Wali Muhammad	Peshawar
43.	Noman S/O Nadir Khan	DIKhan
44.	Arshid Khan S/O Taj Muhammad	Peshawar


(SADIQ KAMAL KHAN) P.S.P.
 Assistant Inspector General of Police
 Tele-Communication, NWFP, Peshawar.

12 (10) Ant E

From The Asstt;Inspector General of Police,
Telecommunications, NWFP Peshawar.

To The Provincial Police officer,
NWFP Peshawar.

No. 208 /Tele/OASI, Dated Peshawar, the 19/6/08.

Subject;-- APPLICATION FOR THE POST OF DRIVER CONSTABLE
IN RESPECT OF ANEES KHAN FOR ABSORPTION AS A
DRIVER IN TELECOMMUNICATIONS.

Memo:-

Kindly ref; to your endst; No. 16185/E-II, dated
12-6-2008, on the subject cited above.

A
Mr, Anees Khan S/O Saraf Khan of F, R Kohat has
been selected for the post of Constable Driver in this
unit.

It is requested that necessary order regarding
his transfer from offices of the Agency surgeon FR, Kohat/
Peshawar to Police Telecommunications may please be issued
under intimation to all concerned. B.

Asstt;Inspector General of Police,
Telecommunications, NWFP Peshawar.

17/6

ATTESTED

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low

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(13) (1) (1)

Am F

FROM: The Provincial Police Officer,
N.W.F.P., PESHAWAR.

TO: The Agency Surgeon,
F.R. Kohat/Peshawar.

No. 17707 /E-II, Dated Peshawar, the 24/6/08

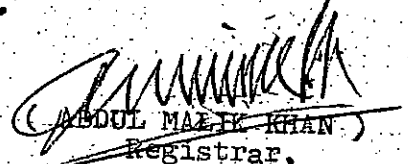
SUBJECT:- APPLICATION FOR THE POST OF DRIVER
CONSTABLE IN RESPECT OF ANEES KHAN
FOR ABSORPTION AS A DRIVER IN THE
TELECOMMUNICATIONS.

MEMO.

Please refer to your Memo.No.391/AS/
FR/Kohat/Peshawar dated 9-6-2008.

Driver Anees Khan son of Saraf Khan
of your establishment has been selected for the post
of Constable Driver in Tele-Communication NWFP.

He may be relieved and directed to
report to AIG/Telecommunications NWFP Peshawar after
observing codal formalities.


(ABDUL MAZHAR KHAN)

Registrar,
for Provincial Police Officer
NWFP., Peshawar.

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bu

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(14) 9A Ans 9 15/

ORDER.

Consequent upon the Selection of Mr, Anees Khan of Agency Surgeon FR, Kohat/Peshawar is hereby absorbed in this unit as Constable Driver in BPS-5(2780-135-5830) and reported his arrival in this unit on 1-7-2008 and allotted Constabulary No. 1075 and posted at Line H; Qrs Peshawar.

9822-27
Asstt; Inspector General of Police,
Telecommunications, NWFP Peshawar.
/Tele/OASI, Dated Peshawar, the 3/7/08.
Copies forwarded for information & n/a to the.

1. Acctt;/Genl NWFP Peshawar.
2. Acctt;/Tele Peshawar.
3. SRC/Tele Peshawar.
4. GSI/Tele Peshawar.
5. LO/Tele Peshawar.
6. OASI/OH/No. 322./08.

Asstt; Inspector General of Police,
Telecommunications, NWFP Peshawar.
2/7

And 'H'

15

No	Name	Unit	Grade	Joining Date	Relief Date												
81	C/919 Saifdar Jang			01.08.09													
82	C/21040 Wajid Ali			01.01.82	05.08.09												
83	C/954 Zahoor Khan			01.01.89	05.08.09												
84	C/746 Zaid Khan			01.01.91	05.08.09												
85	C/649 Riaz Khan			09.05.82	06.08.09												
86	C/130 Asim Khan			01.01.86	06.08.09												
87	C/271 Ashraf Khan			16.04.84	07.08.09												
88	C/1011 Shahid Khan			10 th	01.01.82	01.11.04											
89	C/508 Iftikhar Khan	Peshawar		7 th	15.03.62	04.09.91											Absorbed in this unit on 07.09.2012
90	C/101 Wajid Ali	Peshawar		9 th	24.12.86	10.05.08											
	C/400 Wajid Ali	Lakki		8 th	25.01.82	18.04.13											

Transferred to Unit (Sub)

Absorbed in this unit on 07.09.2012

Absorbed in this unit on 21.11.2012

Adjusted on 05.08.2013

[Signature]
 ✓ Deputy Inspector General of Police,
 Telecomm: Khyber Pakhtunkhwa, Peshawar.

ATTESTED

To be true copy

KAMWAR KAMAL
 Advocate
 High Court & Federal Shari
 Court of Pakistan

Sl. No.	Name	Unit	Grade	Joining Date	Relief Date	Remarks
	C/1061 Noor Afzal			21.06.08		
	C/1050 M. Adnan			21.06.08		
53.	C/1065 Zawan Hussain			21.06.08		
54.	C/1051 M. Iqbal			24.06.08		
55.	C/1052 Anwar Ali			14.01.85	24.06.08	
56.	C/1044 Saad Wali Shah	NSR	10 th	19.04.85	24.06.08	
57.	C/1060 Raman Ullah	Peshawar	10 th	20.04.85	24.06.08	
58.	C/1053 Nacem Khan	SBI	10 th	22.04.85	24.06.08	
59.	C/1067 Bilal Rehman	NSR	10 th	24.04.85	24.06.08	
60.	C/1068 Asif Khan	MDN	FA	03.01.86	24.06.08	
61.	C/Asad Khan	Peshawar	10 th	04.03.86	24.06.08	
62.	C/1058 Qasim Jan	CHD	10 th	12.03.87	24.06.08	Transferred to GPO - PCU
63.	C/1047 Shahid Hussain	Peshawar	9 th	20.03.87	24.06.08	
64.	C/1078 Ibrahim Ahmad	MDN	10 th	05.04.87	24.06.08	Grade converted into 10 th
65.	C/1079 M. Nasir	Peshawar	10 th	02.11.87	24.06.08	
66.	C/1036 Faz Khan	Peshawar	10 th	05.10.87	24.06.08	
67.	C/1059 M. Haris	Peshawar	10 th	05.11.88	24.06.08	
68.	C/1072 M. Iqbal Khan	Peshawar	10 th	13.01.88	24.06.08	
69.	C/1076 Riaz Khan	Peshawar	10 th	18.01.88	24.06.08	
70.	C/1064 Manzoor Ahmad	Peshawar	10 th	11.03.90	24.06.08	
71.	C/270 Abdur Rashid	Peshawar	10 th	16.12.81	10.07.01	Observed in this unit 11.04.09
72.	C/459 Farman Khan	Peshawar	5 th	12.10.82	05.08.09	
73.	C/1046 Zia ur Rehman	CHD	10 th	01.01.83	05.08.09	
74.	C/360 Raj Muhammad	Peshawar	7 th	21.02.85	05.08.09	
75.	C/724 Raz Muhammad	Peshawar	10 th	10.03.85	05.08.09	
76.	C/714 Muhammad Anjam	Peshawar	10 th	10.04.85	05.08.09	
77.	C/1039 Asif Raza	SBI	10 th	03.01.86	05.08.09	
78.	C/778 Wasceem Khan	Peshawar	10 th	10.09.86	05.08.09	
79.	C/677 Zahid Zaman	SBI	FA	15.11.87	05.08.09	

