

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT SWAT

Service Appeal No 380/2016

Date of Institution... 08.04.2016

Date of decision... 05.10.2017

Fainda Shah son of Azhar Shah, HC PS Pir Baba, Buner Ex-ASI/PC PS Pir Baba Buner. ... (Appellant)

Versus

1. Regional Police Officer, Malakand at Saidu Sharif, Swat and 3 others. ... (Respondents)

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MR. SHAMSUL HADI  
Advocate

... For appellant.

MR. MUHAMMAD ZUBAIR,  
District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. GUL ZEB KHAN,

... CHAIRMAN  
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted on 02.08.2012 as ASI/Platoon Commander for a period of 3 years as per provisions of Standing Order-1 of 2006. On completion of 3 years, he was reverted to his substantive rank of Head Constable on 08.12.2015. Aggrieved from this order, the appellant filed a departmental appeal on 28.12.2015 which was not responded to and hence the present appeal on 08.04.2016.

### ARGUMENTS

3. The learned counsel for the appellant argued that a similar case No. 941/2003 entitled "Jamdad Khan Vs. Deputy Commandant, FRP, Peshawar and 2 others" has been decided by this Tribunal on 29.11.2005. That in the said decision similar question was involved and the appeal was accepted. That reversion can be made on the basis of disciplinary proceedings. It cannot be made without show cause notice or enquiry. He relied upon some judgments of the Superior Courts mentioned in the judgment of this Tribunal referred to above.


4. On the other hand, the learned District Attorney argued that the Standing Order-I of 2006 empowers the authority to promote an ASI for certain period and thereafter the promotee is to be reverted back to his substantive rank. He further argued that no illegality has been committed by the authority.


### CONCLUSION

5. The very appointment order of the appellant was for a period of three years according to provisions of Standing Order-I of 2006. This Standing Order is still intact and has never been declared ultra vires and if this order is presumed to be illegal then how the appellant took benefit of this Standing Order at the time of his appointment because he was not promoted on regular basis but was just given an upper rank on the basis of the said Standing Order. The judgment of this Tribunal referred to by the learned counsel for the appellant is not similar to the present case because in that very case the appellant was promoted on regular basis. This argument is itself paradoxical on the ground that when the appellant was given higher rank without taking into consideration eligibility or fitness then how could he continue against a post for which he was never declared eligible or fit. Under Standing Order No. 1 of 2006 there is no mention of seniority-cum-fitness for the purpose of temporary promotion which means that other seniors might have been

ignored at the time of this temporary promotion to the rank of ASI. If he is allowed to sit against this post permanently, then right of many seniors and eligible candidates would be infringed. The Standing Order No. 1 of 2006 has been in force right from 2006 in which it has been clearly mentioned that temporary promotion would be for a certain period. Had the appellant been aggrieved from this Standing Order No. 1 he should have challenged this Standing Order to the extent of fixed tenure in the year, 2006 and not in the year, 2015. This is the typical example of approbation and reprobation. On one hand the appellant take benefit of the Standing Order No. 1 of 2006 and on the other is aggrieved from other part which does not favour him. The arguments of the learned counsel for the appellant regarding promotion on officiating basis is also not convincing for the reason that the officiating charge is something different from the one which is the subject of Standing Order-I of 2006. The judgment of the Superior Courts mentioned in the above referred judgments of this Tribunal are not relevant to the circumstances of the present case as discussed above.

6. As a consequence thereof the appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

  
(Gul Zeb Khan)  
Member

  
(Niaz Muhammad Khan)  
Chairman  
Camp Court, Swat


ANNOUNCED  
05.10.2017

09.08.2017

Appellant with counsel and Mr. Muhammad Zubair District Attorney for the respondents present. Rejoinder submitted.

After arguing the case at some length by the learned counsel for the appellant, this Tribunal is of the view that certain judgments which have been referred in the judgment of this Tribunal dated 29.11.2005 are not available to-day with the learned counsel for the appellant. Adjourned. To come up for arguments on 05.10.2017 before the D.B. at camp court, Swat.

  
Member

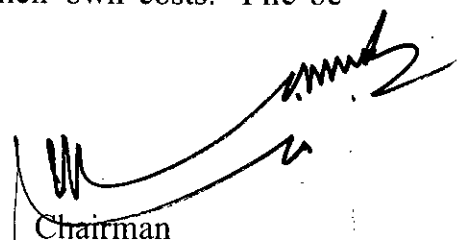
  
Chairman  
Camp court, Swat

05.10.2017

Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the official respondents and private respondent No. 4 in person present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

  
Member

  
Chairman  
Camp court, Swat.

ANNOUNCED  
05.10.2017

380/16


06.10.2016

Counsel for the appellant, Mr. Muhammad Waris, SI (Legal) alongwith Mian Amir Qadar GP for the official respondents and private respondent No. 4 in person present. Requested for adjourned. Last opportunity granted. To come up for written reply/comments on 08.12.2016 at camp court, Swat.

  
Chairman  
Camp Court, Swat

08.12.2016


Appellant in person and Mr. Noshawan, S.I (Legal) alongwith Mr. Muhammad Zubair, Sr.GP for the official respondents and private respondent No. 5 in person present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 04.04.2017 at camp court, Swat.

  
Chairman  
Camp court, Swat

04.04.2017

Appellant in person and Mr. Muhammad Zubair, Senior Government Pleader for respondents present. Appellant requested for adjournment on the ground that his counsel is not available. Adjourned. To come up for rejoinder and arguments on 09.08.2017 before D.B at Camp Court Swat.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER  
Camp Court Swat

25.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was promoted as ASI vide order dated 02.08.2012 and while serving so he was reverted as Head Constable vide impugned order dated 08.12.2015 where-against he preferred departmental representation dated 28.12.2015 which was not responded and hence the instant service appeal on 08.04.2016.

That no notice whatsoever was extended to the appellant and as such his reversion is against facts and law as well as judgment of this Tribunal dated 29.11.2005 in service appeal No. 941/2003.

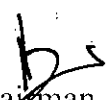
Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 13.07.2016 before S.B at camp court, Swat.

Appellant Deposited  
Security & Process Fee

  
Chairman

13.7.2016

Appellant in person. Mr. Javed Afsar, Inspector legal alongwith Mian Amir Qadar, GP for the official respondents No. 1 to 3 present. Requested for adjournment. None present for respondent No. 4 despite proper service. Proceeded ex-parte. To come up for written reply/comments of official respondents on 06.10.2016 before S.B at camp court, Swat.

  
Chairman  
Camp Court, Swat



order  
28.09.16

In view of application ex-parte proceedings set aside against private respondent no. 4. Shall submit written statement on the date fixed.

Form- A  
FORM OF ORDER SHEET

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

Case No. 380/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08.04.2016	<p>The appeal of Mr. Fainda Shah presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	12-04-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-04-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

S.A No. 380 /2016

Fainda Shah

Versus

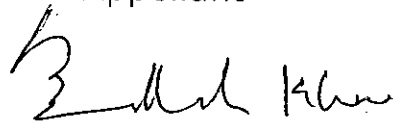
R.P.O & others

**I N D E X**

<b>S.#</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Page</b>
1.	Memo of Appeal		1-3
2.	Promoted to H.C, 27.05.2000	"A"	4
3.	Promoted to ASI/PC, 02.08.2012	"B"	5
4.	Reversion Order, 08.12.2015	"C"	6
5.	Deptl. Appeal with letter, 28.12.2015	"D"	7-8
6.	Judgments,	"E"	9-23

Appellant

Through



(Saadullah Khan Marwat)  
Advocate  
21-A Nasir Mansion,  
Shoba Bazar, Peshawar.  
Ph: 0300-5872676

Dated: 8.04.2016



**BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR**S.A No. 380 /2016

Fainda Shah S/o Azhar Shah,  
H.C, PS Pir Baba, Buner, Ex-ASI/PC,  
PS Pir Baba, Buner . . . . . Appellant

**P.W.P. Province**  
**Service Tribunal**  
Slary No 355  
Dated 08-04-2016

Versus

1. Regional Police Officer, Malakand at Saidu Sharif, Swat.
2. Provincial Police Officer, KP, Peshawar.
3. District Police Officer, Pir Baba, Buner.
4. Sher Muhammad, ASI/PC, PS Pir Baba, Buner. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO. 9562/E, DATED 08.12.2015 OF R. NO. 1 WHEREBY APPELLANT WAS REVERTED FROM THE RANK OF ASI/PC B-09 TO THE RANK OF HC B-07 FOR NO LEGAL REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**Respectfully Sheweth:**

1. That appellant was appointed as Constable B-05 on 15.07.1979. He successfully completed the course of Recruitment Course, Section Commander Course and Platoon Commander Course. Beside this, he was awarded several commendation certificates for his good performances of his official duties.
2. That on 27.05.2000, appellant was promoted to the rank of HC, B-07 by S.S.P, Buner. (Copy as annex "A")

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8/4/16

3. That on 02.08.2012, appellant was further promoted to the rank of ASI/PC B-09 for 3 years as per standing order, 2006. (Copy as annex "B")
4. That on 08.12.2015, appellant was reverted to the rank of H.C B-07 from the rank of ASI/PC B-09. (Copy as annex "C")
5. That on 28.12.2015, appellant submitted departmental appeal before R. No. 2 through proper channel which was forwarded to R. No. 1 on 07.01.2016 by R. No. 3 but thereafter, the same met dead response. (Copy as annex "D")
6. That the same subject matter in dozens of appeals came for consideration before this hon'ble Tribunal and after thorough probe, the same were accepted vide numerous judgments dated 29.11.2005, etc. (Copy as annex "E")

Hence this appeal, inter alia, on the following grounds:-

**GROUND S:**


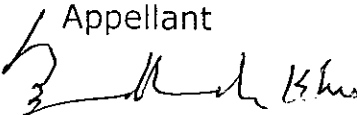
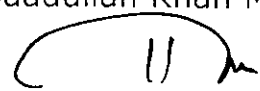
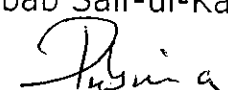
- a. That appellant rendered meritorious services to the department since the year, 1979.
- b. That appellant was promoted to the rank of Head Constable and thereafter to the rank of ASI/Platoon Commander BPS-09 in routine manner.
- c. That neither any notice nor any enquiry was conducted by reverting appellant from higher grade to lower rank.
- d. That appellant is at the verge of retirement and the impugned order of reversion deprived him from the benefits of B-09 as well as pensionery benefits.
- e. That in similar circumstances, the subject matter came up under consideration before the hon'ble Tribunal in numerous appeals and after going through the same, the hon'ble Tribunal was pleased to accept the same by restoring the

aggrieved servants to their original positions of ASI/PC and SI/PC.

- f. That in similar circumstances many servants were retired on attaining the age of superannuation in the said grade.
- g. That standing order No. 3 is not applicable in the case of appellant because the same was for administrative arrangements and has no legal sanctity, being incompetent.
- h. That principle of locus poenitentiae is applicable in the case in hand as the order was acted upon, implemented and got finality which cannot be rescinded at a single stroke of pen.
- i. That appellant served in hard areas where life was at risk and even as per the directive of the Government, one step promotion was required to be given to the employees.
- j. That the department was legally bound to extend the same for a further period of 3 years as per requirement of law.
- k. That standing order was declared not only by this hon'ble Service Tribunal as of no legal effect which judgment was up held by the apex court.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned order dated 08.12.2015 be set aside and appellant be restored to his original rank of ASI/PC B-09 with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 8 .04.2016

  
 Appellant  
 Through   
 Saadullah Khan Marwat  
  
 Arbab Saif-ul-Kamal  
 &   
 Miss Robina Naz,  
 Advocates,



B-

5

2-8-12

ORDER:

Consequent upon the recommendation of the DPC laid in District Police Office, Buner vide his office Memo: No. 3084 F, dated 11.02.2012 ASI/ Platoon Commander Feroz Shah No. 186 is hereby reverted to his substantive rank to Head Constable with immediate effect.

Head Constable C-II Fainda Shah No. 38 of Buner District promoted as ASI/Platoon Commander in his place for three years as per provision of Standing order No. 1 of 2006 with immediate effect and until further order.

SD/-  
(Akhter Hayat Khan)  
Deputy Inspector General,  
Malakand Region Saidu Sharif Swat.

No. 5521/E,  
Dated 02.08.2012.

Copy to District Police Officer, Buner for information and necessary action with reference to his office memo: No. quoted above.

*Akhter*  




درخواست (اپیل) بعرض بحالی بعہدہ اسٹنٹ سب انسپکٹر

سائیل: پائیندہ شاہ نمبر 1056/HC متعینہ چیک پوسٹ ملک پور

جناب عالی!

