

To,

The Registrar,
Khyber pakhtunkhwa Service Tribunal.
Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9372

Dated 23-11-23

Subject: PETITION FOR IMPLEMENTATION OF JUDGMENT OF KP SERVICE TRIBUNAL,
DATED 30/11/2021/SETTING ASIDE THE CONCOCTED/IMPUGNED
ORDER OF RPO BANNU VIDE NO512-15/EC, DATED 21/02/2023.

It is submitted that the subject judgment of KP, Service tribunal has not been implemented in true sense. Similarly, the order issued by RPO Bannu vide No. 512/EC dated 21/2/2023 for implementing the subject judgment is against the norms of police rules as well as deviating the judgment.

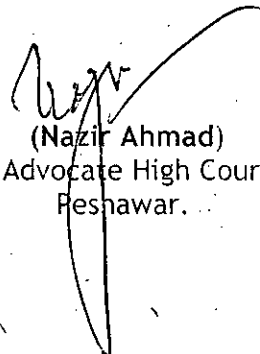
Hence, it is prayed that concocted, baseless and impugned order of RPO Bannu may be set aside and the judgment of KP Service Tribunal, dated 30/11/2021 may be implemented in its true letter and spirit as prayed for by revising Promotion list "E" issued under 13.11 of police rules 1934 vide No. 2362, dated 27/07/2020 because no promotion list -E, other than the impugned order, has been issued.

NEAT DATE FIXED 27-11-2023

Dated: 23/11/2023.


APPELLANT

Through


(Nazir Ahmad)
Advocate High Court,
Peshawar.

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVES TRIBUNAL PESHAWAR.**

Service Appeal No. 12438 /2020.

Sub Inspector, Furqan Javed, CO ACE Tank

VERSUS

RPO Bannu etc /Respondents.

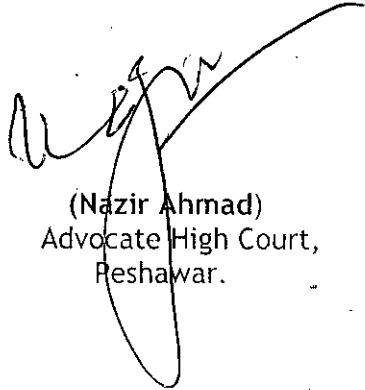
I N D E X

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------(Appellant)

VERSUS.

1. Regional Police Officer, Bannu Region, Bannu Khyber Pakhtunkhwa Peshawar etc.

------(Respondents)

RESPECTFULLY SHEWETH;

The appellant submits as under

1. That the appellant was enlisted as PASI on the recommendation of public service commission vide advertisement no. 4/2008 S/No.1 and CPO, Peshawar notification No 28334-43, dated 27/12/2010 against 25 % permanent quota reserved for direct appointment of ASI in police department, KP, Peshawar.
2. That on completion of successful period of probation, the appellant was confirmed as ASI from the date of appointment i.e 10/02/2011 and also admitted to promotion list "E" with his colleagues on 08/05/2016 vide RPO Office letter No. 1298-99/EC, dated 08/05/2014 (copy is at annexure-A).
3. That it is established laws that direct appointment of ASI shall be made against permanent vacancy/post and his name shall be brought/ admitted to promotion list "E" from the date of confirmation as observed by the Apex Supreme Court in its judgment. (copies are annexure-B,C & D).
4. That in contrary to the above rules/Law, the whole batch of the appellant was deprived and admitted to promotion list "E" from 08/05/2014 instead of due date 10/02/2011. Resultantly, only the

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appellant challenged the impugned notification in KP Service tribunal vide Service appeal No. 12438/2020 with prayer, mentioned, therein which was accepted as prayed for vide judgment dated 30/11/2021. ((copy is at annexure-E)).

5. That the CPLA moved by the department was rejected and that is why PPO KP Peshawar directed RPO Bannu to implement the judgment in its true letter & spirit (copy is at annexure-F & G).
6. That owing to non implementation of the judgment, the appellant had to file an execution petition in KP Service Tribunal vide No. 154/2021.
7. That the respondents, instead of implementation, the judgment, started delaying tactics by producing irrelevant documents which is evident from the order sheet. Finally, on mutual understanding of the parties, it was decided that respondents would provide notification/compliance report within a week time. In case of non compliance, the appellant was at liberty to move COC application and thus the EP was filed. (copy of order sheet dated 20/12/2022 is at annexure-H).
8. That owing to non compliance by the respondents, the appellant moved an application for COC which is still under trial.
9. That on 14/09/2023, as usual, once again the respondents submitted concocted, confounded and baseless so-called promotion list "E" vide order vide No512-15/EC, dated 21/02/2023 in order to escape themselves from the real implementation of the judgment. (order sheet copy is at annexure-I).
10. That strange enough, the list mentioned above, has been made in contrary to the essence of Police Rules 13.1(3) which stipulates, inter alia, that promotion list "E" shall be comprised of confirmed ASI and officiating sub Inspector but RPO Bannu unlawfully included in it the


names of constable (being part of promotion list-A/B) officiating ASIs (being part of promotion list-D), Inspectors (being part of list-F) and DSsP (being part of provincial cadre). Moreover, it is stated that vide seniority list-E No. 2362/EC, dated 27/07/2020 duly annexed at "C-A" in main service appeal, the name of appellant name is existed at serial No. 28 which testify that he is confirmed as ASI with effect from 10/2/2011 and admitted to list-E on 08/05/2014 but by issuing the impugned concocted, confounded and malafide notification, the appellant has been given place at serial No. 116 by altering/showing date of confirmation as 10/02/2014 as ASI and also admitted to list-E on 10/02/2014 which is barren violation/ mockery of law. Question may arise, under which law and on what ground, RPO Bannu has issued such promotion list -E by reshuffling /sabotaging the 10 years old promotion list-E. (copies of promotion lists including concocted promotion list and extract of police rules 13.1(3) and 13.11 are at annexure J,K,L,M). It is worth to mention that according to police rules 1934 under rule 13.11, RPO concerned can only remove and induct the names of officers in list -E as per prescribed procedure and not to change the whole list.

In view of the above, it is requested that concocted, baseless and impugned order of RPO Bannu may be set aside and the judgment of KP Service Tribunal, dated 30/11/2021 may be implemented in its true letter and spirit as prayed for by revising Promotion list "E" issued under 13.11 of police rules 1934 vide No. 2362, dated 27/07/2020 because no promotion list -E, other than the impugned order, has been issued.

Dated: / /2023.


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Through


(Nazir Ahmad)
Advocate High Court,
Peshawar.

Page No

(E)

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012

POLICE DEPARTMENT

ORDER

BANNU REGION

On termination of prescribed period of probation satisfactorily and in light of report submitted by DPOs Bannu and Lakkhi Marwat (equipped by Form 19.25(5) on the probationer's working and general conduct, the following Probationer Asstt. Sub: Inspectors are hereby confirmed as Asstt. Sub: Inspectors from the dates of their appointments. However, their inter se seniority, as determined by Public Service Commission, shall be unalterable. Their names are also brought on promotion list "E" with immediate effect.

S/NO. NAME & NUMBER:

DATE OF APPOINTMENT:

1. Muhammad Na'eem Khan No. 111/B.	10-02-2011
2. Irfan Ullah No. 106/B.	22-01-2011
3. Hamid Ullah No. 112/B.	10-02-2011
4. Muhammad Zaheer No. 101/B.	10-02-2011
5. Asmat Ullah No. 107/B.	21-01-2011
6. Altaf Ur Rehman No. 122/B.	10-02-2011
7. Damsaz Khan 121/B.	10-02-2011
8. Rahim Dil No. 120/B.	10-02-2011
9. Furqan Javed 105/B.	10-02-2011
10. Muhammad Javed No. 109/B.	21-01-2011
11. Muhammad Kamran 110/B.	21-01-2011

Handwritten signature and initials

Necessary Gazette notification may be issued under intimation to all concerned.

(SAJID ALI KHANI) PSP

Regional Police Officer,
Bannu Region, Bannu.

No. 1298-99 /EC, dated. 08/05/2014.

Copy to:-

The District Police Officer, Bannu. w/r to his memo No. 7362 dated. 07-05-2014.

The District Police Officer, Lakkhi Marwat w/r to his office memo No. 4977 dated 29-04-2014.

(SAJID ALI KHANI) PSP

Regional Police Officer,
Bannu Region, Bannu.

2002 PLC (C.S.) 1403

[Punjab Service Tribunal]

Before Abdul Hafeez Cheema, Chairman

MEHR MUHAMMAD NASIR

versus

INSPECTOR-GENERAL OF POLICE, PUNJAB, LAHORE and 2 others

Appeal No. 1968 of 2000, decided on 19th February, 2001.

(a) Punjab Civil Servants Act (VIII of 19.74)---

---S. 2(1)(f)---"Permanent post", meaning of---Expression "permanent post" would mean "a post sanctioned without limit of time".