T/To on leave 01.04.09

Transferred to GPO - PCU

Grade converted into 10th

Observed in this unit 11.04.09

A TESTED

See Dr. Erv. Qadir
KANWAR KAMAL
ADVISOR
TELECOMMUNICATIONS
PESHAWAR

Sl. No.	HC/ID	Name	Division	Grade	DOB	MOB	Driver	24.03.08	24.03.08	24.03.08	31.05.08	20.02.14	Remarks		
	HC/267	Javid Iqbal	MDN	NII	11.01.74	01.02.99	Driver		24.03.08	24.03.08	24.03.08		31.05.08	20.02.14	on deputation to Traffic
	HC/132	Laiq Khan	MDN	NII	24.03.69	25.03.96	Driver	01.11.99	24.03.08	24.03.08	24.03.08		31.05.08	20.02.14	Absorbed in this unit with effect from 01.10.99
26.	HC/211	Hayat Khan	CHD	NII	08.01.65	25.01.00	Driver	-	24.03.08	24.03.08	24.03.08		31.05.08	20.02.14	
27.	HC/1025	Kifayat Ullah	CHD	NII	19.09.76	20.09.94	17.05.02	-	24.03.08	24.03.08	24.03.08		31.05.08	20.02.14	
28.	HC/653	Arshad Ali	Peshawar	9 th	26.03.82	04.06.02	Driver	-	24.03.08	24.03.08	24.03.08		08.11.08	20.02.14	
29.	HC	Said Anwar	Peshawar	NII	07.06.78	25.09.02	Driver	-	24.03.08	24.03.08	24.03.08		08.11.08	20.02.14	
30.	HC/151	M.K.Fayaz	CHD	10 th	09.01.75	11.06.96	26.05.03	-	24.03.08	24.03.08	24.03.08		08.11.08	20.02.14	TFC on leave
31.	HC/722	Khuram	Peshawar	10 th	15.09.82	12.03.02	Driver	-	24.03.08	24.03.08	24.03.08		08.11.08	20.02.14	Observed in this unit with effect from 02.08.04
32.	HC/577	Lal Karim	NSR	10 th	06.12.75	29.06.02	09.04.05	-	24.03.08	24.03.08	24.03.08		01.04.10	20.02.14	
33.	HC/903	Noor Ullah	CHD	10 th	04.04.75	23.08.99	Driver		24.03.08	24.03.08	24.03.08		22.12.11	20.02.14	Observed in this unit 06.01.06 OB/No.12 dated 07.01.06
34.	HC/590	Atun Zahid	SBI	NII	28.11.60	02.07.98	01.11.04	-	07.05.09	08.05.09	09.05.09		22.12.11	20.02.14	
35.	HC/441	Wazir Mughl	CHD	FA	02.03.74	06.07.94	29.05.08	-	07.05.09	08.05.09	09.05.09		22.12.11	20.02.14	Observed in this unit 22.12.05 under OB No.794, dated 27.12.05
36.	HC/1075	Aneer Khan	Peshawar	10 th	12.03.82	27.11.06							05.08.13		Observed in this unit 01.07.08
37.	HC/1056	Noor ul Qambr	NSR	FA	05.11.81	24.06.08							05.08.13		
38.	HC/1044	Nazem Khan	MDN	FA	17.02.82	24.06.08							01.01.14		
39.	HC/1077	Shahid Khan	MDN	10 th	19.08.82	24.06.08							30.7.15		
40.	HC/1013	Ikrām Ullah	Peshawar	10 th	27.12.82	24.06.08							30.7.15		
41.	HC/1085	Amjad	Peshawar	10 th	01.01.83	24.06.08									
42.	HC/1060	Sajid Ali	Peshawar	10 th	10.01.83	24.06.08									
43.	HC/1074	Shanzeh Sultana	Peshawar	10 th	15.01.81	24.06.08									
44.	C/1062	Nasir Karim	NSR		01.05.83	24.06.08									
45.	C/1041	Abid Ullah	Lakki	10 th	06.03.84	24.06.08									Transfer on deputation basis Bannu.
46.	C/1071	Hazrat Umar	Peshawar	FA	15.03.84	24.06.08									
47.	C/1037	Jamshed Ahmad	Peshawar	10 th	16.03.84	24.06.08									
48.	C/1066	Sadaqat Khan	Peshawar	10 th	07.04.84	24.06.08									
49.	C/1073	Sayad Ahmad	MDN	10 th	25.04.84	24.06.08									
50.	C/Noman	Ahmad	Peshawar	FA	28.02.84	24.06.08									Transfer to FID on deputation basis

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KANWAR KAMAL
Advocate
High Court & Federal Sh. Court of Pakistan

SANCTIONED STRENGTH

SI 2 ASI 2 HC 30 Const: 53 Total 87

SENIORITY LIST OF DRIVER CADRE (MT SECTION) POLICE TELECOMMUNICATION, PESHAWAR.

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A. AWAN KAMAL
A. T. P. e. bold

S#	Name/Rank	H/Distt:	Educat:	D.O.B	D.O.A	T/ Convert	D.O.C	D.O.P.			D.O.P list "D"	D.O.HC offg: HC	D.O.C. HC	D.O.P. ASI	D.O.C. ASI	Pro: List "E"	D.O.P. Offg:SI	D.O. C. SI
								A	B	C								
1.	SI Rustam Khan	PESH	Nil	10.09.63	20.09.83	01.03.88	01.04.94	-	-	-	11.08.10	01.03.88	01.08.99	03.11.10	20.02.14			
2.	ASI Zahir Gul	PESH	Nil	07.12.65	01.02.84	01.03.88	21.11.00	-	-	-	11.08.10	01.03.88	27.03.07	03.11.10	20.02.14	29-12-11	1-6-13	
3.	ASI Shiraz Gul	CHD	10 th	15.10.62	02.02.87	26.04.88	21.11.00	-	-	-	11.08.10	01.05.89	14.04.08	01.01.14		29-12-11	30-7-15	
4.	HC/403 Sohail Aman	PESH	8 th	14.10.64	27.06.88	Driver	-	-	-	-	11.08.10	01.05.89	20.02.14					
5.	HC/876 Sar Biland	PESH	Nil	21.06.61	19.07.86	01.08.88	-	-	-	-	11.08.10	01.05.89	20.02.14			30-7-15		
6.	HC/ Rafi Ullah	PESH	Nil	02.01.63	06.01.85	10.12.88	-	-	-	-	11.08.10	01.05.89	20.02.14					
7.	HC/72 Aziz Ur Rehman	PESH	Nil	14.11.57	01.02.83	28.05.89	01.02.86	-	-	-	11.08.10	01.06.89	20.02.14					Transfer on deputation basis Traffic
8.	HC/606 Jehan Zib	SBI	Nil	19.09.58	24.09.78	24.06.89	24.09.81	-	-	-	11.08.10	01.07.89	20.02.14					
9.	HC/64 M.Farooq	CHD	9 th	23.11.60	01.11.84	27.06.89	-	-	-	-	-	19.08.89	20.02.14					
10.	HC Imdad Ali	NSR	9 th	02.07.65	19.03.90	Driver	-	-	-	-	-	01.04.96	20.02.14					Transfer on Deputation Basis Motorway
11.	HC/967 Ikhtiar Gul	CJD	Nil	05.08.68	05.08.92	Diver	-	-	-	-	-	29.08.98	20.02.14					
12.	HC/455 Asad Ali	CJD	PA	19.02.70	02.01.93	Driver	-	-	-	-	-	01.10.00	20.02.14					
13.	HC/689 Gul Mohd	NSR	7 th	14.01.68	03.01.93	Driver	-	-	-	-	-	01.04.01	20.02.14					
14.	HC/255 Lal Mohd	PESH	Nil	01.03.70	04.03.93	Driver	-	-	-	-	-	01.04.01	20.02.14					
15.	HC/1015 Farz H Rehmad	CHD	Nil	12.06.69	12.06.94	Driver	-	-	-	-	-	01.04.01	20.02.14					
16.	HC/1014 Ijaz Khan	Peshawar	4 th	10.02.70	13.06.94	Driver	-	-	-	-	-	01.04.01	20.02.14					
17.	HC/858 Akbar Khan	Peshawar	10 th	23.03.72	28.12.91	01.11.06	-	-	-	-	-	03.10.98	20.02.14					
18.	HC/470 Malak Taj	SBI	Nil	26.01.73	29.01.95	Driver	27.03.07	12.03.07	13.03.07	14.03.07	-	28.02.08	20.02.14					
19.	HC/ Gul Akbar	Peshawar	Nil	23.08.70	23.08.95	Driver	08.05.08	12.03.07	13.03.07	14.03.07	-	31.05.08	20.02.14					Transfer on deputation basis to FATA
20.	HC/165 Said Bahar	Peshawar	5 th	16.05.72	14.01.96	Driver	-	12.03.07	13.03.07	14.03.07	-	31.05.08	20.02.14					
21.	HC/ Malik Mir	Peshawar	4 th	26.02.65	10.05.83	07.05.96	10.05.86	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14					Transfer on Deputation Basis CHD
22.	HC/854 Shahid Akbar	MDN	10 th	09.04.63	06.05.82	19.02.98	06.05.85	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14					
23.	HC/68 M. Israr	CHD	10 th	14.04.65	01.09.83	23.07.98	01.09.90	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14					

SANCTIONED STRENGTH

SI 2 ASI 2 HC 30 Const: 53 Total 87

SENIORITY LIST OF DRIVER CADRE (MT SECTION) POLICE TELECOMMUNICATION, PESHAWAR.