گزارش ہے۔ کہ سائیل مورخہ 15/09/1979 کو محکمہ پولیس میں بھرتی ہو چکا تھا۔ سائیل نے ریکروٹ کورس کے علاوہ سیکشن کمانڈر کورس اور پلاٹون کمانڈر کورس پولیس ٹریننگ کالج ہنگو سے کروا کر کوالیفائی کر چکا ہے۔ جو سائیل مورخہ 27/05/2000 کو بعہدہ ہیڈ کنسٹیبل آفران بالانے مہربانی فرما کر ترقیاب ہوا تھا۔ بعہدہ سائیل کو 02/08/2012 کو سائیل اے ایس آئی (پلاٹون کمانڈر) کے عہدہ پر ترقیاب کیا گیا۔ جو سائیل BPS-07 سے BPS-09 میں چلا گیا تھا۔ جو اب مورخہ 16/12/2015 کو ریورڈ کر کے واپس BPS-07 پر لایا گیا ہے۔

سائیل کا عرصہ ملازمت کافی وسیع ہے۔ اور سائیل نے سخت حالات میں اپنے فریض منصبی بطریق احسن نبھا کر سائیل کی ماضی بھی شفاف اور بے داغ رہی ہے۔ چونکہ سائیل کا مزید عرصہ ملازمت کم ہے۔ اور غریب بھی ہے۔

لہذا استدعا ہے۔ کہ سائیل کے حالت پر رحم فرما کر سائیل کو اپنی عہدہ بحیثیت اسٹنٹ سب انسپکٹر بحال کیا جائے۔ تو سائیل تادم ذیبت دعا گو رہے گا۔

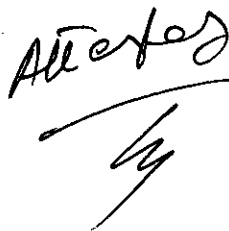
العارض!



پائیندہ شاہ 1056/HC

ضلع بونیر

مورخہ 28/12/2015







171

9

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR.

S.A No. 108 /2005

N.W.F.P. Province  
Service Tribunal

Niaz Muhammad s/o  
R/O Nagrai, Buner Formani Khel, Mardan.  
Ex-SI-PC, FRP, Peshawar.....

150-  
9-2-05  
APPELLANT

Versus

1. Deputy Commandant,  
Frontier Reserve Police, Peshawar.
2. Commandant,  
Frontier Reserve Police,  
N.W.F.P., Peshawar.
3. Inspector General of Police,  
N.W.F.P., Peshawar.....

RESPONDENTS

M.A)9  
2/11/05

APPEAL AGAINST ORDER NO. 7279-88/EC, DATED 13.10.2004  
OF RESPONDENT NO.1 WHEREBY APPELLANT WAS REVERTED  
FROM THE RANK OF S.I/PC TO THE RANK OF HEAD  
CONSTABLE FOR NO REASON.

29.11.2005

Parties present. Vide our detailed judgment of today in Appeal No. 941/2003 Jamdad Khan Versus Deputy Commandant FRP etc, this appeal is accepted. No order as to costs. File be consigned to the record after completion.

ANNOUNCED.  
29.11.2005.

Member.

Member.

Member of the Tribunal

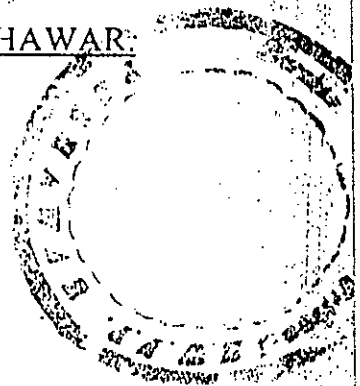
Member of the Tribunal  
Peshawar.

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10

BEFORE THE NWFP SERVICE TRIBUNAL PESHAWAR:



Appeal No. 941/2003

Date of institution -- 22.09.2003

Date of decision - 29.11.2005

Jamdad Khan, Ex-SI/PC FRP Hqrs, Peshawar.....(Appellant)

VERSUS

- 1. Deputy Commandant, FRP Peshawar.
- 2. Commandant, FRP, NWFP Peshawar.
- 3. I.G.P. N.W.F.P, Peshawar.....(Respondents)

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Mr. Saadullah Khan Marwat, Advocate.....For appellant.  
 Mr. Zaffar Abbas Mirza, Acting Govt. Pleader.....For respondents.

ABDUL KARIM QASURIA.....MEMBER.  
 GHULAM FAROOQ KHAN.....MEMBER.

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JUDGMENT.

ABDUL KARIM QASURIA, MEMBER :- This judgment will dispose off the appeal filed by Jamdad Khan appellant against the order dated 7.6.2003 of Deputy Commandant FRP Peshawar, whereby he was reverted from the post of SI/PC (B-14) to the rank of Head Constable (E-7) in the FRP, Peshawar. The appellant has prayed that the impugned order may be set aside and he be re-instated in service with full back benefits.

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2. Brief facts of the case as narrated in the memo of appeal are that the appellant was initially appointed in the Force on 2.12.1979. He was promoted to the rank of Head Constable on 6.6.1987. He was further promoted to the rank of S.I. on 4.6.1982. He was also granted selection grade. Without any reason and justification when the appellant was at the verge of retirement, he was reverted from the rank of S.I. to the rank of Head Constable vide the impugned order dated 7.6.2003 against which the appellant submitted a representation before respondent No. 2 which met with dead response till date. The Force was brought on regular basis by the Provincial Government.

25/11/05  
L. Singh

3. The grounds of appeal are that after the lapse of statutory period of 90 days, the appellant preferred the present appeal before the Tribunal challenging the impugned order as illegal, without lawful authority and having been passed in violation of the existing laws on the grounds that the said post was still in existence. He was reverted straightaway from BS-14 to BS-7 while usually reversion order has to be made step by step. Selection Grade (BS-9) was also recalled from him for no reason. The appellant was also promoted to the rank of SI/PC, being eligible, qualified and fit for the said post and he in the same capacity served the Force for 10/11 years but he was reverted in colourful manner and against the prescribed procedure enunciated in the rules. In the year 2000, FRP was brought on permanent and regular basis and Standing Order No. 3 was not applicable in the case of

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ATTORNEY GENERAL  
PUNJAB  
L. Singh

appellant because the same was for administrative arrangements and has no legal sanctity as the same was not passed at that time by the competent forum. It must be kept in mind that the appellant served the Force for 10/11 years as stated earlier without any complaint, so the principle of locus poenitentiae is applicable in his case because the order was acted upon, implemented and has got finality which cannot be rescinded at a single stroke of pen, except adhering to law. Much less the appellant was neither served with any notice nor he was given opportunity of defence what to speak of holding of enquiry in the matter. In similar circumstances while reverting the other officials, they were served with prior notices before the passing of the demotion orders. Legally reversion amounts to termination of service but such act was without re-coursing to law and in similar circumstances this Tribunal was pleased to accept "Appeal No. 15/1980 of Fazal Hussain Vs. IGP NWFP and others and Appeal No. 70/1995 of Taj Muhammad Vs. Commandant FRP and others.

87/1980  
28/11/01  
Fazal Hussain

4. The respondents were served with notices who submitted their written statements by contesting the appeal on merit as well as on law points. Preliminary objections to the extent of limitation, mis-joinder and non joinder of necessary parties, without cause of action and jurisdiction were raised.

5. On factual side, it was urged that the appellant was recruited as constable in Additional Police, which was later on converted into FRP as per record. He was promoted to the rank of S/PC on officiating basis as such he was reverted to his substantive rank. The reversion from officiating rank is not punishment and no proceedings were required to be initiated against the appellant under the E&D Rules.

6. The appellant has submitted his replication in rebuttal. According to replication the appeal is well within time. No lacuna has been pointed out. No such party has been pointed out as to who was the necessary party and the parties impleaded in the appeal are quite sufficient for the purpose. The appellant has a cause of action as not only he was reverted from the higher rank to the lowest rank but his monthly pay was also reduced from Rs. 11,000/- to Rs. 4,000/-. No element of unclean hands has ever been pointed out. The Tribunal has the exclusive jurisdiction in the matter.

7. On factual it has been submitted that every change in pay scale, whether temporary, officiating, stop gap arrangements, acting charge basis, etc amounts to promotion as per the judgments of the Hon'ble Supreme Court of Pakistan. Even grant of selection grade also amounts to promotion. The appellant was never served with any notice for the purpose. Till date, no rejection order has been received by the appellant. Even the same is not attached with the copy submitted before the Tribunal what to speak of

B/1  
28/11/14

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supply of copy to the appellant. Standing order No. 3 has no legal force nor there exists any difference in the orders of promotion of the appellant. The promotion of the appellant was on merit and is not open to fire. Apart from the above, in orders dated 11.4.2003 and 7.6.2003 numerous officials were promoted like appellant but they have not been reverted and are still serving as such. In order dated 11.5.1994, Khurshid Anwar SI/PC is still serving as promotee and has not been reverted and this order has been kept secret. In order dated 28.1.1998 at S.No. 1 and 2 Ali Hussain and Syed Asghar Ali are still serving as promotees ASIs, Riazuddin, Haq Dad Khan, Fazal Hussain, etc were given promotions on the same basis and retired as Inspectors. Some Inspectors were given warning of reversion but they have not been reverted as yet.

25/11/11  
 D. J. Hussain

11/11/11

8. Arguments heard and record perused.
9. At the time of hearing, the Tribunal observed that apparently, the appeal is directed against the order of reversion issued by the Deputy Commandant, FRP, Peshawar (Respondent No.1) but the order of promotion was made by the Commandant, FRP, NWFP, Peshawar (Respondent No.2). So legally and as is held by the apex superior courts, inferior authority cannot interfere with the order of the superior authority and was not amenable to any interference by the inferior authority. The post of SI/PC carries a higher pay scale B-14, status and responsibility as compared to the

Head Constable and to say the least, the appellant was reverted from the post of SI/PC without any valid reason.

10. The preliminary objections raised by the Government Pleader on behalf of the respondents were considered at length but they were ruled out of the contents. The appellant categorically mentioned in the para of the appeal that on 14.6.2003, he preferred an appeal to the Commandant, FRP, NWFP, Peshawar (Respondent No. 2), against the order dated 7.6.2003 of respondent No. 1. but the same is still pending before respondent No. 2 while more than 90 days have been elapsed. The respondents in their reply have mentioned that the representation of the appellant was rejected by the Authority but this was controverted on an affidavit and mentioned that the reply of the respondents is vague and incorrect in the sense that no order of the Authority in respect of the filing of the appeal has ever been communicated to him. On perusal of the record, there seems nothing that the order of rejection has ever been communicated to the appellant, so the appeal is well within time. Other preliminary objections raised by the respondents are also of flimsial nature. It has been held in several cases that this Tribunal is competent to entertain appeals of the aggrieved officials because they are civil servants. Since this objection has been settled once for all and the Tribunal as well as apex higher courts have entertained such like cases in numbers, so we need not dwell upon the issue any more.

8/11/03  
25/11/03

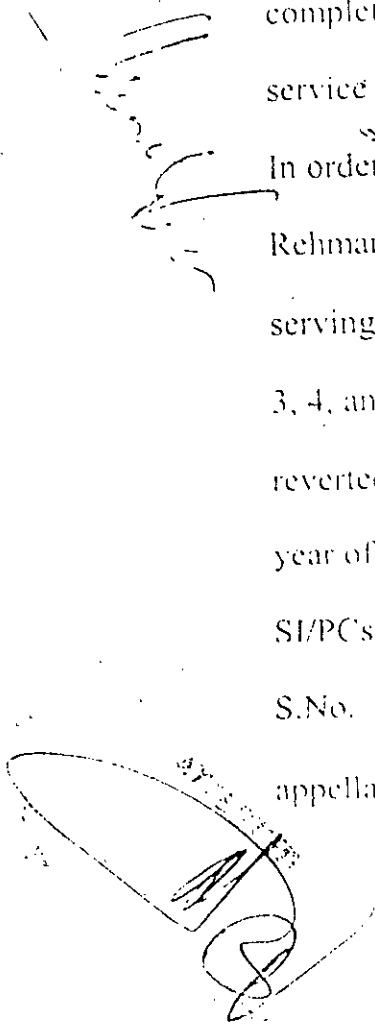
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11. The appellant has a cause of action because his terms and conditions of service have been violated as he was reverted from the rank of SI/PC (B-14) straightaway to the rank of Head Constable (B-7) on no legal reason, so the appellant has cause of action and this Tribunal has the exclusive jurisdiction regarding the subject matter. The points impliedly are sufficient for the purpose to resolve the issue in hand. No element of un-clean hands has ever been pointed out.

