

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal No. : **473/2015**

Date of Institution. 22.05.2015

Date of Decision. 25.08.2016

Mr. Riffat Ali Ex-Sub Inspector, Presently Constable Traffic Police,
Peshawar.... (Appellant)

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Traffic Khyber Pakhtunkhwa,
Peshawar. (Respondents)

MR. IJAZ ANWAR,
Advocate ... For appellant.

MR. MUHAMMAD ADEEL BUTT,
Addl. Advocate General. ... For respondents.

MR. MUHAMMAD AZIM KHAN, ... CHAIRMAN

MR. MUHAMMAD AAMIR NAZIR, ... MEMBER.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

1. Mr. Riffat Ali, Ex-Sub-Inspector presently constable Traffic Police, Peshawar, hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 02.09.2014 whereby he was awarded major penalty by reducing him from the rank of Sub Inspector to that of Constable where-against his departmental appeal dated 15.09.2014 followed by revision petition dated 12.2.2015 were rejected vide orders dated 29.1.2015 and 06.05.2015, respectively.

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2. Brief facts giving rise to the present service appeal are that the appellant was initially enlisted as Constable/Driver (BPS-5) Traffic Police vide order dated 27.08.2008 where-after he was absorbed as a regular constable vide order dated 20.03.2009. He was then promoted as Head Constable on 12.10.2012 and then as ASI on 14.2.2013 and then notified to serve as officiating Sub Inspector.

3. A preliminary enquiry followed by a regular enquiry was conducted for the alleged illegal absorption followed by illegal promotions and, finally, vide impugned order dated 02.09.2014 major penalty in the shape of reduction in rank from Sub Inspector to Constable by forfeiting all his promotions with immediate effects was passed. Appellant failed to secure any relief through departmental appeal followed by revision petition under the rules and hence the instant service appeal.

4. Learned counsel for the appellant has argued that the appellant initially appointed as Constable/Driver in Traffic was absorbed as Constable and promoted in due course to the rank of Sub Inspector. That he was subjected to enquiry on the allegations of maneuvering his promotion which allegations were neither established nor substantiated during enquiry. That the appellant was made a scape-goat on the allegations of "managing" and "maneuvering" his promotion as, in such eventuality, all officers involved in the process were also liable to be departmentally proceeded against. That the allegations attributed to the appellant do not amount to mis-conduct under Police Rules, 1975. That penalty of reduction in rank cannot be passed in excess of reduction in one rank which, in case of appellant, is made from the rank of Sub Inspector to that of Constable. That the impugned orders are against facts and law and, therefore, liable to be set aside.

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Reliance was placed on case-law reported as 2004-SCMR-1662(Supreme Court) and NLR-2009-Services(S.C) page-94.

5. Learned Addl. AG has argued that the appellant was illegally enrolled as Constable and then illegally absorbed within a short span of 7 months. That to extend him undue favours, mandatory rules and essential requirements for training and promotions were violated so much so that promotion orders were signed by an officer other than the competent authority. That apart from preliminary enquiry a regular enquiry was conducted and charges of maneuvering and managing promotions were proved against him beyond any shadow of doubt. That impugned orders are passed in accordance with Police Rules, 1975 and therefore warrant no interference. That though no proceedings against other officials involved in the process were initiated yet such omission, if any, would not justify setting aside the penalty awarded to the appellant.

6. We have heard arguments of learned counsel for the parties and perused the record with their assistance.

7. Points for determination before us are;

- (i) Whether the charges attributed to the appellant come within the mischief of "misconduct" under Police Rules, 1975?
- (ii) Whether the allegations of "maneuvering" and "managing" promotion were established?
- (iii) Whether the penalty imposed i.e. reduction to lowest rank is permissible under the law? AND
- (iv) Whether the role of relevant authority sparing those involved in "maneuvering" and "managing" promotions would justify setting aside the penalty imposed against the appellant?

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7. Before dilating on the points involved we deem it necessary to refer to material available on record according to which an Enquiry Committee of high profile comprising of (i) Mr. Shaukat Hayat, PSB Add. Inspector General of Police, Investigation, Khyber Pakhtunkhwa Peshawar, (ii) Muhammad Ali Babakhel, Deputy Inspector General of Police, Investigation, Hazara at Peshawar and (iii) Mushtaq Ahmad, AIG Legal, CPO, Peshawar was constituted with a mandate to dig out facts regarding irregular promotion of the appellant from the rank of Constable to Sub-Inspector. The said Enquiry Committee examined the service record of the appellant and procedures followed regarding recruitment, absorption, selection for training courses and promotions of appellant at different stages and after a thorough scrutiny, the said Committee came up with the findings which are reproduced herein for facilitation and ready reference:-

Findings.

- a. Since Traffic wing is a borrowing unit therefore it cannot enroll a constable.
- b. It was observed that Rifat Ali was absorbed within short span of 07 months. It was also learnt that rules regarding absorption are silent.
- c. The essence incorporated in PTC manual Rule 10(2) was also compromised. From training branch CPO to PTC Hangu including Traffic Unit PTC Hangu no one felt the need to filter the required eligibility for the Lower Course.
- d. His promotion to the rank of Head Constable vide O.B No. 3754 dated 12.10.2012 the order quoted reference of Police Rule 13.5(A) in reality PR-13.5(A) highlights the required physical standards for the promotion to the selection grades of the constables. Therefore 13.5(A) has nothing to do with promotion orders. The promotion orders to the rank of Head Constable also cites his posting as AMHC Police Station Agha Mir Jani Shah for a period of six months. Ironically the order also assured a tenure of six months to work as AMHC. Interestingly the promotion orders to the rank of Head Constable and officiating ASI were signed by other officer. The order carries "for signature".

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Question arises if the head of Capital City Police is not having time to do justice with the constabulary how that office will be taking care of the society. As per essence of Police Rules 13.8 those who are qualified Lower School Course their names are to be on List C maintained by Superintendent of Police but in his case his name did not exist on List C.

- e. The official was nominated for Intermediate Course by creating one extra seat as a special case vide order No. 21998-22000/E-I, dated 20.11.2012. Surprisingly he was included in the course 50 days after the commencement of the course (01.10.2012).
- f. It is worth to be mentioned that the official attended Intermediate Course from 01.10.2012 to 20.3.2013 and then after 11 days he went for Upper Course from 01.04.2013 to 20.09.2013. Such practice itself speaks of the low priority we attach to the training where training seems to be more of a jumping board to be promoted instead to enhance the professional capacity.
- g. Vide order No. 2079-85/EC-I, dated 14.02.2013 he was promoted as officiating ASI within 04 months without observing the required procedural formalities.
- h. Surprisingly he was first placed on List-E & latter placed on List-D.
- i. On 14.2.2013 vide order No. 2079-85/EC-I, he was promoted as officiating ASI and within 17 days vide O.B No. 2803/EC, dated 04.03.2013 was confirmed as ASI."

The following Recommendations were made by the said Committee in the concluding part of its report:-

"Recommendations.

- a to d Not reproduced being irrelevant for our discussion
- e. All those who violated the procedure are recommended for departmental enquiry. Those who opted silence needs to be sensitized regarding their actual role.
- f. Procedures regarding selections and promotions were managed for a lower ranking official therefore Rifat Ali is recommended to be placed in his actual rank and grade."

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8. On the strength of the report of the enquiry committee dated 21.05.2014, Inspector General of Police, Khyber Pakhtunkhwa ordered departmental enquiry and pursuant thereto Mr. Awal Khan, PSP, Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, confronted the appellant with the following charges, reflecting in the charge sheet and summary of allegations which are reproduced herein for facilitation and ready reference:-

2. *That you Sub-Inspector Rifat Ali while posted in Traffic Police Khyber Pakhtunkhwa, Peshawar have rendered yourself liable to be proceeded under Rule-5 of the Khyber Pakhtunkhwa Police Rules, 1975 for following mis-conduct;*

- a. *That you managed to get enrolment as driver/constable in the year 2008 in Traffic Branch which is a borrowing unit.*
- b. *That you got yourself absorbed illegally as constable within 07 months without any rules and regulations.*
- c. *That you did Lower College Course in year 2012 without qualifying the required criteria for the said promotion course.*
- d. *That you managed to get promotion orders as H.C and accordingly as Offtg. ASI from CCPO Peshawar and got it implemented.*
- e. *That you managed an extra seat for the Intermediate College Course and joined it 50 days late in the year 2012.*
- f. *That you also managed selection for Upper College Course within 11 days on completion of Intermediate College Course.*
- g. *That you also got promotion as Offtg. ASI within 04 months i.e. 14.02.2013 without observing required procedure and later on within 17 days confirmed as ASI on 04.03.2013 and finally.*
- h. *That you got placement in list 'E' earlier to placement in list "D" against the procedure and rules hence.*

3. *That by the reasons above, as sufficient material is placed before the undersigned which depicts to proceed against you in general Police proceeding (with enquiry officer).*

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4. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
 5. That your retention in the police force will amount to encourage inefficient and unbecoming of good Police officers.
 6. That by taking cognizance of the matter under enquiry, the undersigned under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
 7. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.
 8. You should submit reply to this charge sheet within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
 9. You are further directed to inform the undersigned that you wish to be heard in person or not.
 10. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations Mr. Faisal Shahzad, SSP/Traffic, Capital City Police, Peshawar is appointed as Enquiry Officer and is directed to get enquiry finalized within 25 days and furnish report.
 11. Summary of allegations is also enclosed with this notice."
9. Mr. Faisal Shahzad SSP/Traffic, Capital City Police conducted the departmental enquiry on the said charges and recorded the following findings and recommendations:-

"Findings.

Following are findings of the Enquiry.

- i. The whole journey of Riffat Ali from the rank of constable to present status is illegal against existing rules/procedure.
- ii. Mr. Riffat Ali was enlisted in Traffic Police as recruit driver constable in BPS-05 by the recruitment committee vide order book No. 356 and allotted constabulary No. 52. The orders were issued by the then AIG/Traffic, NWFP. Since the Traffic Unit is a borrowing unit therefore it cannot enroll constable.

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- iii. On 20.03.2009 vide O.B No. 52, the then AIG/Traffic, NWFP absorbed him from driver constable to constable within 07-months of his first appointment.
- iv. On 12.3.2012 he was selected for Lower College Course as a **Special Case** vide No. 4953-54/E-I, dated 12.03.2012 in violation of Chapter No. 13 of Police Rules. The Police Rules clearly mentioned that it is mandatory that a constable to be selected for Lower College Course had been on List "A" and "B". It means that he neither qualified A-I nor B-I examinations. Furthermore, PTC Manual Rules 10(2) requires that a candidate who intends to undergo Lower College Course should be on promotion B-I.

On 12.10.2012 vide OB No. 1354 he was promoted as Head Constable under Police Rules 13.5(A) but in reality Police Rules 13.5(A) highlights the required physical standards for the promotion to the selection grades of the constables. Therefore, 13.5(A) has nothing to do with promotion orders. As per essence of Police Rules 13.8 those who are qualified Lower College Course their names are to be on List "C." maintained by the Superintendent of Police but in this case his name did not exist on List "C".

- v. He was not only nominated for Intermediate College Course by creating one extra seat as a special case vide order No. 21998-22000/E-I, dated 20.11.2012 but he was included in the course 50-days after the commencement of course (01.10.2012). Furthermore, **PTC Manual Rule 10(3)** requires that a candidate who intends to undergo Intermediate College Course should be on promotion list C.I.
- vi. It is worth mentioning that the official attended Intermediate Course from 01.10.2012 to 20.3.2013 and then after 11-days he went for Upper College Course from 01.4.2013 to 20.09.2013.
- vii. Vide order No. 2079-85/EC-I dated 14.2.2013 he was promoted as officiating ASI within 04-months without observing the required procedural formalities.
- viii. And surprisingly he was first placed on List-E and later on placed on List-D.

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- ix. On 14.02.2013 vide order No. 2079-85/EC.I he was promoted as Officiating ASI and within 17-days vide order No. 2803/EC, dated 04.03.2013 was confirmed as ASI.

Recommendations

- Central Police Office needs to instruct all such units about their status and authority regarding recruitment procedure.
- Ambiguity regarding absorption needs to be tacked with clearly laid down procedure.
- Since promotion in junior ranks is an important ingredient of carrier planning therefore such cases needs to be personally reviewed by the senior officers like in present case by CCPO himself and put his own signature instead of for signature."

10. The report of enquiry officer was found short of prescribed standards and, therefore, vide memo. dated 07.08.2014, the enquiry report was returned to him with a request to probe into matter thoroughly and submit a clear cut findings as to whether the appellant was guilty or otherwise?

11. The said enquiry officer, in response to the said directions, submitted findings in the following words vide letter No. 2332/PA, Dated Peshawar the 7.08.2014, reproduced herein for facilitation:-

"It is submitted that in findings of the subject departmental enquiry, it was established that the whole journey of accused S.I Riffat Ali is illegal and against the existing rules/procedure. Hence he is recommended for major punishment under the Khyber Pakhtunkhwa Police Rules, 1975."

