

Form-A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 795/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.10.2023	<p>The implementation petition of Mr. Shakeel Ahmad submitted today by Mr. Shumail Ahmad Butt Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>25-10-23</u>. Original file be requisitioned.- AAG has noted the next date. Parcha peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Shalceel Ahmed
..... Appellant

Versus

Mr. Akhtar Hayat Khan Gandapur & others
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On <u>23/10/2023</u>	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

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

Name:- _____

Signature:- B. Bilal

Dated:- 24/10/2023

In the Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

Implementation ^{Petition} CM No. 795 of 2023

IN

Service Appeal. No.1771of 2023

&

Service Appeal No. 2072 of 2023

“Tayyab Jan& Others Versus Govt. of KP etc.”

Shakeel Ahmad

Versus

Mr. Akhtar Hayat Khan Gandapur& Others

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APPLICANT/APPELLANT

Through

October 23, 2023

Shumail Ahmad

Butt,

Advocate, Supreme

Court of Pakistan

&

Hazrat Bilal

Khan

Advocate

High

Court(s)

In the Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

Implementation ^{Petition} ~~GM~~ No. 795 of 2023

IN

Service Appeal. No.1771of 2023

&

Service Appeal No. 2072 of 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8578

Dated 24/10/23

“Tayyab Jan& Others Versus Govt. of KP etc.”

Shakeel Ahmad

Versus

Mr. Akhtar Hayat Khan Gandapur& Others

Shakeel Ahmad SP Training CPO,
Presently residing at.....

..... Applicant/ Appellant

Versus

1. Mr. Akhtar Hayat Khan Gandapur
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
2. Mr. Saqib Ismail Memon,
Additional I.G Training,
CPO, Peshawar.

..... Respondents/Contemnors

PETITION FOR IMPLEMENTATION OF THE
STAY ORDER DATED 15.06.2023SO PASSED IN
WRIT PETITION NO. 1289-P OF 2023 AND ORDER
DATED 05.09.2023 SO PASSED BY THIS
HONORABLE TRIBUNAL IN SA. NO. 1771/2023

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**AND TO SUSPEND SUBSEQUENT ORDER
DATED 13.10.2023 WHEREBY THE APPLICANT
HAS ONCE AGAIN BEEN DIRECTED TO JOIN
HIS PLACE OF POSTING AS DSP RATHER THAN
SP THUS THE IBID ORDER IS ISSUED IN
VIOLATION OF THE COURT ORDER.**

May it please this Honorable Court:

The Applicant/ Appellant, with utmost humility, implore the attention of this Honorable Tribunal as follows:

1. That the Applicant/Petitioner along with eight others have challenged a Letter No. 993/Legal dated 12.03.2023 and subsequent office orders dated 16.03.2023 wherein it was illegally directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed and by virtue of 2nd letter the Petitioners therein were illegally demoted to junior ranks which acts on part of the Respondents being highly illegal and unlawful was challenged through Writ Petition 1289-P/2023 in the Peshawar High Court Peshawar.
2. That the ibid Writ Petition when came up for hearing on 04.04.2023 before the Honorable Divisional Bench Comprising of Mr. Justice Ishtiaq Ibrahim & Mr. Justice S.M Attique Shah wherein the Honorable Peshawar High Court, Peshawar after hearing the arguments of Applicant/petitioner at length and keeping in view the prima facie nature of case has graciously granted an interim relief as follows "Till then the impugned letter dated 11.03.2023, 12.03.2023 and 16.03.2023 are suspended" thus meaning thereby that the respondents were restrained from taking any kind of adverse action against the Applicant/petitioner along with other petitioners therein.

(Copy of the interim relief is Annexure "A")

3. That it is pertinent to place on record that the Applicant/Petitioner was posted as Director Police Training School Shakas Khyber as well as SP Training Admin vide letter No. CPO/E-1/Transfer/Posting 18848 dated 15.09.2023.

(Copy Of transfer order as SP/Director Training is Annexure "B")

4. That thereafter the Applicant/Petitioner has started performing his duties with zeal and dedication and since then he has trained more than 23800 newly merged districts recruits and 16000 regular police besides 4000 persons in specialized courses in newly merged districts 3000 persons in regular police specialized courses.

5. That it is also pertinent to place on record that in the meantime Applicant/Petitioner has been recommended vide letter No. 12347/Trg dated 24/10/2022 for training under 08th Junior Command Course (JCC) i.e. course for SP rank on police. Resultantly upon the completion of ibid course, Deputy Director of Pakistan Provincial Services Academy, Peshawar vide letter No. PPSA/TRG/8th JCC/413 dated 20th April, 2023 has intimated to the Deputy Inspector General of Police (Training) the names of officers who have successfully completed course (name of the Applicant was also included in the panel of successful candidates).

(Copy of letter dated 24.10.2022 is Annexure "C")

(Copy of letter dated 20.04.2023 is Annexure "D")

6. That after completion of course and issuance of the above letter, Applicant/Petitioner has continued working on his position as **SP Training/Director Training** but most unfortunately the Respondents have issued a letter No. CPO/E-1/Transfer/Posting/1575 dated 06.06.2023 whereby the Applicant/Petitioner has been shown to be transferred from the post of SP Training and his services are placed at the disposal of the Regional Police Officer (RPO) Kohat for further posting as DSP

which order is illegal, unlawful and without lawful authority that too in presence of the Order dated 04.04.2023 wherein the letters for demotion were suspended.

(Copy of the impugned transfer order dated 06.06.2023 is Annexure "E")

7. That it is pertinent to place before this honorable Tribunal that there has been imposed a complete ban on transfer from one district to another district by the government of Khyber Pakhtunkhwa vide letter No. SO(Policy)(E&AD)1-4/2023 dated 29.05.2023. The above cited notification of ban has also been served upon the office of worthy Inspector General of Police vide letter (E&A(HD) 1-12/2023 dated 01.06.2023, thus since ban on transfer and posting has been imposed by the government therefore on this score alone the impugned notification was illegal and unlawful.