(b) Police Rules, 1934---

---Rr. 12.2 & 12.8---Regularization of seniority and probation period and confirmation of service---Inspectors/Sergeants, Sub-Inspectors and Assistant Sub-Inspectors who were directly appointed, were to be confirmed from the date of their appointment if probation period of three years was completed successfully---Civil servant who was recruited as direct Inspector, his seniority and the probationary period of three years were to be regularized from the date of his appointment according to law irrespective of the fact whether any of his juniors had been or had not been confirmed from a particular date---Order confirming service of civil servant after about three years from the date of his appointment, was set aside holding him entitled to be confirmed as Inspector/Sergeant from date of his appointment.

1971 PLC (C.S.) 47; 1999 SCMR 1594 and 1998 SCMR 215 ref.

Ayub Hassan for Appellant.

Khadim Hussain Sindhu, D.A. for Respondent.

Date of hearing: 19th January, 2001.

JUDGMENT

The facts leading to the filing of this appeal are that the appellant was appointed as Traffic Sergeant (Inspector) on 18-6-1984. He was later confirmed as such on 6-7-1991 with effect from 1-7-1987, against one of the 57 permanent posts (Annexure-B to the Memo. of Appeal), invoking rule 12.8 of the Punjab Police Rules, 1934 and seniority was fixed as per rule 12.2 of the same Rules. Claiming that the appellant was entitled to be confirmed as Inspector from the date of his appointment (1-7-1984) with consequential benefits, the appellant filed a representation before respondent No. 1 which was however, dismissed by, the impugned orders dated 22-6-2000..

2. The case of the appellant is that he was entitled to be confirmed as Inspector with effect from the

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date of his appointment; namely, 1-7-1984 under rule 12.8 of the Punjab Police Rules, 1934 and that his representation was Wrongly rejected by respondent No.1 ignoring the law laid down in a number of judgments of this very Tribunal which were upheld by the Honourable Supreme Court of Pakistan. In para. 6 of the Memo. of appeal, it was averred that respondent No.3 was at serial No.36 of the Seniority List (Annexure-E) whereas the appellant was at serial No.7. However, respondent No.3 was promoted out of turn impairing the vested right of the appellant.

3. On admittance of the appeal notices were issued to the respondents for filing written objections. By order dated 8-9-2000, respondent No.3 was proceeded against ex parte as nobody had appeared on his behalf despite due service. Respondents Nos.1 and 2 had filed their comments/objections on 17-10-2000. They contested the appeal contending that the appellant was appointed against a temporary post on 1-7-1984 and on the completion of probationary period of three years as envisaged under rule 12.8 of the Punjab Police Rules, 1934, he was confirmed alongwith his batchmates w.e.f. 1-7-1987 when the posts were made permanent by the Government and that no junior to the appellant having been confirmed earlier, he had no legitimate grievance.

4. I have heard learned counsel for the parties and, gone through the record.

5. In para. 2 of the comments submitted by the contesting respondents Nos. 1 and 2, It was stated that 21 posts of Sergeants (Traffic Inspectors) were created by the Government of the Punjab Notification dated 29-3-1983; that 11 more posts of Inspectors were created w.e.f. 11-2-1984 on purely temporary basis and that 32 Inspectors including the appellant were recruited against these posts. It was further noted in the same para. that 57 posts created from time to time were made "permanent w.e.f. 1-7-1987 by the Government of the Punjab vide Notification dated 22-12-1986". It is, therefore, evident from the comments/objections filed by respondents Nos.1 and 2 that the post against which the appellant was appointed continued without limit of time. The expression "permanent post" as defined in section 2(1)(f) of the Punjab Civil Servants Act, 1974 means "a post sanctioned without limit of time".

6. As per rule 12.8 of the Punjab Police Rules, 1934, "Inspectors, Sergeants, Sub-inspectors and Assistant Sub-Inspectors who are directly appointed will be considered to be on probation for three years, and their seniority is to be fixed as provided under rule 12.2(3) which may be reproduced for facility of reference;---

"(3) All appointments of enrolled police officers are on probation according to the rules in this chapter applicable to each rank:--

Seniority in the case of upper subordinates, will be reckoned in the first instance from the date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on same date and the seniority of the officers appointed direct on the same date being reckoned according to age. Seniority shall, however, be settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment.

Provided that an officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall on being promoted or confirmed, regain the seniority which he originally held vis-a-vis any officer promoted or confirmed before him during his deputation."

7. The appellant was recruited as direct Inspector. His seniority and the probationary period of three years were to be regulated respectively under rules 12.2 and 12.8 of the aforesaid Rules. Rule 13.8 of the same Rules deals C with confirmation of promottees. 1971 PLC (CS) 47 CST is the ruling

(44)

where the provisions of rule 12.2(3) of the Punjab Police Rules, 1934 were interpreted and it was held that upper subordinates i.e. "Inspectors/Sergeants; Sub-Inspectors and Assistant Sub-Inspectors who are directly appointed," would be confirmed from the date of their appointment if, of course, probation period of three years is completed successfully as is required under rule 12.8 of the said Rules. In the same ruling, it was further held:--

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"There is nothing in the language of rule 12.2(3), Punjab Police Rules which supports the contention that the date of confirmation must necessarily be different from the date of appointment. There is no obstacle in the way of confirmation being ordered from the date of appointment which is the usual practice, or even from an earlier date, in very exceptional cases."

The above Full Bench ruling of this Tribunal is being consistently followed.

8. No doubt in the judgment relied upon by the department (Appeal No.291 of 1995-Nazir Hussain Shah v. Inspector General of Police), confirmation was directed to be made with effect from the date when probation period was complete & However, the following observations made in the same judgment are significant:

"If he does not suffer from any disability during the probation period of three years, he is to be confirmed as A.S.I. on completion of the period of probation. There is nothing in this rule to authorize the department to extend the period of probation. An officer under probation, has either to be discharged from service within the period of probation or confirmed on completion of the said period. There is absolutely no legal basis for confirming the appellant as A.S.I. w.e.f. 17-8-1977 i.e. after about two years of the completion of the probationary period. The fact that A.S.Is., who were senior to the appellant were also confirmed on 17-8-1977, does not furnish any legal justification for postponing the confirmation of the appellant for a period of about two years. This unjustified delay in the confirmation of the appellant as A.S.I., also resulted in the delay in his admission to promotion list-E."

9. Be that as it may, the Punjab Service Tribunal while deciding Appeal No. 3214 of 1997 vide judgment dated 22-1-1998 had held:--

"As for the date of confirmation, there is no rule laying down that date of confirmation would be a date different from the date of appointment; the appellant was never reverted from the rank of Inspector. He is not asking for confirmation from a date earlier than the date of appointment."

and the judgment was approved by the Hon'ble Supreme Court in 1999 SCMR 1594 in the following words:--

"After hearing the learned counsel for the petitioner, we are inclined to hold that the Tribunal was right in granting relief prayed for by the respondent on the principle of consistency. The impugned judgment does not suffer from a taint in law---Resultantly, the petition is dismissed on merits as well as on ground of limitation."

Consequently the judgment relied upon by the department (Appeal No.291 of 1995) referred to above would go in eclipse.

10. The record of the appellant is throughout commendable. The plea or the contesting respondents that as no junior to the appellant was confirmed earlier to him, he could not claim confirmation from

2016 S C M R 1254

[Supreme Court of Pakistan]

Present: Anwar Zaheer Jamali, C.J., Amir Hani Muslim and Umar Ata Bandial, JJ

GUL HASSAN JATOI and others---Petitioners

Versus

FAQIR MUHAMMAD JATOI and others---Respondents

Civil Petitions Nos.493, 494, 505 to 508, 529 to 533, 601, 906 and 911 to 917 of 2015, decided on 4th November, 2015.

(On appeal against the judgment dated 13-3-2015 passed by the Sindh Service Tribunal, Karachi, in Appeals Nos.130 to 134 of 2014, 2, 237 and 238 of 2015)

(a) Police Act (V of 1861)---

---S. 2---Police Rules, 1934, Chaps. XII & XIX---(Sindh) Police Force---Independent units within the police force---Horizontal appointments---Sindh Police force had three independent units i.e. Executive, Technical District and Prosecution (Legal)---Police personnel appointed in a unit in terms of its recruitment (and training) process could not horizontally travel to any other unit either by way of transfer or otherwise.

(b) Police Act (V of 1861)---

---S. 12---Police Rules, 1934---Inspector General (IG) Police, powers of---Scope---Police Rules, 1934 did not confer upon the Inspector General (IG) Police any powers to alter the terms and conditions of any of the establishment within the Police Force.

(c) Police Rules, 1934---

---Rr. 1.3 & 1.4---Sindh Civil Servants Act (XIV of 1973), Preamble---Non-uniformed employees in the (Sindh) Police Department---Ministerial staff and/or staff of I.T. Department---Such employees were recruited and regulated by the Sindh Civil Servants Act, 1973 and the Rules framed thereunder.

(d) Police Rules, 1934---

---R. 1.5 & Chapt. XII---Police personnel in the 'Executive unit' of the police force---Transfer from one establishment to another within the Executive unit---Permissibility---Entry point of all the police personnel in Executive unit was common: they had common recruitment process, police training and practical training as prescribed under the Police Rules, 1934 and once their training after appointment was completed, they were transferred to the different establishments under the said Rules---Posting and transfer to an establishment of a member of police force was permissible under R. 1.5 of the Police Rules, 1934 and it would not change the 'cadre' of a police personnel---Rule 1.5 of the Police Rules, 1934 allowed the police personnel to progress vertically by the rules prescribed and they could be transferred to any of the establishment---No restriction was placed on a police official for his transfer from one establishment to another.