12. Thereafter the penalty of reduction to lowest rank of constable was imposed against the appellant by the competent authority in the prescribed manners.

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13. A careful study of record and facts highlighted above had convinced us to hold in unequivocal terms that appellant was up-stretched and rocketed to higher ranks in a mode and fashion destructive to service law and rules. The conduct of a civil servant serving in the Force would be prejudicial to good order of discipline and contrary to Government Servants (Conduct) Rules if the same is in conflict with or derogatory to the prescribed and required standards. Each and every person including appellant serving in the Police Force would oblige to portray conduct of a gentleman and in accordance with good order of discipline. Conduct prejudicial to good order of discipline in the Force or contrary to Government Servants "Conduct" Rules unquestionably fall within the mischief of misconduct defined in Rule 2(iii) of the Khyber Pakhtunkhwa Police Rules, 1975. The appellant was a recipient and beneficiary of the abuse and misuse of authority exercised offensively by others for extending him illegal favours. Therefore he was liable to face departmental action for his "misconduct" within the meaning of the said Rules.

14. We have highlighted in details the report of the high profile Committee constituted for digging out facts relating to irregular promotion of the appellant. On the strength of the report of the said Committee, departmental enquiry was conducted wherein it was established beyond any shadow of doubt that rules were sidestepped, evaded and flouted with the sole object to raise the appellant to higher ranks by compromising the dictates and mandates of laws guaranteeing and safeguarding good order and discipline in Police Force. The whole exercise was carried out by the high-ups of the Police Force with the sole object to promote appellant to higher ranks by all concerned in violation of rules on one hand and to deprive other members of the service from their right for consideration to training courses and promotions on the other hand. We therefore, hold that the allegations and charges of "maneuvering" and

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"managing" promotion of appellant to higher ranks were established in fact-ding enquiry and then in departmental enquiry against the appellant.

15. We have examined the facts of the reported case relied on by the learned counsel for the appellant titled Federation of Pakistan through Secretary, Establishment Division, Islamabad and another Versus Gohar Riaz reported as 2004-SCMR1662 (Supreme Court of Pakistan) and have come to the conclusion that the facts of the said reported case are distinguishable from the facts of the present case as in the said case the issue was relating to irregularity in initial appointment. The said employees were fulfilling the pre-requisites of appointment and therefore their appointments were maintained while in the case in hand apart from irregularity in initial appointment of the appellant, favours in promotions were illegally extended to the appellant. The authority has not done away with the appointment of the appellant despite serious irregularities committed in the process of the said appointment. In such circumstances we are of the view that the appellant was treated in the mode and manners laid down by the August Supreme Court of Pakistan in case referred to above as despite irregularities in his appointment he was not removed from service. He is neither entitled nor deserve to claim further concessions by seeking invalidations of departmental actions on the strength of the judgment of the August Supreme Court of Pakistan.

16. In case of Muhammad Sadiq and others reported as NLR-2009-Service-94 the August Supreme Court of Pakistan has observed and ruled that if penalty in the shape of reduction in rank is imposed against a civil servant on account of mis-conduct or in-efficiency then such penalty should not be imposed for pulling down a civil servants to the lowest rank and that it should normally be limited to one stage only and not beyond that. We therefore, hold

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that the appellant was to be reduced in rank to one stage and not to the lowest one.

17. We would be failing in administration of justice if we leave the crucial issue of fair-play, equality and treatment in accordance with law unattended. The fact-finding committee of high profile has not only pointed out the illegalities committed and offices involved in maneuvering for up stepping the appellant in manners destructive to law but also suggested that all those who violated the procedures shall be subjected to departmental enquiry.

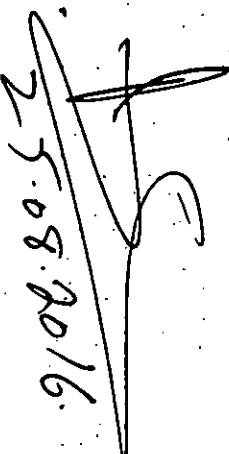
18. It is not disputable that favour was extended to appellant by appointing him in Traffic, then absorbing him as a regular constable and then raising him from the position of a Constable to that of Sub Inspector by civil servants responsible for keeping good order and discipline in the Force. We are of the view that favour was extended by the Provincial Police Officer to those civil servants of the Police Force who had prima-facie committed professional misconduct within the meaning of "misconduct" of Efficiency and Discipline Rules in vogue. An authority responsible for rule of law, good governance and mandated to uphold and command good order of discipline in Police Force may not legally place itself in a position to compromise its mandate. The said authority, after consulting the report and while ordering departmental enquiry against the appellant, was convinced that allegations were of serious gravity and repercussions as so found by the Inquiry Committee of high profile. According to the said report appointment of the appellant in Traffic Wing was not in accordance with rules but those responsible for the said appointment were not subjected to enquiry. Absorption of the appellant as constable was also found illegal but those responsible for the said absorption were also spared. PTC Manual Rule 10(2) was found to have been compromised for favouring the appellant but those compromising the said Rules for favouring the appellant

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were also undesirably sheltered. The promotion orders of the appellant and procedures adopted including enlistment of the appellant were dig out as unlawful and based on favouritism but those involved in the exercise negating good order and discipline were spared and saved. This was ostensibly done as activities of enlistment of a police personal, nomination for trainings, creation of extra seats for his training, promotion to higher Ranks were made with the intervention and involvement of officers of high ranks of the Police Force. We would be, therefore, justified to observe that such practice on the part of the authority was not in conformity with law and, at the same time, the same was also prejudicial to good order of discipline in the Police Force.


19. As argued by the learned Additional Advocate General, we agree that penalty imposed against the appellant cannot be set aside even if other involved were spared due to any act or omission of the authority. Such an action on the part of the authority would not entitle appellant to similar treatment which was extended by the Provincial Police Officer to police officers in a mode and manners contrary to law. A civil servant can claim similar treatment meted out to another civil servant when such treatment is within the domain law and falls within the permissible limits prescribed by law. Appellant cannot be therefore let free, like officers mentioned above, to enjoy undue protection despite frustrating laws under the garb of equal treatment. Safe administration of justice would demand and require the authority concerned to evaluate the roles of those responsible for fanning and spreading disorders and portraying conduct prejudicial to good order of discipline in the Police Force. We therefore direct that the Provincial Police Officer of the Khyber Pakhtunkhwa Province shall undertake an exercise of sorting out all responsible officers involved in the said activities, within a fortnight from the date of receipt of this judgment, for enabling the relevant authorities to proceed against officers involved in

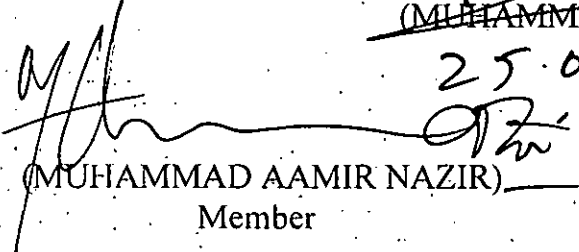
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maneuvering and managing favours to the appellant. Information so collected shall be shared with the Registrar of this Tribunal who shall place the same before this Tribunal for perusal.

20. In the light of afore-stated discussion we partially allow the instant appeal and as a consequence thereof set aside the impugned order by modifying the penalty of reduction to lowest rank, imposed against the appellant, to a major penalty by reducing him to one rank lower than the one to which he was promoted on regular basis. Parties are left to bear their own costs. File be consigned to the record room.


 (MUHAMMAD AZIM KHAN AFRIDI)
 Chairman
 25.08.2016.


 (MUHAMMAD AAMIR NAZIR)
 Member

ANNOUNCED

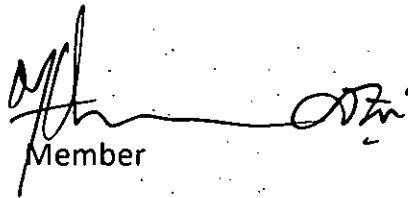
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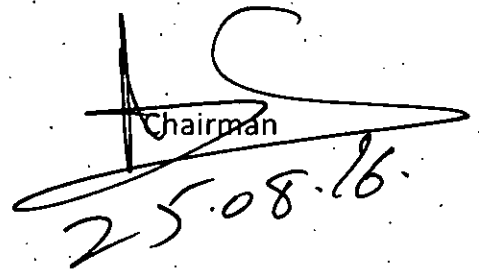
(APPROVED FOR REPORTING)

25.08.2016

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present. We have heard arguments of learned counsel for the parties and perused the record.

Vide our detailed judgment of to-day placed on file, we partially allow the instant appeal as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.


Member


Chairman
25.08.16.

ANNOUNCED

25.08.2016

25.04.2016

Counsel for the appellant and Rafiullah, DSP
alongwith Mr. Adeel But, GP for official respondents
present. Rejoinder not submitted. To come up for
rejoinder and arguments on 4.7.2016 before D.B.


Chairman

04.7.2016

Appellant with counsel and Asstt. AG alongwith
Rafiullah, DSP Traffic for the respondents present.
Learned counsel for the appellant requested for
adjournment. Adjourned for rejoinder and final hearing to
25.08.2016 before D.B.


Member


Chairman

28.05.2015

Appellant Deposited
Security & Process Fee



Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as S.I when subjected to enquiry on the ground of maneuvering his promotion and vide impugned order dated 02.09.2014 he was reduced in rank from the position of S.I to that of constable regarding which he preferred departmental appeal which was rejected on 29.01.2015 where-after the appellant filed review petition which was also rejected on 06.05.2015 and hence the present service appeal on 22.05.2014.

That the appellant has neither maneuvered his promotion nor committed any professional misconduct and that the charges against the appellant were unfounded.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.08.2015 before S.B.


Chairman

25.08.2015

Counsel for the appellant and Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 11.11.2015 before S.B.


Chairman

11.11.2015

Appellant with counsel and Mr. Rafiullah, DSP alongwith Addl: A.G for respondents present. Written statement submitted. The appeal is assigned to D.B for rejoinder and final hearing for 25.4.2016.

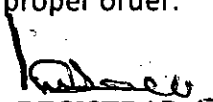

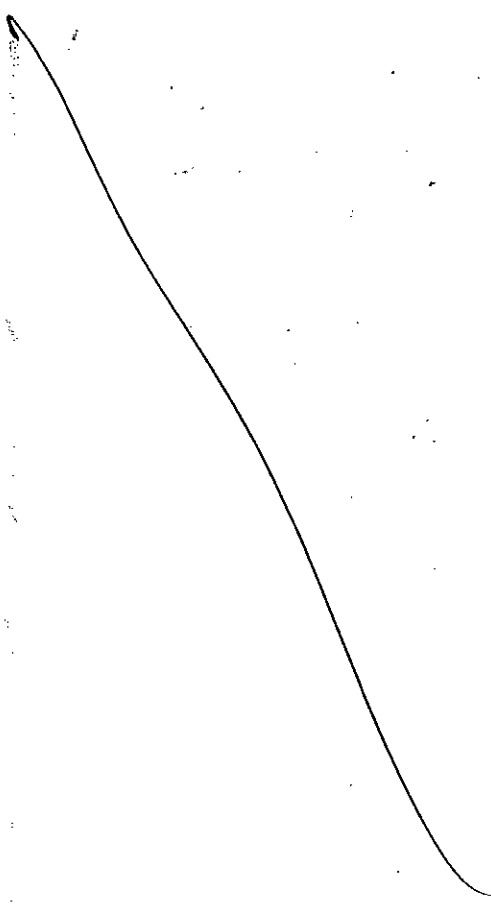

Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 473 22015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	22.05.2015	<p>The appeal of Mr. Riffat Ali presented today by Mr. Sajjid Amin Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>28-5-15</u></p> <p> CHAIRMAN</p> 

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 473/2015

Mr. Riffat Ali Ex-Sub Inspector, Presently Constable Traffic Police
Peshawar. (Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar and
another.


(Respondents)


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3	Copy of the letter dated 21.05.2014 and inquiry report	G & H	15- 19
4	Copy of the Charge Sheet	I	20- 21
5	Copies of the inquiry report and letter dated 07.08.2014 & letter No.2332 dated 07.08.2014.	J, K & L	22- 26
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Appellant

Through


IJAZ ANWAR
Advocate Peshawar
&


SAJID AMIN
Advocate, Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 473/2015

K.W.P. Province
Service Tribunal

Diary No. 534

dated 22/5/15

Mr. Riffat Ali Ex-Sub Inspector, Presently Constable Traffic Police
Peshawar.

(Appellant)

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Traffic Khyber Pakhtunkhwa
Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 02.09.2014 where by the appellant has been awarded the major punishment from Rank of Sub Inspector to the Constable and all his promotions from Constable to Sub Inspector are forfeited against which his Departmental appeal dated 15.9.2014 and review/revision petition dated 12.2.2015, have also been rejected vide orders dated 29.1.2015 and 6.5.2015.