S#	Name/Rank	H/Distt:	Educat:	D.O.B	D.O.A	T/Convert	D.O.C	D.O.P			D.O.P LIST "D"	D.O.HC offg: HC	D.O.C HC	D.O.P. ASI	D.O.C ASI	Pro: List "E"	D.O.P Offg:SI	D.O.C. SI
								A	B	C								
1.	SI Rustam Khan	Pesh	Nil	10.09.63	20.09.83	01.03.88	01.04.94	-	-	-	11.08.10	01.03.88	01.08.99	03.11.10	20.02.14	20.02.14		
2.	ASI Zahir Gul	Pesh	Nil	07.12.65	01.02.84	01.03.88	21.11.00				11.08.10	01.03.88	27.03.07	03.11.10	20.02.14			
3.	ASI Shiraz Gul	CHD	10 th	15.10.62	02.02.87	26.04.88	21.11.00				11.08.10	01.05.89	14.04.08	01.01.14				
4.	HC/40. Sohail Aman ASI	PESH	8 th	14.10.64	27.06.88	Driver	-	-	-	-	11.08.10	01.05.89	20.02.14					
5.	HC/876 Sar Biland	PESH	Nil	21.06.61	19.07.86	01.08.88	-	-	-	-	11.08.10	01.05.89	20.02.14					
6.	HC/Rafi Ullah	PESH	Nil	02.01.63	06.01.85	10.12.88	-	-	-	-	11.08.10	01.05.89	20.02.14	Transfer on deputation basis Traffic				
7.	HC/72 Aziz Ur Rehman	PESH	Nil	14.11.57	01.02.83	28.05.89	01.02.86	-	-	-	11.08.10	01.06.89	20.02.14					
8.	HC/606 Jehan Zib.	SBI	Nil	19.09.58	24.09.78	24.06.89	24.09.81	-	-	-	11.08.10	01.07.89	20.02.14					
9.	HC/64 M.Farooq	CHD	9 th	23.11.60	01.11.84	27.06.89	-	-	-	-	19.08.89	20.02.14						
10.	HC Imdad Ali	NSR	9 th	02.07.65	19.03.90	Driver	-	-	-	-	01.04.96	20.02.14	Transfer on Deputation Basis Motorway					
11.	HC/967 Ikhtiar Gul	CHD	Nil	05.08.68	05.08.92	Driver	-	-	-	-	29.08.98	20.02.14						
12.	HC/455 Asad Ali	CHD	FA	19.02.70	02.01.93	Driver	-	-	-	-	01.10.00	20.02.14						
13.	HIC/689 Gul Mohd	NSR	7 th	14.01.68	03.01.93	Driver	-	-	-	-	01.04.01	20.02.14						
14.	HC/255 Lal Mohd	PESH	Nil	01.03.70	04.03.93	Driver	-	-	-	-	01.04.01	20.02.14						
15.	HC/1015 Faiz Ur Rehman	CHD	Nil	12.06.09	12.06.94	Driver	-	-	-	-	01.04.01	20.02.14						
16.	HC/1014 Ijaz Khan	Peshawar	4 th	10.02.70	13.06.94	Driver	-	-	-	-	01.04.01	20.02.14						
17.	HC/585 Akhtar Khan	Peshawar	10 th	23.03.72	28.12.91	01.11.06	-	-	-	-	03.10.98	20.02.14						
18.	HC/470 Malak Taj	SBI	Nil	26.01.73	29.01.95	Driver	27.03.07	12.03.07	13.03.07	14.03.07	-	28.02.08	20.02.14					
19.	HC/ Gul Akbar	Peshawar	Nil	23.08.70	23.08.95	Driver	08.05.08	12.03.07	13.03.07	14.03.07	-	31.03.08	20.02.14	Transfer on Deputation basis to FATA				
20.	HC/165 Sald Bahar	Peshawar	5 th	16.05.72	14.01.96	Driver	-	12.03.07	13.03.07	14.03.07	-	31.03.08	20.02.14					
21.	HC/Malik Mir	Peshawar	4 th	26.02.65	10.05.83	07.05.96	10.05.86	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14	Transfer on Deputation Basis CHD				
22.	HC/854 Shahid Akbar	MDN	10 th	09.04.63	06.05.82	19.02.98	06.05.85	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14					
23.	HC/68 M. Israr	CHD	10 th	14.04.65	01.09.83	23.07.98	01.09.90	24.03.08	24.03.08	-	31.03.08	20.02.14	20.02.14					
24.	HC/67 Javid Iqbal	BKU	Nil	14.04.74	01.02.99	Driver	-	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14	On Deputation to				

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 Advocate
 High Court & Federal Shari Court
 Court of Pakistan

25.	HC/132 Laiq Khan	MDN	Nil	24.03.69	25.03.96	Driver	01.11.99	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14	Absorbed in this unit with effect from 01.10.99				
26.	HC/211 Hayat Khan	CHD	Nil	08.01.65	25.01.00	Driver	-	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14	-	-	-	-	-
27.	HC/1025 Kifayat Ullah	CHD	Nil	19.09.76	20.09.94	17.05.02	-	24.03.08	24.03.08	24.03.08	-	31.05.08	20.02.14	-	-	-	-	-
28.	HC/653 Arshad Ali	Peshawar	9 th	26.03.82	04.06.02	Driver	-	24.03.08	24.03.08	24.03.08	-	08.11.08	20.02.14	-	-	-	-	-
29.	HC Said Anwar	Peshawar	Nil	07.06.78	25.09.02	Driver	-	24.03.08	24.03.08	24.03.08	-	08.11.08	20.02.14	-	-	-	-	TFC
30.	HC/151 M.K Fayaz	SBI	10 th	09.01.75	11.06.96	26.05.03	-	24.03.08	24.03.08	24.03.08	-	08.11.08	20.02.14	-	-	-	-	-
31.	HC/722 Khurram	Peshawar	10 th	15.09.82	12.03.02	Driver	-	24.03.08	24.03.08	24.03.08	-	08.11.08	20.02.14	Observed in this unit with effect from 02.08.04				
32.	HC/577 Lal Karam	NSR	10 th	06.12.75	29.06.02	09.04.05	-	24.03.08	24.03.08	24.03.08	-	01.04.10	20.02.14	-	-	-	-	-
33.	HC/905 Noor Ullah	CHD	10 th	04.04.75	23.08.99	Driver	-	24.03.08	24.03.08	24.03.08	-	22.12.11	20.02.14	Observed in this unit 06.01.66 OB/No.12 dated 07.01.06				
34.	HC/599 Alam Zeb	SBI	Nil	28.11.60	02.07.98	01.11.94	-	07.05.09	08.05.09	09.05.09	-	22.12.11	20.02.14	-	-	-	-	-
35.	HC/441 Wazeer Mohd	CHD	FA	02.03.74	06.07.94	29.05.08	-	07.05.09	08.05.09	09.05.09	-	22.12.11	20.02.14	Observed in this unit 22.12.05 under OB No.794 dated 27.12.15				
36.	HC/1075 Anees Khan	CHD	10 th	12.03.82	27.11.06	-	-	-	-	-	-	05.08.13	-	Observed in this unit 01.07.08				
37.	HC/1056 Noor Ul Qamar	NSR	FA	05.11.81	24.06.08	-	-	-	-	-	-	05.08.13	-	-	-	-	-	-
38.	HC/1048 Jaseem Khan	MDN	FA	17.02.82	24.06.08	-	-	-	-	-	-	01.01.14	-	-	-	-	-	-
39.	HC/1077 Shahid Khan	MDN	10 th	19.08.82	24.06.08	-	-	-	-	-	-	30.07.15	-	-	-	-	-	-
40.	HC/1045 Ikram Ullah	Peshawar	10 th	27.12.82	24.06.08	-	-	-	-	-	-	30.07.15	-	-	-	-	-	-
41.	HC/1032 Amjad	Peshawar	10 th	01.01.83	24.06.08	-	-	-	-	-	-	01.04.16	-	-	-	-	-	-
42.	C/1069 Sajjad Ali	Peshawar	10 th	10.03.83	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-
43.	C/1074 Jchanzeb Shah	Peshawar	10 th	15.03.83	24.06.08	-	-	-	-	-	-	-	-	On Deputation to Traffic				
44.	C/1062 Khyal Karim	NSR	9 th	01.05.83	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-
45.	C/1041 Abid Ullah	Lakki	10 th	06.03.84	24.06.08	-	-	-	-	-	-	-	-	Transfer on Deputation basis Banno				
46.	C/1071 Hazrat Umar	Peshawar	FA	15.03.84	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-
47.	C/1037 Jamshed Ahmad	Peshawar	10 th	16.03.84	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-
48.	C/1066 Sadaqat Khan	Peshawar	10 th	05.04.84	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-
49.	C/1073 Sayar Ahmad	MDN	10 th	25.04.84	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-