(Copy of Notification of ban on transfer & posting is Annexure "F")

8. That the Applicant/Petitioner while felt aggrieved of the same had filed CM No. 1300/2023 in the ibid writ and sought therein the suspension of the impugned demotion/transfer order which came up for hearing before a worthy Divisional Bench of the honorable Peshawar High Court, Peshawar comprising of Mr. Justice Mohammad Ibrahim Khan and Mr. Justice Shakeel Ahmad wherein this Honorable Court vide its order dated 15.06.2023 has ordered in the following terms:

"Hearing learned counsel for applicants, he has preferred this application for the suspension of order No. CPO/E-1/Training/Posting/1575 dated 6.6.2023 which has been passed later after the order dated 4.4.2023 whereby the impugned letters and order have already suspended. As the main writ petition is already fixed for hearing on 21.6.2023 which is to be taken up after six days, thus it is appropriate that till then the rder dated 6.6.2023 shall remain suspended."

(Copy of CM 1300/2023 is Annexure "G")
(Copy of the Order dated 15.06.2023 is Annexure "H")

3

9. That W.P 1289-P of 2023 finally came up for hearing before the learned DB of the Honorable Peshawar High Court, Peshawar on 21.06.2023 and 22.06.2023 whereafter the judgment was reserved for announcement.
10. That later the Honorable Divisional Bench of Peshawar High Court, Peshawar while allowing number of cases on dated 29.08.2023 and while clearly holding that the case of the Applicant/Appellant is not that of any out-of-turn promotion and thus not hit by the mischief of the Judgment(s) of the Apex Court, has transmitted the Applicant/Appellant's petition before this honorable Service Tribunal, Peshawar for its decision. Relevant para of the Judgment is reproduced herein below for facility of reference as follows:

"In the instant case petitioner was initially appointed in the FRP as Constable 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 petitioner is 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

was also never referred in the judgment of a larger bench of this Court.”

(Copy of the Judgment is annexed as Annexure “I”)

11. That, after transmitting the ibid Writ Petition, this honorable Service Tribunal converted Writ Petition into Appeal which was lastly fixed for hearing on 05.09.2023 wherein after preliminary hearing the Appeal was admitted for a regular hearing besides an Interim Relief was also granted in favor of the appellant whereas the appellant along with many others were directed by this honorable Tribunal to file separate appeals. It is pertinent to mention here that the said is still intact and not vacated.

(Copy of the order dated 05.09.2023 is Annexure “J”)

12. That the Respondents while bent upon their illegal act of demoting the Applicant/Appellant has once again directed the Applicant/Appellant to report to the RPO Kohat for assuming the charge of the post of DSP Kohat rather than allowing him to assume the charge of his post and to render his duties as the order of his transfer from the post of SP to DSP dated 06.06.2023 has been suspended by the honorable Peshawar High Court, Peshawar on 15.06.2023 which is still intact besides, the impugned orders are also been suspended by this honorable Service Tribunal.
13. That even thereafter the Respondents have been approached by the Applicant/Appellant numerous and have requested them to comply with the Orders of honorable Peshawar High Court, Peshawar and this Honorable Tribunal but the Respondents have been showing deaf ears to the Orders and have blatantly violated the same.
14. That the Respondents while not complying with the orders are even liable to be prosecuted and punished for the willful defiance and disobedience of the Courts Judgment and order dated 15.06.2023 of the honorable Peshawar High Court, Peshawar and Order dated

05.09.2023 of this honorable Service Tribunal as the Applicant/Appellant has been suffering very hard due to the illegal and malafide acts of the Respondents for not complying with the orders so mentioned above.

15. That this situation clearly suggests that the Respondents are perpetuating the illegality and are thus acting in clear disregard, contemptuous and willful disobedience to the Order dated 15.06.2023 of the honorable Peshawar High Court, Peshawar and 05.09.2023 of this august Tribunal, hence this Application for implementation of the Interim Orders.

It is therefore very humbly prayed that on acceptance of this Implementation/Contempt Petition, this Honorable Tribunal may very graciously hold, declare and order that:

1. Respondents/Contemnors may very graciously be directed to implement and comply with the Order of the Honorable Peshawar High Court, Peshawar dated 15.06.2023 and Order of this Honorable Tribunal dated 05.09.2023 passed in Service Appeal No. 1771 of 2023 in letter and spirit.
2. The subsequent order dated 13.10.2023 pertaining to Applicant's Transfer as DSP may kindly be suspended forthwith and to allow the Applicant/Appellant to assume the charge of his post as the Respondents in clear and unequivocal terms are directed not to take any adverse action such as demotion etc.
3. Respondents/Contemnors while willfully disobeying the order of the Honorable Peshawar High Court, Peshawar dated 15.06.2023 and order of this Honorable Tribunal dated 05.09.2023 passed in Service Appeal No. 1771 of 2023 and thus are liable to be prosecuted for Contempt proceedings and accordingly be punished in terms of the

(3)

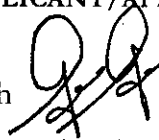
relevant provisions of the Contempt of Court Ordinance, 2003.

4. Any other relief, not specifically prayed, may also graciously be granted, if appears just, necessary and appropriate.


APPLICANT/APPELLAN

T

Through


Shumail Ahmad
Butt
ASC

&


H. Bilal Khan
Advocates High
Court(s)

In the Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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Implementation CM No. _____ of 2023

IN

Service Appeal. No.1771of 2023

&

Service Appeal No. 2072 of 2023

“Tayyab Jan& Others Versus Govt. of KP etc.”

Shakeel Ahmad

Versus

Mr. Akhtar Hayat Khan Gandapur& Others

AFFIDAVIT

I,Shakeel Ahmad, S.P Training,Presently CPO Pesahwar.do hereby solemnly affirm and verify on oath that that the contents of accompanying Implementation Application/COC Petition are true and correct to the best of my knowledge, information and belief. Neither anything contained hereinbefore is false nor withheld/concealed from this Honorable Court.

DEPONENT

CNIC#

Identified By:

H. Bilal Khan
Advocate, Peshawar



9A

In the Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Implementation CM No. _____ of 2023

IN

Service Appeal. No.1771of 2023

&

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“Tayyab Jan& Others Versus Govt. of KP etc.”


Shakeel Ahmad

Versus

Mr. Akhtar Hayat Khan Gandapur& Others

1. **Mr. Akhtar Hayat Khan Gandapur**
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
2. **Mr. Saqib Ismail Memon,**
Additional I.G Training,
CPO, Peshawar.

