

Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 847/2023

S.No	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.11.2023	The application for restoration of Appeal no. 775/2017 submitted today Mr. Saadullah Khan Marwat Advocate. It is fixed for hearing before Division Bench at Peshawar on _____. Original file be requisitioned. Parcha Peshi is given to the counsel for the applicant.

By the order of Chairman

  
REGISTRAR

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

*Restoration Application No. 847/2023*

Misc. A. No. /2023

IN

S. A. No. 775/2017

Muhammad Zaman

versus

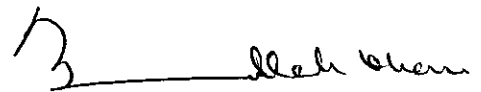
AIG CTD & Others

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<b>S. No.</b>	<b>Documents</b>	<b>Annex</b>	<b>P. No.</b>
1.	Memo of Application		1-2
2.	Order dated 28-07-2022		3-4
3.	Order / judgment in Writ Petitions		5-10

Applicant

Through



Saadullah Khan Marwat  
Advocate  
21-A, Nasir Mansion,  
Shoba Bazaar, Peshawar  
Ph: 0300-5872676

Dated: 10-11-2023

**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**

Restoration Application No. 847/2023  
R. A. No. \_\_\_\_\_ / 2023

**IN**

S.A No. 775/2017

Muhammad Zaman S/O Gul Dad Khan,  
B. No. 174, Head Constable, Hqr,  
Counter Terrorism Department,  
Peshawar . . . . . Appellant

9349  
Dated 22-11-2023

**Versus**

1. Additional Inspector General  
Of Police, CTD KP, Peshawar.
2. Inspector General of Police,  
KP, Peshawar.
3. Regional Police Officer,  
CTD, Peshawar.
4. Commandant FRP, Hqr,  
Peshawar . . . . . Respondents

**APPLICATION FOR REVIVAL / RESTORATION OF THE  
SUBJECT SERVICE APPEAL ADJOURNED SINE DIE ON 28-  
07-2022:**

**Respectfully Sheweth,**


1. That the subject appeal was pending disposal before this hon'ble Tribunal.
2. That due to pendency of other similar cases before the hon'ble Peshawar High Court, Peshawar, the same was adjourned sine die on 28-07-2022. (copy Attached).

3. That by know the Writ Petition of the petitioners were disposed of on 26-10-2023, so the appeal in hand, requires revival. (copy Attached)

It is, therefore, most humbly requested that the subject appeal be revived / restored for final disposal.

Applicant

Through



Saadullah Khan Marwat

Advocate

Dated 10-11-2023

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**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 775 /2017

Muhammad Zaman S/O Gul Dad Khan,  
B. No. 174, Head Constable, Hqr, Counter  
Terrorism Department, Peshawar .....

Khyber Pakhtunkhwa  
Service Tribunal

Dist. No. 174

Dated 05/5/2017  
Appellant

**Versus**

1. Additional Inspector General of  
Police, CTD, KP, Peshawar
2. Inspector General of Police,  
KP, Peshawar
3. Regional Police Officer,  
CTD, Peshawar
4. Commandant FRP, Hqr,  
KP, Peshawar: ..... Respondents

⇄<=>⇄<=>⇄<=>⇄<=>⇄

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST OFFICE ORDER NO. 13222-30 / EC /  
CTD, DATED 08-12-2016 OF R. NO. 1 WHEREBY  
ORDER OF PROMOTION TO THE RANK OF HEAD  
CONSTABLE WAS CANCELLED AND APPELLANT  
WAS REVERTED TO THE RANK OF CONSTABLE FOR  
NO LEGAL REASON:**

⇄<=>⇄<=>⇄<=>⇄<=>⇄

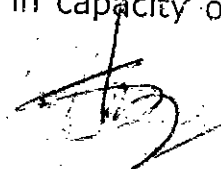
**Respectfully Sheweth:**

1. That appellant was appointed as constable in the year, 1994 and is serving the force to the best of his ability. He is the basic employee of District Police, Lakki Marwat in capacity of Frontier Reserve Police.

Filed to-day

Registrar

5/5/17



28 July 2022

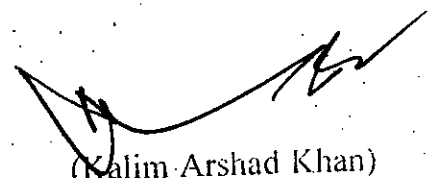
1. Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Gul Zad, ASI(CTD) for respondents present.

2. Learned counsel for the appellant submitted copy of writ petition No. 3349-P/2016 filed by 178 petitioners and submitted that somehow or the other the petition was related to instant appeals; therefore, it would be appropriate to adjourned these appeals sine-die till the decision of the petition by the Hon'ble Peshawar High Court. On the request of the petitioner this appeal is adjourned sine-die. The parties or any of them may get it restored and decided by making an application, after decision of the Hon'ble Peshawar High Court in writ petition referred to above. Copy of this order be placed in the connected appeals. Cosign.

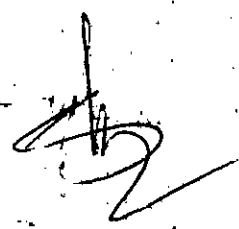
3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 28<sup>th</sup> day of July, 2022.



(Salah Ud Din)  
Member(Judicial)



(Kalim Arshad Khan)  
Chairman



page = 2  
10/-  
5/-  
15/-

08/11/23

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**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT, PESHAWAR**  
**[JUDICIAL DEPARTMENT]**

**Writ Petition No.3349-P/2016**

Noor Bahadar Khan etc.