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X NWAR MAMAL
 Advocate,
 High Court of Faisalabad
 Cantonment, Faisalabad

50.	C/1042 Noman Ahmad	Peshawar	FA	28.02.84	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Transfer to FHD on deputation basis	
51.	C/1061 Noor Afzal	NSR	10 th	15.09.84	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Transfer to Traffic on loan basis
52.	C/1050 M. Adnan	Peshawar	9 th	03.03.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
53.	C/1065 Zawar Hussain	MDN	10 th	16.03.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
54.	C/1051 M. Irbhad	Peshawar	10 th	24.03.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
55.	C/1057 Amjad Ali	MDN	10 th	14.04.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
56.	C/1044 Sajid Wali Shah	NSR	10 th	19.04.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
57.	C/1060 Roman Ullah	Peshawar	10 th	20.04.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
58.	C/1053 Naeem Khan	SBI	10 th	22.04.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
59.	C/1067 Bilal Rehman	NSR	10 th	24.04.85	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
60.	C/1068 Asif Khan	MDN	FA	03.01.86	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
61.	C/Asad Khan	Peshawar	10 th	04.03.86	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Transferred to Peshawar
62.	C/1058 Qasim Jan	CHD	10 th	12.03.87	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
63.	C/1047 Shahid Hussain	Peshawar	9 th	20.03.87	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
64.	C/1078 Ibrahim Ahmad	MDN	10 th	05.04.87	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
65.	C/1079 M. Naseer	Peshawar	9 th	02.11.87	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
66.	C/1036 Ijaz Khan	Peshawar	10 th	05.12.87	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
67.	C/1059 M. Hafis	Peshawar	10 th	07.01.88	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
68.	C/1072 M. Iqbal Khan	Peshawar	10 th	14.03.88	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
69.	C/1076 Sarfaraz Khan	Peshawar	10 th	18.04.88	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
70.	C/1064 Manzoor Ahmad	Peshawar	10 th	11.03.90	24.06.08	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
71.	C/270 Abdur Rashid	Peshawar	10 th	16.12.81	10.07.01	08.05.09	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Observed in this unit 11.04.09.
72.	C/459 Farman Khan	Peshawar	5 th	12.10.82	05.08.09	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
73.	C/1046 Zia Ur Rehman	CHD	10 th	01.01.83	05.08.09	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
74.	C/360 Raj Muhammad	Peshawar	7 th	21.02.85	05.08.09	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

TESTED
 To be take copy
ANWAR KAMAL
 Advocate
 High Court & Federal Shariat Court
 Peshawar

75.	C/724 Raz Muhammad	Peshawar	10 th	10.03.85	05.08.09														
76.	C/714 Muhammad Ajam	Peshawar	10 th	10.04.85	05.08.09														
77.	C/1039 Asif Raza	SBI	10 th	03.01.86	05.08.09														
78.	C/778 Waseem Khan	Peshawar	10 th	10.09.86	05.08.09														
79.	C/677 Zahid Zaman	SBI	FA	15.02.87	05.08.09														
80.	C/919 Safdar Jang	SBI	10 th	30.03.87	05.08.09														Transfer to district Swabi
81.	C/1040 Wajid Ali	CHD	10 th	29.04.87	05.08.09														
82.	C/954 Zahoor Khan	Peshawar	9 th	01.01.89	05.08.09														
83.	C/746 Zjad Khan	SBI	10 th	04.01.91	05.08.09														
84.	C/649 Riaz Khan	Peshawar	9 th	09.05.82	06.08.09														
85.	C/130 Asim Hassan	CHD	8 th	01.01.86	06.08.9														
86.	C/271 Adnan Khan	CHD	10 th	16.04.84	07.08.09														
87.	C/1043 Sharif Khan	CHD	10 th	01.01.82	01.11.14														
88.	C/568 Ghulam Qasim	Peshawar	7 th	15.03.62	04.09.91														Absorbed in this unit on 07.09.2012
89.	C/210 Fayyaz Khan	Peshawar	9 th	24.12.86	10.05.08														Absorbed in this unit on 21.11.2012
90.	C/492 Wali Ullah	Lakki	8 th	25.01.82	18.04.13														Adjusted on 05.08.2013

ATTESTED
To be true copy
KANWAR KANWAR
 - Advocate
 High Court & Federal Shari
 Court of Pakistan

SD/-
Deputy Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.

23 (10) Amt ~~PT~~

DEPARTMENTAL APPEAL BEFORE WORTHY PPO KP.

SUBJECT: WITHDRAWAL OF ORDER NO. 50/TELE/OASI DATED 19.04.2023

RESPECTFULLY SUBMITTED.

1. That the appellatant was serving as a driver in Agency surgeon office Public Health department since 2006.
2. That, in the month of June 2008, posts of driver constables were advertised in Telecommunication, Police department KP.
That on 9th June 2008, the appellatant applied for the said post through proper channel. (Annexure
3. That on 19 June 2008, the appellatant along with other colleagues i.e. Noor-ul-Qamar, Jaseem Khan, Shahid Khan and other, was selected as constable driver in telecommunication. (Annexure B)
4. That, on 26th June, the Provincial Police officer KP wrote a letter to Agency Surgeon Public Health to relived the appellatant. (Annexure C)
5. That, the orders of selection of other colleagues/batch mates were also passed on 26th June 2008 by AIG Tele communication. (Annexure D,E& F)
6. That the appellatant was relieved of his duty by Agency Surgeon on 30th June 2008 in response to the PPO letter. (Annexure G)
7. That, the appellatant after relieving from Agency Surgeon, reported his arrival on 1st July 2008, whereas, his appointment/absorption order was passed on 3rd July 2008. (Annexure H)
8. That the seniority of the appellatant was fixed at S. No 27 before the name of Qasim Khan and after the name of Muhammad Adnan on the basis of age, in the first merit list. (Annexure I)
9. That, after due course of time the seniority of the appellatant was fixed again on the basis arrival as a result of which other junior constable drivers/batch mates became senior to the appellatant.
10. That, on 19th March 2012 the appellatant submitted departmental appeal for rectification of seniority list according to initial merit list which was accepted and seniority list was rectified/revised (Annexure J)
11. That the appellatant was promoted to the rank of Head constable in year 2013 vide order No. 9977-83/Tele/OHC dated 05.08.2013.
12. That now without any logical explanation, the DIG Telecommunication illegally withdrawn the promotion order of the appellatant and fixed his seniority with constables through impugned order No. 50/Tele/OASI dated 19.04.2023. (Annexure K)

GROUNDS:

That, the impugned order No. 50/Tele/OASI dated 19.04.2023 issued by DIG Telecommunication, regarding the demotion of the appellatant from Head Constable to constable is illegal, un-Islamic, illogical and unconstitutional:

- A. Because, the appellatant has not gain any benefit of out of turn promotion.
 - B. Because, the promotion of the appellatant does not fall under the definition of absorption as he applied for the post of constable driver through proper channel Not through transfer nor deputation nor absorption. And deprivation from promotion is the infringement of basic human rights guaranteed under constitution of Pakistan. (See Annexure A)
 - C. Because, the appellatant was appointed with the batch of 44 driver constables of telecommunication.
 - D. Because according to Rule 12.2(3) the seniority of lower subordinates shall be reckoned from the date of appointment and not from the date of arrival and the appellatant was appointed/selected on 19.06.2006. (See Annexure B and C)
- AND
- E. Because according to rule 17(a) of APT rules 1989, the seniority of the appellatant among other batch mates would be fixed according to the order of the merit assigned by departmental promotion committee and not from the date of arrival or any other date.