(e) Police Act (V of 1861)---

---S. 2---Police Rules, 1934, R. 1.4---Different establishments created under R. 1.4 of Police Rules, 1934---Cadres, classification of---Overall scheme of Police Act, 1861 and the Police Rules 1934 envisaged the police forces as one indivisible body possessing various establishments performing the assigned functions such as District Police, Police Training Center, Crime Branch, Special Branch, Reserve Police and so on---Each of these establishments were in fact integral parts of the police force, and under no rules of construction they could be construed as separate or independent cadres.

(f) Police Rules, 1934---

---Chapt. XIII---Police officers serving in different establishments---Common seniority list---Common seniority of police personnel serving in all the establishments should be maintained by District Police, the Range DIG and Central Police Office (C.P.O.) strictly as provided under Chapt. XIII of Police Rules, 1934---Supreme Court directed that the Provincial Government and the competent authority under the Police Rules, 1934 shall prepare the common seniority list of the police personnel serving in different establishments in terms of Police Rules, 1934--- Appeal was allowed accordingly.

(g) Police Rules, 1934---

---R. 1.4 & Chaps. XII & XIII---In-charge District Police/Range DIG---Barred from making direct or indirect recruitment or promotion.

(h) Police Rules, 1934---

---R. 1.4 & Chapt. XIX---Range DIG, powers of---Scope---Selection of police personnel for training---Being the custodian of the service record etc. of the police personnel, the Range DIG, should make selection for police personnel for police training and practical training, and no other establishment was authorized to make such selection.

(i) Police Rules, 1934---

---Chapts. XIII & XIX---Matters relating to seniority, promotion or trainings of 'Police Inspectors'---Competent authority for such matters was the Inspector General of Police.

(j) Police Rules, 1934---

---Chapt. XII---Officers on probation, confirmation of---Police personnel who had completed their statutory period of probation but were not confirmed for want of notification---Negligence and abuse of power on the part of the competent authorities---Such police officers suffered in terms of delayed promotion or loss of seniority---Supreme Court directed that in future those police personnel who had completed their statutory period of probation, whether it was three years or two years, they shall stand confirmed whether or not a notification to that effect was issued (by the competent authority)---Appeal was allowed accordingly.

(k) Police Rules, 1934---

---Chapt. XIX---Selection of police personnel for police or practical training---Favouritism in selection---Practice of cherry picking in case of selection of police personnel for police or practical training despite the fact that they had completed their required period to be eligible for such trainings, amounted to denying them of timely promotion for the next scale---Supreme Court directed that in future, competent authority shall ensure that the police personnel who had completed their required period to be eligible for trainings shall be forthwith sent for the training; and in case such police officials were bypassed for such trainings on account of default by the department, or to extend a favour to the junior, or negligence by the authority concerned, their inter se seniority and the accompanying financial entitlements shall not be effected on account of their late joining or completion of training---Appeal was allowed accordingly.

Shahid Anwar Bajwa, Advocate Supreme Court, Zulfiqar Khalid Maluka, Advocate Supreme Court, M. Munir Peracha, Advocate Supreme Court, Syed Iftikhar Hussain Gillani, Senior Advocate Supreme Court and Syed Rafaqat Hussain Shah, Advocate-on-Record for Petitioners (in C.Ps. Nos. 493, 494, 505-506, 906 and 911-917 of 2015).

M.M. Aqil Awan, Advocate Supreme Court for Respondents Nos.1 - 4 (in C.P. No. 494 of 2015).

M.M. Aqil Awan, Advocate Supreme Court for Respondents Nos.1 - 22 (in C.P. No. 506 of 2015).

Abdul Fateh Malik, A.G. Sindh, Adnan Karim, Additional A.G. Sindh, Ghulam Ali Barhman, Additional Secy. (Services), Dr. Amin Yousafzai, DIG, Naeem Ahmed Shaikh, AIG (Establishment), Dr. Mazhar Ali Shah, AIG (Legal) and Amna Ullah Zardai, Focal Person, HD for the Government of Sindh.

Nemo for other Respondents (in all cases).

Dates of hearing: 29th October, 3rd and 4th November, 2015.

JUDGMENT

AMIR HANI MUSLIM, J.---These Petitions for leave to Appeal are directed against judgment dated 13.3.2005, of the Sindh Service Tribunal, Karachi, whereby 08 Service Appeals filed by the Petitioners/Respondents were disposed of, vide impugned judgment in the following terms:-

- i. Sindh Reserve Police and all other branches of Police Force such as Rapid Respondent Force (RRF), Sindh Reserve Police (SRP), Prosecution Branch, Telecommunication Branch, Female Police, Special Branch (Crime Branch) are separate cadres other than the District Police/Regular Police, although all of them are one Police Force which is an attached department of the Home Department under the Sindh Government Rules of Business, 1986 and Inspector General of Police is head of attached department.
- ii. Since all branches of Police Force are assigned with different and separate functions they are different cadres, therefore, the Provincial Government shall frame recruitment rules and the terms and conditions of their service separately for each cadre, except for those cadres in respect of which separate rules are already there such as Women Police and Prosecution Branch etc.
- iii. After framing of rules pertaining to recruitment and other terms and conditions of service as required under section 2 of Police Act 1861, separate seniority list of each cadre and in each scale/rank shall be issued as required under rule 9 of the Sindh Civil Servants (Probation, Confirmation and Seniority) Rules, 1975 wherein it is provided that in each cadre in a department there shall be a separate seniority list of a group of civil servants doing similar duties and performing similar functions and for whose appointment same qualifications and experience have been laid down.

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iv. There is no provision in law for transfer of officers/officials from one cadre to another cadre, therefore, all the transfers made from Sindh Reserve Police to District Police in violation of law and in pursuance of various Standing Orders are hereby nullified and all such officers are directed to be repatriated to their parent branch i.e. Sindh Reserve Police.

v. All the Standing Orders issued from time to time by different Inspector Generals of Police/Provincial Police Officers without approval of Provincial Government are declared to be illegal and void to the extent of prescribing the recruitment rules, terms and conditions of service of the officers/men in Sindh Reserve Police including devising of transfer policy and pertaining to the assignment of seniority in violation of rules.

vi. The Inspector General of Police Sindh is directed not to issue any Standing Order under section 12 of the Police Act, 1861 without approval of Provincial Government and even with the approval of Provincial Government no orders can be issued by Inspector General of Police pertaining to the recruitment and terms and conditions of service of the members of the Police Force in different branches and cadre, as such powers can be exercised by Provincial Government only by virtue of section 2 of Police Act, 1861.

vii. The Inspector General of Police Sindh is directed to ensure that all the training courses prescribed in the Police Rules 1934, are duly imparted and the rules pertaining to the maintaining of various promotion lists are observed and the seniority lists are prepared strictly in accordance with the provisions contained in Police Rules, 1934, after due observation of Police Rules, by the District Superintendents of Police, Deputy Inspector Generals and the Inspector General himself. It is further directed that promotion list 'E' shall be published in Police Gazette as required under rule 13.11.

viii. The Inspector General of Police is further directed to ensure that no officiating promotion shall be made as a matter of normal course and such orders shall be made strictly in accordance with the Police Rules and merely for the purpose of deciding fitness and ability of officers concerned.

ix. The Inspector General of Police is further directed to ensure that no officer is confirmed in any rank while serving in officiating capacity, without promotion in the substantive rank.

x. The Inspector General of Police Sindh is further directed to ensure that no antedated confirmations and promotions shall be made and the dates of confirmations and promotions shall not be revised by any officer or Committee of the officers.

xi. The impugned seniority list dated 7.2.2014, is set aside and no promotion shall be made on the basis thereof. The officers who were transferred from Sindh Reserve Police to Regular Police shall be promoted on preparation of their seniority list in SRP, after framing of rules by the Provincial Government in respect of Sindh Reserve Police fresh seniority list shall be prepared for the District Police, Initially provisional and after filing of objections the final seniority list and thereafter the promotion in the rank of Deputy Superintendent of Police shall be considered by Departmental Promotion Committee.

xii. The Provincial Government is further directed to provide reasonable quotas of promotion for each branch of Police Force/Cadre in accordance with their strength. In this behalf the direction of Supreme Court of India in the case of Raghunath Parsad Sing v. Secretary Home (Police) Department, Government Bihar, 1989 MLD 2153, should be kept in view. It has been directed by the Supreme Court of India that "reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly."

2. Originally, Petitioners Messrs Faqir Muhammad Jatoi, Masroor Ahmad Jatoi, Sohrab Ali Meo, Lal Bux Solangi, Yar Muhammad Rind filed Service Appeals before the Tribunal, impugning the final seniority list dated 07.02.2014. Rafiq Ahmed Abbasi Respondent No.1 in Civil Petition No.915 of 2015 was also one of the Appellants before the Sindh Service Tribunal.

3. Inspectors Ijaz Ali Memon and Muhammad Azam Khan also filed Appeals before the Tribunal,

Allah

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being aggrieved of the transfer of personnel of the Sindh Reserve Police to the Regular Police Force, due to which their seniority was adversely affected. They also impugned the seniority list dated 07.02.2014. They prayed that the Sindh Reserve Police be declared as a separate cadre.