Prayer in Appeal: -

On acceptance of this appeal the orders dated 02.09.2014, 29.01.2015 and 06.05.2015, may please be set-aside and the appellant may be re-instated to his original rank of Sub Inspector with all back/consequential benefits.

Filed to day
Registrar
22/5/15

Respectfully Submitted:

1. That the Appellant was initially enlisted as Constable/Driver BPS-05 in Traffic vide order dated 27.8.2008. Ever since his enlistment, the Appellant had performed his duties as assigned to him with zeal, devotion and without giving any chance of complaint whatsoever to his superiors.

2. That during the course of service, the appellant was absorbed to from Driver Constable to Constable vide order dated 20.3.2009.
3. That the Appellant applied for selection for lower course being the senior most traffic amongst traffic constables, the application was recommended and forwarded favorably by Respondent No.2, accordingly he was selected for lower school course as a Special case vide order dated 12.3.2012, similarly the appellant also filed application for his induction/selection for lower course, this time too the application was recommended by the Respondent No. 2 and forwarded it to the Respondent No.1 who accordingly allocated one extra seat for intermediate course to the appellant vide order dated 20.11.2012. The appellant was also selected for upper college course. *(Copies of the applications, forwarding letters dated 16.11.2012 , 13.03.2013 and orders dated 12.3.2012, 20.11.2012 and 04.03.2013, are attached as Annexure A , B , C , D , E & F)*
4. That during the course of his service, the Appellant was promoted to the Rank of Head Constable on 12.10.2012, lastly he was promoted to the Rank of Assistant Sub Inspector on 14.2.2013.
5. That while serving in the said capacity to the great surprise of the appellant, a preliminary inquiry was conducted regarding the alleged irregular promotions of the appellant, the inquiry committee submitted its findings and gave certain recommendations. The recommendations were forwarded vide letter dated 21.05.2014. *(Copy of the letter dated 21.05.2014 and enquiry report are attached as Annexure G and H)*
6. That the appellant was served with charge sheet and statement of allegations containing certain baseless and unfounded allegations, the allegations so leveled were replied by the appellant. *(Copy of the Charge Sheet is attached as Annexure I)*
7. That an inquiry officer was also appointed, the inquiry officer without properly associating the appellant with the inquiry proceedings conducted a partial inquiry and submitted his findings wherein he gave certain recommendations. The inquiry findings were however returned to the inquiry officer vide letter dated 07.08.2014 with remarks that *"The Enquiry officer in his findings has not come up with clear recommendations about the guilt/innocence on the part of defaulting officer"*. It was requests to probe into the matter thoroughly and submit a clear cut findings whether the appellant was guilty or otherwise, however the inquiry officer without any probe, simply vide letter No. 2332/PA dated 07.08.2008, held the appellant guilty of the charges. *(Copies of the inquiry report and letters dated 07.08.2014,are attached as J and K and L)*

8. That the appellant was served with show cause notice dated 12.08.2014, the appellant also replied the same and explained his position against the charges leveled. *(Copies of the Final Show Cause Notice and reply is attached as Annexure M and N)*
9. That without considering his defence reply the Respondent No. 2 awarded the appellant the major punishment of ***“Reduction in Rank from Sub Inspector to Constable and all hi promotions from Constable to Sub Inspector are forfeited with immediate effect”*** vide order dated 02.09.2014. *(Copy of the order dated 02.09.2014 is attached as Annexure O)*
10. That feeling aggrieved from the impugned order, the Appellant also filed departmental appeal within the stipulated time, however the appeal was also Rejected vide order dated 29.01.2015, thereafter the appellant also filed review petition against the order dated 29.01.2015. the review petition was also rejected vide order dated 06.05.2015, communicated to the appellant on 11.05.2015. *(Copies of the Departmental appeal, rejection order dated 29.01.2015, review petition and order 06.05.2015, are attached as Annexure are attached as Annexure P, Q, R & S)*
11. That the impugned orders are illegal unlawful without lawful authority and are thus liable to be set aside inter alia on the following grounds:

GROUND OF SERVICE APPEAL.

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before reverting the Appellant down to the Rank of Constable, the Appellant has not been allowed fair opportunity to defend himself against the charges, nor he has been provided any opportunity of personal hearing before the issuance of the impugned orders thus the orders so made are liable to be set aside.
- C. That the Appellant was promoted by the competent authority, after observing all necessary formalities, moreover, the order of promotions have taken its effect, the appellant has taken over the charge of the higher post and had performed duties against the promoted posts for a considerable period, thus valuable rights have been created in his favor and the same cannot be undone or snatched illegally.

- D. That there was no fault on the part of the appellant, nor there was any irregularity in the matter of his promotions, his promotions were made on merit and in accordance with the law, rules and procedure.
- E. That since the appellant was having no role in the process of promotion, therefore, he cannot be suffered for the faults/slackness if any committed by the department during the process of promotion.
- F. That the proceedings initiated against the appellant for selection to lower school course and further creation of extra vacancy for intermediate college course were passed by the Respondent No. 1 being competent authority as such those order are not reviewable or resend-able by lower rank officer i.e Respondent No. 2 as such the impugned orders are without lawfully authority and is of no legal effect.
- G. That the punishment contained U/R 4 (b) (i) of Police Rules carries reduction in rank / pay and not reduction to substantive rank hence the punishment issued vide subject order is harsh, against the mandatory provisions of the rules hence liable to be set aside.
- H. That during the inquiry proceedings witnesses if any were never examined in presence of the appellant nor the appellant has been allowed opportunity of cross examination. The enquiry officer submitted his findings on surmises and conjuncture.
- I. That the appellant was enrolled as constable driver vide OB; 356 Dated 27.08.2008 by the committee and was subsequently absorbed as regular constable by competent authority on the strength of Traffic Police. Absorption against the substantive rank is lawful in accordance with the relevant rules and also under notification for village policing / special police office, issued vide letter No. 11691/C-1 dated 23.11.2009. hence the appellant have been enlisted/absorbed as constable in accordance with rules, on the strength of traffic police by the competent authority, therefore, legally can not be called into question.
- J. That the appellant successfully performed all the relevant / prescribed courses at PTC, Hangu and remained eligible for promotion to alternate ranks, against the existing vacancies on the traffic strength, hence no irregularity has been committed. The appellant stood cadet in the Lower Course and remained with in 5 in the Intermediate Course, thus obtained outstanding Positions and was perfectly eligible for promotion.

- K. That the allegation of managing enrolment and subsequent promotion / courses remained unproved /un-established fact as during the course of inquiry no incriminating or substantiating materials have been collected and brought of record that the appellant have used and extraneous /political influence to the effect that he managed to get the sympathies of the competent authority.
- L. That the Appellant being the senior most, fit and eligible for promotion was promoted to higher Posts, he obeyed the orders and performed the duties of the higher post, his salary was also fixed against the promoted posts. Therefore, the pay once fixed in the higher posts can under no circumstances be reduced or withdrawn.
- M. That the matter of promotions falls with in the domain of Senior Officers /competent authority who have considered the appellant suitable for promotions and as such promoted him, therefore the appellant have no fault at his part as he has no say in the matter. If it felt that the promotions were illegal or there were any irregularity committed in the process of promotions, the appellant cannot be punished for the same as he had no say in the matter of appointment / promotions.
Reliance is placed on 2009 SCMR page 663.
- N. That the Appellant has at his credit a bright and spotless service career, the reversion made would spoil his bright service career.
- O. That the astonishingly the competent authority i.e Respondent No. 2 who passed the impugned order of penalty was the one who himself recommended the requests of the appellant for condonation for different courses, being remained Cadet in the Lower Course, through recommendation subsequently approved by the Respondent No. 1 vide order dated 20.11.2012. Respondent No. 2 further recommended condonation for the prescribed tenure of Upper Course vide letter No. 249/EC dated 13.03.2013, declaring the appellant as most senior amongst his colleagues which was approved by the Respondent No. 1 vide order dated 02.04.2013.
- P. That the appellant has not been provided the copy of the inquiry report, before the imposition of penalty upon him, which is mandatory in case of awarding major penalty.
- Q. That while awarding the penalty of reversion to the lower post no period has been specified for which the penalty could remained enforced as such the impugned order is passed in violation of FR-29.

- R. That the appellant has never committed any act or omission which could be termed as misconduct albeit he has been awarded the major punishment of reversion to lower rank.
- S. That the facts and grounds mentioned in the replies and departmental appeals/reviews may also be read as integral part of the instant appeal.
- T. That the appellant has at his credit at about 7 years bright and spotless service career, the penalty imposed upon him is too harsh and is liable to be set aside.
- U. That the appellant also seek permission of this honorable Tribunal to rely on additional grounds at the time of hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the orders dated 02.09.2014, 29.01.2015 and 06.05.2015, may please be set-aside and the appellant may be re-instated to his original rank of Sub Inspector with all back/consequential benefits.

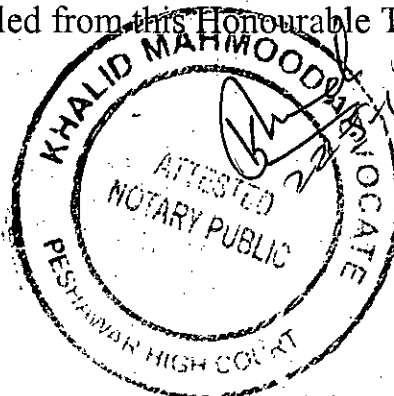
[Signature]
Appellant

Through

[Signature]
IJAZ ANWAR
Advocate Peshawar
&
[Signature]
SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, **Mr. Riffat Ali Ex-Sub Inspector, Presently Constable Traffic Police Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.



[Signature]
DEPONENT

7

ANNEX "A"

جناب عالی!

گزارش ہے کہ سائل 2008 میں محکمہ پولیس میں بطور کنسٹیبل ٹریفک پولیس خیبر پختون خواہ میں بھرتی ہوا ہے۔ اور اپنی ڈیوٹی جان فشانی سے سرانجام دے رہا ہے۔ ٹریفک پولیس میں سب سے سینئر ہے اور

A-1 پاس ہے۔

یہ درخواست استدعا ہے کہ سائل کو سپیشل کیس میں لوئر کورس کے لیے منتخب کرنے کا حکم صادر

فرمائیں۔

(عین نوازش ہوگی)

مورخہ: 03 03 2012

العارض!

آپ کا تابعدار،

کنسٹیبل رفعت علی بیلٹ نمبر 25۔ ٹریفک پولیس، خیبر پختون خواہ، پشاور

A167 (?)

Pl process & font up
ds

جناب عالی

نقل رفعت علی بیلٹ نمبر 25 سنہ 2008ء - 1777 کا بوقلمون

رفعت علی بیلٹ نمبر 25 سنہ 2008ء - 1777 کا بوقلمون

دستیات کیے۔ اور دستخط بھی کیے، اس پر

کوئٹہ پاس کیے، خیر ترقی کی درخواستیں

خود ہال کیے، سنا سب سے ہمہ گیر کیا جا رہا ہے

ریفرنس میں ہے۔

Amal Gul

PA DIG 1777/12

Amal Gul

MS

174/554

Register

SE 120/11

20.11.2012

Page 5-1

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20/11

Approved

Working PRO

DIO/4983

be granted please

Conditions...

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DIG/Traffic

Ames ka

Put up summary list
and report pt.

OS/Reader

وقت کی ASI / 9/P / آپٹیکل پوسٹل سروس پختہ ہونا چاہیے اور

گورنمنٹ

الغرض

تین نوٹس دیے گئے۔

گورنمنٹ اس کے بارے میں سب سے بہتر ہے۔
گورنمنٹ اس کے بارے میں سب سے بہتر ہے۔
گورنمنٹ اس کے بارے میں سب سے بہتر ہے۔

گورنمنٹ اس کے بارے میں سب سے بہتر ہے۔

خاندان

10

ANNEX 'B'

From The Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa,
Peshawar.

To The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No. 1610 IEC, dated Peshawar the 16-11-2012.

Subject: CONDONATION.

Memo:

Enclosed kindly find herewith an application submitted by Head
Constable Rafat Ali No.8 is forwarded herewith for favorable action please.

Awal Khan

(AWAL KHAN)PSP
Deputy Inspector General of Police,
Traffic Khyber Pakhtunkhwa,
Peshawar.

9069/EC
16-11-2012

AS

(11)

ANNEX-C

From The Assistant Inspector General of Police,
Traffic, Khyber Pakhtunkhwa,
Peshawar.

To The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

No. 249 /EC, dated Peshawar the 13-3 /2013.

Subject: SELECTION FOR UPPER COLLEGE COURSE.

Memo:

Enclosed kindly find herewith an application submitted by ASI Raffat Ali No.9/P of this Establishment for selection to upper college course.