12. While discussing the merit of the case, the learned counsel for the appellant contended that the appellant was promoted to the Grade-14. After 11 years, he was reverted to Grade-7 without any rhyme or reason. Other Head Constables, who were promoted alongwith the appellant on completion of 10/11 years tenure were either kept in service or retired from service as SI/PCs instead of reverting them to the rank of Head Constables. In order dated 01.4.2003, the officials at S.No. 4, Gul Shaid Khan, Habibur Rehman at S.No. 16, Rehmat Ali at S.No. 17 were not reverted but are still serving as such. Similarly, in the order dated 28.1.1998 the officials at S.No. 3, 4, and 5 have been reverted while the officials at S.No. 12 and 6 were not reverted and are still serving as such. Such is the position of the order of the year of 1995 wherein all the officials were retired from service in capacity of SI/PCs except at S.No. 16, Fazal Muhammad who was not reverted while at S.No. 17 Gul Tazeer No. 872, was reverted. In order dated 4.6.1992, the appellant was reverted. Rest of the incumbents were retired from service in

25/07  
2011  
SI/PC



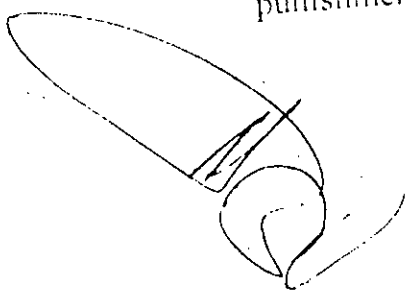


BS-14 while the incumbent at S.No. 2, namely Hayat Khan No. 41 was not reverted. In order dated 7.6.2003 incumbent at S.No. 9 Taj Hussain was not reverted and is still serving as such.

13. The learned counsel for the appellant drew the attention of this Tribunal to other officials namely Humayun Khan, Hayat Khan, Altaf Khan, Mian Zada who were promoted to the post of ASI/PCs on 1.7.1992 but they are still serving the Force as such. Similar other instances also exist. There is no provision in the Police Rules to the effect that Head Constable when promoted and posted as SI/PC would stand reverted after three years. In support of this contention he quoted authority of the Supreme Court of Pakistan, PLD-1965-SC, P-106 "Constitution of Pakistan, 1962" Article 96 (Government Servants) Service Rules not in existence - letters issued by Executive Authorities regarding service matter, increments, etc, cannot take the place of properly framed Rules (P-110-C).

14. The counsel for the appellant further contended that if it is presumed without conceding that the appellant was reverted after completion of normal tenure as SI/PC and this reversion was not by way of punishment, even then the issue of show cause notice to the appellant was mandatory. In support of this contention reliance was placed on PLD-1958 Ka Page-35 "(a) Constitution of Pakistan, Article 181 (ii) reduction in rank - provision, show cause notice applied even if reduction is not by way of penalty or punishment P-40 (c) SCMR-1994-2232.

25/11/03  
B1



15. The counsel for the appellant further claimed that the appellant was eligible and qualified for his promotion on the basis of seniority-cum-fitness as he has 26 years unblemished service record at his credit. As such he could not be reverted except by way of punishment and that too in accordance to law. Since the appellant did not commit any irregularity/illegality nor he was proceeded against under any rule, his reversion was without any lawful authority.

16. The Government Pleader while replying to some of the points raised by the counsel for the appellant stated that the appellant was promoted on officiating basis and not on regular basis after completion of normal tenure of 6 years, he was reverted to Grade-7 in normal course. The temporary promotion cannot be claimed as a matter of right as it is not guaranteed. The counsel further argued that the provision does not exist in Police Rules with regards to the promotion of Head Constable to the rank of Sub Inspector/Platoon Commander. The promotion is granted to the incumbents in the interest of administration as a temporary measure. Only those upper subordinates were allowed to remain in officiating capacity for a longer period who are qualified in the Intermediate as well as Upper School Courses. The appellant has not undergone that courses and as such, he could not be allowed to remain as officiating Sub Inspector for ever. He was promoted as SI/PC in officiating capacity and on completion of three years tenure, he was considered for reversion to his substantive rank of Head Constable who was promoted to officiate as Sub Inspector/Platoon

SI/PC  
25/11/11

Commander for 6 years and was allowed to retire after completion of 25 years service on their own request. In the normal course, they had to be reverted to the rank of head Constable after completion of 3 years tenure.

17. While rebutting the stand of Government Pleader, the counsel for the appellant stated that "officiating" does not exist in the promotion order of the appellant but even if it is presumed without conceding that the promotion of the appellant was ordered on officiating/temporary basis, even then demotion from the post of Platoon Commander to that of Head Constable could not be ordered without issuing show cause notice to the appellant. The appellant relied on High Court judgment appearing in PLD-1958 (W.P) Karachi 35 which is set out as under :-

"Government Servant (Railways) Promotion by authority competent to promote temporarily - Promotee un-aware of restricted character of such authority order reverting Railway servant set aside in circumstances of case law of agency and estoppel -

Constitution of Pakistan (1975), Art. 170. (P.805)A' and SCMR 1994 2232. (I) Constitution of Pakistan (1973), Art. 199. Maxim: "Audi alteram partem" Employee of statutory corporation- Reversion - Absence of statutory rules - remedy Corporation while taking action against its employee, either issuing show cause notice to him nor giving him opportunity of hearing - Corporation having violated principles of natural

25/11/58  
Lm: 118

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justice, its action in reverting employee was declared to be without lawful authority and of no legal effect.

18. In view of the conflicting views and contradictory stands taken by the parties, it would be difficult to resolve the controversy unless a reference is made to promotion/demotion orders issued by the authorities from time to time. The first order of promotion was issued by the DIG Police Peshawar Range on 4.6.1992. This order is silent about the nature of promotion i.e. regular or otherwise. It also does not mention that the appellant would be reverted as Head Constable after completion of fixed tenure of 3/6 years. We have considered this difference in the two orders on the same subject but we have come to the conclusion that the orders issued by the higher authority i.e. DIG Peshawar would naturally take preference. The claim of the appellant that he was unaware of the restricted character of the promotion would therefore prevail. The appellant is thus entitled to the benefit of the judgment of the Dacca High Court in the Writ Petition No. 239 of 1961 (PLD-1963- Dacca 301) (para 11).

8/1 review  
25/11/05

19. The appellant was considered suitable for promotion by the DIG Peshawar Range. This suitability naturally meant seniority-cum-fitness. The appellant is un-doubtedly senior. He is also fit for promotion as he has 25/26 years service at his credit. The appellant possess more than satisfactory record of service. He has earned certificates and cash rewards on several occasions. Entries with regard to all these facts are available in the service

documents of the appellant. The vacancies for promotion were also available at the relevant time.

20. The net result of the above discussion is that the appellant was promoted on regular basis and some orders of respondents, no doubt, bear the word "officiating" but since these orders were not endorsed to the appellant, he is entitled to the benefit of the judgment of Dacca High Court in Writ Petition of 239/1961. Moreover, the appellant could not be demoted on the basis of a Standing Order because such letter had no force of law in view of the judgment of Hon'ble Supreme Court of Pakistan appearing in PLD-1965 (S.C) 16. It is also evident that the appellant became the victim of differential treatment. Other Head Constables who were promoted with the appellant were retired as Platoon Commanders whereas the appellant was reverted back as Head Constable.

25/1/65  
S. J. Khan

21. The counsel for the appellant further contended that after expiry of the probationary period, an official on completion of probationary period becomes permanent and his probationary period automatically ceases. Reliance was placed on PLC-1994-CS-84-PLC-92 CS1327.

22. That most of the orders of promotion to the next higher ranks have been passed by the Commandant, FRP (Respondent No.2), while the orders of reversion to the lower ranks were prompted by the Deputy Commandant, FRP Peshawar, so the same have no legal value as subordinate authority can not legally interfere with the orders of the higher authority. Only on this score, the impugned order is liable to be set aside.

Signature

23. That on 16.1.1988 the Finance Department circulated order of the Government of NWFP, Home & Tribal Affairs Department that all the Forces are hereby regularized.

Para No. 5 at Page-2 of the said order reads as under :-

"5. The location of staff created are shown in Annexure-B. The duties and responsibilities of the new set up will be the same as those of regular police else where and its services will be governed by the police rules or any other rules applicable to their counter parts in regular police."

24. In view of the above discussion, the Tribunal agrees with the arguments advanced by the learned counsel for the appellant, accepts the appeal, sets aside the impugned order and re-instates the appellant in service.

25. This judgment will also dispose off the following connected appeals, as identical questions of law and facts are involved in all these cases :-

Handwritten notes: 25/11/05, 25/11/05, 25/11/05

S.No.	Appeal No.	Name of appellant	Versus	Impugned order
1.	836/2003	Asal Khan	Dy. commandan FRP etc.	16.4.2003
2.	896/2003	Nazir Badshah	-do-	7.6.2003
3.	1185/2003	Farhad Khan	-do-	1.7.2003
4.	948/2003	Gulfaraz Khan	-do-	7.6.2003
5.	949/2003	Muhammad Irshad	-do-	7.6.2003
6.	950/2003	Abdul Rehman	-do-	7.6.2003
7.	951/2003	Nasrullah Khan	-do-	7.6.2003
8.	952/2003	Gul Tazar	-do-	18.10.2004
9.	169/2005	Saidur Rehman	-do-	18.10.2004
10.	170/2005	Hayatullah	-do-	18.10.2004
11.	171/2005	Mira Khan	-do-	18.10.2004
12.	172/2005	Fida Muhammad	-do-	18.10.2004
13.	173/2005	Mahir Khan	-do-	18.10.2004

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14.	105/2005	Karim Khan	-do-	18.10.2004
15.	653/2004	Sher Akbar	-do-	7.6.2003
16.	796/2003	Malak Zada	-do-	24.5.2003
17.	264/2005	Farhad Khan	-do-	18.10.2004
18.	106/2005	Rajmali Khan	-do-	18.10.2004
19.	107/2005	Raza Khan	-do-	18.10.2004
20.	108/2005	Haji Niaz Muhammad	-do-	18.10.2004
21.	109/2005	Yousef Khan	-do-	18.10.2004
22.	942/2003	Sartaj Khan	-do-	7.6.2003
23.	943/2003	Akbar Khan	-do-	7.6.2003
24.	944/2003	Alauddin	-do-	7.6.2003
25.	945/2003	Ghulam Akbar	-do-	7.6.2003
26.	946/2003	Abdul Haleem	-do-	7.6.2003
27.	947/2003	Luqman Hakim	-do-	7.6.2003
28.	953/2003	Ali Muhammad	-do-	7.6.2003
29.	954/2003	Mir Alam Khan	-do-	7.6.2003
30.	955/2003	Muhammad Gul	-do-	7.6.2003
31.	956/2003	Habibur Rehman	-do-	7.6.2003
32.	957/2003	Noor Bahadur	-do-	7.6.2003
33.	958/2003	Hastam Khan	-do-	7.6.2003
34.	706/2004	Amir Nawaz	SF FRP etc	24.8.2004

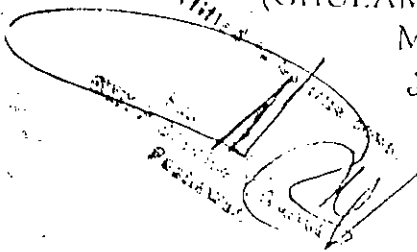
26. No order as to costs. File be consigned to the record.

ANNOUNCED.  
29.11.2005.

  
(ABDUL KARIM QASURIA)  
MEMBER.

  
(GHULAM FAROOQ KHAN)  
MEMBER.

23/11/05



12.12.05  
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 Date 12.12.05  
 12.12.05





فہرست خواہشمند سرورس ٹرانسپوزل شدہ ایک کورٹ شدہ سورت

پچاسی پانچواں شاہ بنام ریجنل پولیس افسر صاحب، گلندھ ڈویژن اور گلندھ

جواب ریٹائرمنٹ 4

سرورس راجیل 380  
دہلی 16

ضامی :- بالکل اطمینان ہے۔

۱۔ سن 2015 اور سال 1981 میں بطور پولیس سپاہی بھرتی ہوئے اور  
مقامی خصوص اور ریجنل پولیس سے اپنے فرائض انجام دیتا رہا ہوں۔

۲۔ سال 2002 میں اپنی خدمت اور تہہ کام کر دینے کے نتیجے میں  
پینشن کا کنٹریبل کے حقیقت سے ترقی دی گئی ہے۔

۳۔ 2015 سال کو ملاؤن کا نڈر کورس کیلئے 1993 میں بھیجا گیا اور  
مذکورہ کورس مکمل کیا ہے۔

۴۔ سال 1993 سے یک سال 2015 تک خدمات اور بہتر  
کارکردگی کے نتیجے میں سال 2015 میں ASI کو بیٹ پر ترقی دینے  
کو بیٹ کا نڈر تعینات کیا گیا ہے۔ اور اپنی تہہ کام کر دینے کے صلہ میں  
سکرٹری ٹو سیکرٹری، سیکرٹری - ضلع ناظم لونیر، ٹائٹ ناظم ضلع لونیر  
گلندھ ڈویژن، سٹیشننگ آفیسر، ڈی ایچ ایس، لونیر کورٹرو سے  
سزا دینے میں معاون رہے ہیں۔

۵۔ سال 2015 میں ملازمت میں صرف کے ریٹائرمنٹ کے قریب ہے۔

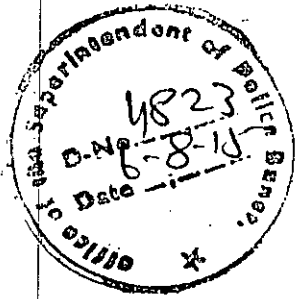
میں سے اگلا ریٹائرمنٹ کی استدعا کی جاتی ہے۔

الذی اعلم بہ ASI/Pe

01/12/2016

مستند

# ڈسٹرکٹ پولیس آفیسر صاحب ضلع بونیر



جناب عالی!