Subject: The Applicant/Petitioner is filing Implementation Application/ Contempt Petition against you as you have disobeyed the Orders of the Honorable Peshawar High Court, Peshawar dated 15.06.2023 in Writ Petition No 1289-P/2023-P of 2022 and order dated 05.09.2023 so passed in SA 1771/2023.

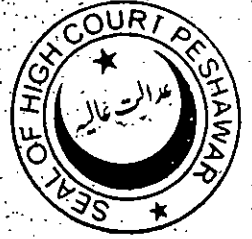
Applicant/Petitioner
Through 
Shumail Ahmad Butt
Advocate Supreme of
Pakistan.

Annex 'A'

10

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 Havelian, 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

(P) (B)

3. That initially in the year 1988, the Homes & Tribal Affairs Department created a 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

(13)

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

ATTESTED
EXAMINER
Peshawar High Court

(14) (8)

admitted to D List. The Petitioner No 1 and some of his colleagues, challenged that order in 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 Distt 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 Distt 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

(15)

(14)

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

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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.


ATTESTED
EXAMINER
Peshawar High Court

- 17
- 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 SCMR 1630 & 2015 P.L.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
EXAMINER
Peshawar High Court

- 18
- (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 promotes, 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 Ullah Cheen
Advocate High Court

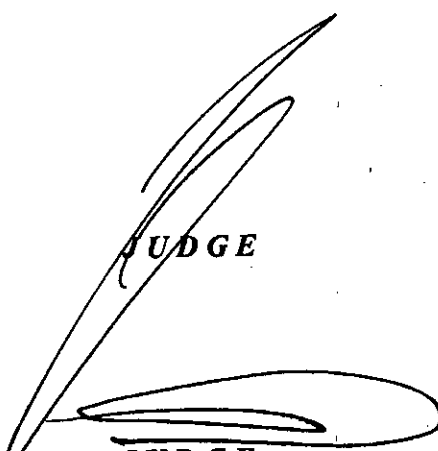


ATTESTED
EXAMINER
Peshawar High Court

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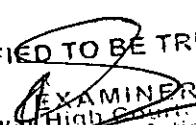
PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET



Date of Order or Proceedings 1	Order of other Proceedings with Signature of Judge. 2
04.04.2023	<p><u>W.P No.1289-P/2023</u></p> <p>Present: Mr.Shumail Ahmad Butt, advocate, for the petitioners.</p> <p>Mr.Aamir Javed, AG, for the State.</p> <p style="text-align: center;">*****</p> <p>Respondents No.1, 2 and 6 be put on notice to file their requisite comments. One of the Writ Petition No.1587-P/2022 is also fixed for 03.05.2023, therefore, office is directed to fix the present case as well as other cases of similar nature on 03.05.2023.</p> <p><u>Interim Relief.</u></p> <p>Notice. Till then the impugned letters dated 11.03.2023, 12.03.2023 and order dated 16.03.2023 are suspended.</p> <p style="text-align: center;"> JUDGE</p> <p style="text-align: center;"> JUDGE</p>

*DB. Hon'ble Mr.Justice Ishtlaq Ibrahim & Hon'ble Mr.Justice S.M Attique Shah
(Asif Jan Sr.S.S)*

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized under Article 8, 7 of
the Qanun-e-Shahadat Act 1984
11 OCT 2023



Office of the
Inspector General of Police
Training, Peshawar, Khyber Pakhtunkhwa
By No. 2779 Dated Peshawar the 15/09/2022
in 15/9/2022

OFFICE OF THE

INSPECTOR GENERAL OF POLICE

KHYBER PAKHTUNKHWA

Annex B

20

NOTIFICATION

No. CPO/E-I/Transfer/Posting/ 1848 In exercise of the powers conferred upon the Provincial Police Officer, Khyber Pakhtunkhwa under sub-section (4) of Section 17 of the Khyber Pakhtunkhwa Police Act, 2017, the following transfers/postings are hereby ordered in the public interest with immediate effect:-

S #	Name & Rank	From	To
1.	Mr. Nasir Khan, DSP (BS-17)	Acting SP/Director Police Training School Shakas, Khyber	Acting SP/Director Police School of Investigation, Mera Kachorri, Peshawar in his own pay & scale
2.	Mr. Shakeel Ahmad DSP (BS-17)	Director Police School of Investigation, Mera Kachorri, Peshawar	Director Police Training School, Shakas Khyber as well as he will continue his services as SP/Training/Admin

All transfer/posting issued by Central Police Office shall be complied within 07 days and compliance report be submitted to Central Police Office, Peshawar accordingly. Failing which, the officer/official will be placed under suspension and the receiving Units shall be authorized to initiate disciplinary proceedings against the official/officers.

Sd/-

Moazzam Jait Ansari, PSP
(QPM, UNPM, NSWC)
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No. & date even.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police HQs: Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police Training Khyber Pakhtunkhwa
4. Deputy Inspector General of Police HQs: Khyber Pakhtunkhwa.
5. PSO to IGP Khyber Pakhtunkhwa.
6. Director Police School of Investigation, Mera Kachorri, Peshawar.
7. Director Police Training School Shakas, Khyber.
8. Officers concerned
9. Registrar CPO Peshawar.
10. Supdt: Secret, CPO Peshawar.
11. U.O.P File.

(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Provincial Police Officer,
Khyber Pakhtunkhwa

Attested
L



LECTORATE OF TRAINING
CENTRAL POLICE OFFICE
PAKHTUNKHWA, PESHAWAR

No. 12347 Dated 24/10 2022. Phone No. 091-9210941. Fax No. 9211268

To The Director General,
Pakistan Provincial Services Academy,
Peshawar,

Subject: 8th JUNIOR COMMAND COURSE.
Memo:

Annex Cⁿ (21)

In accordance with Standing Order No.06/2015 and in the light of MoU signed between KP Police & PPSA Peshawar regarding Junior Command Course for eligible DSsP of Khyber Pakhtunkhwa Police, the following DSsP are hereby nominated for the subject course, to be held tentatively w.e.f 09th January, 2023 at Pakistan Provincial Services Academy (PPSA), University Town Peshawar.