According to the seniority list of ASIs maintained in Traffic Police Khyber Pakhtunkhwa, ASI Raffat Ali No.9/P is most senior and recommended to be selection for upper college course please.

Awal Khan

(AWAL KHAN)PSF
Asstt: Inspector General of Police,
Traffic, Khyber Pakhtunkhwa,
Peshawar.

Approved -
Makhal
2/4/13

File

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action to them-
Copy of above is forwarded for information and necessary
No. 4953-54
12/3/2012

Commandant Police Training College Hangu,
Deputy Inspector General of Police, Traffic Khyber
Pakhtunkhwa, Peshawar

containing Piffat All No. 25 of Traffic Khyber Pakhtunkhwa
Peshawar is hereby selected to lower School Course as a Special Case
commencing w.e from 01.04.2012.

ORDER

ANNEX-10

(12)

(13)

ANNEXE "E"

ORDER

One extra seat is hereby allotted to HC Rafat Ali No. 08 of Traffic Police Khyber Pakhtunkhwa Peshawar as a special case for Intermediate College course in the current term i.e 01.10.2012.

Sd/-
MUHAMMAD AKBAR KHAN HOTI
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar

No. 21778-22-000 /E-I dated Peshawar the 2-3/11 /2012

Copy of above is forwarded for information and necessary action

to the:-

1. Capital City Police Officer, Peshawar.
2. Deputy Inspector General of Police, Traffic Khyber Pakhtunkhwa w/r to his Memo No. 1610/EC, dated: 16.11.2012.
3. Commandant PTC, Hangu.

02
(MUHAMMAD IQBAL)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa.
Peshawar.

Ali

انٹرمیڈیٹ کورس

27-15/07/13

ANNEX "F"

ORDER


One extra seat has been allotted to ASI Raffat Ali No. 9/P of Traffic Police Khyber Pakhtunkhwa, as a special case for Upper College Course in the current term i.e April 2013.

Sd/-
MUHAMMAD AKBAR KHAN HOTI
Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 7624-26/E-I, dated Peshawar the 3 / 10 / 2013

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

1. Capital City Police Officer, Peshawar.
2. Commandant PTC Hangu.
3. Assistant Inspector General of Police, Traffic Khyber Pakhtunkhwa Peshawar w/r to his letter No. 249/EC, dated: 13.03.2013.


(MUHAMMAD IQBAL)
DIG/HQrs,
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar



البرکوریس

(47)

(124)

(15)

ANNEX C

33

From: The Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

To: The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. 234 /Invest, Dated Peshawar, the 21/05/2014.

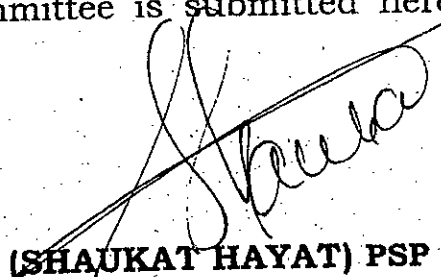
Subject: **SMS BY AVT KHYBER (RIFAT S/O HAJI REHMAT).**

Memo:

Please refer to your kind office letter No.5077-78/PPO, dated
12.05.2014 on the subject noted above.

Finding report of the committee is submitted herewith for
your kind perusal and order, please.

Encl: (19)



(SHAUKAT HAYAT) PSP
Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.



(48) (123) (16)

ANNEX "H"
(34)

Subject: **SMS BY AVT KHYBER (RIFAT S/O HAJI REHMAT)**

Sir,

Chronology

On 13.05.2014 vide reference No.1695 an enquiry was assigned to the following officers with a mandate to dig out facts regarding **irregular promotion** of Rifat Ali s/o Rehmat Ali from the rank of Constable to Sub-Inspector.

The enquiry team thoroughly went through the service record and procedures followed regarding recruitment, absorption, selection for training courses and promotions at different stages.

a. Recruitment

Mr. Rifat Ali was enlisted in Traffic Police as recruit Driver Constable in BPS-05 by a recruitment committee vide Order Book No.356 and allotted Constabulary No.52. The orders were issued by the then AIG Traffic NWFP.

b. Absorption

On 20.03.2009 vide O.B No.52 the then AIG Traffic NWFP absorbed from Driver Constable to Constable. It's worth mentioning that he was absorbed as Constable within **07 months**.

c. Selection for the Lower School Course

- i. On 12.03.2012 he was selected for Lower School Course as a **special case** vide reference No.4953-54/E-I.
- ii. As per essence of Chapter 13 of Police Rules it is mandatory that a constable to be selected for Lower Course had been on List A and B. It means he neither qualified A-1 nor B-1 examinations.
- iii. Further PTC **manual Rule 10(2)** requires that a candidate who intends to undergo Lower College Course should be on promotion list B-1.
- iv. On 12.10.2012 vide O.B. No.3754 he was promoted as Head Constable under **Police Rules 13.5(A)**.

d. Selection for Intermediate Course

Vide Order No.21998-22000 dated 20.11.2012 **one extra seat** was allocated to HC Rifat Ali as a **special case**.

Further PTC **manual Rule 10(3)** requires that a candidate who intends to undergo Intermediate Course should be on promotion list C-1. But his name never existed on list C-1.

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e. **Placement on List-E**

On 04.03.2013 vide order No.283/EC he was placed on list-E.

f. **Placement on List-D**

On 29.10.2013 vide Notification No.17821/EC-I he was placed on list-D

FACTS

Actions	Date	Reference No.	Authority
Enlistment	27.08.2008	O.B. No.356	AIG Traffic
Absorption	20.03.2009	O.B No. 52	AIG Traffic
Selection for Lower School Course (as special case)	12.03.2012	No.4953-54/E-I	PPO
Allocation of one extra seat for Intermediate Course	20.11.2012	No.21998-22000	AIG Estt.
Promotion as Head Constable	12.10.2012	O.B. No.3754	For CCPO Peshawar
Promotion as officiating ASI	14.02.2013	No.2079-85/EC-I	For CCPO Peshawar
Confirmation as ASI and placement on promotion List-E	04.03.2013	No.28.03/EC	CCPO Peshawar
Placement of promotion List-D	29.10.2013	No.17821-34/EC-I	FOR CCPO Peshawar

Findings

- Since Traffic wing is a borrowing unit therefore it cannot enroll a constable.
- It was observed that Rifat Ali was absorbed within short span of 07 months. It was also learned that rules regarding absorption are silent.
- The essence incorporated in PTC manual Rule 10(2) was also compromised. From training branch CPO to PTC Hangu including Traffic Unit PTC Hangu no one felt the need to filter the required eligibility for the Lower Course.
- His promotion to the rank of Head Constable vide O.B. No.3754 dated 12.10.2012 the order quoted reference of Police Rule 13.5(A) in reality PR-13.5(A) highlights the required physical standards for the promotion to the selection grades of the constables. Therefore 13.5(A) has nothing to do with promotion orders. The promotion orders to the rank of Head Constable also cites his posting a AMHC Police Station Agha Mir Jani Shah for a period of six months. Ironically the order also assured a tenure of six months to work as AMHC. Interestingly the promotion orders to the rank

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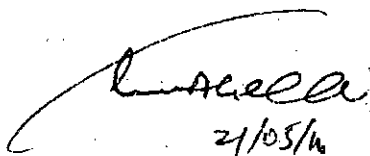
(S) Head Constable and officiating ASI were signed. The order carries "For signature" question arises if the head of Capital City Police is not having time to do justice with the constabulary how that office will be taking care of the society. As per essence of Police Rules 13.8 those who are qualified Lower School Course their names are to be on List C maintained by Superintendent of Police but in his case his name did not exist on List C. (127)

- e. The official was nominated for Intermediate Course by creating one extra seat as a special case vide order No.21998-22000/E-I, dated 20.11.2012. Surprisingly he was included in the course 50 days after the commencement of the course (01.10.2012).
- f. It is worth to be mentioned that the official attended Intermediate Course from 01.10.2012 to 20.03.2013 and then after 11 days he went for Upper Course from 01.04.2013 to 20.09.2013. Such practice itself speaks of the low priority we attach to the training where training seems to be more of a jumping board to be promoted instead to enhance the professional capacity.
- g. Vide order No.2079-85/EC-I, dated 14.02.2013 he was promoted as officiating ASI within 04 months without observing the required procedural formalities.
- h. Surprisingly he was first placed on List-E and later placed on List-D.
- i. On 14.2.2013 vide order No.2079-85/EC-I he was promoted as officiating ASI and within 17 days vide O.B. No.2803/EC, dated 04.03.2013 was confirmed as ASI.

The journey of Rifat Ali from constable to the present status is illegal against existing rules/procedure.

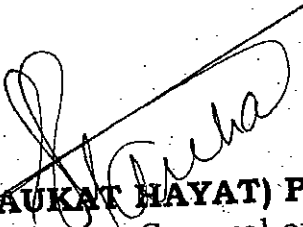
Recommendations

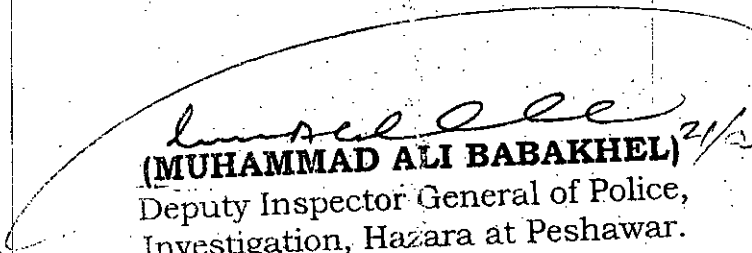
- a. Central Police Office needs to instruct all such units about their status and authority regarding recruitment procedures.
- b. Ambiguity regarding absorption needs to be tackled with clearly laid down procedures.
- c. Since promotion in junior ranks is an important ingredient of carrier planning therefore such cases needs to be personally reviewed by the senior officers like in present case by the CCPO himself and put his own signature instead of for signature.



21/05/14



- 117 55 127 19 18
- d. All process related to the selection for the courses itself is a vivid reality that there is huge gap among different units i.e. Training Branch of CPO, Districts and Police Training College.
- e. All those who violated the procedure are recommended for departmental enquiry. Those who opted silence needs to be sensitized regarding their actual roles.
- f. Procedures regarding selections and promotions were managed for a low ranking official therefore Rifat Ali is recommended to be placed in his actual rank and grade.


(SHAUKAT HAYAT) PSP
Addl. Inspector General of Police
Investigation, Khyber Pakhtunkhwa,
Peshawar.


(MUHAMMAD ALI BABAKHEL) 21/5/14
Deputy Inspector General of Police,
Investigation, Hazara at Peshawar.


(MUSHTAQ AHMAD) 2/5
AIG Legal
CPO, Peshawar.

(43)

(20)

(117) ANNEXI-I

CHARGE SHEET

(Under Rule 5 KPK Police Rules, 1975)

1. Facts finding enquiry through enquiry committee comprising of Addl IGP/Investigation DIG/Investigation, and AIG/Legal was conducted on the orders of IGP Khyber Pakhtunkhwa to thrash out facts regarding illegal promotion managed by you Rifat Ali presently posted as Sub-Inspector in Traffic Police Peshawar. The enquiry report establishes allegation on your part, hence you are served with charge sheet and Summary of allegation as under:-
2. That you Sub-Inspector Rifat Ali while posted in Traffic Police Khyber Pakhtunkhwa, Peshawar have rendered yourself liable to be proceeded under Rule 5 of the Khyber Pakhtunkhwa Police Rules 1975 for following misconduct;
 - a. That you managed to get enrolment as driver/constable in the year 2008 in Traffic Branch which is a borrowing unit.
 - b. That you got yourself absorbed illegally as constable within 07 months without any rules and regulations.
 - c. That you did Lower College Course in year 2012 without qualifying the required criteria for the said promotion course.
 - d. That you managed to get promotion orders as HC and accordingly as Offg ASI from CCPO Peshawar and got it implemented.
 - e. That you managed an extra seat for the Intermediate College Course and joined it 50 days late in the year 2012.
 - f. That you also managed selection for Upper College Course within 11 days on completion of Intermediate College Course.
 - g. That you also got promotion as Offg ASI within 04 months i.e. 14.02.2013 without observing required procedure and later on within 17 days confirmed as ASI on 04.03.2013 and finally.
 - h. That you got placement in list "E" earlier to placement in List "D" against the procedure and rules hence.
3. That by the reasons above, as sufficient material is placed before the undersigned which depicts to proceed against you in general Police proceeding (with enquiry officer).
4. That the misconduct on your part is prejudicial to good order of discipline in the Police force,

(45)

(119)

(21)

(5)

That your retention in the police force will amount to encourage inefficient and unbecoming of good Police officers.

6. That by taking cognizance of the matter under enquiry, the undersigned under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

7. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 for the misconduct referred to above.