PRAYER IN THE APPEAL

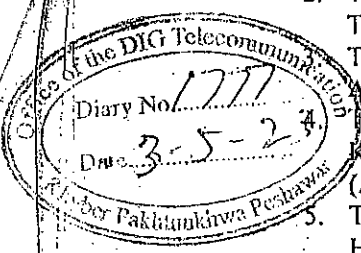
"It is therefore humbly prayed that on acceptance of this appeal petition an appropriate judgment/order may please be issued to set aside the impugned order No. 50/Tele/OASI dated 19.04.2023 and may be declared as illegal, unlawful, void Ab-initio & without lawful authority may be treated nonexistent upon the appellatant, so as to secure the ends of justice"

ATTESTED

to be true AMJ

AMJ

Yours Sincerely
Anees Khan 1075



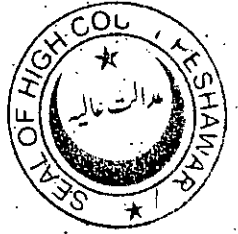
P. Tele
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 P.P.A. Tele
 P.P.C. Tele
 P.P.D. Tele
 P.P.E. Tele
 P.P.F. Tele
 P.P.G. Tele
 P.P.H. Tele
 P.P.I. Tele
 P.P.J. Tele
 P.P.K. Tele
 P.P.L. Tele
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 P.P.T. Tele
 P.P.U. Tele
 P.P.V. Tele
 P.P.W. Tele
 P.P.X. Tele
 P.P.Y. Tele
 P.P.Z. Tele

✓ A/G/Tele
 4/9/23

24
(16)
13

Amir J

BEFORE THE HON'BLE
PESHAWAR HIGH COURT,
PESHAWAR



Writ Petition No. _____/2023

Anees Khan S/o Sarraf Khan

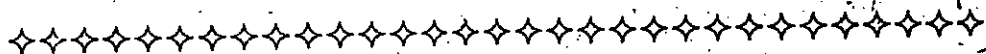
Driver / Head Constable Telecommunication, KPK Peshawar

_____ | Petitioner

V E R S U S

1. Deputy Inspector General of Police, Telecommunication,
KPK Peshawar
2. Inspector General of Khyber Pakhtunkhwa, Peshawar
3. Assistant Inspector General, Legal Peshawar

_____ | Respondents



Writ Petition under Article 199 of
Islamic Republic of Pakistan, 1973 as
amended upto date.

Respectfully Sheweth:-

Succinct facts giving rise to the instant petition are as
under:

ATTESTED
EXAMINER
Peshawar High Court

25

1. That the petitioner was initially in 2006 serving as a Driver in Agency Health, wherein in the year 2008 posts of Driver Constable was advertised by the respondent No. 2 wherein petitioner applied through proper channel for the above said post and after fulfillment of all cordal formalities petitioner was selected in Telecommunication Department of KPK Police. (Copy of advertisement, application and letter dated 09.06.2008 are attached as Annexure A, B & C respectively)
2. That after the selection of petitioner vide letter dated 19.06.2008, the Provincial Police Officer wrote a letter to agency surgeon health to relived the petitioner upon which the agency surgeon relieved on 26.06.2008. (Copies of letter dated 19.06.2008 & 26.06.2008 are attached as Annexure D & E respectively)
3. That after which the petitioner reported his arrival on 01.07.2008 and appointment / absorption order was passed on 03.07.2008. (Copy of order dated 03.07.2008 is attached as Annexure F)
4. That according to seniority list petitioner was on the basis of age was a head of one Qasim Khan, and after considerable time for the reason best known to respondents, seniority list was again prepared and Junaid were give preference over petitioner, upon arrival report, in a result of which petitioner was truly and on merit was prompted to the post of Head Constable vide order No. 9977-83/Tele/Orlc dated 05.08.2013 and wrongly through impugned order No.

ATTESTED
EXAMINER
Peshawar High Court

(3) (19) 26

50/Tele/Qasi/19.04.2003, which is not fair and petitioner being aggrieved found no other adequate remedy on the following amongst other ground, approach this hon'ble court. It is pertinent to mention here that vide letter No. 1146/SRC/Tele Peshawar all those who were promoted to Head Constable have been granted promotions. (Copy of order dated 19.04.2023 is attached as Annexure G)

5. That the petitioner filed a Departmental appeal before the respondents but till date it was fruitless. (Copy of departmental appeal and letter dated 11.05.2023 is attached as Annexure H)

GROUND:

- A. That the petitioner was absorbed responded No. 2 being the higher authority, belts numbers were allotted and all this was done by the respondent No. 2 after passing the requisite course and training and on serving the department to the best of his abilities.
- B. That to be promoted to is the basic right of the individual and treating the petitioner in the out of turn promote is not applicable to prudent mind.
- C. That relaying on judgment delivered by the apex court reported in 2009 SCMR 663 any irregularity whatsoever if committed by appointing department itself the appoint could not be harmed damaged or condemns subsequently when it occurred to the department that it had himself committed irregularities qua any appointment.

ATTESTED
EXAMINER

98/09

27

D. That the impugned action i.e. order dated 19.04.2023 by respondent No. 2 is against law and justice.

E. That any other ground will be raised at the time of arguments with prior permission of this hon'ble court.

It is, therefore, most humbly prayed that on acceptance of this Writ Petition, the impugned notification dated 19.04.2023 may kindly be suspended and the petitioner should not be deprived of his seniority and rank.

Interim Relief:

By way of interim relief the operation of the above said notification dated 19.04.2023 may kindly be suspended and respondents be refrain from taking any adverse action against the petitioner till final disposal of the instant writ petition.

Petitioner

Through

Kamal
Kanwar Kamal
Advocate High Court,
Peshawar

Dated: 20.06.2023

Note: No such writ petition has earlier been filed by the petitioners before this honourable court.

ADVOCATE

List of Books:

- 1) The Constitution of Islamic Republic of Pakistan, 1973
- 2) Any other books according to case need

Kamal
ATTESTED
EXAMINER
Peshawar High Court

50 12 28

BEFORE THE HON'BLE
PESHAWAR HIGH COURT,
PESHAWAR

Writ Petition No _____/2023

Anees Khan

Petitioner

VERSUS

Deputy Inspector General of Police, Telecommunication KP etc.

Respondents

AFFIDAVIT

I, **Anees Khan** S/o Sarraf Khan Driver / Head Constable Telecommunication, KPK Peshawar, do hereby solemnly affirm and declare on Oath that the contents of instant "**Writ Petition**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT

Anees Khan

CNIC No. 17301-7718722-7

Cell No. 0321-3570295

Identified by:

[Signature]

Kanwar Kamal
Advocate High Court,
Peshawar

41681

[Signature]
Sarraf Khan

[Signature]
Anees Khan
Deputy Inspector
General of Police

CERTIFIED TO BE TRUE COPY
EXAMINER
Peshawar High Court, Peshawar
Authorized under Article 8, 7 of
the O. 44000 & Shariat Act 1974
23 SEP 2023

[Signature]
23/9/2023

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s).
1	2
<p>20.09.2023</p>	<p><u>W.P 2656-P/2023 With IR.</u></p> <p>Present: Mr. Kanwar Kamal, Advocate for the petitioner.</p> <p>Ms. Shakeela Begum, AAG, for the official respondents along with Inspector M. Tariq Usman and Mohammad Saeed DSP.</p> <p>*****</p> <p><u>IJAZ ANWAR, J.</u> Learned counsel for the petitioner, at the very outset, stated that petitioner wants to withdraw the instant writ petition to approach the proper forum.</p> <p>2. In view of the above, the instant writ petition stands dismissed as withdrawn.</p> <p>Announced Dt: 20.09.2023.</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p style="text-align: right;"><i>[Signature]</i> JUDGE</p> <p>10164 23-09-2023 6-P 24-09 23-09-2023 23-09-2023 16</p>
<p>Date of Presentation of Application.....</p> <p>No of Pages.....</p> <p>Copying fee.....</p> <p>Total.....</p> <p>Date of Preparation of Copy.....</p> <p>Date of Delivery of Copy.....</p> <p>.....</p>	<p>CERTIFIED TO BE TRUE COPY</p> <p>EXAMINER Peshawar High Court, Peshawar Authorized Under Article 37 of the Constitution of Pakistan, 1973 23 SEP 2023</p>

(Amir Shehzad)

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

(32) (57) And K

(1)

In the Peshawar High Court, Peshawar

Writ Petition No. _____ of 2023



1. **Tayyab Jan,**
DSP/SP Traffic HQs, Peshawar
2. **Ali Hassan**
DSP/Acting SP Investigation, Orakzai District
3. **Riaz Khan**
DSP, Bannu Region, Bannu
4. **Nasir Khan**
SP(ACB), CPO, Peshawar
5. **Sajjad Haider**
DSP, Haripur, Hazara Region
6. **Aurangzeb**
DSP Traffic, Hazara Region
7. **Liaqat**
Inspector CTD (ADB) Hazara Region Abbottabad
8. **Habib Ur Rehman**
DSP Hawelian, Hazara Region
9. **Shakil Ahmed**
SP Training, CPO Peshawar