S/N	Name of officer	Present Posting	District	D.O.B	CNIC No.	Contact No.	Email
1.	Muhammad Fayaz	Acting SP Inv: Swabi	Mardan	07.01.74	10101-1847444-9	03399213129	EnsaAhmed2211@gmail.com
2.	Mr. Murad Ali	DSP Elite Force Peshawar	Charsadda	13.04.83	173013877820-1	03499330079	N/A
3.	Mr. Asad Zuhair	DSP Elite Force Kohat	Kohat	13.01.80	14301-3008141-9	0329613984	N/A
4.	Mr. Mehmood Nawaz	DSP FRP D.I. Khan	Lakki	07.03.74	11201-016993-9	0329613278	N/A
5.	Mr. Zahoor Ahmad	At Disposal of DIG Spl: Branch	L/Dir	01.01.80	13303-9911167-7	03119518856	zahoor99@gmail.com
6.	Mr. Zafar Ahmad	Acting SP HQs CCP Peshawar	Chitral	10.01.79	13203-0393647-3	0300723666	N/A
7.	Mr. Farman Ullah	Acting SP Inv: Bajaur	L/Dir	27.10.78	13303-1804130-1	03449734477	Farmanahmed1@gmail.com
8.	Mr. Wahid Ullah	At Disposal of DIG CTD KP	L/Dir	01.01.81	13303-0983710-1	03449739729	Wahidullah10@gmail.com
9.	Mr. Inikhar Ali Shah	At Disposal of DIG CTD KP	Bannu	11.03.76	11101-4133960-9	03429729000	Inikhar13@gmail.com
10.	Mr. Zahid Khan	SDPO Kohat Swat	Malakand	04.04.87	13401-0701466-7	03449781800	N/A
11.	Mr. Ajmal Khan	SDPO Darosh L/Chitral	Malakand	15.05.82	13401-4011016-3	03038787981	amjadkhan10@gmail.com
12.	Mr. Atiq ur Rehman	SDPO Lotkoh L/Chitral	Chitral	01.11.81	13201-0377818-3	03449699692	N/A
13.	Mr. Nawaz Iqbal	Suspended & Closed to CPO	Swat	13.01.81	13403-4488336-1	03256145478	nawaziqbal10@gmail.com
14.	Mr. Gul Shad Khan	SDPO Kailang Mardan	Charsadda	01.06.80	17101-0401966-7	03001837833	N/A
15.	Mr. Jamil ur Rehman	SDPO Khanpur Haripur	Abbottabad	16.04.74	61101-10248893	0300133478	N/A
16.	Mr. Fazal Wahid	SDPO Dara Kohat	Mardan	01.12.88	10103-4007314-3	0300133478	N/A
17.	Mr. Munim Khan	At Disposal of DIG SSU	Mardan	16.02.70	10101-4561917-3	03199646137	Zahidwajid1@gmail.com
18.	Muhammad Saadique	DSP Spl: Branch	Abbottabad	16.11.68	17301-1603317-7	03181140004	N/A
19.	Mr. Faqir Hussain	DSP CTD KP	Peshawar	02.02.67	Nil	Nil	N/A
20.	Mr. Hukam Khan	DSP Complaint Enquiry CCP Pesh	Charsadda	14.03.69	17101-3088766-7	03201450448	N/A
21.	Mr. Meher Ali	DSP Enquiry CPO Peshawar	Nowshera	01.01.69	17201-2318470-3	03345018278	N/A
22.	Mr. Inikhar Ali	SDPO Topi Swabi	Charsadda	10.02.68	17102-0380684-9	03001873233	N/A
23.	Mr. Nasir Khan	SDPO Jandol L/Dir	Charsadda	22.11.64	17102-1149311-7	03439403233	N/A
24.	Mr. Taryab Jan	DSP/HQs CCP Peshawar	Charsadda	01.05.70	17101-9462081-1	03169119198	N/A
25.	Mr. Aulif Mehmood	DSP CTD Orakzai	Bannu	23.04.73	16202-4933714-3	03004018718	SyedA@gmail.com
26.	Mr. Ihsan Khan	SDPO Kandar Torshar	Abbottabad	20.03.70	03101-0971381-8	03018141892	N/A
27.	Mr. Ayaz Mehmood	DSP Inv: City Mardan	Mardan	20.02.71	42000-017630-3	03437000091	MehmoodAyaz@gmail.com
28.	Mr. Shakeel Ahmad	Acting SP/Director PTS Shakas & SP Training CPO Peshawar.	Peshawar	01.01.74	11401-0460542-7	03199193330	shakeelshah@rediffmail.com
29.	Mr. Zareef Khan	DSP Inv: Swabi	Swabi	01-01-69	16203-4363629-7	03199191010	Zareef11@gmail.com
30.	Malik Habib Khan (Lepah)	SDPO Badaber CCP Peshawar	Peshawar	10.01.82	17301-1522790-1	03149161001	malikhabib10@gmail.com

Furthermore, in case officer at S/No.13 not re-instated in service till 09.01.2023 then Mr. Shah Nawaz shall report to PPSA alongwith the above mentioned officers as his substitute. His particulars are noted below:-

Name & Cadre	Present Posting	District	D.O.B	CNIC No.	Phone No.	Email
Mr. Shah Nawaz	DSP ATS CCP Peshawar	Mamchra	08.01.63	03561-990181-1	0313-9150743	shahshah10@gmail.com

All nominees are directed that, in case of any query may contact to PPSA on Phone Numbers 091-9224482 & 091-9224371, please.

(FEROZE SHAH) PSP
Deputy Inspector General of Police,
Training, Khyber Pakhtunkhwa,
Peshawar

Encls: No. and Date Even;

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

1. Additional Inspector General of Police, HQs, Khyber Pakhtunkhwa.
2. Additional Inspector General of Police, Investigation Khyber Pakhtunkhwa.
3. Deputy Inspector Generals of Police, HQs, Special Branch & CTD Khyber Pakhtunkhwa.
4. CCPO Peshawar and All Regional Police Officers, Khyber Pakhtunkhwa.
5. Assistant Inspector General of Police, Establishment CPO Khyber Pakhtunkhwa Peshawar.