4. Brief facts of the case of each of the Petitioners who filed Appeals before the Sindh Service Tribunal are as under:-

C.P.No.529 of 2015.

Faqir Muhammad Jatoi v. Province of Sindh

5. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 25.5.1989, he was promoted to the rank of Sub-Inspector and then promoted as Inspector vide order dated 20.9.2004 w.e.f 12.1.1998. On 30.6.2006, the Inspector General of Police, Sindh, issued a tentative seniority list of Inspectors of Sindh Police, whereafter, on 20.12.2008 another tentative seniority list of Inspectors was issued by the Inspector General of Police, Sindh. This list was withdrawn and a revised seniority list was issued on 20.1.2009. On 20.4.2010, yet another seniority list was issued and the Petitioner was placed at serial No.403 of the said list. The Petitioner raised objections to the said tentative seniority list, which were never responded to. On 23.10.2013, without finalizing the tentative seniority list issued on 20.4.2010, yet another tentative seniority list was issued wherein the Petitioner was placed at serial No.254. Ultimately, a final seniority list was issued on 7.2.2014, on the basis of which a meeting of the Departmental Promotion Committee was convened and more than 80 Inspectors were promoted to the rank of the Deputy Superintendent of Police. The Petitioner filed a departmental Appeal, which was not decided within the statutory period, therefore, he preferred a Service Appeal before the Sindh Service Tribunal, challenging the seniority list dated 7.2.2014 with the prayer to assign him proper seniority. The Appeal of the Petitioner was disposed of, vide impugned judgment.

C.P.No.530 of 2015.

Masroor Ahmed Jatoi v. Province of Sindh.

6. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police after qualifying the requisite examination. On 25.1.1990, he was promoted as Sub-Inspector and on 8.7.1998, he was promoted as Inspector. On his representation, the Petitioner was allowed inter se seniority with his batch-mates w.e.f. 11.1.1996, and he was confirmed as Inspector w.e.f 11.1.1996, vide order dated 20.9.2004. On 22.9.2005, the Petitioner was promoted as Deputy Superintendent of Police out of turn on gallantry basis and was relegated to the post of Inspector in the advent of judgment of this Court in the year 2013.

7. Two or three seniority lists were issued in the interregnum, whereafter on 7.2.2014, a final seniority list was issued on the basis of which more than 80 Inspectors were promoted as Deputy Superintendents of Police. After exhausting the departmental remedy, ultimately, the Petitioner filed an Appeal before the Sindh Service Tribunal, challenging the final seniority list dated 7.2.2014, which was disposed of by the impugned judgment.

Civil Petition No.531 of 2015.

Sohrab Ali Mao v. Province of Sindh

8. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 22.5.1989, he was promoted as Sub-Inspector and on 8.7.1998, he was further promoted as Inspector. On his representation, the Petitioner was allowed inter se seniority with his batch-mates w.e.f. 11.1.1996, and was confirmed as Inspector w.e.f 11.1.1996, vide order dated 20.9.2004, a series of tentative seniority lists of Inspectors were issued and, lastly, on 7.2.2014, a final seniority list of Inspectors was issued on the basis of which 80 Inspectors were promoted as Deputy Superintendents of Police. The Petitioner challenged the said seniority list before the Sindh Service Tribunal, by filing an Appeal, which was disposed of by the impugned judgment.

Civil Petition No.532 of 2015.

Yar Muhammad Rind v. Province of Sindh and others.

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9. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 25.1.1990, he was promoted as Sub-Inspector and on 8.7.1998, he was further promoted as Inspector. On 8.7.2000, he was confirmed as Inspector, on acceptance of his representation, whereby, he was allowed seniority with his batch-mates w.e.f. 11.1.1996. Many seniority lists were issued in the intervening period and ultimately on 7.2.2014, a final seniority list of Inspectors was issued on the basis of which more than 80 Inspectors were promoted as Deputy Superintendents of Police. The Petitioner challenged the final seniority list dated 7.2.2014, by way of an Appeal before the Sindh Service Tribunal, which was disposed of by the impugned judgment.

Civil Petition No.533 of 2015.

Lal Bux Solangi v. Province of Sindh

10. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police, through competitive process. On 22.5.1989, he was promoted to the rank of Sub-Inspector and on 8.7.1998 was further promoted as Inspector. On his representation to the Competent Authority, the Petitioner was allowed seniority with his batch-mates w.e.f. 11.1.1996 and was confirmed as Inspector w.e.f. 12.1.1998, vide order dated 20.9.2004.

11. After a series of tentative seniority lists, on 7.2.2014, a final seniority list was issued, on the basis of which more than 80 Inspectors were promoted as Deputy Superintendents of Police. The Petitioner challenged the said seniority list by filing a Service Appeal before the Sindh Service Tribunal, which was disposed of by the impugned judgment.

Civil Petition No.494 of 2015

Gul Hassan Jatoi v. Aijaz Ali Memon and others

12. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police and on 8.7.1989, he was promoted as Sub-Inspector on officiating basis. On 20.9.2004, he was confirmed as Sub-Inspector. He was finally promoted as Deputy Superintendent of Police, vide Notification dated 24.3.2014. He was one of the Respondents before the Sindh Service Tribunal, in Service Appeals filed by the Petitioners Faqir Muhammad Jatoi and others, which were disposed of by the Tribunal, vide impugned judgment.

Civil Petition No.507 of 2015.

Abdul Razzak Bugti v. Yar Muhammad Rind

13. On 1.1.1987, the Petitioner was appointed as Assistant Sub-Inspector in the Sindh Reserve Police. On 25.5.1989, he was promoted as Sub-Inspector and transferred to the District Police. In the year 2001, he was promoted as Inspector. His name was included in the seniority list of Inspectors dated 7.2.2014, which was forwarded to the Home Department. On 25.1.2015, a meeting of the DPC was convened in which 155 Inspectors were considered for promotion, however, they were not notified due to restraining orders passed by the Service Tribunal in Service Appeal 134 of 2014 filed by Lal Bux Solangi. He was one of the Respondents in the Service Appeals filed by Faqir Muhammad Jatoi and others, which were disposed of by the Tribunal, vide impugned judgment.

Civil Petitions Nos.906 and 911 to 917 of 2015.

Government of Sindh v. Yar Muhammad Rind and others.

14. The Government of Sindh has filed the above-said Petitions against the impugned judgment, pleading that the Respondents in the Petitions were appointed as A.S.I. in the Sindh Reserve Police on various dates. After issuance of the provisional seniority lists of the Respondents, objections were called and upon receipt of the objections, a Committee was constituted to finalize the seniority list, which was issued on 07.02.2014. It has been further pleaded that on 20th September, 1972, an order was issued by the Sindh Government, creating vacancies for a Special Striking Force in the Sindh Police, which has been wrongly construed as a special cadre; that in the aftermath of separation of East Pakistan, language riots disrupted in the Province Sindh and certain other parts of the country, due to which it was deemed necessary to have Police Force available to supplement the existing Police Force in Police Stations and

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Districts in the advent of dire need. This force was created for three months but the same continued thereafter; that vide notification dated 11.07.1973, the nomenclature of the Special Striking Force was changed to the Sindh Constabulary and designations of the officers of the Force were also changed. In the said notification it was further provided:-

"The Force shall be administered as one provincial reserve and its disposition will be decided by the I.G.P from time to time according to necessity.

The Force shall be administered as a part of the Police Force and provisions of Police Act, the Police Rules and other relevant law shall apply. The officers of this constabulary shall exercise such powers of command, control, punishment and appeals etc. are exercisable by the officers of equivalent rank."

15. It has been further pleaded that, thereafter, a Provincial Armed Reserve (PAR) was also created, which was subsequently merged in the Sindh Constabulary; that finally on 30.04.1985, the Sindh Constabulary and Anti-Dacoit Force was re-designated as the Sindh Reserve Police and designations of the officers of the force were also changed; that thereafter various administrative and standing orders were issued by the Inspector General of Police and concerned Deputy Inspector Generals of Police, without approval of the Sindh Government, which were merely administrative orders, for efficient organization and guidance of the officers; that during the years 1984 to 1987, all appointments were made in the Sindh Reserve Police and no appointment was made in the Districts, due to administrative reasons and after the year 1987, no new recruitment had taken place in the Sindh Reserve Police; that Assistant Sub-Inspectors and Constables were recruited, from time to time and assigned to work in the Sindh Reserve Police, which arrangement was also adopted in the Province of Punjab; that the Respondents claiming seniority filed Appeals before the Sindh Service Tribunal, which were disposed of vide impugned judgment.

16. The Appellants before the Tribunal have filed Civil Petitions Nos.529, 530, 531, 532, 533 of 2015, against the impugned judgment. One of the Petitioners in Civil Petitions Nos.493, 494, 505 and 506 of 2015, is Gul Hassan Jatoi, who was one of the Respondents before the Tribunal. Civil Petitions Nos.507 and 508 were filed by Abdul Razzaq Bugti, who was also Respondent before the Tribunal. Civil Petition No.601 of 2015 is filed by Abdullah, against the impugned judgment. The Province of Sindh has challenged the impugned judgment of the Sindh Service Tribunal, before this Court in Civil Petitions Nos.906 and 911 to 917 of 2015.