..... Petitioners

Versus

1. **Govt of Khyber Pakhtunkhwa**
Through Chief Secretary,
KP Civil Secretariate Peshawar
2. **Inspector General of Police,**
CPO Police Lines Peshawar
3. **Capital Police Officer,**
CPO Police Lines Peshawar

ATTESTED
EXAMINER
Peshawar High Court

4. Regional Police Officer
Hazara

5. Regional Police Officer
Kohat

6. Commandant FRP
Peshawar

..... Respondents

WRIT PETITION UNDER ARTICLE 199

OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 READ
WITH OTHER ENABLING PROVISIONS OF LAW

May it please this honorable court:

The Petitioners very earnestly craves permission to plead their case and seeks for the solace of their grievance from this Honorable Court, as follows:

Facts leading to this Writ Petition:

1. That all the Petitioners are the law-abiding citizens of Pakistan and have every legal and constitutional rights duly protected under law of the land. It is worthy placing on record that since their appointment, they have not given a chance of even a minor complaint to their high ups and since then they are performing their duties with zeal and dedication.
2. That all the petitioners are presently performing their duties in the rank of DSP and they belonged to FRP (Frontier Reserve Police), where there is no case of Gallantry, cadets, out of turn promotion, etc, because each and every aspect of the FRP (Frontier Reserve Police), as per history given below, differs the case of petitioners from those who are hit by the judgment of the Honorable Apex Court Passed in out of turn Promotion cases.
(Copy of Seniority List of Petitioners as DSP is Attached as Annexure "A")

~~ATTESTED
EXAMINER
Peshawar High Court~~

(24) (2)

3

3. That initially in the year 1988, the Homes & Tribal Affair Department created as force Armed Reserve Police Force (ARP), which consisted of the following Units

- i. Additional Police.
- ii. Special Police Levy
- iii. PAF Contingent
- iv. Range Reserve Force
- v. Provincial Reserve Armed Platoons
- vi. Frontier Armed Reserve
- vii. Campus Peace Corps UOP
- viii. STF & ATS
- ix. Mounted Police
- x. Standing Guards & Police Escorts.

In Para-5 of the memo it was clarified as follows:

"duties and responsibilities of the new set-up will be the same as those of Regular Police elsewhere and service will be governed by the Police Rules or any other Rules applicable to their counterparts in Regular Police."

(Copy of Memo Dated 16.01.1988 is Annexure "B")

4. That on 13.03.1988, a Standing Order No 2 of 1988 was issued, wherein the Campus Peace Corp and special police levy along with all arms, ammunition, transport etc were placed under the administrative control the Commandant Frontier Armed Reserve (FAR).

(Copy of the Standing order is Annexure "C")

5. That on 27.02.1991, the Frontier Armed Reserve (FAR) was re-named as Frontier Reserve Police (FRP), by the then I.G KPK and since then this wing of Police Force is continuing as FRP.

(Copy of the IGP's Order is Annexure "D")

~~ATTESTED
EXAMINER
Peshawar High Court~~

- (25) (33)
- (4)
6. That on 28.08.1993, a proper Recruitment Policy was issued for the recruitment against newly created posts in the Police Department; wherein the Posts in a Distt; was to be dealt as, *"The Newly created posts of a Distt; Should be filled up from the trained personals of FRP according to seniority, educational qualifications and domicile. The Vacancies Resulting from transfer of FRP Personnel to Distt; Police should be filled up through fresh recruitment in FRP & personnel selected for transfer to Distt; should be allocated to the Distt; of their domicile according to the number of vacancies available in each Distt."*

(Copy of Recruitment policy is Annexure "E")

7. That to streamline the FRP further, a FRP Standing Order No.1 of 1994 was issued in the year 1994, wherein it was clarified that Police Act 1861 & Police Rules, 1934 or any other Rules and Laws for the Police Officers will be applicable to FRP and the duties and responsibilities of the FRP will be same as that of Regular Police. Similarly, FRP Standing Order No. 2 of 1994 was issued on 31.07.1994, whereby enrolment in FRP was further streamlined and quota for the training in the lower School, intermediate and Upper College was to be fixed by the IGP keeping in view the strength and to cover the promotion of the illiterate staff or failed in promotion lists, a FRP Standing Order No 3 of 1994 was issued in August, 1994. The Standing Order No 3 is not related to the Petitioners.

(Copies of the Standing Orders are Annexure "F" "G" & "H")

8. That thereafter, on 19.06.1996, proper seats were allocated to the FRP Personals for the first time for the Lower, intermediate and Upper Courses and all the Petitioners on their due turn qualifies the said courses and none of them sent to the training by passing any senior eligible colleague

(Copy of seat allocation is annexure "I")

9. That in the year, 2007 a dispute was arisen whereby the FRP was again declared as Transit force and that no Constable and head constable can be

(20) (39)

(B)

admitted to D List. The Petitioner No 1 and some of his colleagues, challenged that order is the Peshawar High Court in WP No 1615/2007, 1616/2007 & 1617/2007. The writ Petitions were finally heard on 20.03.2008 and the august Court was kind enough to hold that the FRP is not a transit Force and the Petitioners could not be made junior to the juniors by washing away their more than 15 years' service in FRP and the case was remitted back to the Police Department to reconsider the matter so that no one be discriminated and deprived from legal rights.

(Copies of order dated 16.02.2007 and judgment dated 20.03.2008 are

Annexure J & K Respectively)

10. That after the Judgment of the August Court dated 20.03.2008, the matter of the FRP personnel was placed before the Committee on 14.05.2008 and the issue was further entrusted to another Committee comprised of DIG Investigation, AIG Legal and Registrar CPO. The said constituted committee considered the issue and submitted its recommendations to the DSC which was convened on 07.05.2009 and the recommendations of the Committee were approved. The Committee recommended as, *"The Earlier decision dated 16.02.2007 should not be applied retrospective and all officials of the FRP, be given permanent status and may be confirmed in their rank with their colleagues after completing their probation period as per PR 13-18. The Benefits received by the officials in the FRP till the decision of DPC and their repatriation to the Dist of their domicile be kept intact so that they should not be deprived of any right as per decision of the Court. Literate officials may be treated as per Police Rules, 1934 and their seniority be fixed in each list on the basis of course undergone and criteria fixed under Police Rules Chapter-13"*

(Copies of minutes of the DSC are Annexure L & M respectively)

11. That after the above decision of DSC, the issue was settled once and for all and the FRP officials (amongst Petitioners) upon repatriation to their Dist. of Domicile, were placed in list D & E with their colleagues of training session in bottom in seniority. While some officials (amongst petitioners) were remained posted in FRP and were placed in list A, B, C, D or E

(20) (35)

(6)

according to seniority. Thereafter, the petitioners did their other courses on their turn with their colleagues and got further promotions up to the rank of Inspector & DSP on CPO level. It is once again reiterated that none of the Petitioners were either out of turn promote, or cadet or promoted on Gallantry services basis in the FRP.

12. That since it was brought into the knowledge of the Petitioners that Respondents have issued circulars for reverting the rightful officials under the garb of the apex Court's judgment, against which the Petitioners had no remedy but to come to this honorable Court while invoking under their writ jurisdiction vide Writ Petition No. 1124-P/2023 which got fixed for first hearing on 30.03.2023.

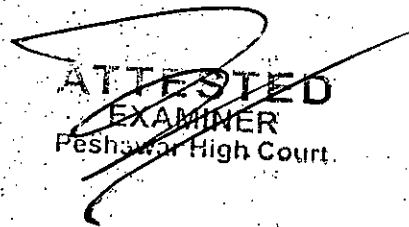
(Copy of the WP 1124-P/2023 is Annexure "N")

13. That in the meantime it has been brought into the knowledge of the Petitioner that Respondents have proceeded and issued Letters dated 11.03.2023 wherein it was directed that personal hearings be conducted on the very next date i.e. 12.03.2023 of all the concerned police officials in the Khyber Pakhtunkhwa Police Department (including the petitioners) in a misguided attempt to usurp the rights of the Petitioners.

(Copy of the Letter dated 11.03.2023 is Annexure "O")

14. That, subsequently, without affording proper opportunity of hearing and on the basis of a sham, frivolous and fabricated hearings/proceedings conducted of police officials in the Khyber Pakhtunkhwa Police Department across the province in one day, the Respondents issued Letter No. 993/Legal dated 12.03.2023 whereby it was illegally directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed by issuing the requisite withdrawal letters/orders and to share copies of the said withdrawal letter and compliance report with the Police Headquarters on the very next date i.e. 13.03.2023.