8. You should submit reply to this charge sheet within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.

9. You are further directed to inform the undersigned that you wish to be heard in person or not.

10. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations Mr. Faisal Shahzad, SSP/Traffic, Capital City Police, Peshawar is appointed as Enquiry Officer and is directed to get enquiry finalized within 25 days and furnish report.

11. Summary of allegation is also enclosed with this notice.

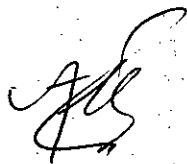
Awal Khan

(AWAL KHAN) PSP
Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa Peshawar.

Dated: / /2014

Received by _____

Dated: / /2014



**DEPARTMENTAL ENQUIRY AGAINST SUB INSPECTOR RIFFAT ALI OF TRAFFIC POLICE,
KHYBER PAKHTUNKHWA.**

1. Brief Facts of the Case

The competent authority (DIG/Traffic, Khyber Pakhtunkhwa) had issued charge sheet with statement of allegations to Sub Inspector Riffat Ali No.8/P under Police Rules 1975 on the following grounds:-

- a. That he managed to get enrolled as driver/constable in the year 2008 in Traffic Branch which is a borrowing unit.
- b. That he got himself absorbed illegally as constable within 07-months without any rules and regulations.
- c. That he did lower college course in the year 2012 without qualifying the required criteria for the said promotion course.
- d. That he managed to get promotion orders as Head Constable and accordingly as Offg. ASI from CPO, Peshawar and got it implemented.
- e. That he managed an extra seat for the Intermediate College Course and joined it 50-days late in the year 2012.
- f. That he also managed selection for Upper College Course within 11-days after completion of Intermediate College Course.
- g. That he also got promotion as Offg. ASI within 04-months i.e. 14.02.2013 without observing required procedure and later on within 17-days confirmed as ASI on 04.03.2013 and finally.
- h. That he got placement in list "E" earlier to placement in list "D" against the procedure and rules hence.

The competent authority nominated the undersigned as Enquiry Officer vide his office Memo. No.579/EC, dated 03.06.2014 to conduct formal departmental proceedings under the Khyber Pakhtunkhwa Police Rules 1975. The accused officer was served with charge sheet alongwith summary of allegations who submitted written reply.

2. Proceedings

SI Riffat Ali was summoned and was heard in person. His statement was recorded and is attached as Annexure "B". In his statement he told that he was enlisted as driver/constable in the year 2008 and later on absorbed as constable by the officers. Also stated that he was selected for Lower College Course in the year 2012 and got 1st position in the training therefore, promoted to the rank of Head Constable according to Police Rules and then selected for Intermediate College Course. Further said that due to continuity in efficiency and good performance, he was promoted as ASI and then selected for Upper College Course. Also stated that copies of his selection for various courses and promotion orders are placed in his service record which were issued by the higher officers in using their discretionary powers. Further said that he has no fault in his selection for courses and promotions.



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Findings

Following are findings of the Enquiry

- i. The whole journey of Riffat Ali from the rank of constable to present status is illegal against existing rules/procedure.
- ii. Mr. Riffat Ali was enlisted in Traffic Police as recruit driver constable in BPS-05 by the recruitment committee vide order book No.356 and allotted constabulary No.52. The orders were issued by the then AIG/Traffic, NWFP. Since the Traffic Unit is a borrowing unit therefore, it cannot enroll constable.
- iii. On 20.03.2009 vide OB No.52, the then AIG/Traffic, NWFP absorbed him from driver constable to constable within 07-months of his first appointment.
- iv. On 12.03.2012 he was selected for Lower College Course as a **Special Case** vide No.4953-54/E.I, dated 12.03.2012 in violation of Chapter No.13 of Police Rules. The Police Rules clearly mentioned that it is mandatory that a constable to be selected for Lower College Course had been on List "A" and "B". It means that he neither qualified A-I nor B-I examinations. Furthermore, PTC Manual Rule 10(2) requires that a candidate who intends to undergo Lower College Course should be on promotion list B-I.
On 12.10.2012 vide OB No.1354 he was promoted as Head Constable under Police Rules 13.5(A) but in reality Police Rules 13.5(A) highlights the required physical standards for the promotion to the selection grades of the constables. Therefore, 13.5(A) has nothing to do with promotion orders. As per essence of Police Rules 13.8 those who are qualified Lower College Course their names are to be on list "C" maintained by the Superintendent of Police but in this case his name did not exist on List "C".
- v. He was not only nominated for Intermediate College Course by creating one extra seat as a special case vide order No.21998-22000/E.I dated 20.11.2012 but he was included in the course 50-days after the commencement of course (01.10.2012). Furthermore, **PTC Manual Rule 10(3)** requires that a candidate who intends to undergo Intermediate College Course should be on promotion list C-I. But his name never existed on list C-I.
- vi. It is worth mentioning that the official attended Intermediate Course from 01.10.2012 to 20.03.2013 and then after 11-days he went for Upper College Course from 01.04.2013 to 20.09.2013.
- vii. Vide order No.2079-85/EC.I dated 14.02.2013 he was promoted as officiating ASI within 04-months without observing the required procedural formalities.
- viii. And surprisingly he was first placed on List-E and later on placed on List-D.
- ix. On 14.02.2013 vide order No.2079-85/EC.I he was promoted as officiating ASI and within 17-days vide order No.2803/EC, dated 04.03.2013 was confirmed as ASI.



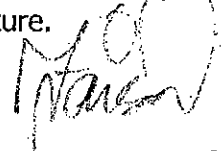
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4. **Recommendations**

- Central Police Office needs to instruct all such units about their status and authority regarding recruitment procedure.
- Ambiguity regarding absorption needs to be tacked with clearly laid down procedure.
- Since promotion in junior ranks is an important ingredient of carrier planning therefore such cases needs to be personally reviewed by the senior officers like in present case by CCPO himself and put his own signature instead of for signature.



(**FAISAL SHAHZAD**) PSP
Senior Superintendent of Police,
Peshawar.



33 (95) (107) ANNEXI K (13)

The Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa, Peshawar.

The Sr. Superintendent of Police,
Traffic, Peshawar.

No. 775

/EC, dated Peshawar, the 07/08 /2014.

SUBJECT:-

DEPARTMENTAL ACTION AGAINST SUB. INSPECTOR
RIFAT ALI OF TRAFFIC POLICE

MEMO:

Please refer to W-PPO/Khyber Pakhtunkhwa, Peshawar

letter No. 1269/PA/AIG/E, dated 06.08.2014 on the subject cited above.

The following observations were passed on the findings
of Departmental Enquiry against the above named officer conducted by
you:-

" The Enquiry Officer in his findings has not come up with
clear recommendations about the guilt/innocence on the
part of defaulting officer."

The enquiry report is returned herewith with the request
to probe into matter thoroughly and submit a clear cut findings, whether the
defaulter officers is guilty or otherwise?

Your report should reach the undersigned within three
days positively.

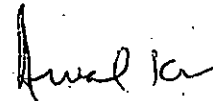


(AWAL KHAN) PSP
Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa, Peshawar.

No. 776

/EC, dated Peshawar, the /2014.

Copy to PSO to IGP. Khyber Pakhtunkhwa, Peshawar for
information please.



(AWAL KHAN) PSP
Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa, Peshawar.



(35) (26) (109)

ANNEXURE 2

From: The Senior Superintendent of Police,
Traffic, Peshawar.



To: The Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa, Peshawar.

No. 2332/PA, Dated Peshawar the 7/08 /2014.

Subject:- **Departmental Enquiry Against SI Riffat Ali of Traffic Police**
Memo:

Kindly refer to your office Memo. No.775/EC, dated 07.08.2014 regarding the subject cited above.

It is submitted that in findings of the subject departmental enquiry, it was established that the whole journey of accused SI Riffat Ali is illegal and against the existing rules/procedure. Hence he is recommended for major punishment under the Khyber Pakhtunkhwa Police Rules 1975.

(FAISAL SHAHZAD) PSP
Senior Superintendent of Police,
Traffic, Peshawar.

(2) 197 (103) ANNEX M

FINAL SHOW CAUSE NOTICE

1. I, Awal Khan, Deputy Inspector General of Police, Traffic Khyber Pakhtunkhwa, Peshawar as competent authority under Police Disciplinary Rules (amended in 1975), do hereby serve you SI Rifat Ali of Traffic Khyber Pakhtunkhwa, Peshawar as follows;
 - a. That you managed to get enrolled as driver/constable in the year 2008 in Traffic Branch which is a borrowing Unit.
 - b. That you got yourself absorbed illegally as constable within 7-months without any rules and regulations.
 - c. That you did lower college course in the year 2012 without qualifying the required criteria for the said promotion course.
 - d. That you managed to get promotion orders as Head Constable and accordingly as offg: ASI from CPO, Peshawar and got it implemented.
 - e. That you managed an extra seat for the Intermediate College Course and joined it 50 days late in the year 2012.
 - f. That you also managed selection for upper College Course within 11-days after completion of Intermediate College Course.
 - g. That you also got promotion as offg: ASI within 4-months i.e. 14.02.2013 without observing required procedure and later on within 17-days confirmed as ASI on 04.03.2013 and finally.
 - h. That you got placement in list "E" earlier to placement in list "D" against the procedure and rules hence.
2. That consequent upon the completion of enquiry conducted against you by SSP/ Traffic Peshawar for which you were given full opportunity of hearing but you failed to satisfy the enquiry officer.
3. On going through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Disciplinary Rules (amended in 1975).
4. As a result therefore, I, Awal Khan, Deputy Inspector General of Police, Traffic Khyber Pakhtunkhwa, Peshawar as competent authority have tentatively decided to impose major penalty upon you including dismissal from service under Police Disciplinary Rules (amended in 1975).
5. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.
6. If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.
7. A copy of the finding of the Enquiry Officer is enclosed.

No. 316/EC dated Peshawar the 12 / 08 / 2014

Awal Khan

(AWAL KHAN)PSP

Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa Peshawar.
(Competent Authority)

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ORDER

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ANNEX 20

This order will dispose of the departmental enquiry against SI Rifat Ali of Traffic Khyber Pakhtunkhwa, Peshawar.

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, after receiving complaints against SI Riffat Ali of Khyber Pakhtunkhwa Traffic Police, constituted a committee to conduct a fact finding enquiry and to dig out the actual facts about his illegal promotion from the rank of constable to Sub Inspector within a short span of four years.

The committee comprised the following members:-

1. Mr. Shaukat Hayat, PSP, Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar.
2. Mr. Muhammad Ali Babakhel, DIG/Investigation, Hazara at Peshawar.
3. Mr. Mushtaq Ahmad, AIG/Legal, CPO, Peshawar.

The committee members, after conducting a thorough probe into matter, submitted the following findings:-

- a. Since Traffic Wing is a borrowing Unit, therefore, it cannot enroll a constable.
- b. It was observed that Rifat Ali was absorbed within short span of 07 months. It was also found that rules regarding absorption are silent.
- c. The essence, incorporated in PTC manual rule 10(2), was also compromised. From training branch CPO to PTC Hangu including traffic Unit, PTC Hangu, no one felt the need to filter the required eligibility for the lower course.
- d. His promotion to the rank of Head Constable vide OB No. 3754, dated 12.10.2012. The order quoted reference of Police Rule 13.5(A). In reality PR-13.5(A) highlights the required physical standards for the promotion to the selection grades of the constables. Therefore, 13.5.(A) has nothing to do with promotion orders. The promotion order to the rank of Head Constable also cites his posting as AMHC Police Station Agha Mir Jani Shah for a period of six months. Ironically, the order also assured tenure of six months to work as AMHC. Interestingly, the promotion orders to the rank of Head Constable and officiating ASI were signed by other officer. The order carries "For signature". Question arises if the head of Capital City Police is not having time to do justice with the constabulary, how that office will be taking care of the society. As per essence of Police Rules 13.8, those who are qualified Lower School Course, their names are to be on List C maintained by Superintendent of Police, but in his case, his name did not exist on List C.

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Constable (All his promotions from Constable to Sub-Inspector are forfeited with immediate effect). Order announced.

No. 290 /EC, dated Peshawar the 02 / 09 /2014.

Awal Khan

(AWAL KHAN)PSP
Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa,
Peshawar.

No. _____ /EC,

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

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Capital City Police Officer Peshawar.
3. Assistant Inspector General of Police Establishment, Khyber Pakhtunkhwa, Peshawar w/r to his letter No. 1269/PA/AIG/E, dated 6.8.2014.
4. Accountant, Traffic Khyber Pakhtunkhwa, Peshawar.
5. Reader, Traffic Khyber Pakhtunkhwa, Peshawar.
6. Office Superintendent, Traffic Khyber Pakhtunkhwa, Peshawar.

(AWAL KHAN)PSP

Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa,
Peshawar.