Attested
S



Deputy Director

PAKISTAN PROVINCE

PROVINCIAL SERVICES ACADEMY

PESHAWAR

Ph#091-9224482

Fax#091-9224481

TRG (P/F)#091-9224371

No.PPSA/TRG/8th JCC/413

20th April, 2023

To

The Deputy Inspector General of Police (Training),
Government of Khyber-Pakhtunkhwa,
Peshawar.

Phone # 091-9213164, 9211066

Fax # 091-9211268

Subject: 8th JUNIOR COMMAND COURSE FOR DSP'S GOVERNMENT OF
KHYBER PAKHTUNKHWA & GILGIT-BALTISTAN.

Dear Sir,

I am directed to refer to your letters No.12347/Trg: dated 24th October, 2022, No.182-83/Trg: dated 6th January, 2023 & No.663/Trg: dated 25th January, 2023 on the subject cited above.

02. The following 27 (Twenty-Seven) Deputy Superintendents of Police (DSP's), Government of Khyber Pakhtunkhwa have relinquished their charge at this Academy after completion of 8th Junior Command Course w.e.f. 30th January, 2023 to 20th April, 2023. Attested copies of their charge relinquishment reports in original are sent herewith for information and further necessary action at your end please.

S. # NAME OF PARTICIPANTS

1. Muhammad Fayaz
3. Mr. Asad Zubair
5. Syed Zahoor Ahmad
7. Mr. Wahid Ullah
9. Mr. Zahid Khan
11. Mr. Attiq ur Rehman
13. Mr. Gul Shid khan
15. Mr. Fazal Wahid
17. Muhammad Saddique
19. Mr. Hukam Khan
21. Mr. Ifikhar Ali
23. Mr. Ibrar Khan
25. Mr. Shakeel Ahmad
27. Mr. Shah Nawaz Khan

S. # NAME OF PARTICIPANTS

2. Mr. Murad Ali
4. Mr. Mehmood Nawaz
6. Mr. Farman Ullah
8. Mr. Ifikhar Ali Shah
10. Mr. Ajmal Khan
12. Mr. Naveed Iqbal
14. Mr. Jamil ur Rehman
16. Mr. Muslim khan
18. Mr. Faqir Hussain
20. Mr. Meher Ali
22. Mr. Nasir Khan
24. Mr. Ayaz Mahmood
26. Mr. Zarif Khan

03. I am further directed to inform that the total cost of the 03 months course comes to Rs. 322,800 /- per participant, hence (Rs. 322,800 x 27) Rs. 8,715,600/- in total is still awaited, which may kindly be remitted through a crossed cheque in the name of Director Provincial Service, NBP Account No. 411879626 & Vendor No.30466512, at the earliest please.

(ZEESHAN SARWAR)
Deputy Director

Encl: Charge relinquishment reports (in original).

Attested



Dy: No 2019 /Tr:
07/06/23

C THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Dated Peshawar the 06/06/2023

NOTIFICATION

Annex 'E' (23)

No. CPO/E-I/Transfer/Posting/ 1575 In exercise of the powers conferred upon the Provincial Police Officer, Khyber Pakhtunkhwa under sub-section (4) of Section 17 of the Khyber Pakhtunkhwa Police Act, 2017, the following transfer/posting is hereby ordered in the public interest, with immediate effect: -

S #	Name & Rank	From	To
1.	Mr. Shakeel Ahmed DSP (BS-17)	Acting SP Training & Adm: CPO	At the disposal of RPO Kohat Region for further posting as DSP

Sd/-
(SAKHTAR HAYAT KHAN) PSP
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No. & date even.

Copy forwarded to the:

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police Training & HQrs: Khyber Pakhtunkhwa.
4. Regional Police Officer, Kohat Region.
5. Addl: Director General (Elections-I), Election Commission of Pakistan, Islamabad.
6. District Account Officer, Kohat.
7. PSO to IGP Khyber Pakhtunkhwa.
8. Officer concerned.
9. Registrar CPO Peshawar.
10. Supdt: Secret, CPO Peshawar.
11. U.O.P File.

(IRIFWAN MANZOOR) PSP
D/O Headquarters
For Inspector General of Police
Khyber Pakhtunkhwa

Attached
S



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

~~FOR OFFICIAL USE ONLY~~

No. SO (Policy) (E&AD) 12-4/2023
Dated Peshawar, the 29th May, 2023

Ann-F

(C)

24

1. Additional Chief Secretary P&D Department Govt. of Khyber Pakhtunkhwa
2. Senior Member Board of Revenue, Govt. of Khyber Pakhtunkhwa
3. Administrative Secretaries to Govt. of Khyber Pakhtunkhwa
4. All Divisional Commissioners in Khyber Pakhtunkhwa
5. All Heads of Attached Departments in Khyber Pakhtunkhwa
6. All Deputy Commissioners in Khyber Pakhtunkhwa

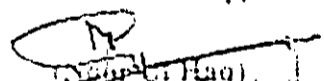
Subject: BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the above cited subject and to convey that in view of the fragile fiscal position of the Provincial Government, the Hon'ble Chief Minister Khyber Pakhtunkhwa has been pleased to impose ban on inter-district posting and transfers of officers and officials under the Government of Khyber Pakhtunkhwa as per the following:

- i. There shall be complete ban on inter-district transfers in all the departments;
- ii. This ban shall not apply on transfers within the districts and within the Secretariat and Directorates. However, while proposing such transfers of officers/officials within the district, Directorates or the Secretariat, as the case may be, due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account;
- iii. In cases posting and transfer is necessitated due to some court orders or other administrative exigencies, ban relaxation will be obtained from Chief Minister through summary. For such posting/transfers, departments will put forms and justifications. Subsequently in cases where NOC from Election Commission is required, cases will be taken up with ECF for ban relaxation by the concerned Administrative Department;
- iv. This ban shall not apply on filling of vacant posts through recommendations of the Khyber Pakhtunkhwa Public Service Commission as Election Commission of Pakistan has already granted exemption in such cases.