17. The learned ASC Shahid Anwar Bajwa, Counsel for the Inspector General of Police, Sindh, and for the Petitioner Gul Hassan Jatoi in C.P.L.A. Nos. 493, 494, 505 and 506 of 2015, has contended that the Police Order 2002 was repealed through the Sindh (Repeal of the Police Order 2002 and Revival of the Police Act 1861) 2011 and it was the Police Act of 1861 which is currently in force. He made reference to various provisions of the Police Act 1861. He stated that under section 2 of the Police Act, 1861, the entire Police Establishment shall be one force; whereas, section 4 of the Act provides that the Inspector General of Police is the Administrator of the Police force, Section 5 defines the powers of the Inspector General of Police and Section 12 empowers the Inspector General of Police to frame rules and pass orders, subject to approval of the Provincial Government.

18. The learned ASC Mr. Bajwa has contended that Rule 12 of Chapter XII of the Police Rules 1934, deals with the appointments and enrolments in the Police Force. Rule 12.1 deals with the general recruitment, Rule 12.3 relates to recruitment to the Prosecution service and Rule 12.3(B) pertains to appointment in Technical service. He further submits that Rule 17, Chapter XVII of the Police Rules pertains to the Reserve Police. The Sub-Rules of Rule 17 provide permanent reserve, a second reserve mobilized under the orders of Inspector General of Police, and a third reserve mobilized on the orders of the Government. He has further contended that there was no order by the Provincial Government creating the Sindh Reserve Police as a separate cadre. He then relied upon Rules 13.18 and 12.3 contending that these rules are relevant with reference to determining the seniority of the Police Personnels.

19. The learned Counsel contended that Rule 9(4) of the Fundamental Rules 1922 and Rule 9 of the Sindh Civil Service Rules 1950, define "Cadre". In support of his submission that the Sindh Reserve Police is not a separate cadre, Mr. Bajwa placed reliance on Muhammad Bachal Memon and others v. Syed Tanveer Hussain Shah and others (2014 SCMR 1539), PIAC thr. its Chairman and others v. Samina Masood and others (PLD 2005 SC 831) (Para 11), Dr. Ahmad Salman Waris, Assistant Professor, Services Hospital, Lahore v. Dr. Naeem Akhtar and 5 others (PLD 1997 SC 382) (Para 11, pg.90). He submitted that other provinces are treating their Reserve Police as part of their regular police and in

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support of the aforesaid contention he has relied upon Sardar Khursheedul Hassan v. IGP and others 1991 PLC (C.S.) 208, Muhammad Ali Qureshi and 18 others v. Secretary, Home Department, Govt. of Punjab, Lahore and others 1994 PLC (C.S.) 449. He states that in light of the law laid down by this Court in the case of Tariq Azizuddin and others, (2010 SCMR 1301), every employee ought to be considered for promotion, subject to the Rules. He submitted that wings created in the Police Force by the Inspector General of Police under section 12 of the Police Act 1861, with the sole purpose of improving the efficiency of the Police Force as a whole.

20. The learned ASC Mr. Bajwa submitted that C.P.L.A Nos. 916 to 917 of 2015 and 454 and 506 of 2015 also arise out of the impugned judgment of the Tribunal. He states that the Respondents Aijaz Ali Memon and Muhammad Azam Khan had originally filed Writ Petitions before the Sindh High Court, which were later transferred/converted as appeals before the Sindh Service Tribunal at Karachi and disposed of. The contention in the said service appeals, which were originally Writ Petitions, was that the Sindh Reserve Police was a different cadre. He submitted that on the other hand, C.P.L.As. Nos. 906, 911 to 914, 493 and 505 of 2015, pertain to persons who were recruited in the Sindh Reserve Police along with other Private Respondents. He drew our attention to para 4, at pg. 80 of the impugned judgment (Pg.102 of C.P.L.A. No.493/2015) to press the point that one of the Appellants before the Tribunal, namely Yar Muhammad Rind, was unable to show from the record, as to when he was confirmed or promoted and that the onus lay on him to prove his own case.

21. The learned ASC Mr. Bajwa, then drew our attention to pg.216 of C.P.L.A. No.493 of 2015, submitting that one of the Appellants before the Tribunal namely Lal Bux Solangi filed an application to withdraw his Appeal, which was not decided. He states that under Rule 1, Order 23 of the Code of Civil Procedure, 1908, if a party applies for withdrawal of its Appeal, it ought to have been accepted. Mr. Bajwa contended that it was only Lal Bux Solangi who had filed an Application for grant of interim injunction, which was granted by the Tribunal and, as such, if his Application to withdraw the Appeal was decided, the stay granted on his Application in Appeal would automatically stand vacated on withdrawal of his Appeal.

22. Mr. Bajwa further contended that Rafique Ahmed Abbasi (one of the Appellants before the Service Tribunal and the Respondent in C.P.L.A. No.915/2015) had no service record at all.

23. The learned Advocate General Sindh, Mr. Abdul Fateh Malik, commenced his arguments by responding to one of our queries as to how many Ranges were there in the Sindh Police. He has referred to Rule 1.3 of the Police Rules 1934 and states that each District under the Police Rules is divided into an administrative establishment. He states that Rule 1.4 of the Police Rules 1934, pertains to Ranges and further relied upon Rule 2.1 of the said Rules. He submitted that Rule 1.3 of the Police Rules 1934, was amended on 22.08.1998, vide notification issued by the Government of Sindh, under section 46 of the Police Act, 1861.

24. The learned Advocate General submitted that by virtue of Section 2 of the Police Act 1861, the entire police establishment was one force and to substantiate his contention relied upon Rule 1.5 of the Police Rules 1934. He then read out Rule 17.9 of the Police Rules 1934, contending that the Rule pertains to the First Armed Reserve. He, with some noticeable hesitation, stated that there were in all 5 Ranges in the Sindh Police. He conceded that Standing Orders issued by the Inspector General of Police at times were without prior sanction of the Government.

25. One of us (Amir Hani Muslim, J) inquired from the learned Advocate General Sindh, that if the Police, as per his own contentions, was one force, then why was the seniority of a police officer disturbed upon his transfer from one Range to another? In response, the learned Advocate General Sindh, very candidly conceded that the issue of seniority in the aforesaid situation is something that needs to be attended to. On further enquiry as to how seniority of a Police Officer on transfer is affected, the Advocate General Sindh has relied upon Rule 12.2 of the Police Rules 1934.

26. The Advocate General was asked to pin point the Police Rule under which an Officer's seniority on his transfer from one District to another District or from one Range to another Range is required to be placed at the bottom of the seniority list maintained by the District or the Range to which he is transferred. At this juncture, a representative of the Home Department Sindh intervened and submitted that, although there was no provision in the Police Rules 1934, which provides for placing the seniority of a Police Personnel at the bottom on his transfer to another District or Range, recourse in this respect could be made to the Civil Servant Seniority Rules 1975, which do provide such mechanism. The Advocate General Sindh, however, unequivocally submitted that there should be one seniority list. The

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Advocate General Sindh further contended that there are a large number of cases where officers were not confirmed after lapse of 2 years.

27. The learned Advocate General Sindh, concluded his arguments by submitting that the learned tribunal erred in law in holding (at para 72(i) of the impugned judgment) that all branches of the Police are separate cadres and contended that it was only the Prosecution Branch, the Telecom Branch and the Female Police which could be categorized separately as cadres and prayed that the said finding of the Tribunal should be set aside. He further submitted that para 72 (ii) of the impugned judgment may also be set aside. The learned Advocate General Sindh placed reliance on the case reported as IGP, Punjab, Lahore and others v. Mushtaq Ahmed Warraich and others (PLD 1985 SC 159) (Pg.161) and Muhammad Nadeem Arif and others v. IGP, Punjab, Lahore and others (2011 SCMR 408) (Pg.415).

28. In regard to the confirmation of Police Officers, Mr. Naeem Sheikh, AIG (Establishment) Sindh Police, contended that under Rule 12.8 of the Police Rules 1934, the probation period for persons appointed directly as Assistant Sub-Inspectors was 3 years whereas, under Rule 13.18 period of probation of a Assistant Sub-Inspector appointed by promotion was 2 years. He submitted that there was wisdom in the said Rule, as someone who had been promoted to the post of Assistant Sub-Inspector, would naturally have accumulated more experience than compared to persons directly appointed as Assistant Sub-Inspectors and as such the probation period for directly appointed Assistant Sub-Inspectors should in principle be longer. The AIG (Establishment) states that the probation period provided in the Police Rules is followed. The AIG further stated that all cases with respect to seniority etc. should be reverted back to the date of appointment. He concluded by stating that Rules 1.3 to 1.6 of the Police Rules 1934, should be implemented in letter and spirit.