(Copy of the letter dated 12.03.2023 is Annexure "P")


ATTESTED
EXAMINER
Peshawar High Court.

15. That subsequent to the letter dated 12.03.2023, Respondents under the garb of Apex Court's judgment and to give undue benefits to their blue eyed persons have issued office Orders dated 16.03.2023 whereby the Petitioners were illegally demoted to the ranks of SI which act on their part is highly illegal, unlawful, without lawful authority and thus of no legal effect.

(Copies of the Office Orders Dated 16.03.2023 are Annexure "Q")

16. That resultantly the Petitioners have withdrawn their earlier Writ Petition No. 1124-P/2023 with permission to file a fresh one as subsequent proceedings were made in the matter.

(Copy of the withdrawal order dated 30.03.2023 is Annexure "R")

17. That it is worthy placing on record that other police officers who were also aggrieved of the same letter dated 11.03.2023, 12.03.2023 and office orders of demotion have filed different writ petition who have also been granted an interim relief by this Honorable Court vide order dated 30.03.2023 in WP. No. 1587-P/2022.

(Copy of the WP 1587-P/2022 and CM and stay Order are Annexure "S")

18. That the Petitioners being aggrieved of letter dated 11.03.2023, 12.03.2023 and office order of demotion dated 16.03.2023 and any subsequent proceedings or orders emanating or arising therefrom (hereinafter to be referred as "impugned proceedings" for facility of reference) are illegal, unlawful and without lawful authority thuswhile having no other adequate and efficacious remedy available, are constrained to invoke the Constitutional Jurisdiction of this Honorable Court for inter-alia on the following Grounds:-

Grounds warranting this writ petition:

a. Because the "impugned proceedings" are totally against the principle of justice and amounts to colorful exercise of their official's collar under the garb of the judgment of the Apex Court which is not applicable to the Petitioners case at all thus are illegal, unlawful, without lawful authority and thus of no legal effect.

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- (37)
- b. Because the "impugned proceedings" are based on malafide and to create more and more vacancies for their blue-eyed persons under the garb of out of turn promotions etc, which conditions are not applicable to the petitioners.
- c. Because the "impugned proceedings" are arbitrary, whimsical, colorable and are full of malafide.
- d. Because it is the cardinal principle of justice that no one could be asked to wait till he is illegally hanged, therefore Writ Petition is fully attractive in the instant case and this august court only has such power to issue requested writs (Reliance is placed upon 2006 SCMIR 1630 & 2015 PL.C(CS) 08).
- e. Because this august court also has the ample powers to interpret the issue as to whether the judgment of the Apex Court is applicable to the Petitioners case or otherwise, if the august Court's answer is "NO" then writs can be issued against the respondents.
- f. Because all the petitioners were placed in D List after repatriation to their district and placed with their colleagues who have passed training courses along with them as per decision of DSC made on the basis of judgment of this august Court in the year 2007. thus, in FRP there was no case of out of turn promotion, or cadetship or gallantry service and due to that very reason the judgment of the Apex Court is not applicable to Petitioners.
- g. Because even the AIG Legal, vide his memo dated 08.02.2021 that FRP officials qualified their promotion courses on their turn and have been promoted from one rank to another as per Police Rules, 1934 and subsequently placed at the bottom of the seniority list of their district; thus they do not come under the ambit of out of turn Promotion. But despite that the respondents are maneuvering to revert the petitioners under the garb of Apex Court's judgment with malafide to create more and more vacancies for their blue-eyed persons and to adjust them.
(Copy of AIG Legal is Annexure "T")
- h. Because the "impugned proceedings" are in violation of principle of justice, fair play and spirit of Article 2A, 4, 9 10A, 25 and 38 of the Constitution of Islamic republic of Pakistan.
- i. Because the Petitioners are being vexed again and again, beside suffering double rather multiple jeopardies.
- j. Because the Petitioners seek permission to advance other grounds and proofs at the time of hearing.

IT IS THEREFORE very humbly prayed that on acceptance of this Writ Petition, this Honorable Court may very magnanimously hold, declare and Order :-

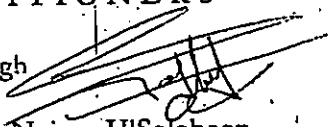
ATTESTED
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Peshawar High Court

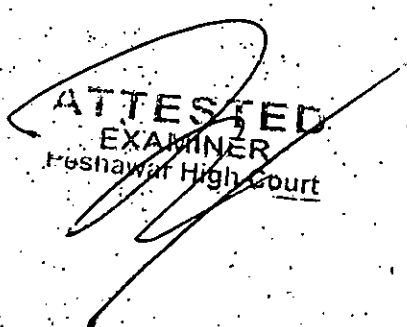
- (i) That letter dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent proceedings or orders emanating/arising therefrom (impugned proceedings) are illegal, unlawful, without lawful authority and thus of no legal effect.
- (ii) The respondents be permanently restrained from reverting the Petitioners under the garb of Apex Court's Judgment passed in respect of out of turn promotions, which is not applicable to the case of Petitioners as there was neither out of turn promotions, cadetship or gallantry service in FRP and all the Petitioners have got their promotion after completing courses on their turn as per seniority.
- (iii) Interim Relief: Keeping in view the facts and circumstances of the case, operation of the impugned letter dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent order(s) be suspended till the disposal of main writ petition.

Any other relief, in favor of the Petitioner, deemed just and appropriate.

PETITIONERS

Through


Najam Ull Saleheen
Advocate High Court


ATTESTED
EXAMINER
Peshawar High Court

39

88

In the Peshawar High Court, Peshawar

Writ Petition No. _____ of 2023

Tayyab Jan & Others

Versus

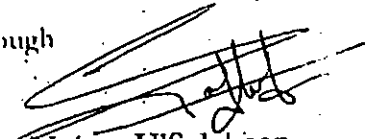
Government of KPK and others,

CERTIFICATE

As per information conveyed by my client it is Certified that Petitioner has previously filed a WP No 1124 of 2023 which has been withdrawn with permission to file a fresh one and now the petitioner is filing this Writ Petition.

PETITIONER

Through

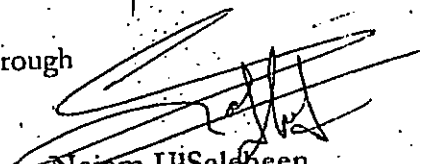

Najam U Saleheen
Advocate High Court

List of Books

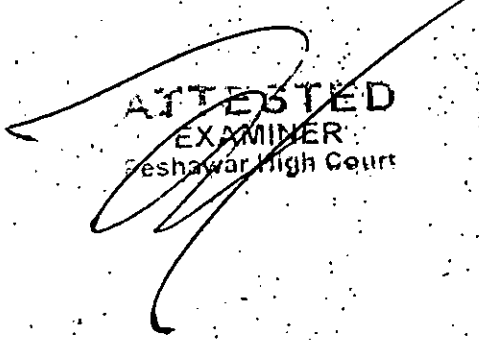
1. Constitution of Islamic Republic of Pakistan, 1973
2. Case law and dicta so laid down by Superior Judiciary.
3. Any other book or judgment, if need be

PETITIONER

Through


Najam U Saleheen
Advocate High Court

April 01, 2023


ATTESTED
EXAMINER
Peshawar High Court

(32) (40)

(A)

In the Peshawar High Court,
Peshawar

Writ Petition No. _____ of 2023

Tayyab Jan & Others

Versus

Government of KPK and others

AFFIDAVIT

I, Tayyab Jan S/o Nazar Muhammad R/o Hafiz Jee Qilla P.O Sardheri Charsadda do hereby solemnly affirm on oath that the contents of this Petition are true and correct to the best of my knowledge, information and belief and nothing has been concealed from this Honorable Court.

Deponent

CNIC #17101-

9462081-1

Mobile No. 0314-909194

Identified by:-

Najam Ulsaleheen
Advocate, Peshawar

CERTIFIED TO BE TRUE COPY

EXAMINED
Peshawar High Court, Peshawar
Authentic Under Article 8, 7 of
the Oath-taking & Affidavit Act 1984

13 SEP 2023

34940
Certified that the above was verified on solemn
affirmation before me in office, this 31
day of March 2023 by Tayyab Jan
s/o Nazar Muhammad Charsadda
who was identified by Najam Ulsaleheen
Who is personally known to me:
Oath Commission
Peshawar High Court, Peshawar
3/3/2023

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

W.P No.1289-P/2023

Tayyab Jan and others

Vs.