Yours sincerely,


Deputy Secretary (PS/2023)

ENDST: NO. & DATE EVEN

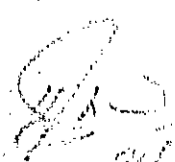
Copy is forwarded for information to:

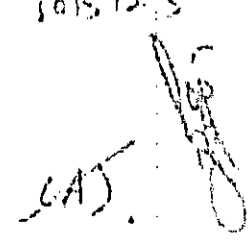
1. Principal Secretary to Governor, Khyber Pakhtunkhwa
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa
3. CSO/PSO to Chief Secretary to Govt. of Khyber Pakhtunkhwa.
4. All Additional Secretaries/Deputy Secretaries/Section Officers in Establishment & Administration Department

Handwritten notes

13501 7/5/23

Section Officer (Policy)


3/5/23


CAJ




Abedul

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT



No SO(Policy) (E&AD) 1-4/2023

Dated Peshawar the 29th May, 2023

1. Additional Chief Secretary P&D Department Government of Khyber PakhtunKhwā
2. Senior member Board of Revenue Government of Khyber PakhtunKhwā
3. Administrative secretaries to Government of Khyber PakhtunKhwā
4. All divisional Commissioners in Khyber PakhtunKhwā
5. All Heads of Attached Departments of Khyber PakhtunKhwā
6. All Deputy Commissioners in Khyber PakhtunKhwā

Subject: BAN ON POSTINGS AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the above sited subject and to convey that in view of the fragile fiscal position of the provincial government, the Honourable chief minister Khyber PakhtunKhwā has been pleased to impose ban on inter-district posting and transfers of officers and officials under the government of Khyber PakhtunKhwā as per the following:

- i. There shall be complete ban on inter-district transfers and all the departments
- ii. This ban shall not apply on transfer within the districts and within the secretariat and directorates. However, while proposing such transfers of officers/officials, within the district. Directorates or the secretariat as the case maybe due diligence must be observed and tenure, suitability of the officers/officials for the posts and past performance must be taken into account.
- iii. In cases posting and transfers is necessitated due to some court orders or some administrative exigencies, ban relaxation will be obtained from chief minister through summary. For such posting/ transfers, departments will put forth sound justifications. Subsequently, in cases where NOC from election commission is required, cases will be taken up with ECP for ban relaxation by the concerned administrative departments.
- iv. This ban shall not apply on filing of vacant posts through recommendations of the Khyber PakhtunKhwā public service commission as election commission of Pakistan has already granted exemption in such cases.

Yours Sincerely

(----- ul Haq)

Deputy secretary Police

ENDST:NO, & DATE EVEN

Copy is forwarded for information to:

- 1- Principal secretary to the Governor Khyber PakhtunKhwā
- 2- Principle Secretary to the Chief Minister Khyber PakhtunKhwā
- 3- CSO/PSO to chief secretary to the government of Khyber pakhtunKhwā
- 4- All additional secretaries/deputy, secretaries/sections officers and establishment and Administration department.

Attested
S

26

File No: 126-29/2023
Category



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

10/10/23

NOTED
Date: 10/10/23

10/10/23

1. The Inspector General of Police
Khyber Pakhtunkhwa
2. The Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
3. The Director General Prosecution
Khyber Pakhtunkhwa Peshawar
4. The Director General PPSC
Khyber Pakhtunkhwa
5. The Director
Rehabilitation and Prison
Khyber Pakhtunkhwa Peshawar

SUBJECT: BAYO LOSSING AND TRANSFER IN KHYBER PAKHTUNKHWA

Reference is made to the letter dated 10/10/23 from the Director General Prisons, Government of Khyber Pakhtunkhwa, Peshawar, subject noted above, with a copy of the letter dated 10/10/23 from the Director General Prisons, Government of Khyber Pakhtunkhwa, Peshawar, for information.

SECTION OFFICER (GENERAL)

- Copy to:
1. Director General Prisons, Government of Khyber Pakhtunkhwa, Peshawar
 2. Additional Secretary (Home) Government of Khyber Pakhtunkhwa, Peshawar

SECTION OFFICER (GENERAL)

A. H. Khan

Better copy of page no.

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

27

No. E&A (HD) 1-12/2023

Dated: Peshawar the June 1, 2023

To,

- 1- The Inspector General of Police, Khyber Pakhtunkhwa
- 2- The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
- 3- The Director general of Prosecution, Khyber Pakhtunkhwa Peshawar
- 4- The Director General PPSC, Khyber Pakhtunkhwa
- 5- The Director reclamation and probation, Khyber Pakhtunkhwa Peshawar

Subject: BAN ON POSTING AND TRANSFERS IN KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to enclose herewith a copy of letter no SO(Policy)(E&AD) 1-4/2023 Dated 29/09/2023 received from establishment department Government of Khyber Pakhtunkhwa on the subject noted above, which is self-explanatory for compliance/necessary action, please.

Yours Faithfully,

SECTION OFFICER (GENERAL)

Copy to:

- 1- Section officer (policy) establishment department w/r to his letter referred above
- 2- PA to deputy secretary (admin) Home Department

SECTION OFFICER (GENERAL)

Annex 9 (28) (8)

In the Peshawar High Court, Peshawar

C.M. No. 1380 - P of 2023

In

In Writ Petition No. 1289-P of 2023



Tayyab Jan & Others

Versus

Government of Khyber Pakhtunkhwa and Others

**URGENT APPLICATION FOR SUSPENSION OF THE
ORDER NO. CPO/E-1/TRANSFER/POSTING /1575
DATED 06.06.2023. PASSED AFTER THE ISSUANCE OF
INTERIM RELIEF ORDER DATED 04.04.2023 BY THIS
HONORABLE COURT.**

May it please this Honorable Court:

The Applicant/Petitioner, No. 09 very humbly submits as under:

- 1) That the above captioned Writ Petition was filed by the Applicant/Petitioner. No. 09 along with eight other Petitioners have challenged the 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 and have also challenged subsequent office orders dated 16.03.2023 whereby the Petitioners were illegally demoted to junior ranks which acts on their part were highly illegal and unlawful thus being aggrieved the ibid petition was filed.
- 2) That the Writ Petition was lastly fixed on 04.04.2023 before the Honorable Divisional Bench Comprising of Mr. Justice Ishtiaq Ibrahim & Mr. Justice S.M Attique Shah wherein the Honorable Court after hearing the arguments of Applicant/petitioners at

ATTESTED
EXAMINER
Peshawar High Court

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length and keeping in view the prima facie nature of case has graciously granted an interim relief as follows "Till then the impugned letter dated 11.03.2023, 12.03.2023 and 16.03.2023 are suspended" thus meaning thereby that the respondents were restrained from taking any kind of adverse action against the petitioners.