مودبانہ گزارش ہے کہ سائل محکمہ پولیس میں سال 1981 کا بھرتی ہے اور سال 1992 کو پلاٹون کمانڈر کورس پاس کیا ہے پلاٹون کمانڈر کورس کرنے کے بعد اچھی کارکردگی کی بناء پر افسران بالا صاحبان نے دو مرتبہ شوٹڈر فرموشن بعہہ ASI ترقیاب کرنے کے احکامات صادر کئے ہیں۔ سائل نے بعہہ پلاٹون کمانڈر ترقیاب ہونے کا انتظار کیا مگر ابھی سائل کی عمر اور سروس بھی اختتام پزیر ہونے کے قریب ہے۔ مگر پلاٹون کمانڈر فرموشن نہیں ہو سکا۔

سائل نے پولیس گارڈ خانوں ڈھیرئی کیلئے اپنی ذاتی اثر و رسوخ پر مشران دیہہ سے 13 مرلے اراضی حاصل کر کے محکمہ مال کے ریکارڈ پر محکمہ پولیس کے نام پر منتقل کیا ہے۔ اور بارک کنشیلان بھی تعمیر کیا اور اسی طرح گارڈ مہاجر کمپ کوگا گارڈ کی موجودہ عمارت اپنی مدد آپ کے تحت بنایا ہے اور جس جگہ یعنی گارڈیا چوکی میں افسران بالانے تعینات کیا ہے تو وہاں پر ضرور تعمیری کام کیا ہے۔ اچھا فراگرس بھی بنایا۔ چونکہ سائل سنہ ترین (26 سال سے) ہیڈ کنشیل ہے اور پلاٹون کمانڈر کورس پاس کیا ہے۔ اور پلاٹون کمانڈر ASI ضلع ہذا میں جگہ بھی خالی ہے۔

لہذا بڈریو درخواست استدعا ہے۔ کہ سائل کے جملہ خدمات محکمہ پولیس کیلئے جو ریکارڈ پر موجود ہے مد نظر رکھتے ہوئے سائل کو بعہہ پلاٹون کمانڈر ترقیاب کرنے کا حکم صادر فرمایا جائے تو تاحیات دعا گور ہونگا۔

فقط آداب  
S/M

آپ کا تالدار - شیر محمد خان IC ، HC / 1056

گارڈ مہاجر کمپ کوگا تھانہ ناؤگئی

MEC

Sir,

forwarded.

Handwritten signature/initials.

Copy  
D.S.P. Totalai.

31.7.15

Sir,  
forwarded and  
recommended.

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30/7/2015

7647  
1472-15

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION,  
AT SAIDU SHARIF SWAT

ORDER:

Consequent upon completion of three years tenure as Platoon Commandership ASI / PC Panjshir of Buner District is hereby reverted to his substantive rank of Head Constable with immediate effect.

As per recommendation of District Police Officer, Buner vide his office memo: No. 11162/EC, dated 11/11/2015, Head Constable Sher Muhammad No. 1056 of Buner District is hereby promoted as ASI, Platoon Commander in his place for three years with immediate effect and till further order.

(AZAD KHAN) Tst, PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat

No. 9562 /E,

Dated 08-12-2015

Copy to District Police Officer, Buner for information and necessary action with reference to office memo: No. quoted above.

\*\*\*\*\*

OB/EC/PO

DPO/BUNER

~~14-12-2015~~

**From:-** The District Police Officer,  
Buner

**To:-** The Regional Police Officer,  
Malakand Region at Saidu Sharif Swat.

No. 8836 /EC, dated Daggar the 18 / 08/2015.

**Subject: - APPLICATION FOR PROMOTION AS PLATOON  
COMMANDER**

**Memo:-**

Kindly refer to your office Memo No.5962/E, dated  
31.7.2015.

It is submitted that ASI Painda Shah of this District was  
promoted as ASI/Platoon Commander vide your office Order Endst  
No.5521/E, dated 2.8.2012 and completed 3 years tenure as ASI/Platoon  
Commander.

It is further added that shoulder promote ASI Sher  
Mohammad No. 1066 of this district has qualified the following courses and  
eligible / suitable for promotion as ASI / Platoon Commander, *None*.

His service particulars are as under.

S. No	Name & No	D/O Birth	D/O enlistment	D/O promotio n as HC	Detail of courses	entries	
						Good	Bad
1	Sher Mohammad No.1066	16.8.1962	1.9.1981	20.1.2001	Section commander course OB No.8 Dt:30.1.93 Platoon commander course OB No.26, Dt:5.4.93	23	13

*[Signature]*  
DISTRICT POLICE OFFICER,  
BUNER

From :

The Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

To :

The District Police Officer, Buner.

No. 569/62

/E, dated Saidu Sharif, the 31-7 /2015.


Subject:

APPLICATION FOR PROMOTION AS PLATOO  
COMMANDER.

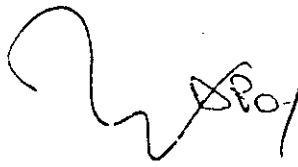
*Memorandum:*

An application along with relevant documents presented by A  
Sher Muhammad Khan of Buner District for promotion as Platoon Commander a  
sent herewith for detail comments.

EXCD (13)

  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat

EC  
for comments

  
DPO/Buner

**From:-** The District Police Officer,  
Buner

**To:-** The Regional Police Officer,  
Malakand Region at Saidu Sharif Swat

No. 1162 /EC, dated Daggar the 20 / 11 / 2015.

**Subject:-** APPLICATION FOR PROMOTION AS PLATOON COMMANDER

**Memo:**

Kindly refer to your office Memo: No. 6861/E, dated  
01/09/2015.

It is submitted that list of C-II Head Constables duly  
prepared / recommended for promotion as platoon commander / ASI by  
the committee.

In the light of the recommendation of the committee  
constituted vide your above quoted reference, Head Constable Sher  
Mohammad No. 1066 mentioned at S.No. 5 in the enclosed list <sup>is</sup> ~~are~~  
hereby recommended for promotion as Platoon Commander ASI in  
(BPS-09), please.

*Valid*  
DISTRICT POLICE OFFICER,  
BUNER

PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA



Provincial Assembly Khyber Pakhtunkhwa

## CERTIFICATE OF EXCELLENCE

Awarded to

ASI Mr. SHER MUHAMMAD, Incharge Checkpost Johaila, Pir Baba

In recognition of his valuable and excellent services rendered and acknowledgment of the expeditious and efficient performance particularly in apprehending the culprits involved in the murder case of Sardar Soran Singh, MPA.

  
Signature  
Speaker

DISTRICT GOVERNMENT BUNER



BEST PERFORMANCE CERTIFICATE

*This Certificate is awarded to*

***Mr. Sher Muhammad***

**Assistant Sub Inspector**

*Dr. Obaid Ullah*  
Dr. Obaid Ullah  
Nazim Ala  
Distt: Buner

District Nazim Ala Buner

*Yousaf Ali*  
Yousaf Ali  
Naib Nazim Ala  
Distt: Buner

District Naib Nazim Ala Buner





PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

NO.PA/KP/SPKR/PSO/20:6  
Date April 29, 2016

To,

The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: PROGRAM REGARDING PAYING APPRECIATION OF THE MALAKAND DIVISION POLICE FOR ARRESTING KILLERS OF LATE SARDAR SORAN SING, SPECIAL ASSISTANT TO CHIEF MINISTER KHYBER PAKHTUNKHWA.

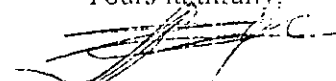
Dear Sir

I am directed to refer to the subject cited above and to say that Hon'ble Speaker, Provincial Assembly of Khyber Pakhtunkhwa has been pleased to organize a program to pay tributes to Malakand Police force for arresting Killers of Late Sardar Soran Sing. The program will be held on 05-05-2016 at 12:00 (Noon) at Jirga Hall of Assembly Secretariat Peshawar followed by Lunch.

It is, therefore, requested to kindly make it convenient to personally attend the program along-with Mr. Azad Khan, DIG Malakand and Mr. Khalid Hamdani, DPO, Buner on the date, time and venue mentioned above as per desire of Hon'ble Speaker.

With thanks,

Yours faithfully,


  
(ATTA ULLAH KHAN)  
Secretary to Mr. Speaker,  
Khyber Pakhtunkhwa Assembly

Endst. No & Date even.

Copy of the above is forwarded for information with the request to kindly make it convenient to participate in the said program on the date, time and venue quoted above as per desire of Hon'ble Speaker:-

1. Mr. Sardar Hussain Babak, MPA, PK-77 Bunair-I
2. Mr. Habib-ur-Rehman, Hon'ble Minister, PK-78 Bunair-II
3. Mulana Mufti Fazal Ghafoor, MPA, PK-79 Bunair-III
4. Mr. Fazal Hakim, MPA, PK-80 Swat-I
5. Mr. Azizullah Khan, MPA, PK-81 Swat-II
6. Mr. Dr. Amjad Ali, Special Assistant to CM, PK-82 Swat-III
7. Mr. Muhibullah Khan, Special Assistant to CM, PK-83 Swat-IV
8. Mr. Mehmood Khan, Hon'ble Minister, PK-84 Swat-V
9. Mr. Jafar Shah, MPA, PK-85 Swat-VI

10. D. Haider Ali, MPA, PK-86 Swat-VII
11. Mr. Inayatullah Khan, Hon'ble Minister, PK-91 Upper Dir-I
12. Mehammad Ali Khan, MPA, PK-92 Upper Dir-II
13. Mr. Sahibzada Sanaullah Khan, MPA, PK-93 Upper Dir-III
14. Mr. Muzffar Said, Hon'ble Minister, PK-94 Lower Dir-I
15. Mr. Izaz-ul-Mulk, MPA, PK-95 Lower Dir-II
16. Mr. Saeed Gul, MPA, PK-96 Lowe Dir-III
17. Mr. Bakht Baidar Khan, MPA, PK-97 Lowe Dir-IV
18. Syed Muhammad Ali Shah, MPA, PK-98 Malakand-I
19. Mr. Shakeel Ahmad, Advisor to CM, PK-99 Malakand-II
20. Mr. Azad Khan, DIG Malakand.
21. Mr. Khalid Hamdani, DPO Bunner.
22. Mr. Arif Khan, SP Investigation Bunner.
23. Mr. Amjad Khan, SP CTD, Malakand.
24. PS to CM for Information of Hon'ble Chief Minister of Khyber Pakhtunkhwa.
25. Farmanullah Khan, SDPO Pir Baba, Bunner.
26. Naeem Khan, DSP HQ, Bunner.
27. Inspector Bakht Zamin, SHO Pir Baba, Bunner.
28. Inspector Abdul Wakeel, SHO Daggat, Bunner.
29. SI Farukh Sair, SHO Nawagai, Bunner.
30. SI Bakht Fareen Shah, SHO Chinglai, Bunner.
31. SI Usman Munir, SHO Chowga, District Shangla.
32. Inspector Shah Wali, CIO Investigation, Bunner.
33. Mr. Sher Muhammad ASI.
34. Mr. Gohar Ali, FC 718

  
Secretary to Mr. Speaker

Endst. No & Date even.

Copy of the above is forwarded to:-

1. PS to Special Secretary (Admn, Finance & Accounts), Provincial Assembly of Khyber Pakhtunkhwa with the request to direct quarter concerned for necessary arrangements for the program.
2. Additional Private Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa.

  
Secretary to Mr. Speaker

3

5

# COMMENDATION CERTIFICATE K.P.K Police



**Class III**

Granted to ASI Syaz Muhammad Khan

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Nawagai District Buner

In Recognition of His good duty

Cash Reward Rs. 100/-

O.B No. 142

DATED 14-10-2013

District Police Officer  
Buner

Granted by Mr. Aziz Iqbal Muhammad DPO Buner

*Attested*

34

# COMMENDATION CERTIFICATE K.P.K Police



Class III

Granted to ASI Shoa Muhammad Khan

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Nauwari District Buner

In Recognition of His good performance

Cash Reward Rs - 500/-

O.B No 122

DATED 30-8-2013

  
District Police Officer  
Buner

Granted by Mr. Asif Jahid Mohmand DPO Buner

Asif Jahid  
HEAD CLERK  
OFFICE BUNER.

# COMMENDATION CERTIFICATE

K.P.K Police

35



Class III

Granted to ASI SHER MUHAMMAD KHAN.