Government of Khyber Pakhtunkhwa through Chief
Secretary, Civil Secretariat, Peshawar and others



Date of hearing 21.06.2023 and 22.06.2023.
Petitioner(s) by: Mr. Shumail Ahmad Butt, Advocate.
Respondent(s) by: Mr. Amir Javed, Advocate General and Mr.
Hasnain Tariq, AAG along with Mr. Rizwan
Manzoor, DIG(HQrs), Khyber Pakhtunkhwa
Police, CPO. Muhammad Asif, AIG(Legal),
CPO. Muhammad Tariq Usman, Inspector
(Legal), CPO.

JUDGMENT

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

*"It is, therefore, very humbly prayed that on
acceptance of this writ petition, this Hon'ble
Court may very magnanimously hold,
declare and order:-*

- i. That letter dated 11.03.2023,
12.03.2023 and office orders of
demotion dated 16.03.2023 and any
subsequent proceedings or orders
emanating/arising therefrom are
illegal, unlawful, without lawful
authority and thus of no legal effect
- ii. The respondents be permanently
restrained from reversing the
petitioners under the garb of Apex
Court judgment passed in respect of
out of turn promotes, which is not
applicable to the case of petitioners as
there was neither out of turn
promotion cadetship or gallantry
service in FRP and all the petitioners
have gone their promotion after

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Peshawar High Court

*completing courses on their turn as per seniority.
Any other relief in favour of the petitioner deemed just and appropriate".*

2. In the instant case petitioners were initially appointed in the FRP as Constables and then gained promotion in the regular police as well as in the FRP after undergoing the requisite police training in the quota reserved for FRP. The question formulated for consideration of this Court primarily relates to the terms and conditions of service, because apparently, this case is distinguishable from other connected cases as in the instant case promotion order of the petitioners are withdrawn for the reason as it is out of turn and violative of the judgment of the Apex Court, however, on going through the same we find that no such issue ever raised in the judgments of the Apex Court referred in respect of out of turn promotions and in these cases neither the application/implementation of the judgment of the Apex Court is required, besides, such matters were also never referred in the judgment of a larger bench of this Court.

3. In the given circumstances, the matter primarily relates to the terms and conditions of the service, as such,

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Peshawar High Court

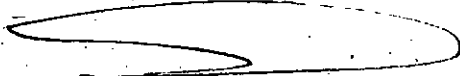
(88) (43)

we transmit the same to the Provincial Service Tribunal,
Peshawar for its decision strictly in accordance with law.

Copy of the memo of this petition be retained for the
purpose of record.

Announced
Dt: 27-8-23.

JUDGE



JUDGE

(Amir Shehzad)

(DB) Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice S.M Attique Shah.

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 8, 7 of
the Oath-taking Act 1984
16 SEP 2023

9178
Date of Presentation of Application 16/8/2023
No. of Pages 14
Copying fee 56-00
Date of Preparation of Copy 16/8/2023
Date of Delivery of Copy 16/8/2023
Name of W. Amnes Khan

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AND K

**OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE
TELECOMMUNICATIONS & TRANSPORT
KHYBER PAKHTUNKHWA
PESHAWAR.**

5088

No.

/Tele/OASI, Dated Peshawar the 19/14/2023

ORDER

In compliance with the Order dated 26.01.2023 of the Hon'ble Supreme Court of Pakistan in Suo Moto Contempt proceedings vide Crl.O. Petition No. 38/2021 and in pursuance of Judgments passed by the 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 CPO Peshawar Letter No. CPO/CPB/75, dated 14.02.2023, followed by subsequent directions vide letter No. 914/ Legal dated 11.03.2023, CPO Peshawar letter No. 991/ Legal dated 11.03.2023 & letter No. 993/ Legal dated 12.03.2023 to ensure compliance of above mentioned Orders in letter and spirit.

2. In view of the above, case regarding Out of Turn Promotion of Driver Head Constable Anees Khan No.1075 was examined. As per record, he was enlisted in the office of Agency Surgion, FR Kohat. Later on, he applied for the post of Driver Constable in Khyber Pakhtunkhwa Police Telecommunication and Transport Department through proper channel vide CPO Endst: No. 16185/E-II, dated 12.06.2008 and thus on selection, he reported his arrival in Police Telecommunication and Transport Department on 01.07.2008. Subsequently, he was absorbed in this Unit as Driver Constable in BPS-05 vide absorption order No. 9822-27/Tele/OASI dated 03.07.2008 and upon his written application requesting therein for revised his seniority, his seniority was revised in this Unit. Getting benefit of revised seniority after being absorbed, he was promoted to the rank of Head Constable vide Order No. 9977-83/Tele/OHC dated 05.08.2013. Presently, he stands at Serial No. 15 of the Head Constables of Drivers of Police Telecommunication and Transport Department.

The promotion thus gained comes under the ambit of Out of Turn promotions which are contrary to the Aforementioned Apex Court Judgments.

3. Driver Head Constable Anees Khan No.1075 was given a chance of personal hearing on 12.03.2013. Perusal of his record revealed that as mentioned in Para No.02 of this order, he was enlisted in the office of Agency Surgion, FR Kohat. Later on, he applied for the post of Driver Constable in Khyber Pakhtunkhwa Police Telecommunication and Transport Department through proper channel vide CPO Endst: No. 16185/E-II, dated 12.06.2008 and thus on selection, he reported his arrival in Khyber Pakhtunkhwa Police Telecommunication and Transport Department on 01.07.2008. Subsequently, he was absorbed in the Unit as Driver Constable in BPS-05 vide absorption order No. 9822-27/Tele/OASI dated 03.07.2008 and upon his written application requesting therein for revised seniority, his seniority was revised in this Unit. Getting benefit of revised seniority after being absorbed, he was promoted to the rank of Head Constable vide Order No. 9977-83/Tele/OHC dated 05.08.2013 which falls in the definition of Out of Turn promotions deprecated by the Hon'ble Supreme Court of Pakistan vide its Judgments ibid. Presently, he stands at Serial No. 15 of the Head Constables of Drivers of Police Telecommunication and Transport Department.

4. In this regard, A Committee constituted by DIG Telecommunication and Transport Khyber Pakhtunkhwa, Peshawar to examine the case of Driver Head Constable Anees Khan No.1075 that whether absorption/selection and subsequent promotion of Driver concerned falls within the category of Out of Turn promotion vide order No. 4028-34/Tele/OASI, dated 30.03.2023. The Committee in its meeting held on 3rd April, 2023 recommends that the subsequent promotion of

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And II

Driver Anees Khan to the rank of Head Constable may be withdrawn forthwith and his seniority may be re-fixed amongst his batch-mates accordingly.

5. Consequently, on the recommendation of Departmental Committee the Out of Turn promotion Order No. 9977-83/Tele/OHC, dated 05.08.2013 is hereby withdrawn through this order and after the withdrawn, he is demoted from the rank of Head Constable to the rank of Constable and his seniority is re-fixed amongst his batch-mates above Constable Farman Ullah No. 459 and below from Constable Manzoor Ahmad No. 1064.

Signature
(ABBAS MAJEED KHAN MARWAT)^{PSP}
Deputy Inspector General of Police,
Telecommunication & Transport,
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded to the:-

1. Addl: IGP HQRs Khyber Pakhtunkhwa, Peshawar.
2. DIG HQRs Khyber Pakhtunkhwa, Peshawar.
3. PSO to IGP Khyber Pakhtunkhwa, Peshawar.
4. AIG/ Establishment Khyber Pakhtunkhwa, Peshawar.
5. AIG/Legal CPO, Peshawar.
6. Accountant General Khyber Pakhtunkhwa, Peshawar.
7. Accountant Telecommunication HQRs: Peshawar.
8. SRC Telecommunication HQRs: Peshawar.
9. Official concerned.




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50	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈریس: KANAR KANAR	  
بار کونسل ایسوسی ایشن نمبر: 7661	
رابطہ نمبر: 03005886599	

بعدالت جناب: محمد رفیق سومر ٹریبونل

منجانب: <u>رضیہ</u>	دعویٰ: <u>اصل</u>
<u>رضیہ</u>	علت نمبر: _____
بنام <u>اسٹیٹ بینک آف پاکستان</u>	مورخہ: _____
	جرم: _____
	تھانہ: _____

بابت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کسٹومرز پروٹیکشن کیلئے کو دیگیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا خد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 41/0/2023

محمد رفیق سومر

مقام کسٹومرز پروٹیکشن کے لیے منظور ہے۔

Attest at
4 Jan 2023