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ANNEX 10

Before The Hon"able provincial police officer Khyber Pakhtoon khwa, Peshawar

Through: Proper channel

SUBJECT APPEAL u/r 11 OF THE NWFP (now KPK) POLICE RULES 1975, AGAINST THE ORDER BAERING NO 890/EC DATED 02.09.2014 WHERE BY, THE APPELANT WAS REVERTED FROM THE RANK OF SUB INSPECTOR(BPS-14) TO SUBSTANTIVE RANK OF CONSTABLE (BPS-5).

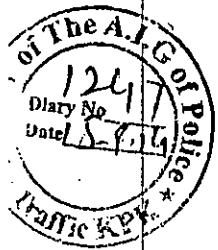
Respected Sir,

With profound veneration, I respect fully raise few preliminary objections to the inquiry proceedings and order dated 02.09.2014, passed by worthy DIG Traffic KPK.

- The proceedings initiated against me and the orders bearing number 4953-54/E1 dated 12.03.2012 and 21998-22000/E1 dated 20.01.2012 for selection to lower school course and further creation of extra vacancy for intermediate college course were passed by worthy provincial police officer KPK, being a competent authority are not reviewable or resendable by the lower rank officer and it tentamounts to gross illegality and against the norms of justice.
- The punishments, contained u/r 4 (b) (i) of police rule 1975 carries reduction in rank/pay and not reduction to substantive rank hence the punishment issued vide subject order is harsh , against the mandate provision of the rules, therefore not applicable in my case and I should have been only reverted to the post of ASI.
- My selection for courses and promotion to various ranks have not been objected by any of colleagues and any interference at this belated stage is unwarranted, illegal and hits by time limitation.
- In my case, none of my colleagues being deserving has been suffered/effected and I being senior on the available strength of traffic unit, was promoted on merit.

On facts

- KPK Traffic police is a separate hierarchy/unit came into existence and notified under standing order No 12, notified vide circulation No 1646-75/C dated 24.2.1987 (Copy attached), specifying the traffic unit as enforcement alone, under the responsibility of AIG Traffic
- The standing order No 12, at Para 4 (VII), the traffic hierarchy shall solely maintained lists of the Police Personnel from 'D' to 'F'
- The undersigned was enrolled as constable driver vide OB: 356 Dated 27.08.2008 by committee and subsequently absorbed as regular constable by competent authority i.e. Assistant Inspector General of Police Traffic NWFP vide OB: 52 dated 20.03.2009 on the strength of traffic staff. (Circulation No 11691/C-1 dated 23.11.2009 enclosed)
- Absorption against substantive rank is lawful, in accordance with the relevant rules and also under notification for village policing/special police officer, issued vide letter no 11691/C-1 dated 23.11.2009 (last Para) by CPO Peshawar hence I have been enlisted/absorbed as foot



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constable in accordance with rules, on the KPK traffic strength by competent authority, therefore legally can not be called into question.

- I have successfully performed all the relevant/prescribed courses at PTC Hangu and remained eligible for promotion to alternate ranks, against the existing vacancies, on the traffic strength, hence no irregularity has been occasioned. I stood "cadet" in the Lower Course and remained "with in 05", in the Intermediate Course, thus obtained outstanding positions. (Results copies enclosed)
- The order, passed by worthy DIG traffic is against law and norms of justice, hence liable to be set-aside on the following grounds and the afore-stated grounds.
 - ✓ The blame of managing enrolment and subsequent promotion/courses is an unproved/unestablished fact as during the course of inquiry/Departmental inquiry, no incriminating or substantiating materials have so far been collected and brought on record that I have used extraneous/political influence to the effects that I managed to get the sympathies of the competent authorities.
 - ✓ There is nothing on record any adverse material hence no charge against me that ever applied for out of the way promotion, what to speak of manipulating.
 - ✓ The procedure, followed by the inquiry officer, is not in accordance with the prescribed procedure, laid down u/r 6 of the rules 1975, therefore, the order dated 02.09.2014 is liable to be set-aside in view of the reported judgments 2005 PLC(C.S) 1505, 2005 PLC(C.S) 1282, 2004 SCMR-1662. (Copies enclosed)
 - ✓ With regard to rule 13.9 (list D), The reported judgment 1996 PLC (CS) 295 is crystal clear on the point when a head constable was promoted to the rank of ASI without qualifying the prescribed course and he was directed/detailed for inter course which was prerequisite for promotion to the rank of ASI but he failed to qualify the said exam and he was demoted to the rank of head constable. The learned court observed that ASI can not be reverted on the ground that he has not passed the inter course examination and reversion order was set-aside. Where as in my case, I have successfully undergone all the relevant courses, under the orders issued by the competent authorities from time to time.
 - ✓ Accelerated promotions falls with in the domain of Senior Officers/competent authorities who have considered me suitable for promotions and promoted me suo motto, therefore I do not have any fault at my part. If it felt that my promotion is illegal rather irregular the competent authority who committed this illegality may be asked to explain.
 - ✓ It has been held by the August Supreme Court of Pakistan that benefits once granted, cannot be reversed subsequently.
 - ✓ It may be with honor bring to your kind notice that I have been borne on the KPK traffic strength and was senior to the existing staff, therefore in my case the reported judgment 2002 PLC (C.S) 506 (a) (Copy attached) attracts wherein reversion order of civil servant has be set aside on the ground that no mistake was attributed to me.



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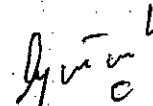
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falling my case with in the principal of "locus poenitentiae" (Copy attached)

- ✓ Astonishing enough that the competent authority i-e Worthy DIG Traffic who passed subject order, had recommended my request for condonation to Intermediate Course, being remained Cadet in the Lower Course, through recommendation, subsequently approved by Worthy PPO vide order 20.11.2012. The officer has further recommended condonation for the prescribe tenure of the Upper Course vide letter No 249/EC dated 13.3.2013, declaring me as most senior amongst my colleagues which was approved by the Hon'ble PPO vide order dated 2.4.2013 (relevant documents attached)
- ✓ At the end of my submissions, I invite your kind and sympathetic attention to the gross fact that I have not crossed/by passed any of my colleagues, carrying deserving status.

In circumstances, it is respectfully prayed that the order dated 02.09.2014, being devoid of force, be set-aside and my status be restored to my rank of sub inspector with all benefits.



Sincerely yours,
Riffat Ali Ex sub inspector Traffic Wing
KPK Peshawar





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ANNEX: B

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 583 /15, Dated Peshawar the 29/09/2015.

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Constable Riffat Ali the then Sub-Inspector. The appellant was awarded punishment of reduction in rank from Sub Inspector to Constable by DIG/Traffic Khyber Pakhtunkhwa, Peshawar vide order No. 890/EC, dated 02.09.2014.

In the light of recommendations of Appeal Board meeting held on 14.01.2015, the board examined the enquiry in detail & other relevant documents. It revealed that the appellant was served with charge sheet/statement of allegations. He was enrolled as driver constable in the year 2008 in Traffic Branch which is a borrowing unit. He got himself absorbed illegally as Constable within 7-months without any rules and regulations. He did lower college course in the year 2012 without qualifying the required criteria for the said promotion course. He managed to get promotion orders as Head Constable and accordingly as Offg: ASI from CPO Peshawar and got it implemented. He managed an extra seat for the Intermediate College Course and joined it 50-days late in the year-2012. He managed Selection of Upper College Course within 11-days after completion of Intermediate College Course. He also got promotion as Offg: ASI within 4-months i.e 14.02.2013 without observing required procedure and later on within 17-days confirmed as ASI on 04.03.2013 and finally, he got placement in List "E" earlier to placement in list "D" against the procedure and rules.

He was also heard in person. The enquiry papers were perused in detail and thoroughly discussed in the board meeting. From the perusal of enquiry report and punishment order, it transpires that the charge against the appellant has been proven by the high level enquiry committee. The appellant managed to become a confirmed ASI and was further promoted as Officiating Sub Inspector within a span of 5-years. The appellant was asked to present his case but he failed during personal hearing before the board to offer any defense.

In view of above, his appeal has no feet to stand on; therefore the appeal is hereby filed.

This order is issued with the approval of the Competent Authority.

Sd/-

NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

No. S/ 584-91/15.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar.
2. Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar w/r to his memo: No. 977/EC, dated 17.09.2014.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Establishment CPO, Peshawar.
8. Office Supdt: E-III, CPO Peshawar.

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(MUBARAK ZEB)

DIG/HQrs:
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

(3) (36)

ANNEX "R"

BEFORE THE INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA

Subject: REVISION UNDER RULE 11/A OF KHYBER PAKHTUNKHWA POLICE RULES 1975 AGAINST THE ORDER OF REJECTION OF APPEAL VIDE ORDER DATED 29.01.2015, WHEREBY THE APPELLANT WAS REVERTED FROM THE RANK OF SUB-INSPECTOR TO SUBSTANTIVE RANK OF CONSTABLE.

Respected Sir,

With profound veneration, I respectfully raise few preliminary objections to the enquiry proceedings ad order dated 02.09.2014, passed by worthy DIG, Traffic KPK.

- The proceedings initiated against me and the orders bearing number 4953-54/E1 dated 12.03.2012 and 21998-22000/E1 dated 20.01.2012 for selection to lower school course and further creation of extra vacancy for intermediate college course were passed by worthy Provincial Police Officer, KPK being a competent authority are not reviewable or resend able by the lower rank officer and it tantamount to gross illegality and against the norms of justice.
- The punishments, contained u/r 4 (b)(i) of Police Rule 1975 carries reduction in rank/pay and not reduction to substantive rank hence the punishment issued vide subject order is harsh, against the mandate provision of the rules, therefore not applicable in my case and I should have been only reverted to the post of ASI.
- My selection for courses and promotion to various ranks have not been objected by any of colleagues and any interference at this belated stage is unwarranted, illegal and hits by time limitation.
- In my case, none of my colleagues being deserving has been suffered/effected and I being senior on the available strength of traffic unit, was promoted on merit.

On facts

- KPK, Traffic Police is a separate hierarchy/unit came into existence and notified understanding order No. 12, notified vide circulation No. 1646-75/C dated 24.02.1987 (copy attached), specifying the traffic unit as enforcement alone, under the responsibility of AIG, Traffic.
- The standing order No. 12, at Para 4 (VII), the traffic hierarchy shall solely maintained lists of the Police Personnel from 'D' to 'F'

- The undersigned was enrolled as constable driver vide OB: 356 dated 27.08.2008 by committee and subsequently absorbed as regular constable by competent authority i.e Assistant Inspector General of Police, Traffic NWFP vide OB: 52 dated 20.03.2009 on the strength of traffic staff. (Circulation No. 11691/C-1 dated 23.11.2009 enclosed)
- Absorption against substantive rank is lawful, in accordance with the relevant rules and also under notification for village policing/special police officer, issued vide letter No. 11691/C-1 dated 23.11.2009 (last Para) by CPO, Peshawar hence I have been enlisted/absorbed as foot constable in accordance with rules, on the KPK Traffic strength by competent authority, therefore, legally cannot be called into question.
- I have successfully performed all the relevant/prescribed courses at PTC, Hangu and remained eligible for promotion to alternate ranks, against the existing vacancies, on the traffic strength, hence no irregularity has been occasioned. I stood "cadet" in the Lower Course and remained "with in 05" in the intermediate Course, thus obtained outstanding positions. (Results copies enclosed).
- ✓ The blame of managing enrolment and subsequent promotion/courses is an unproved/departmental enquiry, no incriminating or substantiating materials have so far been collected and brought on record that I have used extraneous/political influence to the effects that I managed to get the sympathies of the competent authorities.
- ✓ There is nothing on record any adverse material hence no charge against me that ever applied for out of the way promotion, what to speak of manipulating.
- ✓ The procedure, followed by the enquiry officer, is not in accordance with the prescribed procedure, laid down u/r 6 of the rules 1975, therefore, the order dated 02.09.2014 is liable to be seaside in view of the reported judgments 2005 PLC (C.S) 1505, 2005 PLC (C.S) 1282, 2004 SCMR-1662: (copies enclosed)
- ✓ With regard to rule 13.9 (list D), the reported judgment 1996 PLC (CS) 295 is crystal clear on the point when a head constable was promoted to the rank of ASI without qualifying the prescribed course and he was directed/detailed for inter course which was prerequisite for promotion to the rank of ASI but he failed to qualify the said exam and he was demoted to the rank of head constable. The Learned court observed that ASI cannot be reverted on the ground that he has not passed the inter course examination and reversion order was set-aside. Where as in my case, I have successfully undergone all the relevant courses, under the order issued by the competent authorities from time to time.