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Pisbaba District BUNER

In Recognition of His good performance in case FIR No. 98CNSA Pisbaba.

Cash Reward Rs 200/-

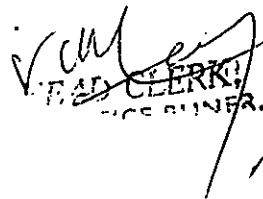
O.B No 55

DATED 17.5.113

  
District Police Officer  
Buner

Granted by MR JEHAN ZEB KHAN BANGASH.

Attested

  
HEAD CLERK  
BUNER.

# COMMENDATION CERTIFICATE

K.P.K Police

36



Class III

Granted to ASI LHER MUHAMMAD KHAN

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Pirbaba District BUNER

In Recognition of His good Performance in Case F.R. 56

Cash Reward Rs 500/- dt 24<sup>th</sup> 013 4/5 392-394/208  
Ps Pirbaba.

O.B No 34

DATED 6.3.013

Distrtict Police Officer  
[Signature]  
Buner

Granted by MR JEHANZEB KHAN BANGASH

[Signature]  
HEAD CLERK,  
S.P. OFFICE BUNER.

# COMMENDATION CERTIFICATE

K.P.K Police

37

*Entry has been made in 2-5-019*



Class III

Granted to SAEED MUHAMMAD KHAN ASI

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Pirbaba District Buner

In Recognition of His good performance in CRIC

Cash Reward Rs 300/- AR 36 DT 8 EB 45 9 BENS 13AO

O.B No 32

DATED 4-3-019

*[Signature]*  
District Police Officer  
Buner

Granted by MIR FAWAZ EB KHAN D.P.O. Buner

*[Signature]*  
S.P.O. OFFICE BUNER.

COMMENDATION CERTIFICATE  
N.W.F.P POLICE

38



CLASS-III

Granted to SHER MUHAMMAD KHAN ASI

Son of SHRIF U'ALLAH R/O Village LADHANA DEHRAI

Police Station NAWAGAT District BUNER

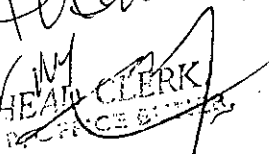
In recognition of FOR HIS GOOD PERFORMANCE DURING POSTING  
TO POLICE POST KHANANO DEHRAI.

Cash Reward 500/-

OB No. 185

Dated 23.12.2009

  
District Police Officer,  
Buner.

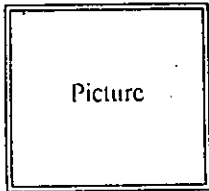
*Attested*  
  
HEAD CLERK  
POLICE STATION

Granted by MR. SAJAJ NAZ KHAN DEC/BUNER



# TO HOME IT MAY CONCERN

*It is certified that Sher Muhammad H.C 174 of Bunir Police has seen functioning as anchorage of the security Guard of Session House Bunir. I have found him dutiful, obedient, honest and all hard working. I therefor record this certificate in recognition of him said service.*



*M. Nawaz Khan*  
(MUHAMMAD NAWAZ KHAN)  
Distt & Session Judge  
Bunir Ad Daggar  
District & Sessions Judge,  
Bunir at Daggar.

*Attested*

*8/2/2022*

*[Signature]*  
NEED CLERK  
OFFICE BUNIR.

49

COMMENDATION CERTIFICATE.

This commendation Certificate is granted to  
Shor Muhammad Khan Head Constable No. 174 in  
recognition of his good performance.

He is also granted cash award of Rs.200/-.

*S. M. Khan*

( SAID MAROOF )

DISTRICT & SESSIONS JUDGE,  
BUREN AT LAGGAR,  
District of Sessions Judge,  
MUNICIPALITY LAGGAR.

*Attest*

*[Signature]*  
HEAD CLERK,  
OFFICE BUREN.

صالح علی  
سرکار  
174

OFFICE OF THE DEPUTY COMMISSIONER BUNER.  
AT DAGGAR.

42

Granted to Mr. Sher Mohammad (174 C2-F.C) S/O  
Sharif Ullah R/O Village, P.O & Tehsil Daggar Police Station Daggar  
District Buner. in recognition of Good performance during the visit  
of Chief Minister N.W.F.P. to Kulyari Buner.

Granted cash award Rs. 100/-

Dated 10 /07/1996.

*Attended*

*[Signature]*  
HEAD CLERK,  
OFFICE BUNER.

*[Signature]*

(ZAIN KHAN KHALIL)  
DEPUTY COMMISSIONER,  
BUNER.

39

N.W.F.P.  
COMMENDATION CERTIFICATE

Granted to Mr. Sher Mohammad (174 HC) S/O Sharif Ullah Khan R/O Village, Tehsil & Police Station Daggar District Buner. In recognition of Good Performance and very dutiful.

Granted cash award Rs. 500/-

Date: 6/05/1996.

Handwritten notes in Urdu:  
- 174 HC  
- 6/5  
- 9/11/96

Attested  
[Signature]  
HEAD CLERK  
POLICE BUNER

[Signature]  
(GHULAM FAROOQ KHAN)  
Deputy Commissioner,  
Buner. DEPUTY COMMISSIONER  
BUNER, DAGGAR

8/6/5

ORDER

C-II-Head Constable Sher Muhammad NO.174 is hereby given shoulder promotion as ASI due to his good performance during his last service i.e recovery of narcotic and timber as well as the present prevailing situation in the district as per recommendation of the SHO and D.S.P. Circle Totalai.

District Police Officer  
Buner

O.S. No. 82

Date. 28/7 2009

For issue of order with reference to

52/52

23/9

2010  
24/9

**POLICE TRAINING SCHOOL, HANGU.**  
**PLATOON COMMANDER'S COURSE**

محمد علی خان III

Progress Sheet.

14. Name.....  
 Education..... *NIL*  
 of residence.....  
 enrolment.....  
 commenced..... *30-9-92*  
 concluded..... *20-12-92*

Result

**EXAMINATION.**

Subject.	Possible marks	Marks obtained
Training	50	31
Training	50	30
Training	20	13
Training	30	18
Training care of Arms	30	19
Training	50	—
Training	100	58
Training	50	32
Training	30	19
Training and Teaching Scheme	50	38
Training	20	12
Training	30	24
Training	50	18
<b>TOTAL</b>	<b>520</b>	<b>312</b>

Report by Staff  
 C. D. 1. { Leadership... *Good*  
 Initiative... *Good*  
 Smartness... *Good*  
 R. I. Conduct.....

Assault Course:  
 Time allowed... *M-9*  
 Points... *W-7*  
 Remarks.....

*63.67%*

**HEALTH.**

Hospital Sheet			Measurement		
Date of admission	Date of discharge	Days Spent in Hospital	Weight	Height	Chest
<i>/</i>	<i>/</i>	<i>/</i>	On joining:- <i>130</i>	<i>5-8</i>	<i>33 x 33</i>
			On leaving:- <i>130</i>	<i>5-8</i>	<i>33 x 36</i>

**OFFICER'S REPORT AND GENERAL REMARKS:—**

A disciplined and regular in attending prayers, hard worker & honest Police official,

Education: *N.D.*

*[Signature]*  
 Principal,  
 Police Training School, Hangu.

*6 no-26*  
*5/4/93*

*13/3*

جناب عالی

میرا مختصر پراگرس مندرجہ ذیل ہے۔

شیر محمد خان SASI پولیس لائن ڈگر

خانانو ڈھیری چوکی کیلئے علاقہ معززین سے ۱۳ مرلے زمین اپنے اثر و رسوخ سے بلا معاوضہ چوکی کیلئے لیا۔ بڑی قیمتی زمین ہے اور بازار کے نزدیک ہے۔ میں نے اپنی مدد آپ کے تحت اس پر بارک کنسٹیبلان تعمیر کیا اور وہ اب بھی موجود ہے۔

جناب عالی

SHO ناوگئی، DSP سرکل طوطا الہیا اور DPO صاحب بونیر مورخہ 13.1.2010 کو میری کارکردگی کی تعریف کی اور جناب DIG صاحب ملاکنڈ کو ہمارے شولڈر پروموشن کیلئے سفارش کی تھی۔ جناب DIG صاحب نے بحوالہ چھٹی نمبر 4825EB 30-5-2010 میرے شولڈر پروموشن کا آرڈر جاری کیا۔

جناب عالی

مقدمہ علت نمبر ۲۹۱ مورخہ 6.7.2007 جرم CNSA (c) 9 تھانہ ناوگئی برآمدگی چرس وزنی ۱۰۰۰ گرام، ملزم گرفتار۔  
جناب عالی! مقدمہ علت نمبر ۲۳۶ جرم CNSA (c) 9 برآمدگی ایفون وزنی ۷ کلو اور ۱۲۰۰ گرام چرس، مورخہ 30.7.06 تھانہ ناوگئی۔  
مقدمہ علت نمبر ۹۳ جرم 13AO مورخہ 4.9.07 تھانہ ناوگئی مختلف بور کے ۶۰۰ عدد کارتوس، ۳۰۳ بور، ۷۲ بور

جناب عالی!

میں نے مقدمہ علت نمبر ۲۳۲ مورخہ 11.8.2011 تھانہ طوطا الہی جرم 13AO برآمدگی ایک کلاشنکوف، ۲ عدد پستول سب کارتوس وغیرہ

جناب عالی!

تھانہ ناوگئی کے حدود میں مختلف وقت علیحدہ علیحدہ تین ۳ کلاشنکوف پکڑے اور ان پر مقدمہ درج ہے۔ علت تاریخ مجھے یاد نہیں۔ البتہ ریکارڈ پر موجود ہے۔

جناب عالی!

میں نے نمبر کچلاں جو پرچے کئے، اس پر تقریباً 1,29,600 روپے جرمانہ لیا گیا ہے۔ نقل مدت موجود ہیں۔

جناب عالی!

میں نے 13AO, 4PO تقریباً ۱۲۰/۱۳۰ پرچے کئے۔ ریکارڈ پیش کر سکتا ہوں۔

جناب عالی!

میں نے اہم کمانڈر مسلم شاہ ولد سمندر شاہ سکند کوریا جو کیٹگری A میں تھا، اکیلا گرفتار کیا اور SHO تھانہ ناوگئی کو پیش کیا۔ اور اس سے علاوہ اشتہاری ملزمان کو بہت پکڑا اور SHOs کو حوالہ کئے۔

جناب عالی!

چوکی خانانو ڈھیری میں شدت پسندی کے وقت میں نے اچھی ڈیوٹی کی اور کسی قسم کی کوتاہی نہیں کی۔ رجسٹر نمبر ۱۳ میں مختلف گزٹڈ افسران نے میری ڈیوٹی کی تعریف کی اور اس کا اندراج موجود ہے۔ کرنل عثمان جو کہ C/O حملہ تھا، نے میری تعریف کی۔

جناب عالی!

بونیر میں شدت پسندوں کے وقت جن ملازمین نے اچھی ڈیوٹی کا مظاہرہ کیا۔ ان کے نام ون سنٹپ پروموشن کیلئے DIG صاحب ملاکنڈ کو ارسال کی گئی ہیں اس لسٹ میں میرا نام ۳۶ نمبر پر موجود ہے۔

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 380/2016**

**HC Fainda Shah s/o Azhar Shah Ex-ASI / PC PS Pir Baba Buner**

**..... Appellant**

**VS**

**1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.**

**2. Inspector general of Police Khyber Pakhtunkhwa Peshawar.**

**3. District Police officer, Buner**

**4. Sher Mohammad ASI/PC, PS Pir Baba Buner**

**..... Respondents**

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3	Standing Order No. 01/2006	6

  
**District Police Officer,  
Buner  
(Respondent No. 3)**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 380/2016**

**HC Fainda Shah s/o Azhar Shah Ex-ASI / PC PS Pir Baba Buner**  
..... **Appellant**

**VS**

- 1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.**
- 2. Inspector general of Police Khyber Pakhtunkhwa Peshawar.**
- 3. District Police officer, Buner**
- 4. Sher Mohammad ASI/PC, PS Pir Baba Buner**

..... **Respondents**

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS ON BEHALF ON  
RESPONDENTS NO. 1,2 AND 3**

**Respectfully sheweth:**

**Preliminary Objections:**

- 1. That the Service Appeal is time barred.*
- 2. That the Service Appeal is not maintainable.*
- 3. That the appellant has got no cause of action and locus standi to file the present Appeal.*
- 4. That the appellant has concealed material facts from this August Tribunal.*
- 5. That version to a substantive rank is not a punishment.*