29. On a query of the Court as to whether there was any training or examinations prescribed for persons appointed in the Sindh Reserve Police, Mr. Naeem Sheikh, AIG (Establishment) Sindh Police, apprised us that under Rule 19.25 of the Police Rules, 1934, persons appointed to the Regular Police were required to undergo training for a period of one year at Police Training School and 2 years of practical training. However, he frankly conceded that none of these requirements were complied with for the induction of persons to the Sindh Reserve Police, as the same was not an investigative force. He, however, submitted that when the Sindh Reserve Police was transferred to the districts, it became apparent that they were not adequately trained and as a consequence thereof, Standing Order No.125 of 1994, was issued mandating certain training courses for persons belonging to the Sindh Reserve Police. He further made an unequivocal statement that all officers appointed to the Sindh Reserve Police, subsequent to 1994, have undergone the requisite training courses and as of today, the training for induction into both the Sindh Reserve Police and the Regular Police is similar.

30. At the very outset, Mr. Iftikhar Gillani, Counsel for the Petitioner in C.P. No.601 of 2015, stated that his client was not a party to the proceeding before the Tribunal but was adversely affected by the impugned judgment and has therefore filed the instant Petition. He contended that his arguments would be confined to whether the Tribunal was vested with the jurisdiction to dispose of the Service Appeals in the manner it has done so.

31. He contended that section 5 of the Sindh Service Tribunal Act and section 5 of the Federal Service Tribunal Act 1973, are in Pari Materia and the said provision is to be read in conjunction with Article 175(2) of the Constitution. He contended that directions of the nature, which had been given by the Tribunal in the impugned judgment, may only be given by the Honorable Superior Courts whilst exercising their Constitutional Jurisdiction under Articles 184(3) and 199 of the Constitution. He further submitted that the Tribunal can only give directions in personam and not directions in rem and that the Tribunal has gone beyond its jurisdiction and given directions which only this Court can give under Article 187 of the Constitution i.e. directions which are not prayed for.

32. He submitted that even the Honorable High Courts cannot give directions which are not prayed for but, on the contrary, may only mould the relief. Mr. Iftikhar Hussain Gillani, learned Senior ASC contended that the Tribunal has proceeded to do complete justice, a power that is only vested with this Court under Article 187 of the Constitution. In support of his submissions, he placed reliance on the case reported as Dossani Travels Pvt. Ltd and others v. M/s Travels Shop Pvt Ltd. and others (PLD 2014 SC 1) (Para 4, Pg.39).

33. Mr. Iftikhar Hussain Gillani, learned Senior ASC, in rebuttal to Mr. Aqil Awan's submission that, by virtue of Article 212 of the Constitution, the Tribunal was vested with powers much wider in scope than those exercised by the Superior Courts of this Country, submitted that this might be true, but only

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with respect to an individual and not to entire cadre or Police Force.

34. Mr. Zulfiqar Khalid Maluka, learned ASC for the Petitioner in C.Ps. Nos.507 to 508 of 2015, submitted that he adopts the arguments of Mr. Ifikhar Hussain Gillani, learned Senior ASC for the Petitioner in C.P.No.601 of 2015.

35. Mr. Muhammad Munir Paracha, learned ASC for the Petitioners in C.Ps. Nos.529 to 533 of 2015, contended that the learned Tribunal had erred by holding that Sindh Reserve Police was a different cadre. He submitted that section 2 of the Police Act 1861, was clear that the entire Police Establishment shall be deemed to be one force. With reference to seniority, he contended that Range wise seniority was clearly creating problems.

36. Mr. M. M. Aqil Awan, learned ASC for the Respondents in C.Ps. Nos.494 and 506 of 2015, contended that there were two issues before the Tribunal. The first issue was whether the Sindh Reserve Police was a separate cadre, which the Tribunal answered in the affirmative by holding that it was a separate cadre. The second issue before the Tribunal, was whether the standing orders issued by the Inspector General of Police, Sindh, were legal or not. On this count, the Tribunal was of the view that they were illegal. The learned Counsel submitted that there was no dispute with respect to the legality of the Standing Orders and it was agreed that they were illegal, therefore, the only point that remained to be answered was whether the Sindh Reserve Police was a separate cadre or not.

37. Mr. M. M. Aqil Awan, learned ASC, contended that persons ranging from Head Constable to the level of Inspector fell within the category of Upper Subordinates and that the seniority for such Upper Subordinates was to be maintained under Rule 12.2(3) of the Police Rules 1934. In support of his submissions, he placed reliance on IGP, Punjab, Lahore and others v. Mushtaq Ahmed Warraich and others (PLD 1985 SC 159) (Pg.177) and Neimat Ali Goraya and others v. Jaffar Abbas, Inspector/Sergeant Traffic etc. (1996 SCMR 826). He submitted that the prevalent practice was that the tentative seniority list was being made the basis of promotion.

38. With respect to the Sindh Reserve Police being a separate cadre, Mr. M. M. Aqil Awan, learned ASC, contended that the Sindh Reserve Police maintained a different seniority list, which indicates that it is a separate cadre. He further contended that absorption does not take place within the same cadre and as such, the fact that persons are absorbed into the Regular Police from the Sindh Reserve Police, in itself implies that the Sindh Reserve Police is a separate cadre. He contended that the Inspector General of Police has referred to the Sindh Reserve Police as a separate cadre in his Standing Orders, in addition to it being consistently treated as a separate cadre at the departmental level. In this behalf he drew our attention to para 46 of the impugned judgment.

39. To an observation of this Court that the Police should have a centralized seniority mechanism in place, Mr. M. M. Aqil Awan, ASC, submitted that the duration of training and courses for persons inducted and appointed to the Sindh Reserve Police and the Regular Police are different. The Regular / District Police is required to complete courses A, B and C as prescribed under Rule 19.25 of the Police Rules 1934, and there is no such requirement for the Sindh Reserve Police. The learned Counsel further submitted that although under section 2 of the Police Act 1861, the Police Establishment is one Police Force, the IT, Prosecution and Women Branch are different cadres, each having their own recruitment rules within that one Police Force. The factum of there being multiple cadres within one Police Force is not a departure from Section 2 of the Police Act 1861.

40. In order to draw a distinction between a wing of the Police and a cadre, Mr. M.M.Aqil Awan, ASC, stated that Traffic Police and the Anti Terrorist Squad were wings of the Police and they shared the same seniority list with the Regular Police and as such were part of the same. He submitted that the Sindh Reserve Police, on the contrary, maintained its own seniority list and therefore this was further proof of its being a separate cadre and not a wing of the Regular Police.

41. Mr. M.M. Aqil Awan, learned ASC for the Respondents, submitted that all the irregularities in the preparation of the seniority list by the Police are brought to light upon a reading of paras 41 to 45 of the impugned judgment and that these findings have not been controverted either before the Tribunal or before this Court. He submitted that the Inspector General of Police has unbridled and blind powers. He contended that it was the Inspector General of Police who sanctioned horizontal movement and it was he, who made wings within the Police. He further submitted that, if there was a clog or fetter on the unbridled powers of the Inspector General of Police, it was under Section 12 of the Police Act 1861, which mandates the prior approval of the Provincial Government. In this behalf Mr. M. M. Aqil Awan,

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learned ASC placed reliance on Khalil-ur-Rehman Khan, D.S.P. and others v. Province of Punjab through Home Secretary and others (PLD 1985 SC 195) at pg.204. He stated that the aforesaid judicial pronouncement has laid down the scope of Section 12 of the Police Act 1861, and the same has been continuously violated by the Inspector General of Police. He submitted that it was the Inspector General of Police who made the Sindh Reserve Police and it was he, who had been transferring Assistant Sub-Inspectors back and forth. The learned Counsel submitted that the question that begged to be answered was how the continuous violation of section 12 of the Police Act 1861, may be stopped. He stated that one way to stop the said violation had been laid down by the Tribunal through the impugned judgment.

42. Mr. M. M. Aqil Awan, learned ASC submitted that the Tribunal while deciding the Appeals pending before it had not ignored section 2 of the Police Act 1861. He stated that section 2 of the Act does not stipulate that there shall be one cadre, but that there shall be one Police Force. His contention was that section 2 of the Act was to be read with Rule 1.3 of the Police Rules 1934, and it was through this Rule that cadres had been created. He further contended that the word "Cadre" and "Administrative Unit" have not been defined, either in the Police Act 1861, or in the Police Rules 1934. He submitted that if the Police Rules were silent on a subject, the Civil Service Laws would hold the field, as long as the latter were not inconsistent with the former. Mr. M. M. Aqil Awan, learned ASC, submitted that "Cadre" has been defined under Rule 9(4) of the Fundamental Rules 1922, as well as under Rule 9(8) of the Sindh Civil Services Rules 1950, with the latter definition also having been adopted by the Tribunal in the impugned judgment. He placed reliance on a recent judgment of this Court, reported as Muhammad Bachal Memon and others v. Syed Tanveer Hussain Shah and others (2014 SCMR 1539) (Pg.1549) wherein "Cadre" has been defined and submitted that on the touchstone of the aforesaid judgment, the said definition would also apply to the Police Act 1861, and the Police Rules 1934.