(7) (38)

- ✓ Accelerated promotions falls within the domain of Senior Officers/competent authorities who have considered me suitable for promotions and promoted me suo motto, therefore I do not have any fault at my part. If it felt that my promotion is illegal rather irregular the competent authority who committed this illegality may be asked to explain.
- ✓ It has been held by the August Supreme Court of Pakistan that benefits once granted, cannot be reversed subsequently.
- ✓ It may be with honor bring to your kind notice that I have been borne on the KPK traffic strength and was senior to the existing staff, therefore in my case the reported judgment 2002 PLC (C.S) 506 (a) (copy attached) attracts wherein reversion order of civil servant has be set aside on the ground that no mistake was attributed to me, falling my case with in the principle of "locus poenitentiae" (copy attached)
- ✓ Astonishing enough that the competent authority i.e Worthy DIG, Traffic who passed subject order, had recommended my request for condo-nation to Intermediate Course, being remained Cadet in the Lower Course, through recommendation, subsequently approved b Worthy PPO vide order 20.11.2012. the officer has further recommended condo-nation for prescribe tenure of the Upper Course vide letter No. 249/EC dated 13.03.2013, declaring me as most senior amongst my colleagues which was approved by the Honorable PPO vide order dated 02.04.2013 (relevant documents attached)
- ✓ At the end of my submissions, I invite your kind and sympathetic attention to the gross fact that I have not crossed/by passed any of my colleagues, carrying deserving status.

In circumstances, it is respectfully prayed that the order dated 29.01.2015, being devoid of force, be set-aside and my status be restored to my rank of sub inspector with all benefits.


Sincerely yours,

Riffat Ali Ex-Sub Inspector Traffic Wing
KPK Peshawar. 12/2/15





(39) ANNEX. 10 S 4

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 2716 /15, Dated Peshawar the 06/05/2015.

ORDER

This order is hereby passed to dispose off departmental appeal under Rule 11-a of Khyber Pakhtunkhwa Police Rule-1975 submitted by Constable Riffat Ali the then Sub-Inspector. The appellant was awarded punishment of reduction in rank from Sub-Inspector to Constable by DIG/Traffic Khyber Pakhtunkhwa, Peshawar vide order No. 890/EC, dated 02.09.2014. His previous appeal also filed by the competent authority. Hence he filed a Review Petition.

In the light of recommendations of Review Appeal Board meeting held on 22.04.2015, the board examined the enquiry file in detail & other relevant documents. He was also heard in person. He has nothing to support his revision and substance.

Keeping in view of above, the appeal has no weight hence rejected and filed.

Sd/-

NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. S/ 2717-22 /15, dated Peshawar, the 06-05 /2015.

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

1. Capital City Police Officer, Peshawar.
2. DIG/Traffic, Khyber Pakhtunkhwa, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, Peshawar.
5. Office Supdt: E-III, CPO, Peshawar.
6. Central Registry Cell (CRC) CPO.

(MUHAMMAD ALI KHAN)
DIG/Trg:

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

POWER OF ATTORNEY

In the Court of Allygar Paderuntleherwa Service
Tribunal Peshawar,

Riffat Ali

} For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Provincial Police Officer UPK
and another.

} Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____

Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

and SAJID Amin Advocates

my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____ the _____ day to _____ the year _____

Executant/Executants _____

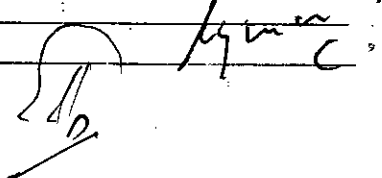
Accepted subject to the terms regarding fee _____



SAJID AMIN

ADVOCATE HIGH COURT

Legal Advisor Services & Labour Laws Consultants
FR-3-4, Fourth Floor, Bilour Plaza Peshawar Cantt.
Ph: 091-5272054, Mob: 0333-4584986, 03339155956



Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
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Ph: 091-5272154 Mobile-0333-9107225

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 473/2015

Riffat Ali.....(Appellant)

Versus

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and others.....(Respondents)

Subject:- COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth!

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) The appellant is estopped to file the appeal.
- e) The appeal is barred by law and limitation. Appellant did not file service appeal against the final order dated 29.01.2015 passed in his departmental appeal and filed the service appeal after disposal of his review petition vide order dated 06.05.2015. The limitation period will be computed from the date of final order and not order passed in review petition. Therefore, the appeal is badly time barred.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Correct to the extent of appointment of appellant as driver constable in borrowing unit of Traffic. His very appointment in the borrowing unit was made against the rules as initial appointment of Police officer of junior ranks are made in the district. The staff of Traffic unit is transferred on deputation from districts and their seniority is maintained in the parent district.
2. Correct to the extent of absorption of appellant into general cadre of constables from driver constable.
3. Incorrect, appellant was selected for promotion courses of Lower, Intermediate and Upper in violation of the rules and merit. His selection for the said courses was found totally illegal as he was neither eligible nor qualified for the said courses. Selection for promotion

courses in Police department is governed and regulated by Police rules and standing orders issued on the subject matter. Promotion lists A, B, C & D are maintained in the district as prescribed in Police rules 13.6, 13.7, 13.8 and 13.9 which regulate promotion to the rank of Head Constable and Assistant Sub-Inspector. Promotion List-E is maintained in the Region office as prescribed in Police Rule 13.10(1) which regulates promotion to the rank of Sub-Inspector while List-F is maintained in the office of Inspector General as prescribed in Police 13.15(1) which regulates promotion to the rank of Inspector. In addition to above procedure, mechanism criteria and eligibility for promotion to List-A, B and C is regulated by standing order No. 3/2011. Appellant was wrongly selected for Lower School Course as his name did not exist on promotion to List-A & B which is precondition for selection to Lower School Course. Similarly his name did not exist on List-C which is precondition for selection to intermediate course. Appellant did not qualify A-I and B-I examination which are mandatory for selection to Lower School Course. Furthermore, appellant was selected for the said courses on the strength of Traffic unit while no vacancy was allotted to Traffic unit in the promotion courses because the seniority of Police officer posted in borrowing units is maintained in the parent district. The very foundation of selection of appellant for promotion courses was found illegal against rules and merit therefore, his promotion courses were correctly forfeited and was reduced to original rank vide impugned order. Copies of standing order No.3/2011 and seat allocation chart for lower course are enclosed as Annexure-A & B respectively.

4. Incorrect, appellant was wrongly and illegally promoted to the rank of Head Constable and Assistant Sub-Inspector as his name did not exist on promotion List-C. Furthermore, according to the record and

preliminary enquiry report the name of appellant was brought on promotion List-E on 04.03.2013 and promotion List-D on 29.10.2013 which establishes the illegal promotion of appellant as he was first promoted to List-E and thereafter to List-D. The promotion of appellant was found patent illegal during enquiry proceedings. Copies of preliminary enquiry and regular enquiry are already enclosed with original appeal.

5. Correct to the extent that during course of preliminary enquiry the very enrolment of appellant as driver constable at borrowing unit of Traffic, his absorption into constable cadre within short period of seven months, his selection to Lower, Intermediate and Upper College courses and promotion to the next ranks were found illegal and against the rules. Copies of the preliminary and regular enquiries are enclosed with original appeal.
6. Correct to the extent that detailed charge sheet based on the finding report of preliminary enquiry was issued to appellant.
7. Correct to the extent that regular enquiry was conducted into the charges leveled against appellant and the enquiry officer reported that the charges were proved against appellant. Copy of the enquiry report is already enclosed with original appeal.
8. Correct to the extent the final show cause notice was issued to appellant and his reply was found unsatisfactory therefore, respondent No. 2 passed the impugned order.
9. Incorrect, respondent No. 2 passed detailed and speaking order in the departmental proceeding initiate against appellant.
10. Correct to the extent that the departmental appeal and review petition of appellant were rejected vide detailed and speaking order of respondent No. 1. Furthermore, appellant did not file service appeal against the final order passed in his departmental appeal and he

wrongly filed time barred service appeal after the disposal of his review petition.

11. Incorrect, the impugned orders are just, legal and have been passed in accordance with law and rules. The appeal of appellant is not sustainable on the grounds advanced in the appeal.

GROUND:-

- A. Incorrect, appellant was treated in accordance with law and rules on subject matter. Before passing the impugned order, preliminary enquiry followed by regular enquiry was conducted. Proper chance of defense was provided to appellant as charge sheet followed by final show-cause notice was issued to appellant. He failed to establish the legality of his selection for promotion courses and promotion to the next ranks.
- B. Incorrect, the very enrolment of appellant in borrowing unit of Traffic, his absorption into general cadre of constable from driver cadre, his selection to promotion courses and promotion to next ranks were found illegal during preliminary enquiry and regular enquiry as well. Charge sheet followed by final show cause notice was issued to him. He was heard in person by review board. Appellant failed to substantiate his selection for promotion courses and promotion to next ranks.
- C. Incorrect, illegal orders and selections create no right on the beneficiary. The authorities are under constitutional obligations to revoke illegal orders. Furthermore, Honorable Supreme Court of Pakistan has issued clear directions that out of turn promotion in a public department generates undue frustration and thereby diminishes the spirit of public service. It generates undue preference in public service. Element of reward and award is good to install the spirit of service of community but it should not be made basis of accelerated promotion. In view of the above directions of the Honorable Supreme Court of

Pakistan, the respondents took action against the illegal and out of turn promotion orders.

- D. Incorrect, the selection of appellant for promotion courses and his promotion to the next ranks was found illegal against the law, rules, and merit. Therefore, the respondents correctly reduced the appellant to the original rank and forfeited his promotion courses. Appellant was recruited as driver in the year 2007 and his cadre was changed in the year 2008. He was wrongly selected for promotion courses of Lower, Intermediate and Upper within short period of service of five years. No law and rules allow such out of turn and quick selection and promotion. According to the standing order No. 3/2011 a constable who have completed three years of Police service starting from recruit training will be eligible for appearing in A-I examination. In the same vein constable who have completed at least two years service on List-A will be eligible for appearing in B-I examination. Appellant was hardly eligible for appearing in A-I examination in the year 2013. Therefore, he was wrongly selected for promotion courses meant for promotion to the rank of Head Constable, Assistant Sub-Inspector, Sub-Inspector and Inspector within short period of five years.
- E. Incorrect, appellant was behind the illegal selection for promotion courses. He has submitted written applications annexed with original appeal as Annexure-A for selection to Lower, Intermediate and Upper college courses.
- F. Incorrect, the selection order of appellant for promotion courses was found illegal during preliminary and regular enquiry. The respondents correctly revoked the illegal orders.
- G. Incorrect, Rule 4 (b) (1) provide penalty of reduction in rank/pay. Promotion of appellant to the next ranks was made on the basis of promotion courses and the very selection of appellant to promotion courses was

found illegal therefore, appellant was not entitled for promotion to the next ranks. Again out of turn promotion and selection is alien to the rules.

H. Incorrect, examination of witnesses was not involved into the matter rather examination of record was required. It was proved from the record that the selection of appellant for promotion courses was wrong and illegal.

I. Incorrect, appellant was enrolled as driver constable through backdoors in borrowing unit of Traffic and he was then wrongly absorbed in general cadre. He was selected for promotion courses without bringing his name on the prescribed promotion lists.

J. Incorrect, illegal order and promotion create no right on the beneficiary.

K. Incorrect, enrollment in borrowing unit was not allowed. Furthermore, no seat is allotted to borrowing unit for promotion courses.

L. Incorrect, appellant selection for promotion courses and promotion to next rank on the basis of such courses was found illegal against merit, law and rules.

M. Incorrect, the very selection of appellant for promotion courses and promotion to next rank on the basis of such courses was found illegal against merit, law and rules. Therefore, the respondents correctly revoked the illegal orders and reduced appellant to original post.

N. Incorrect, appellant managed selection for promotion courses through backdoors.

O. Incorrect, the illegal selection of appellant and his out of turn promotion came to light on receipt of complaint and its subsequent verification by conducting enquiries. Therefore, the impugned orders have correctly been passed.

P. Incorrect, copy of the enquiry report was supplied to appellant along with final show cause notice as evident from Para 7 of the final show cause notice. Furthermore, appellant has annexed final show cause

notice and enquiry report with the appeal which establishes that enquiry was supplied to appellant.

Q. Incorrect, the very promotion of appellant was found illegal therefore there was no need of mention of period of reversion. Appellant is at liberty to appear in A-I and B-I examination for gaining promotion to the next ranks.

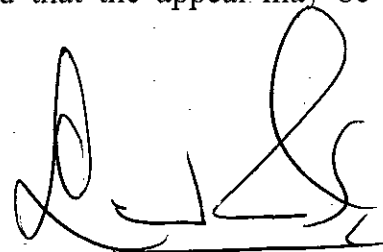
R. Incorrect, appellant had managed selection for promotion courses and earned out of turn promotion against the merit, law and rules. A chance of defense was provided to appellant and the illegal orders were revoked.

S. Incorrect, the replies and grounds advanced during departmental proceedings and departmental appeal stage were found unsatisfactory therefore the same grounds and replies are not tenable.

T. Incorrect, promotion to the rank of Head Constable, Assistant Sub-Inspector, Sub-Inspector in short period of seven years service is impossible. Therefore, the out of turn promotion illegally gained by the appellant create no right.