**Facts:**

- 1. Correct. The appellant was enlisted as constable on 15.07.1979 and completed basically course of recruitment. During his service he has been completed various courses i.e Section Commander and Platoon Commander.*
- 2. Correct.*
- 3. Correct.*
- 4. Correct. The appellant completed his period of 3 years as platoon commander subject to the provision of Standing Order No. 01/2006, therefore, he was reverted to his substantive rank in order that other could avail this opportunity.*
- 5. Incorrect to the extent of preferring departmental appeal. His promotion was temporary for a period of 3 years, therefore, no departmental appeal can be preferred and his appeal was filed.*
- 6. Incorrect. Every case has its own facts, grounds merits and reasons, therefore, the same couldn't be extended to the instant case.*


**Grounds:**


- a. Pertains to record of service, therefore needs no comments.*
- b. Incorrect. The appellant was being promoted to the position of platoon commander subject to the provision of standing order No. 01/2006, that the promotion of the appellant is temporary for a period of 3 years.*

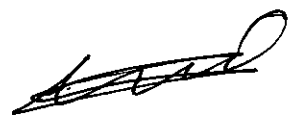
- c. *Incorrect. The appellant was well aware of the fact that he was promoted for a period of 3 years as mentioned in his order of promotion.*
- d. *Incorrect. The order reverting the appellant to his substantive rank was temporary in nature, as he was promoted after reversion of one Feroz Shah No. 136, therefore, cannot be challenged.*
- e. *Incorrect each case has its merit and facts therefore the same cannot be extended to the instant case.*
- f. *Incorrect. Every servant retires from service in his own substantive rank.*
- g. *Incorrect. The Standing Order was applicable to the appellant when he was promoted and now when he is reverted to his substantive rank is disputed by the appellant, therefore, the appellant is estopped due to his own conduct.*
- h. *Incorrect. Temporary orders cannot run across the stipulated period. There is only one vacancy of Platoon Commander and every senior illiterate police Head Constable qualified with section Platoon Commander Course are temporarily promoted for a period of 3 years after reverting his predecessor.*
- i. *Incorrect. Serving the departmental is included in the duty of the appellant, whereas the practice of one step promotion has leased in Police departmental as per orders of the high-ups in light of the directions of the apex court.*
- j. *Incorrect. There is no law and rule on the subject to extend the period (03 years) of the appellant as Platoon Commander.*
- k. *Incorrect. The Standing Order issued by the competent authority enjoys full legal sanctity.*

**Prayer:**

*In view of the above comments on facts and grounds it is prayed that Appeal of the appellant may be dismissed with costs.*

  
**Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar  
(Respondents No. 2)**

  
**Regional Police Officer,  
Malakand Region at Saidu Sharif Swat  
(Respondents No. 1)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat.**

  
**District Police Officer,  
Buner  
(Respondent No. 3)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 380/2016**

**HC Fainda Shah s/o Azhar Shah Ex-ASI / PC PS Pir Babā Buner  
..... Appellant**

**VS**

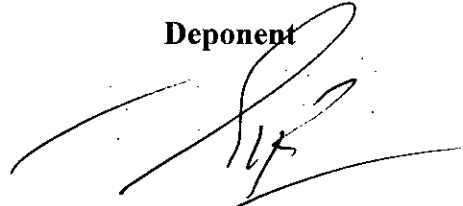
- 1. Regional Police Officer, Malakand Region at Saidu Sharif Swat.**
- 2. Inspector general of Police Khyber Pakhtunkhwa Peshawar.**
- 3. District Police officer, Buner**
- 4. Sher Mohammad ASI/PC, PS Pir Baba Buner**

**..... Respondents**

**AFFIDAVIT:**

We, the above respondents do hereby solemnly affirm and declare on oath that the reply / comments submitted by the respondents are correct to the best of our knowledge and belief, nothing has been kept secret from this Honorable Court.

**Deponent**



**Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar  
(Respondents No. 2)**

**Regional Police Officer,**

**Malakand at Saidu Sharif Swat  
Regional Police Officer,**

**Malakand Region at Saidu Sharif Swat  
(Respondents No. 1)**



**District Police Officer,  
Buner  
(Respondent No. 3)**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**SERVICE APPEAL NO. 380/2016**

**HC Fainda Shah s/o Azhar Shah Ex-ASI / PC PS Pir Baba Buner  
..... Appellant**

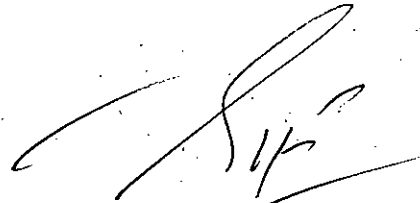
**VS**

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- 4. Sher Mohammad ASI/PC, PS Pir Baba Buner**

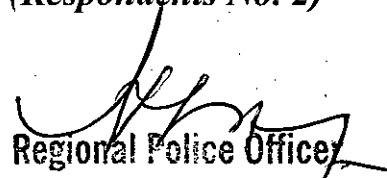
**..... Respondents**

**AUTHORITY LETTER**

We the above Respondents do hereby authorize and allow Mr. Nowsherawan SI Legal, Buner to attend the Court on each date fixed on our behalf and on belief and do whatever is needed in the Court.



**Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar  
(Respondents No. 2)**



**Regional Police Officer,  
Malakand, at Saidu Sharif Swat,  
Regional Police Officer,  
Malakand Region at Saidu Sharif Swat  
(Respondents No. 1)**



**District Police Officer,  
Buner  
(Respondent No. 3)**

**ORDER,**

In compliance of the order's vide No. 5521/E, dated 02.08.2012 issued by Deputy Inspector General of Police, Malakand C-II HC Painda Shah No. 98 of this district is hereby promoted as ASI/Platoon Commander immediate effect until further order.

On his promotion his pay is hereby be re-fixed as under:-

Pay re-fixed in BPS-7 (5800-320-15400) = Rs. 13480/-PM

Pay on 01.12.2011 in BPS-9 (6200-380-17600) = Rs. 14180/-PM

  
DISTRICT POLICE OFFICER,  
BUNER

OB NO. 136

DATED: 29/8 /2012.

**ORDER**

On reversion to the Rank of Head Constable Vide Regional Police Officer,  
Malakand Region at Saidu Sharif Swat Order Endst: No. 9562/E, dated 08/12/2015.

Head Constable Painsa Shah is hereby allotted constabulary No. 1056 and  
attached for the purpose of pay to investigation wing Buner with immediate effect.

  
DISTRICT POLICE OFFICER,  
BUNER

OB NO. 104

DATED: 18/12 /2015

No. 12789-91 /EC, dted Daggar the 18/12 /2015

Copy for information and necessary action:-

1. The Head of Investigation Buner
2. OASI/Pay Officer


0000 Sub 46-11/5508

**STANDING ORDER NO. 3/2006/FRP**

Subject

**SYSTEM OF PROMOTION IN FRONTIER RESERVE POLICE**

1. General	According to Notification NO. SO(Police-I)HD/8-10/146-149 dated 16/01/1988 from Government of NWFP Home & TAs Department, the duties and responsibilities of Frontier Reserve Police are the same as those of Regular Police elsewhere and its services are governed by Police Rules-1934 or any other rules applicable to their counterparts in the regular Police. Therefore, promotion from one rank to another and one grade to another shall be in accordance with Chapter-13 of the Police Rules. For this purpose, lists A, B, C, D & E shall be kept in the office of Commandant Frontier Reserve Police NWFP Peshawar. However, where there are no specified rules for promotions in accordance with the above lists the following procedures shall be adopted for the promotions of Section Commanders and Platoon Commanders:-
2. Qualifications For Promotion To The Rank Of HC/SC	Minimum qualification for promotion to the rank of HC/SC shall be:- a. Qualified Section Commanders Course b. Physical fitness according to Police Rules-12-16(i) c. Character Roll clear of entry carrying moral stigma d. Preference shall be given to candidates who have qualified Drill Course.
3. Qualifications For Promotion To The Rank Of SI/PC	Minimum qualification for promotion to the rank of SI/PC shall be:- a. Service as Section Commander for 3-years b. Platoon Commander Course passed c. Physical fitness according to Police Rules-12-16(i) d. Character Roll clear of entry carrying moral stigma
4. Criteria for Promotion to the rank of HC/SC	i) Those Constables who have qualified Lower School Course may be promoted according to the Police Rules 13-8 read with 13-1(h)&(d). ii) Those who are not at list "C" but have qualified Section Commander Course, Drill Course and are generally fit having clean service record may be promoted upto the ratio of 10% of the posts of Head Constables.
5. Criteria for Promotion to the rank of ASI	As the nature of duties of ASIs is that of staff officer, therefore, those Cst Head Constables who have completed their tenure in the rank of Head Constable may be promoted to the rank of ASI for a period of two years. If the Commandant FRP intends to grant extension beyond two years, the officer be reverted and promoted again for further period of two years so that rules 13-18 is not violated. However, further extension may not be granted.
6. Selection Grade Promotion	For selection grade promotion existing rules and standing orders applicable to the District Police may be followed.
7. Deputations	i) Senior constables promotion list "C" senior HCs on list "D" and senior ASIs on list "E" may be requisitioned by FRP from the District Police at the ratio of 25% of the sanctioned posts of Head Constables and SIs. They shall be given one step promotion according to the above procedure. Such deputationists may be reverted to their parent districts when they complete their 6-years tenure in FRP. However, in case of any complaint or having bad record any officer on deputation may be returned to his parent district on the recommendation of Commandant Frontier Reserve Police. ii) Head Constable/ASIs and SIs who are on deputation presently from the District Police may be allowed to continue their services upto the period of extension they have been granted already.
8. Repeal	Standing Order No 3/FRP/1999 is hereby repealed.

  
**(M. RAZA PASHA)**  
 Provincial Police Officer  
 NWFP, Peshawar

NO 3422-621C-I, dated 27/5/2006

Copy of above is forwarded to all Head of Police Offices in NWFP for information and necessary action.

Copd to all 640s through Sdho, Sdpo, Sdpo/Head  
 HC for n/a  
 DP Peshawar

خبر دستخوا سرویس ڈائریجنٹ اور ایک کورٹ شدہ سہ ماہی

ایچ بی پانڈے شاہ بنام ریجنل پولیس آفیسر، گلنڈ ڈویژن اور گلنڈ

جواب نام ریٹائرمنٹ 4

سرویس نمبر 380  
دیں 16

ضابطہ: بالو اٹھیں۔

۱۔ سن 1981ء میں بطور پولیس سپاہی ترقی ہوئے اور  
تاحال خصوصی طور پر کسی سے اپنے فرائض انجام دیتا رہے ہیں۔

۲۔ سال 2002ء میں انہی فحش اور تہرہ کارگردگی کے نتیجے میں  
ہڈنگ کانسٹیبل کے حیثیت سے ترقی دی گئی ہے۔

۳۔ 1993ء میں ہججوا گیا اور  
فدورہ کورس مکمل کیا ہے۔

۴۔ سال 1993ء سے یک سال 2015ء تک خدمات اور بہتر

کارکردگی کے نتیجے میں سال 2015ء میں ASI کو سٹریٹری رینک

کو سٹ کمانڈر تعینات کیا گیا ہے۔ اور انہی تہرہ کارگردگی کے صلہ میں

سٹریٹ کانسٹیبل، سیکرٹری، منجمنٹ ناظم لونیر، ٹائپ ناظم منجمنٹ لونیر  
کے ساتھ گلنڈ ڈویژن، سسٹنٹ ایچ بی لونیر، ڈی سی منجمنٹ لونیر اور فرسٹ  
سندرات میں عطا کردہ ہیں۔

۵۔ سال 2015ء میں انہی کے علاوہ میں صرف کے ریٹائرمنٹ کے قریب ہے۔

۶۔ میں سے افسانہ رسائی کی اسد عادی ہے۔

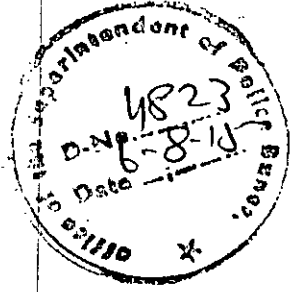
ایچ بی پانڈے شاہ Pe/ASI

01/12/2016

منجمنٹ



# ڈسٹرکٹ پولیس آفیسر صاحب ضلع بونیر



جناب عالی!