43. The learned ASC, further contended that ipso facto, the Police Rules 1934, did not apply to the Sindh Reserve Police, as it came into being through a Standing Order issued in 1970. He submitted that persons appointed to the Sindh Reserve Police had undergone only a year of training which was in clear contravention of Rule 12.8 of the Police Rules 1934. He, with great force and fervor, contended that the Sindh Reserve Police cannot be a part of the Regular Police Force as it had not seen the rigors of Rule 12.8 of the Police Rules 1934. With reference to confirmation, Mr. M. M. Aqil Awan, learned ASC, contended that Rule 19.25 had to be read with Rule 13.18 of the Police Rules 1934. He next contended that the Inspector General of Police's unfettered powers ought to be curtailed with respect to transfers and the creation of wings etc. He submitted that one way of achieving the aforesaid objectives is that recruitment rules should be made, thereby channelizing the Inspector General of Police's unbridled powers. He submitted that even otherwise, the Inspector General of Police cannot alter the conditions of service of persons in the Police Force. He submitted that, on the touchstone of Article 240(b) of the Constitution, the same was within the sole competence and exclusive domain of the provincial legislature.

44. Replying to the arguments of Mr. Iftikhar Hussain Gillani, learned Senior ASC for the Petitioner in C.P.No.601 of 2015, on the question of the jurisdiction of the Tribunal to issue directions as it had whilst disposing of the Appeals, Mr. M. M. Aqil Awan submitted that by virtue of Article 212 of the Constitution there was a bar on the High Court, and on this Court as well, to issue directions of the like that can be issued by the Service Tribunal. He submitted that the Tribunal's powers, whilst adjudicating upon a lis before it, were wide ranging in scope and in support of his submission he relied upon Pakistan Railways thr. its GM v. Ghulam Rasul (1997 SCMR 1581) (1587) and Ali Muhammad v. Commissioner Afghan Refugees NWFP and others (1995 SCMR 1675). Mr. M. M. Aqil Awan, learned ASC concluded his arguments by submitting that, on the question of the Sindh Reserve Police being a different cadre than the Regular Police Force, the Tribunal dealt with the said question in a comprehensive manner and referred to paras' 52 to 53, 56, 64, 66 and 68 of the impugned judgment.

45. We have heard the learned Counsel for the Appellants, the learned Advocate General, Sindh, and the Counsel representing the Respondents at length and with their assistance have perused the record.

46. Before we could travel into the scheme of the Police Act and the Rules framed thereunder, it has been conceded by the learned Advocate General, Sindh, that the Standing Orders issued at times by the different I.G Police were without the approval of the Provincial Government and, therefore, did not have any legal status. In view of this conceding statement of the Advocate General, no argument was advanced by either party to the validity or otherwise of the Standing Orders issued by the I.Gs Police at times.

47. On the examination of the scheme of the Police Act 1861, we have noticed that Section 2 of the Police Act speaks of the constitution of the police force. Section 2 is reproduced hereunder:-

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"The entire police establishment under a Provincial Government shall, for the purposes of this Act, be deemed to be one police force and shall be formally enrolled and shall consist of such number of officers and men, and shall be constituted in such manner, as shall from time to time be ordered by the Provincial Government."

Section 3 confers powers on the Provincial Government to supersede or control any police functionary. Section 4 confers powers upon the Inspector General of Police as its administrative head. Section 7 speaks of appointments within the police force. Section 12 confers powers on the I.G.P to frame such orders and rules from time to time, subject to the approval of the Provincial Government, relative to the organization, classification and distribution of the police force, the places at which the members of the force shall reside, and the particular services to be performed by them.

48. On scanning the Police Rules, 1934, we have noticed that Chapter-I of the Rules relates to departmental organization of the police. Rule 1.1 defines General Police District with further clarification that all ranks of police employed in the province are appointed or enrolled under section 2 of the Act. Rule 1.2 confers powers on the I.G.P which are in the nature of command, discipline and administration. Rule 1.3 defines General Police District Division, which provides the structure of the Sindh Police categorized in different establishments:-

- i. Training Schools (including Provincial Finger Print Bureau)
- ii. Special Branch.
- iii. Crimes Branch.
- iv. District Police.
- v. Reserve Police Establishment (inserted through Government notification dated 22.09.1998, by amending the Rules).

49. Rule 1.4 defines the administration of the aforesaid establishments.

- a. The district of the province as grouped in range headed by the Officer of the rank of Deputy Inspector General of Police.
- b. The affairs of Police Training Centre, Sihala, initially was headed by the Officer of the rank of the Deputy Inspector General of Police. In Sindh subsequently different Police Training Centers were established, which now are under the command of Deputy Inspector General of Police Training Branch.
- c. Crime Branch is headed by the officer of the rank of Deputy Inspector General of Police.
- d. Special Branch is headed by the officer of the rank of Deputy Inspector General of Police.
- e. The reserve police establishment now styled as Sindh Reserve Police is headed by Deputy Inspector General of Police.

50. Rule 1.5 prescribes the limits of jurisdiction and liability to transfer, which for the sake of convenience is reproduced hereunder:-

"All police officers appointed or enrolled in Pakistan general police district constitute one police force and are liable to, and legally empowered for, police duty anywhere within the province. No sub-division of the force territorially or by classes, such as mounted and foot police, affects this principle."

51. Rule 1.6 defines the administration and functions of D.I.G Police appointed in different establishments specified in Rule 1.3, which is reproduced hereunder:-

"Deputy Inspectors-General-Duties and functions of.- The Deputy Inspector-General of Police Crime, Special Branch and Crime Branch and Special Branch.

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The Deputy Inspector-General, Crime Branch is responsible, through the staff of his department, for the intelligence organization of the criminal administration; in this capacity he is called upon to assist both the Provincial Government and the district authorities. He is also authorized to call upon the district or railway police for action in such matters, whether in respect of crime or intelligence as may, from time to time, be considered to his charge. In respect of crime, Department of Police Crime Branch will keep the Deputy Inspectors General of Police a Special Branch, a Crime Branch the ranges concerned fully informed of all action which his department is taking within the sphere of their jurisdiction.

The Deputy Inspector-General of a range is responsible to the Inspector General for the administration, training and discipline of the police of his range and for the efficiency of their organization and operations for the prevention and detection of crime. In the exercise of this responsibility a Deputy Inspector General will interfere as little as possible with the executive authority of the Superintendents under him, and will permit such modifications of practice and organization to suit local conditions as he may consider advisable, and as the law and these rules allow. He will use his powers of control to secure a uniform standard of efficiency and the fullest co-operation between districts and branches of the force in the circulation of information and in action against criminals.

To ensure that efficiency shall not be impaired by undue variation in methods or practice in different parts of the province, Deputy Inspector-General of Ranges and of the Crime Branch shall maintain close touch with each other by informal meetings and formal conferences. They shall freely exchange information relating to the criminal administration, and shall ensure that co-operation between ranges and branches of the force is as close as that between the district within a range. Before issuing any circular order having the effect of altering in principle any matter of departmental practice or affecting the administration of the law, Deputy Inspector General shall obtain the approval of the Inspector General. Copies of all such circular orders and of instructions of general importance whether previously approved by the Inspector General or not, shall be sent to the Inspector-General and other Deputy Inspectors-General for information."



52. The rule defines the parameters of the powers of all the Deputy Inspector General of Police in the Police Force with the distinction that the Range Deputy Inspector General of Police has the power of administration, training and discipline of the forces within his statutory Range, which shall include all the Police personnel initially in his range, and transferred to any other establishment under the Police Rules. The aforesaid arrangement under Rule 1.6 further has to be read with Rule 1.5, which provides that all police officers appointed or enrolled in any establishment shall be construed as one police force of the District and is obliged to and legally empowered for Police duty anywhere within the province. This Rule even restricts the sub-division in Police territorially by creating class such as mounted and foot police, which may otherwise militate the scheme of the Police Act.

53. The appointments and enrollments of the Police Personnel are regulated by Rule 12 of the Police Rules, 1934 of Chapter XII, which deals with three different sets of recruitment processes described thereunder:-

- a. Recruitment in prosecution (Legal Branch), Rule 12.6(3)(C).
- b. Recruitment of Technical District, Rule 12.3 (B)
- c. Recruitment of upper subordinate in Police, Rule 12.6.

There is a difference in the training courses of the personnel appointed in the aforementioned units as prescribed in the Police Rules.

- a. Training of personnel:-
 - i. Constables, Rule 19.2
 - ii. Upper subordinate, Rule 19.25
- b. Training of officers in prosecution (Legal Branch), Rule 19.26.
- c. Training of the officers in Technical District, Rule 12.3 (B) (2).

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Rules 12.6 (3) (e) suggests that:

"(e) After recruitment no Inspector (Legal) shall be allowed change of cadre from Inspector (Legal) to the Executive of any other Branch in the Police Department."

54. On the basis of the aforementioned criteria of recruitment and training in terms of the Rules referred to hereinabove, it can be easily concluded that the Sindh Police force has three independent units i.e. Executive, Technical District and Prosecution (Legal). On scanning of the rules, it can be further concluded that the Police personnel appointed in terms of the aforesaid recruitment process cannot horizontally travel to any other unit referred to hereinabove either by way of transfer or otherwise.

55. We may, however, observe that Rule 12.8 of the Police Rules, 1934 provides recruitment process and training program from Constable to Inspector in the Police Establishment (Executive Unit) is common.