- 3) That it is pertinent to place on record that the Applicant/Petitioner No.09 was posted as Director Police Training School Shakas Khyber as well as SP Training Admin vide letter No. CPO/E-1/Transfer/Posting 18848 dated 15.09.2023.

(Copy Of transfer order as SP/Director Training is Annexure "A")

- 4) That thereafter the Applicant/Petitioner No. 09 has started performing his duties with zeal and dedication and since then he has trained 23800 newly merged districts recruits and 16000 regular police besides 4000 persons in specialized courses in newly merged districts 3000 persons in regular police specialized courses.

- 5) That it is also pertinent to place on record that in the meantime a list of officers was forwarded to the Director General, Pakistan Provincial Services Academy, Peshawar vide letter No. 12347/Trg dated 24/10/2022 for training under 08th Junior Command Course (JCC).

(Copy of letter dated 24.10.2022 is Annexure "B")

- 6) That upon the completion of ibid course, Deputy Director of Pakistan Provincial Services Academy, Peshawar vide letter No. PPSA/TRG/8th JCC/413 dated 20th April, 2023 has intimated to the Deputy Inspector General of Police (Training) the names of officers who have successfully completed course (name of the Applicant was also included in the panel of successful candidates).

(Copy of letter dated 20.04.2023 is Annexure "C")

- 7) That, after issuance of the above letter, Applicant/Petitioners has continued working on his position as SP Training/Director Training but most unfortunately the Respondents have issued a letter No. CPO/E-1/Transfer/Posting/1575 dated 06.06.2023 whereby the Applicant has been shown to be transferred from the post of SP Training and his services are placed at the disposal of the Regional Police Officer (RPO) Kohat for further posting as DSP which order is illegal, unlawful and without

ATTESTED
EXAMINER
Peshawar High Court

(30) (14)

lawful authority that too in presence of the Order dated 04.04.2023 wherein the letters for demotion are suspended.

(Copy of the impugned transfer order dated 06.06.2023 is Annexure "D")

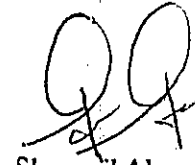
- 8) That it is worthy placing before this honorable Court that there has been imposed a complete ban on transfer from one district to another district by the government of Khyber Pakhtunkhwa vide letter No. SO(Policy)(E&AD)1-4/2023 dated 29.05.2023. The above cited notification of ban has also been served upon the office of worthy Inspector General of Police vide letter (E&A(HD) 1-12/2023 dated 01.06.2023, thus since ban on transfer and posting has been imposed by the government therefore on this score alone the impugned notification requires to be set aside and put at naught.

(Copy of the Notification of ban on transfer and positing is Annexure "E")

IT IS THEREFORE most humbly prayed that on acceptance of this application, letter No. CPO/E-1/Transfer/Posting/1575 dated 06.06.2023 whereby the Applicant has been shown to be demoted from the post of SP Training to the position of DSP and placed at disposal of the RPO Kohat may very kindly be suspended and subsequently be recalled. Any other relief not specifically asked for may also be granted if deemed appropriate.

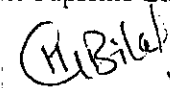
Applicant/Petitioner. No. 09

Through



Shumail Ahmed Butt,
Advocate Supreme Court,

&



H. Bilal Khan
Advocate High Court(s)


ATTESTED
EXAMINER
Peshawar High Court

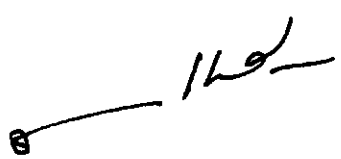

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET



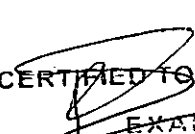
(51)

Amma 11

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
15.6.2023	<p><u>CM No.1300-P/2023 in WP No. 1289-P/2023.</u></p> <p>Present:</p> <p>Mr. Shumail Ahmad Butt, Advocate for petitioners.</p> <p align="center">*****</p> <p>Hearing learned counsel for applicants, he has preferred this application for the suspension of order No. CPO/E-1/Transfer/Posting/1575 dated 6.6.2023 which has been passed later after the order dated 4.4.2023 whereby the impugned letters and order have already been suspended. As the main writ petition is already fixed for hearing on 21.6.2023 which is to be taken up after six days, thus it is appropriate that till then the order dated 6.6.2023 shall remain suspended.</p> <p align="right">  SENIOR PUISNE JUDGE  JUDGE </p>

Zarshad (DB) Hon'ble Mr. Justice Mohammad Ibrahim Khan & Hon'ble Mr. Justice Shakceel Ahmad

13126
 Date of Presentation of Application..... 11-10-2023
 No of Pages..... 17
 Copying fee..... 68-00
 Total.....
 Date of Preparation of Copy..... 11-10-2023
 Date of Delivery of Copy..... 11-10-2023
 By.....

CERTIFIED TO BE TRUE COPY

EXAMINER
 Peshawar High Court, Peshawar
 Authorized Under Article 8, 7 of
 the Qanoon-e-Shahadat Act 1984
11 OCT 2023

Annex
~~Annex~~

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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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completing courses on their turn as er 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,

we transmit the same to the Provincial Service Tribunal, 34
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: 28-8-23.


JUDGE


JUDGE

(Amir Shehzad) *

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

Annex J
In the Peshawar High Court, Peshawar

Writ Petition No. 1289 of 2023
Service Appeal no. 1771/2023



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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

KB-FIL/1289/2023
Dated 01 APR 2023
01 APR 2023

..... 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

FILED TODAY

Deputy Registrar

01 APR 2023

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Regional Police Officer
Hazara

5. Regional Police Officer
Kohat

6. Commandant FRP
Peshawat

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")

FILED TODAY

Deputy Registrar

01 APR 2023

ATTESTED

KAMNER
Khyber Pakhtunkhwa
Service/Judicial
Peshawar




05.09.2023 1. Learned for the appellant present and argued that in accordance with order dated 29.08.2023 writ petition filed by the appellant sent to this Tribunal by considering its service appeal. He argued that promotion orders of the appellant were withdrawn by the respondents vide order/letter dated 11.03.2023, 12.03.2023 and 16.03.2023 by considering promotion of the appellant as out of turn promotion in light of judgment of apex court. Learned counsel for the appellant further argued that appellants were promoted after going through necessary training and no official/their colleagues were superseded and case of the appellant does not fall within definition of out of turn promotion. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 19.09.2023 before S.B. P.P given to learned counsel for the appellant.