مودبانہ گزارش ہے کہ سائل محکمہ پولیس میں سال 1981 کا بھرتی ہے اور سال 1992 کو پلاٹون کمانڈر کورس پاس کیا ہے پلاٹون کمانڈر کورس کرنے کے بعد اچھی کارکردگی کی بناء پر افسران بالا صاحبان نے دو مرتبہ شوٹڈر فرموشن بعہدہ ASI ترقیاب کرنے کا احکامات صادر کئے ہیں۔ سائل نے بعہدہ پلاٹون کمانڈر ترقیاب ہونے کا انتظار کیا مگر ابھی سائل کی عمر اور سروس بھی اختتام پزیر ہونے کے قریب ہے۔ مگر پلاٹون کمانڈر فرموشن نہیں ہو سکا۔

سائل نے پولیس گارڈ خانوں ڈھیرئی کیلئے اپنی ذاتی اثرو رسوخ پر مشران دیہہ سے 13 مرلے اراضی حاصل کر کے محکمہ مال کے ریکارڈ پر محکمہ پولیس کے نام پر منتقل کیا ہے۔ اور بارک کنسٹیبلان بھی تعمیر کیا اور اسی طرح گارڈ مہاجر کمپ کوگا گارڈ کی موجودہ عمارت اپنی مدد آپ کے تحت بنایا ہے اور جس جگہ یعنی گارڈ یا چوکی میں افسران بالا نے تعینات کیا ہے تو وہاں پر ضرورت تعمیری کام کیا ہے۔ اچھا فراگرس بھی بنایا۔ چونکہ سائل سنہ ترین (26 سال سے) ہیڈ کنسٹیبل ہے اور پلاٹون کمانڈر کورس پاس کیا ہے۔ اور پلاٹون کمانڈر ASI ضلع ہڈا میں جگہ بھی خالی ہے۔

لہذا بذریعہ درخواست استدعا ہے۔ کہ سائل کے جملہ خدمات محکمہ پولیس کیلئے جو ریکارڈ پر موجود ہے مد نظر رکھتے ہوئے سائل کو بعہدہ پلاٹون کمانڈر ترقیاب کرنے کا حکم صادر فرمایا جائے تو تاحیات دعا گور ہوں گا۔

نظاً آداب

آپ کا تابعدار - شیر محمد خان - IC ، HC / 1056

گارڈ مہاجر کمپ کوگا تھانہ ناؤ گئی

Sir,

forwarded.

Copy  
D/S/TOTALAI

31.7.15

Sir,

forwarded and  
recommended.

Sir,  
30/7/2015

TEC

Sir,  
30/7/2015

7647  
1472-15

OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION,  
AT SAIDU SHARIF SWAT

**ORDER:**

Consequence of the completion of three years tenure as Platoon Commandership ASI / PC Pander of Buner District is hereby reverted to his substantive rank of Head Constable with immediate effect.

As per recommendation of District Police Officer, Buner vide his office memo: No. 11167/EC, dated 11/11/2015, Head Constable Sher Muhammad No. 1086 of Buner District is hereby promoted as ASI, Platoon Commander in his place for three years with immediate effect and till further order.

(AZAD KHAN) TSt, PSP  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat

No. 9562 /E,

Dated 08-12- /2015

Copy to District Police Officer, Buner for information and necessary action with reference to office memo: No. quoted above.

\*\*\*\*\*

OB/EC/PO

DPO/BUNER

11/12/15  
14-12-15

**From:-** The District Police Officer,  
Buner

**To:-** The Regional Police Officer,  
Malakand Region at Saidu Sharif Swat.

**No.** 2836 /EC, dated Daggar the 18 / 08/2015.

**Subject: -** APPLICATION FOR PROMOTION AS PLATOON  
COMMANDER

**Memo:-** Kindly refer to your office Memo No.5962/E-, dated  
31.7.2015.

It is submitted that ASI Painda Shah of this District was promoted as ASI/Platoon Commander vide your office Order Endst No.5521/E, dated 2.8.2012 and completed 3 years tenure as ASI/Platoon Commander.

It is further added that shoulder promote ASI Sher Mohammad No. 1066 of this district has qualified the following courses and eligible / suitable for promotion as ASI / Platoon Commander, *Use.*

His service particulars are as under.

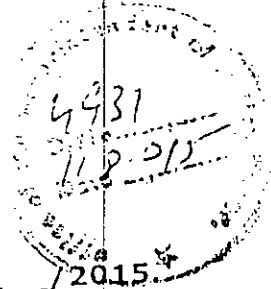
S. No	Name & No	D/O Birth	D/O enlistment	D/O promotion as HC	Detail of courses	entries	
						Good	Bad
1	Sher Mohammad No.1066	16.8.1962	1.9.1981	20.1.2001	Section commander course OB No.8 Dt:30.1.93 Platoon commander course OB No.26, Dt:5.4.93	23	13

*[Signature]*  
DISTRICT POLICE OFFICER,  
BUNER

To : The Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

To : The District Police Officer, Buner.

No. 50/62 /E, dated Saidu Sharif, the 31-7 /2015.



Subject: APPLICATION FOR PROMOTION AS PLATOON  
COMMANDER.


Memorandum:

An application along with relevant documents presented by A  
Sher Muhammad Khan of Buner District for promotion as Platoon Commander a  
sent herewith for detail comments.

EXD (13)

  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat

EC  
for comments

  
DPO/Buner

**From:-** The District Police Officer,  
Buner

**To:-** The Regional Police Officer,  
Malakand Region at Saidu Sharif Swat

**No.** 1162 /EC, dated Daggar the 20 / 11 / 2015.

**Subject: -** APPLICATION FOR PROMOTION AS PLATOON COMMANDER

**Memo:**

Kindly refer to your office Memo: No: 6861/E, dated  
01/09/2015.

It is submitted that list of C-II Head Constables duly  
prepared / recommended for promotion as platoon commander / ASI by  
the committee.

In the light of the recommendation of the committee  
constituted vide your above quoted reference, Head Constable Sher  
Mohammad No. 1066 mentioned at S.No. 5 in the enclosed list <sup>is</sup> ~~are~~  
hereby recommended for promotion as Platoon Commander ASI in  
(BPS-09), please.

*[Signature]*  
DISTRICT POLICE OFFICER,  
BUNER

PROVINCIAL ASSEMBLY OF KHYBER  
PAKHTUNKHWA




Provincial Assembly Khyber Pakhtunkhwa

## CERTIFICATE OF EXCELLENCE

Awarded to

ASI Mr. SHER MUHAMMAD, Incharge Checkpost Johaila, Pir Baba

In recognition of his valuable and excellent services rendered and acknowledgment of the expeditious and efficient performance particularly in apprehending the culprits involved in the murder case of Sardar Soran Singh, MPA.

  
Signature  
Speaker

# DISTRICT GOVERNMENT BUNER



**BEST PERFORMANCE CERTIFICATE**

*This Certificate is awarded to*

***Mr. Sher Muhammad***

**Assistant Sub Inspector**

*Dr. Obaid Ullah*  
Dr. Obaid Ullah  
Nazim Ala  
Distt: Buner

District Nazim Ala Buner

*Yousaf Ali*  
Yousaf Ali  
Naib Nazim Ala  
Distt: Buner

District Naib Nazim Ala Buner



PROVINCIAL ASSEMBLY SECRETARIAT,  
KHYBER PAKHTUNKHWA

NO.PA/KP/SPKR/PSO/2016  
Date April 29, 2016

To,

The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: PROGRAM REGARDING PAYING APPRECIATION OF THE MALAKAND DIVISION POLICE FOR ARRESTING KILLERS OF LATE SARDAR SORAN SING, SPECIAL ASSISTANT TO CHIEF MINISTER KHYBER PAKHTUNKHWA.


Dear Sir

I am directed to refer to the subject cited above and to say that Hon'ble Speaker, Provincial Assembly of Khyber Pakhtunkhwa has been pleased to organize a program to pay tributes to Malakand Police force for arresting Killers of Late Sardar Soran Sing. The program will be held on 05-05-2016 at 12:00 (Noon) at Jirga Hall of Assembly Secretariat Peshawar followed by Lunch.

It is, therefore, requested to kindly make it convenient to personally attend the program along-with Mr. Azad Khan, DIG Malakand and Mr. Khalid Hamdani, DPO, Funer on the date, time and venue mentioned above as per desire of Hon'ble Speaker.

With thanks,

Yours faithfully,

  
(ATTA ULLAH KHAN)  
Secretary to Mr. Speaker,  
Khyber Pakhtunkhwa Assembly

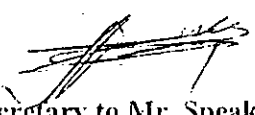
Endst. No & Date even.

Copy of the above is forwarded for information with the request to kindly make it convenient to participate in the said program on the date, time and venue quoted above as per desire of Hon'ble Speaker:-

1. Mr. Sardar Hussain Babak, MPA, PK-77 Bunair-I
2. Mr. Habib-ur-Rehman, Hon'ble Minister, PK-78 Bunair-II
3. Mülana Muñti Fazal Ghafoor, MPA, PK-79 Bunair-III
4. Mr. Fazal Hakim, MPA, PK-80 Swat-I
5. Mr. Azizullah Khan, MPA, PK-81 Swat-II
6. Mr. Dr. Amjad Ali, Special Assistant to CM, PK-82 Swat-III
7. Mr. Muhibullah Khan, Special Assistant to CM, PK-83 Swat-IV
8. Mr. Mehmood Khan, Hon'ble Minister, PK-84 Swat-V
9. Mr. Jafar Shah, MPA, PK-85 Swat-VI



10. D. Faider Ali, MPA, PK-86 Swat-VII
11. Mr. Inayatullah Khan, Hon'ble Minister, PK-91 Upper Dir-I
12. Muhammad Ali Khan, MPA, PK-92 Upper Dir-II
13. Mr. Sahibzada Sanaullah Khan, MPA, PK-93 Upper Dir-III
14. Mr. Muzffar Said, Hon'ble Minister, PK-94 Lower Dir-I
15. Mr. Izaz-ul-Mulk, MPA, PK-95 Lower Dir-II
16. Mr. Saeed Gul, MPA, PK-96 Lower Dir-III
17. Mr. Bakht Baidar Khan, MPA, PK-97 Lower Dir-IV
18. Syed Muhammad Ali Shah, MPA, PK-98 Malakand-I
19. Mr. Shakeel Ahmad, Advisor to CM, PK-99 Malakand-II
20. Mr. Azad Khan, DIG Malakand.
21. Mr. Khalid Hamdani, DPO Bunner.
22. Mr. Arif Khan, SP Investigation Bunner.
23. Mr. Amjad Khan, SP CTD, Malakand.
24. PS to CM for Information of Hon'ble Chief Minister of Khyber Pakhtunkhwa.
25. Farmanullah Khan, SDPO Pir Baba, Bunner.
26. Naeem Khan, DSP HQ, Bunner.
27. Inspector Bakht Zamin, SHO Pir Baba, Bunner.
28. Inspector Abdul Wakeel, SHO Daggat, Bunner.
29. SI Farukh Sair, SHO Nawagai, Bunner.
30. SI Bakht Fareen Shah, SHO Chinglai, Bunner.
31. SI Usman Munir, SHO Chowga, District Shangla.
32. Inspector Shah Wali, CIO Investigation, Bunner.
33. Mr. Sher Muhammad ASI.
34. Mr. Gohar Ali, FC 718

  
Secretary to Mr. Speaker

Encls. No. & Date even.

Copy of the above is forwarded to:-

1. PS to Special Secretary (Admn, Finance & Accounts), Provincial Assembly of Khyber Pakhtunkhwa with the request to direct quarter concerned for necessary arrangements for the program.
2. Additional Private Secretary to Mr. Speaker, Provincial Assembly of Khyber Pakhtunkhwa.

  
Secretary to Mr. Speaker

3

(5)

# COMMENDATION CERTIFICATE K.P.K Police



Class III

Granted to ASI Shari Muhammad Khan

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Nauwagar District Buner

In Recognition of His good duty

Cash Reward Rs. 100/-

O.B No 143

DATED 14-10-2013

District Police Officer  
Buner

Granted by Mr. Aziz Ghal Muhammad DPO Buner

Attested  
[Signature]  
DISTRICT POLICE OFFICER  
BUNER

34

# COMMENDATION CERTIFICATE K.P.K Police



**Class III**

Granted to ASI Sher Muhammad Khan

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_


Police Station Naurgai District Buner

In Recognition of His good performance

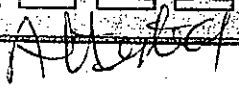
Cash Reward Rs. 500/-

C.B No 122

DATED 30-8-2013

  
District Police Officer  
District Police Officer  
Buner

Granted by Mr. Asif Iqbal Mohmand DPO Buner

  
ASST. CLERK  
POLICE OFFICER

# COMMENDATION CERTIFICATE

K.P.K Police

35



Class III

Granted to Asi SAER MUHAMMAD KHAN.

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Pisbaba District BUNER.

In Recognition of His good performance in case file 9BCNSA Pisbaba.

Cash Reward Rs 200/-


O.B No 55

DATED 17.5.53

  
District Police Officer  
Buner

Granted by M. JEHAN ZEB KHAN BANGASH.

*Attested*

  
HEAD CLERK  
BUNER.

# COMMENDATION CERTIFICATE

K.P.K Police

30



Class III

Granted to ASI LHER MUHAMMAD KHAN

Son of \_\_\_\_\_ RIO Village \_\_\_\_\_

Police Station Pirbaba District BUNER

In Recognition of His good Performance in case FIR 56

Cash Reward RS 500/- DT 24<sup>2</sup> 013 4/5 392-394/200  
Ps Pirbaba.