**versus**

Inspector General of Police, PK, Peshawar etc.

*Date of hearing:* **26.10.2023**

*Petitioners by:* **Saad Ullah Khan Marwat,**  
**Advocate.**

*Respondents by:* **Mr. Barrister Kamran Qaisar,**  
**AAG.**

**JUDGMENT**

**SHAKEEL AHMAD, J.-** Same order as in connected  
(W.P No. 3863-P/2016) titled **Shakir Ullah and others**  
**Versus Inspector General of Police and two others.**

**Announced.**  
**26.10.2023**  
**\*Ayub\***



**JUDGE**



**JUDGE**

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



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JUDGMENT SHEET  
**THE PESHAWAR HIGH COURT, PESHAWAR**  
JUDICIAL DEPARTMENT

W. P No.No.3863-P/2016  
Shakir Ullah and others

Versus.

Inspector General of Police and 2 others

**JUDGMENT**

Date of hearing: 26.10.2023

Petitioner(s) by: Mr. Saadullah Khan Marwat,  
Advocate.

Respondent(s) by: Barrister Kamran Qaisar, AAG.

**SHAKEEL AHMAD, J.-** Through this single order, we intend to decide this and the connected Writ Petition No.3349-P/2016, as common question of law and facts are involved therein.

2. By presenting this and connected constitutional petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, petitioners have challenged the validity and defensibility of order dated 21.03.2016, 13.04.2016 and 10.10.2016, whereby and whereunder the respondent No.3 ordered to cancel all out turn promotions in the investigation wing including SIs, ASIs and Constables as well as other units of police department in the light of the judgment of Apex Court.

3. The facts of the case, in brief, as per writ petition are that the petitioners were appointed as

*AAQ*  




constables in the police department, and due to their good performance they were promoted. They have qualified the courses required for the promotion, but without any reason and justification the petitioners and their other colleagues were reverted back to the rank to the rank of Head Constables from the rank of SIs, ASIs. After submitting departmental appeals, numerous appeals were filed before the Service Tribunal, Peshawar, which were accepted, and thereafter they were restored to their original ranks of SIs/ ASIs/ Police Constable. The dispute arose when some technical staff, like computer operators were promoted to the rank of SIs/ASIs in the Investigation Rank/Crime Branch without qualifying courses of lower and intermediate. They were reverted back to their substantive rank of constables. They filed appeals before the learned Service Tribunal, which were disposed of with direction to the appellate authority to decide their departmental appeals strictly on merits without any discrimination. In pursuance thereof, respondent No.1 (IGP) issued order on 21.03.2016, Pursuant thereto Appeal/Review Board held its meeting on 02.03.2026 to look into the orders of promotion of Technical staff and it was decided that all promotions in the Investigation/Computer wing as well as other units have been made against the law and Rules, the same be

*Attended*  


reviewed in the light of judgment of the Supreme Court of Pakistan to set aside/cancel out of turn promotions. It was pleaded that promotion of the petitioners was not made out of turn, but as per mandate of law. On 13.04.2016, respondent No.1 (IGP) directed all the Authorities/Regions to remit requisite reports regarding reversion of all officers/officials to expedite the cases. The respondent No.2, who is the sole custodian of KP Frontier Reserve Police Highlighted the functions/duties of FRP. The said force was basically formed to assist the District Police to tackle the law and order situations/problems and sabotage activities. The FRP force is distinct and their way of promotion is quite different than the way of promotion of Investigation Branch and Crime Branch. The respondent No.3 (DIG Head Quarters) issued subsequent order directing the respective DPOs of the concerned quarters to intimate and cancel all out of turn promotions in the light of judgment of the apex Court. The respondent No.2 wrote letter to respondent No.1 that the said judgment of the apex Court does not apply at all to the case of petitioners, it would be unjust and illegal to revert/cancel legal orders of promotion of petitioners. Despite clear cut violation of respondent No.2 (Commandant FRP), respondent No.3 (DIG) Head Quarters) issued remainder

*Alto*

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on 10.10.2016 to all Head of Polices Offices in KP, as well as Office of Superintendent to cancel all out of turn promotion of the officials/officers of the Police Department including Executive Staff, MT Staff, Executive Computer Operators in the light of the decision of Supreme Court of Pakistan. Hence, this and the connected constitutional petition.

4. Heard both the sides and record perused.

5. It appears from the record that petitioners are civil servants and are/were posted on different position in the police department, through the impugned orders, the respondent No.3 directed to cancel, set aside all out of turn promotions, and to revert back the beneficiary of out of turn promotions in the light of the judgment of the Apex Court. The petitioners are aggrieved of the said order. On the face of the record, the dispute brought before this Court relates to the terms and conditions of the civil servants. In such like matters, the High Court is not vested with the power to exercise jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan 1973. In our view, the Service Tribunal Constitution under Article 212 of the Constitution, has exclusive jurisdiction to exercise and adjudicate upon the dispute relating to the terms and conditions of the civil

*[Handwritten scribble]*

*[Handwritten signature]*

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servants. In this behalf reference may be made to the case reported as Fauzia Siddiue Oureshi Versus Secretary, Ministry of Education, Islamabad and others (2004 SCMR 521)

6. For the foregoing reasons this petition before this Court being not maintainable, is hereby dismissed. However, petitioners shall be at liberty to seek their relief before the Service Tribunal, after exhausting remedy of departmental appeal, if so desired. No order as to costs.

Announced.  
26.10.2023.  
\*Ayub\*



JUDGE



JUDGE

Hon'ble, Mr. Justice Ijaz Anwar.  
(SB) Hon'ble Mr. Justice Shakeel Ahmad