2. Alongwith with the appeal, there is an application for suspension of operation of impugned orders dated 11.03.2023, 12.03.2023 and 16.03.2023. Notice of this application be issued to respondents. In the meanwhile, operation of impugned orders shall remain suspended till the date fixed.

(Rashida Bano)
Member (J)

*Kaleemullah

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No: 1771/2023

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19th Sep. 2023

1. Learned counsel for the appellant present and heard. Mr. Fazal Shah Mohamand, Additional Advocate General alongwith Mr. Suleman, SI (Legal) for the respondents present.

2. Learned counsel for the appellant submits that the appellants had, in the first instance, filed writ petition No. 1289-P/2023 before the Hon'ble Peshawar High Court, which, according to him could be jointly filed; that the Hon'ble Peshawar High Court, vide judgment dated 29.08.2023, transmitted the writ petition before this Tribunal for its decision in accordance with law. Learned counsel submits that as per the provisions of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and Rules made thereunder alongwith all enabling and other provisions of the appeal rules etc, the appellant had to file separate appeals. The learned counsel seeks some time to act accordingly. He may do so within a fortnight. To come up for written reply/comments on 27-09.2023 before S.B. The interim relief granted on 05.09.2023 shall remain intact until orders to the contrary. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

Adm. Secy. S.T.B.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



27th Sept. 2023

01. Counsel for the appellants present. Mr. Fazal Shah, Addl. AG for the respondents present.

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02. Learned counsel for the appellants sought adjournment in order to submit separate service appeals in the light of orders dated 19.09.2022. He may do so within a fortnight. To come up for written reply/comments on 27.10.2023 before the S.B. The interim relief granted on 05.09.2023 shall remain intact until orders to the contrary. Parcha Peshi given to the parties.

(FAREEHA PAUL)
Member (E)

SCANNED
KPST
Peshawar

Abdullah
Certified to be true copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 11-10-23
Number of ~~Words~~ Pages _____
Copying Fee _____
Urgent _____
Total 30/-
Name of Copyist _____
Date of Completion of Copy 11-10-23
Date of Delivery of Copy 11-10-23



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Dated Peshawar the 13/10/2023

NOTIFICATION

No. CPO/E-I/Transfer/Posting/ 2661. In compliance with the Order sheet dated 15.08.2023 passed by the Hon'ble Peshawar High Court Peshawar, this office Notification No CPO/E-I/Transfer/Posting/1575 dated 08.08.2023 which relates to the transfer/posting of Mr. Shakeel Ahmed DSP, from Directorate of Training to Kohat Region was held in abeyance till the final decision of Writ Petition No 1289-P/2023 through Notification bearing No. CPO/E-I/Transfer/Posting/1740 dated 27.08.2023. After disposal of the writ petition ibid vide the Honourable Peshawar High Court Judgement dated 29.08.2023, the said order bearing No. CPO/E-I/Transfer/Posting/1575 dated 08.08.2023 held in abeyance hereby comes into force again and as result the services of DSP are placed at the disposal of RPO Kohat Region for further posting as DSP, in the public interest, with immediate effect.

Sd/-
(AKHTAR HAYAT KHAN) PSO
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA

No. & date even.

Copy forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar
2. Addl: Inspector General of Police, HQs & Training Khyber Pakhtunkhwa.
3. Deputy Inspector General of Police Legal & HQs Khyber Pakhtunkhwa
4. Regional Police Officer, Kohat Region.
5. Addl: Director General (Elections-I), Election Commission of Pakistan, Islamabad.
6. PSO to IGP Khyber Pakhtunkhwa
7. Officer concerned.
8. District Accounts Officer, Kohat.
9. Registrar CPO Peshawar.
10. Supdt. Secret, CPO Peshawar.
11. U.O.P File

(RIKWAN MANZOOR)
KHYBER PAKHTUNKHWA
For Inspector General of Police
KHYBER PAKHTUNKHWA

FORM OF ORDER SHEET

Court of

Appeal No. 2072/2023



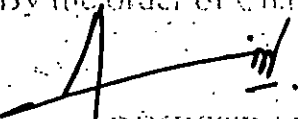
S.No.	Date of order proceedings
1	2
1	16/10/2023

Order or other proceedings with signature of judge

SCANNED
KPST
Peshawar

The appeal of Mr. Shakeel Ahmad resubmitted today by Mr. Shabbir Ahmad Bhatti Advocate, Peshawar, fixed for preliminary hearing before Single Bench at Peshawar on 18-10-23. Parcha Peshawar is given to the counsel for the appellant.

By the order of Chairman


REGISTRAR

18.10.2023

SCANNED
KPST
Peshawar




1. Learned counsel for the appellant present and heard.

2. Learned counsel for the appellant on the outset, submitted that similar nature Service appeal No. 1771/2023 had already been admitted to full hearing and have been fixed for reply/comments on 27.10.2023. Therefore, this appeal is also admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. Respondents be summoned through 10 days expenses of which be deposited by the appellant within three days. To come up for reply/comments on 27.10.2023 before the S.B. Parcha Peshawar given to the appellant.

Certified to be true copy

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Muhammad Akbar Khan)
Member (I)

قیمت 50 روپے	11310	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ:	PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر:		

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بعدالت جناب: In the Honble Service Tribunal (C.P.C.)

منجانب:	دعویٰ:
Appellant	Implementation CMI
الحبیب جان	علت نمبر: Service Appeal No 1771 of 2023
بنام	مورخہ: Service Appeal No 1771 of 2023
حکومت دہلی	جرم:
	تھانہ:

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام کے لئے سید علی احمد شاہ کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف 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 کو رائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار تالیف 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 سہارا پر داختم منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے

المرقوم: 1/20

العواہد العواہد

مقام کے لئے منظور ہے۔