O.B No 34

DATED 6.3.013

Distrtict Police Officer  
J/  
Buner

Granted by MR JEHANZEB KHAN BANGASH

Attested

HEAD CLERK,  
S.P. OFFICE BUNER.

# COMMENDATION CERTIFICATE

K.P.K Police

37



Class III

*Handwritten note:* 19.5.019

Granted to LIEUTENANT MUHAMMAD KHAN ASI

Son of \_\_\_\_\_ R/O Village \_\_\_\_\_

Police Station Deobanda District Buner

In Recognition of His good performance in C.R.C.

Cash Reward Rs 300/- AR 36 DE B 2 EB 4/5 9 BUNSA 1510

O.B No 37

DATED 4.3.03

*Signature*  
District Police Officer  
Buner

Granted by MR. TANZEB KHAN D.P.O. BUNER

*Handwritten note:* SERIAL NUMBER & P.C. NO. 11

COMMENDATION CERTIFICATE  
N.W.F.P POLICE

38



CLASS-III

Granted to SHER MURSHID KHAN ASI

Son of SHRIE U'ALLAH R/O Village .....

Police Station NAWAGAT District BUNER

In recognition of FOR HIS GOOD PERFORMANCE DURING POSTING  
TO POLICE POST KHANANO DEHRAI.

Cash Reward 500/-

OB No. 103

Dated 23.12.2009

*[Signature]*  
District Police Officer,  
Buner.

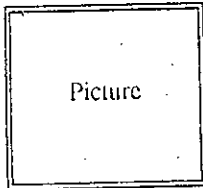
*A. H. H. H.*  
HEAD CLERK  
POLICE BUNER

Granted by MR. SAYAK NAZ KHAN DPO/BUNER

46

# TO HOME IT MAY CONCERN

It is certified that Sher Muhammad H.C 174 of Bunir Police has seen functioning as anchorage of the security Guard of Session House Bunir. I have found him dutiful, obedient, honest and all hard working. I therefor record this certificate in recognition of him said service s.



M. Nawaz Khan  
(MUHAMMAD NAWAZ KHAN)  
Distt & Session Judge  
Bunir Ad Daggar  
District & Sessions Judge,  
Bunir at Daggar.

Attested

01/01/2022

~~NEED CLERK  
OFFICE BUNIR.~~



49

COMMENDATION CERTIFICATE.

This commendation Certificate is granted to  
Shor Muhammad Khan Road Constable No. 174 in  
recognition of his good performance.

He is also granted cash award of Rs.200/-.

مناب ساج  
اصل علیہ سے  
شیر 174

*Sin*  
( SAID MARCOON )  
DISTRICT & SESSIONS JUDGE,  
BUNER AT LAGGAR.  
District & Sessions Judge,  
BUNER AT LAGGAR.  
*Attorney*  
HEAD CLERK,  
OFFICE BUNER.

OFFICE OF THE DEPUTY COMMISSIONER BUNER.  
AT DAGGAR.

(42)

Granted to Mr. Sher Mohammad (174 C2-F.C) S/O  
Sharif Ullah R/O Village, P.O & Tehsil Daggar Police Station Daggar  
District Buner. In recognition of Good performance during the visit  
of Chief Minister N.W.F.P. to Kulyari Buner.

Granted cash award Rs. 100/-

Dated 10 /07/1996.

*Attended*

*[Signature]*  
HEAD CLERK,  
POLICE STATION,  
DAGGAR.

*[Signature]*

(ZAIN KHAN KHALIL)  
DEPUTY COMMISSIONER,  
BUNER.

39

N.W.F.P.  
COMMENDATION CERTIFICATE

Granted to Mr. Sher Mohammad (174 HC) S/O Sharif Ullah Khan R/O Village , Tehsil & Police Station Daggar District Buner. In recognition of Good Performance and very dutiful.

Granted cash award Rs. 500/-

Date: 6 /05/1996.

Handwritten notes: 174 HC, 6/5, and other illegible scribbles.

Attested  
HEAD CLERK  
P.O. BUNER

(GHULAM FAROOQ KHAN)  
Deputy Commissioner,  
Buner. DEPUTY COMMISSIONER  
BUNER  
8/6/5

ORDER

C-II Head Constable Sher Muhammad NO.174 is hereby given shoulder promotion as ASI due to his good performance during his last service i.e recovery of narcotic and timber as well as the present prevailing situation in the district as per recommendation of the SHO and D.S.P. Circle Totatala.

District Police Officer  
Buner

O.B. NO 82

Date: 28/7 2009

(2)

3

ORDER



As recommended by the District Police Officer Buner (Ment. No. 4825/EB dated 30/05/2010) that HC Sher Muhammad No. 174 of Buner is a hard worker and takes keen interest in his official duty. He has obtained a piece of land measuring 13 Marlas adjacent to Police Building free of cost and included with the government land. Therefore the HC is granted shoulder appointment as ASI in his own pay and scale with immediate effect.

*J. Amari*

(QAZI JAMILUR RAHMAN)  
Deputy Inspector General of Police,  
Malakand Region, Saidu Sharif, Swat.

No. 9037 /E,  
Dated 23/9 /2010.

Copy to the District Police Officer Buner for information and necessary action with reference to his Memo: No. 4825/EB dated 30/05/2010.

OB/DC

*[Signature]*  
23/9

OB 102-150  
M/W 24/9  
2010

**POLICE TRAINING SCHOOL, HANGU.**

**PLATOON COMMANDER'S COURSE**

محمد اسحاق خان

**Progress Sheet.**

Name: محمد اسحاق خان  
 Education: NIL  
 of residence: گوجرانو  
 Enrolment: گوجرانو  
 commenced: 30-9-92  
 included: 20-12-92

Result

**EXAMINATION.**

Subject.	Possible marks	Marks obtained
Drill	50	31
Training	50	30
Parade	20	13
Drill	30	18
Training care of arms	30	19
Fire	50	—
Classification	100	58
Physical	50	32
Order	30	19
Planning and Teaching Scheme	50	38
Knowledge	20	12
English	30	24
Urdu	50	18
<b>TOTAL.</b>	<b>520</b>	<b>312</b>

**Report by Staff**

C. D. I. { Leadership: Good  
 Initiative: Good  
 Smartness: Good  
 R. I. Conduct: .....

**Assault Course.**

Time allowed: 11-9  
 Points: 11-7  
 Remarks: .....

63.67%

**HEALTH.**

Hospital Sheet				Measurement		
No.	Date of admission	Date of discharge	Days Spent in Hospital	Weight	Height	Chest.
				On joining:- 130	5-5	33 X 35
				On leaving:- 120	5-5	33 X 36

**OFFICER'S REPORT AND GENERAL REMARKS:—**

A disciplined and regular in attending ranging Prayers, hard worker & honest Police official.

Education: NIL

*[Signature]*  
 Principal  
 Police Training School, Hangu

B No-26  
 5/4/93.

13/3

جناب عالی

میر مختصر پراگرس مندرجہ ذیل ہے۔

شیر محمد خان SASI پولیس لائن ڈگر

خانانو ڈھیرئی چوکی کیلئے علاقہ معززین سے ۱۳ مرلے زمین اپنے اثر و رسوخ سے بلا معاوضہ چوکی کیلئے لیا۔ بڑی قیمتی زمین ہے اور بازار کے نزدیک ہے۔ میں نے اپنی مدد آپ کے تحت اس پر بارک کنسٹیبلان تعمیر کیا اور وہ اب بھی موجود ہے۔

جناب عالی

SHO ناوگئی، DSP سرکل طوطا لیا اور DPO صاحب بونیر مورخہ 13.1.2010 کو میری کارکردگی کی تعریف کی اور جناب DIG صاحب ملاکنڈ کو ہمارے شولڈر پروموشن کیلئے سفارش کی تھی۔ جناب DIG صاحب نے بحوالہ چھٹی نمبر 4825 EB 30-5-2010 میرے شولڈر پروموشن کا آرڈر جاری کیا۔

جناب عالی

مقدمہ علت نمبر ۲۹۱ مورخہ 6.7.2007 جرم CNSA (c) 9 تھانہ ناوگئی برآمدگی چرس وزنی ۱۰۰۰ گرام، ملزم گرفتار۔  
جناب عالی! مقدمہ علت نمبر ۲۳۶ جرم CNSA (c) 9 برآمدگی افیون وزنی ۷ کلو اور ۱۲۰۰ گرام چرس، مورخہ 30.7.06 تھانہ ناوگئی۔  
مقدمہ علت نمبر ۹۳ جرم 13AO مورخہ 4.9.07 تھانہ ناوگئی مختلف بور کے ۶۰۰ عدد کارتوس، ۳۰۳ بور، ۶۲ بور

جناب عالی!

میں نے مقدمہ علت نمبر ۲۳۲ مورخہ 11.8.2011 تھانہ طوطا لیا جرم 13AO برآمدگی ایک کلاشنکوف، ۲ عدد پستول سب کارتوس وغیرہ

جناب عالی!

تھانہ ناوگئی کے حدود میں مختلف وقت علیحدہ علیحدہ تین ۳ کلاشنکوف پکڑے اور ان پر مقدمہ درج ہے۔ علت تاریخ مجھے یاد نہیں۔ البتہ ریکارڈ

پر موجود ہے۔

جناب عالی!

میں نے نمبر یکخلاف جو پرچے کئے، اس پر تقریباً -/1,29,600 روپے جرمانہ لیا گیا ہے۔ نقل مدات موجود ہیں۔

جناب عالی!

میں نے 13AO, 4PO تقریباً ۱۲۰/۱۳۰ پرچے کئے۔ ریکارڈ پیش کر سکتا ہوں۔

جناب عالی!

میں نے اہم کمانڈر مسلم شاہ ولد سمندر شاہ سکند کوریا جو کیلگری A میں تھا، اکیلا گرفتار کیا اور SHO تھانہ ناوگئی کو پیش کیا۔ اور اس سے علاوہ اشتہاری ملزمان کو بہت پکڑا اور SHOs کو حوالہ کئے۔

جناب عالی!

چوکی خانانو ڈھیرئی میں شدت پسندی کے وقت میں نے اچھی ڈیوٹی کی اور کسی قسم کی کوتاہی نہیں کی۔ رجسٹر نمبر ۱۳ میں مختلف گزٹڈ افسران نے میری ڈیوٹی کی تعریف کی اور اس کا اندراج موجود ہے۔ کرنل عثمان جو کہ CIO حملہ تھا، نے میری تعریف کی۔

جناب عالی!

بونیر میں شدت پسندوں کے وقت جن ملازمین نے اچھی ڈیوٹی کا مظاہرہ کیا۔ ان کے نام ون سلیپ پروموشن کیلئے DIG صاحب ملاکنڈ کو ارسال کی گئی ہیں اس لسٹ میں میرا نام ۳۶ نمبر پر موجود ہے۔

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No.380/2016

Painda Shah.....Appellant.

**V E R S U S**

RPO Malakand and others.....Respondents.

**REJOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth:**

**Preliminary Objections:**

2. Para No. 1 to 5 of the comments are Incorrect.

**FACTS:**

Para No.1 admitted, needs no comments.

Para No.2 admitted, needs no comments.

Para No.3 is also admitted, needs no comments.

Para No.4 is incorrect because according to promotion order dated:29.08.2012 he was not promoted for specific period as the same is crystal clear from the promotion order to the rank of ASI.

Para No.5 of the reply is incorrect, as no legal procedure was adopted in the case in hand. Because no show cause notice was served on appellant nor any other formalities were observed while imposing



major penalty on appellant and according to rules against every final order, departmental appeal is statutory right of the appellant.

Para No.6 is regarding legal ground, needs no comments.

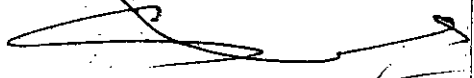
Grounds:

- a. Needs no comments.
- b. Incorrect because the appellant was promoted according to his seniority and Standing Order No.1/2006 is not applicable to the case of appellant.
- c. Incorrect, appellant was not aware of the 3 years tenure on the post as the same was not mentioned in his promotion order.
- d. Incorrect, already explained in Para No. 4 reply on facts. Further the appellant was never ever promoted on temporary basis nor he was promoted after the reversion of one Feroz shah.
- e. Para No. E to K are Incorrect.

It is, therefore prayed that on acceptance of this rejoinder this Hon'ble Tribunal may be pleased to accept the appeal as prayed for and the respondents be burdened with heavy cast.

Through

Appellant

  
**Shams-ul-Hadi**  
Advocate High Court,

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA  
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No.380/2016


Painda Shah.....Appellant.

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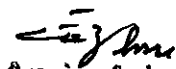
**AFFIDAVIT**

I, **Shams-ul-Hadi**, Advocate, Peshawar do hereby as per information conveyed to me by my client solemnly affirm and declare that the contents of the **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**A D V O C A T E**

**A T T E S T E D**

  
**Fazal Amin Advocate,**  
Oath Commissioner  
S/O: 475.....Date: 9/8/17..  
District Courts Gulakada Swat.