U. That the respondents may also be allowed to raise other grounds during hearing of the case.

It is therefore, prayed that the appeal may be dismissed with costs.



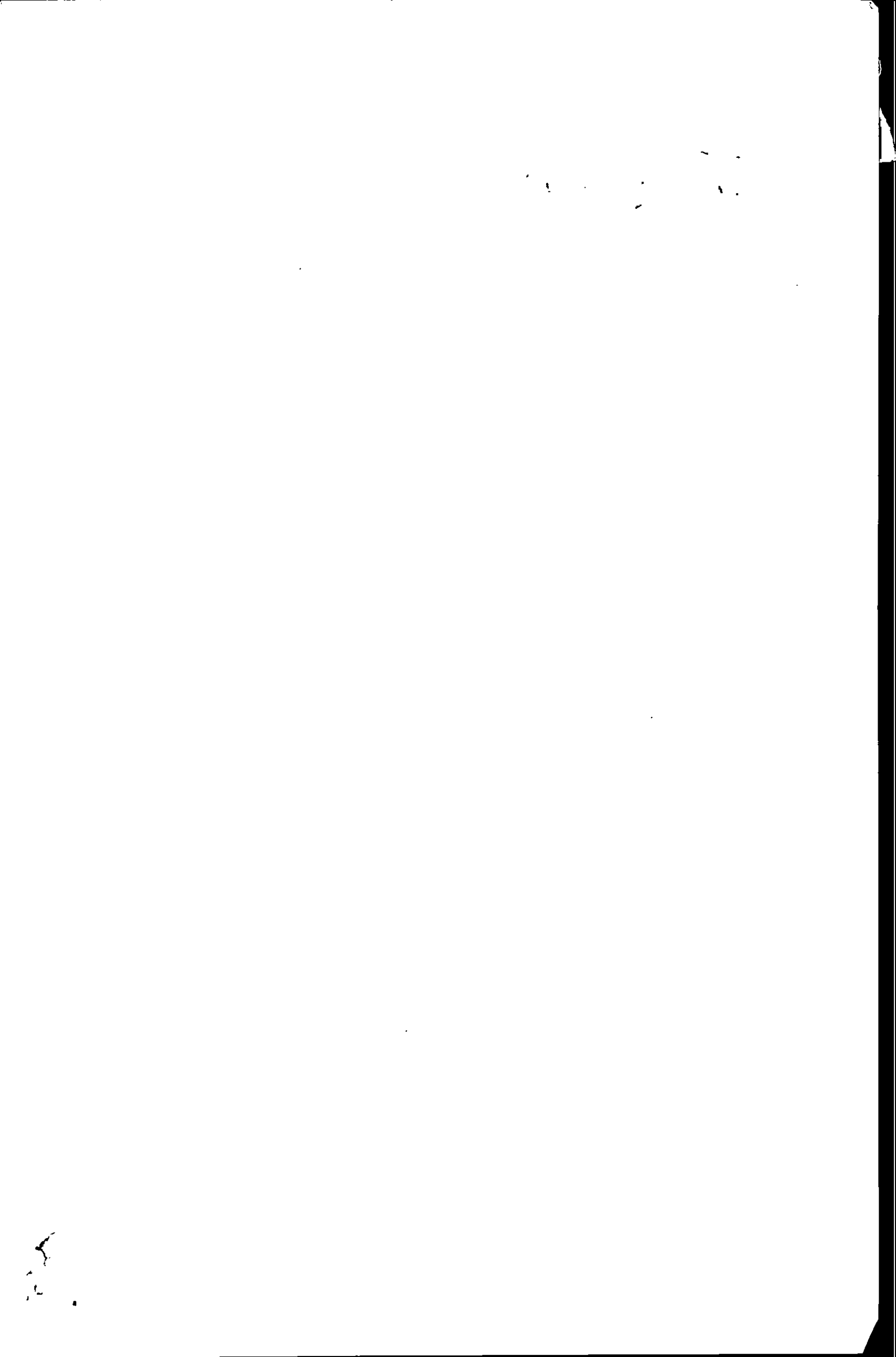
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar
(Respondent No.1)

27/8/15



Deputy Inspector General
Of Police, Traffic
Peshawar
(Respondent No.2)





STANDING ORDER NO. 3/2011
Promotion of Constable to the rank of Head Constable

In supersession of all standing orders on the subject, this standing order is issued to regulate promotion of constable to the rank of Head Constable in the province of Khyber Pakhtunkhwa.

1. Object

The object of this standing order is to prescribe and rationalize the criteria and syllabi for constables for promotion to the rank of Head Constable. Another object is to ensure transparency in the process of bringing names of the constables on promotion list A, B & C.

2. Applicability

B-I examination of 2012, marking system etc will be conducted on old pattern, but B-I examination of 2013 and subsequent selection to lower school courses of 2013 will be conducted according to principles laid down in this standing order. Portion of this standing order relating to professional courses will be effective from the day after the B-I exam 2012.

3. Distribution of posts of HC

Posts of head constables in a district shall be distributed as under for the purpose of promotion.

- i. 90 % of the total available seats/posts of head constables in a district shall be filled through departmental promotion of constables on the basis of merit position obtained in B-I examination, subsequent selection for lower school and successful completion of lower school course.
- ii. 10 % of the total available seats/posts of head constables shall be filled through promotion of constables on part B of list C.

Promotion lists A, B & C shall be maintained by the concerned DPOs in a district in the following manner.

4. List-A

Eligibility for list A examination

Constables fulfilling the following criteria are eligible to appear in this examination.

- a. Constables who have completed at least three years of police service starting from recruit training.
- b. Constables who have not been awarded a major punishment within the last two years.
- c. Constable who are medically and physically fit.

A-I examination, for bringing successful candidate on list-A, shall be held simultaneously in each district in the 1st month of a calendar year. This examination shall be conducted by Commandant PTC Hangu who will declare results by the end of January of each year. Qualifying marks shall be 50 % and the syllabus may include questions based on normal duties of a police constable and basic law which relates to the duties of a constable. Examination will be based on multiple choice questions (MCQ). There will be 100 MCQs, each carrying one mark, and time allowed will be one hour.

5. **List B**

List B shall be maintained by each DPO in two parts.

A. Constable considered suitable as candidates for lower school course at PTC Hangu.

B. Constables considered suitable for drill and other special courses at PTC Hangu.

Constables whose names are to be brought on part A of list B shall be made on the basis of merit determined by the Departmental Selection Board through B-I exam, marks obtained in courses etc.

Eligibility for B-I examination

Constables fulfilling the following criteria are eligible to compete for list B.

- a. Constables who have completed at least two years service on list A.
- b. Constables who have not been awarded any major punishment within the last two years preceeding the B-I examination.
- c. Constables who have availed three attempts for B-I examination are not eligible.
- d. Maximum age limit for the candidates will be thirty three years.
- e. Constables must be medically & physically fit.

Written test of B-I examination will be conducted by Education Testing and Evaluation Agency (ETEA) each year at Peshawar in the month of February. Selection of constables for list B who will undergo lower school course in both the sessions at PTC Hangu shall be made on the basis of merit list prepared by the Departmental Selection Board. Departmental Selection Board established at regional level and Capital City Police area shall conduct interview of the passed candidates, award marks in other categories mentioned in this standing order and will draw final merit list for bringing the names of Constables on list B. Names on list B shall not exceed the number of seats allotted to each district for lower school course. The process of selection of constables on list B shall be finalized each year before 31st of March. Composition of Departmental Selection Board will be as under;

- i. CCPO/Regional DIG Chairman
- ii. DPO concerned /SSP Coord Pesh Member
- iii. SP (not posted any where in the concerned region) Member

Note: Name of the SP shall be notified each year by the PPO.

Test & marking system

•	Total marks	100 (hundred)
i.	Written test	75 (seventy five) marks
ii.	Professional courses	10 (ten) marks
iii.	Professional abilities	10 (ten) marks
iv.	Interview	05 (five) marks

Arrangements for the written test

Written test for B-1 examination conducted by ETEA will consist of seventy MCQs, each carrying one mark. These MCQs will be based on the syllabus mentioned below. Results of the written test will be announced within twenty four hours after conducting test. Date of test and venue shall be notified well in time by the CPO.

Syllabus

- a. Knowledge of basic law, regulations and police duties of constables and head constables.
- b. Basic knowledge of arms & ammunition and other police equipments.
- c. Basic knowledge of terrorist organizations operative in the country.
- d. Basic knowledge of methods & techniques adopted by terrorists.
- e. Basic knowledge of explosives and other such substances.
- f. Basic knowledge of civil, judicial and police administrative setups in a district.
- g. General knowledge of the country in general and the province of K.P in particular.

Professional courses

To rationalize professional courses of the constables in various institutions, the old method of awarding marks to individual courses is done away with and replaced by a system based on duration of the course. Any course of less than 14 days will not carry any mark. Names of the institutions which are conducting courses are given below and courses only run by these institutions shall be considered for awarding marks. All courses of one subject but under different names shall be treated as one course (e.g civil defense courses under different names). Training imparted by foreign trainers in Pakistan or abroad will be considered for awarding marks according to duration of the training/course.

- 1. Police training college Hangu and other such training institutions in the country
- 2. Government run Elite training centers in Pakistan
- 3. IB Training school at Simly
- 4. Civil Defense department (federal & provincial)
- 5. Traffic school for police
- 6. Army training centers
- 7. Special branch
- 8. Recognized forensic science laboratories
- 9. Any other professional police course run by the provincial or federal government institutions.

<u>Duration of the course</u>	<u>Marks</u>
Fifteen to thirty days	1 (one)
More than one month and upto two months	2 (two)
More than two months and upto three months	3 (three)
More than three months and upto four months	4 (four)
Exceeding four months	5 (five)

(C)

Professional abilities

Performance

Marks

QPM

10 (ten)

PPM

8 (eight)

CC-I

1 (one)

CC-II

0.5 (half)

CC-III

0.25 (quarter)

Holders of 2nd & 3rd positions
in recruit course

3, 2 (three & two respectively)

Best marksman

3 (three) (PTC, Elite, ATS)

1st in parade in recruit course

1 (one) for each recruit training center under PTC
Hangu

Instructors in training institutes
with "A" annual assessment report
with the exclusion of those covered
under Police Rules 19.22.

incremental marks (two per continuous calendar
year and shall not exceed six)

PETITIONS FOR 2014-15.

Note

- a. Marks earned in the above two categories i.e professional courses and professional abilities shall not exceed 10 in each category.
- b. Marks earned through all types of commendation certificates shall not exceed 2.
- c. Training courses finally passed by the candidate up to 31st December of the year preceeding the year of examination shall be taken into account while awarding marks.
- d. Best marksman shall be declared by a professional team of Elite instructors/examiners notified by PPO for each course for conducting test at PTC before the declaration of recruits result. Marks obtained under the category of best marksmanship shall be availed only once.

List C

In each district a list shall be maintained in two parts on the prescribed form. Part A will contain the names of all constables who have passed the lower school course at PTC Hangu and are considered eligible for promotion to head constable. This list shall be made according to the order of merit determined by PTC Hangu in the lower school course examination. Promotion of lower school passed constables to the rank of head constables shall be made by selection tempered by seniority.

Constables on part B of list B who have qualified drill and other special courses shall be promoted to the rank of head constables against the 10 % quota of the posts of head constables reserved for them.



MAHARAJA

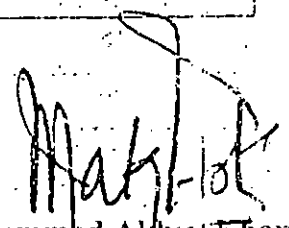
Annexure: "B"

(10)

LOWER SCHOOL COURSE QUOTA IN EACH TERM

The following numbers of seats are allotted to each district in Lower School Course which will be effective from the year 2013 onward till further order.

S. #	Name of districts	No. of HC posts	Lower School Course Seats (formula 1/20)
1.	Capital City Peshawar	1007	50
2.	DPO Nowshera	165	8
3.	DPO Charsadda	187	9
4.	DPO Mardan	447	22
5.	DPO Swabi	159	8
6.	DPO Swat	510	25
7.	DPO Shangla	168	8
8.	DPO Dir Upper	185	9
9.	DPO Dir Lower	370	18
10.	DPO Buner	218	11
11.	DPO Chitral	228	11
12.	DPO Abbottabad	189	9
13.	DPO Mansehra	140	7
14.	DPO Haripur	109	5
15.	DPO Battagram	51	3
16.	DPO Kohistan	102	5
17.	DPO Tanghar	75	4
18.	DPO Kohat	144	7
19.	DPO Hangu	113	6
20.	DPO Karak	102	5
21.	DPO Bannu	281	14
22.	DPO Lakki	92	5
23.	DPO D.I.Khan	242	12
24.	DPO Tank	86	4
TOTAL		5370	265


(Muhammad Akbar Khan)
Provincial Police Officer
Khyber Pakhtunkhwa