56. There are six (06) promotion lists maintained in the Police Department as per seniority and qualification (Trainings and Promotional Courses) of the personnel in various ranks i.e.:-

- i. List-A, maintained in the District for Constables having 3 years' successful completion of probationary period and found fit for promotion to the List-B. (Rule 13.6).
- ii. List-B, maintained in the District for Constables, who are present in List-A and found eligible to be sent to Lower School Course, which is a promotional training for promotion to the rank of HC. (Rule 13.7).
- iii. List-C, maintained in the District for Constables, who have qualified Lower School Course and are eligible for promotion to the rank of Head Constable. (Rule 13.8).
- iv. List-D, prepared in the District and forwarded to the Range DIGP for approval and maintenance of seniority list. This list includes Head Constables eligible for the promotion to the rank of ASI after successful completion of Intermediate School Course. (Rule 13.9).
- v. List-E, maintained by the Range DIGPs, containing confirmed ASIs, who are eligible for promotion to the rank of Sub-Inspectors. (Rule 13.10).
- vi. List-F, prepared by CPO on the recommendation of Range DIGPs and maintained by Central Police Office (CPO) on centralized basis, containing confirmed Sub-Inspectors, who have qualified Upper School Course and are eligible for the promotion to the rank of Inspectors. (Rules 13.15).

57. Under the Police Rules, 1934, the seniority of the Constable and Head Constable is maintained in the District, whereas seniority of ASI and SI is maintained by the Range DIG. The seniority of the Inspector in Police is maintained by the Central Police Office. The training and examination of the Executive Unit is provided in Chapter XIX of the Police Rules.

58. Now with this background, we feel that we should also examine as to how Sindh Reserve Police was raised. In order to understand the establishment of Sindh Reserve Police, we have gone through Chapter XVII, which deals with the Head Quarters Establishments and Reserves in Police Force. It appears that under the aforesaid Chapter reserves are created in the following chronology.

59. Rule 17.9 (1) of the Police Rules, 1934 spells out the first armed reserve, Rule 17.10 speaks of mobilization of the second reserve and Rule 17.11 defines the mobilization of third reserve. In the aforesaid rules, the first armed reserve is the Regular Police in District maintained by the Superintendent of Police or Senior Superintendent of Police of the District and is moved under the orders of the respective range DIG of Police or Inspector General of Police. The mobilization of second reserve takes place under the orders of the Inspector General of Police, whereas mobilization of third reserve is under the orders of the Provincial Government (Chief Minister through Inspector General of Police).

60. The aforesaid three "Provincial Reserves", by a Notification dated 01.7.1980 were combined together and made part of Sindh Constabulary Force with effect from 01.7.1980. The "Provincial Armed Reserves" on its merger became the Sindh Constabulary; before the merger of the aforesaid unit, it was

Alleged

LISTS OF
POLICE
A, B, C
D, E, F

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regulated by the District Police under Rules 17.9, 17.10 and 17.11 of the Police Rules, 1934. By another Notification dated 03.4.1985 of the Sindh Government, the 'Sindh Constabulary' was renamed as 'Sindh Reserve Police' and was given under the command of DIG, Training and Sindh Reserve Police.

61. We were informed during the hearing that the recruitment process adopted for the aforesaid personnel of Sindh Reserve Police was common to that of a District Police in terms of the Police Rules as initially they were given the training through Police Training Centers. There is an additional requirement of acquiring practical training in terms of Rule 19.25, which the Sindh Reserve Police personnel did not acquire till 1992.

62. The issue cropped up when on 30.6.2010, a Standing Order No.243 of 2010 was issued by the then Inspector General of Police declaring Training Branch Establishment as a Range. On account of this Standing Order, the DIG, training branch establishment was unauthorizedly conferred administrative powers of DIG range. The DIG training branch started recruitment of the Police Constables as provided under the Police Rules. He also started maintaining the seniority of all the Police personnel serving in the training branch establishment against the language of the Police Rules. The Standing Order referred to hereinabove was admittedly issued without the approval of the government, which is a mandatory requirement. Even otherwise aforementioned Standing Order is beyond the authority of the Inspector General of Police as the Rules do not confer upon him powers to alter the terms and conditions of any of the establishment within the Police Force. The situation further aggravated when the then DIG, Sindh Reserve Police usurped the administrative powers of the range DIG unilaterally. He started recruiting the Police personnel in the manner provided under the Police Rules, which was beyond his authority. The seniority of the Police personnel serving within the Sindh Reserve Police establishment, which ought to have been maintained in their respective Ranges, was also maintained by him illegally. Neither any Standing Order nor any other instrument authorized the DIG, Sindh Reserve Police to exercise administrative powers of the nature. Likewise, the Special Branch also recruited the Police personnel and maintained their seniority within their establishment through the DIG heading the establishment. However, the DIG Crime Branch establishment neither exercised the administrative powers of the Range DIG nor recruited any Police personnel, even the seniority of the Police personnel serving in the establishment was not maintained by him. In other words, the very Standing Order of 30.6.2010 declaring training branch establishment as a Range ex-facie was in violation of section 2 of the Police Act, 1861 read with Rule 1.5 of the Police Rules, 1934, whereas the administrative powers unilaterally exercised by the DIG, Sindh Reserve Police establishment and Special Branch establishment were against the spirit of the Police Act and Rules.

63. In the aforesaid events, when these three establishments usurped the powers of the range DIG without any sanction of law, the entire purpose of the Police Act and the Rules of 1934 was defeated. Under the Police Rules all foot Constables appointed by this establishment were given the training as provided to the Executive Police Force, however, the Sindh Reserve Police establishment also recruited ASIs in the same manner as is being done by the other establishments, but they were not given the practical training as provided under Police Rule 19.25. Subsequent thereto, after the issuance of Standing Order 1992, the practical training under Rule 19.25 was made mandatory for the Police personnel of Sindh Reserve Police establishment.

64. During hearing of the appeals, the AIG (Establishment) informed us that some Police personnel of the Sindh Reserve Police sought their transfer from Sindh Reserve Police establishment to executive Police establishment. Upon this request, a Standing Order No.119 of 1992 dated 08.9.1992 was issued by the Inspector General of Police acceding to their request subject to their obtaining practical training provided under the Police Rules. Since the issuance of the Standing Order all the Police personnel recruited in the Sindh Reserve Police establishment were made to undertake practical training and at present within the establishments all the personnel of the Police have obtained practical training in terms of Chapter XIX of the Police Rules, 1934.

65. We are disturbed in the manner the powers were being exercised by the DIGs heading different establishments under the nose of the government, which was not only against the Police Rules but such practice has actually divided the Police Force. The establishments, were created to facilitate the smooth working of the Police. There is no concept of cadre within the Police, which is one indivisible force. However, as referred to hereinabove the Police Rules prescribe three modes in recruiting the Police personnel. The first recruitment mode is appointment of the Executive Police, the second recruitment mode, which has a different set of Rules refers to appointment of technical District Police and the third mode brings the recruitment of the Inspectors/Sub-Inspectors Prosecution (Legal). There can be employees in the Police Department, which are non-uniformed like ministerial staff and/or I.T.

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Department but they are recruited and regulated by the Sindh Civil Servants Act, 1973 and the Rules framed thereunder.

66. The learned Service Tribunal has misconstrued Rule 1.3 of the Police Rules, under which different establishments were made in the Police Force to facilitate the smooth working. By erroneous assumption of the powers under the Standing Order or otherwise, the DIGs, who were heading the establishments construed the establishment as Ranges. Additionally, all the administrative powers conferred on the Range DIG, i.e who heads the Executive Police Range, were encroached on by the heads of these establishments created under the Rule 1.4. The said DIGs of the establishments also started maintaining seniority and making recruitments to these establishments, in negation of the clear language of the Police Rules. These actions of the heads of the establishments ex-facie militate the provisions of Police Act and Rules which provide the Police Force as one indivisible Force. The learned Service Tribunal losing sight of the fact that these establishments cannot be construed as Ranges in the first place had directed the government to give them the status of cadres, inter alia, on the ground of their respective functions performed by the personnel in these establishments. The concept of cadre has neither been defined in the Police Act nor by the rules framed thereunder. Though the term 'Cadre', has been used in Police Rule 12.6(3)(e). Even in the Sindh Civil Servants Act, 1973 or the rules framed thereunder, the cadre has not been defined. However, the term 'Cadre' has been defined in Rule 9(4) of the Fundamental Rules, 1992. The said Rule defines "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit."

67. We have further noticed that the concept of 'Cadre' within the Police service could only be introduced if it is established that the recruitment process, the training and practical training of the members of Police Force is distinct. Under the Police Rules, entry point of all the Police personnel in Executive Police is common. They have common recruitment process, police training and practical training as prescribed under the Rules and once these trainings after their appointments are completed, they are transferred to the different establishments under the Rules. The posting and transfer to an establishment of a member of Police Force is permissible under Police Rule 1.5 would not change the Cadre of a police personnel. The Rule 1.5 allows the police personnel to progress vertically by the rules prescribed and could be transferred to any of the establishment. There is no restriction placed on a police official for transfer from one establishment to other.

68: Moreover, section 12 of the Police Act, 1861 leaves no doubt or ambiguity as to the fact that the Police Force is an indivisible entity that is commanded by Inspector General of Police, who has vast powers; subject to the approval of the government, he can frame orders or rules with regard to the organization, classification and distribution of police force. In other words, the aforesaid provision enables the IG Police to cater to the situation, where it is expedient for him to issue such orders and make such rules, with the approval of the government, as are required to meet the contingencies related to, inter alia, prevention and detection of crimes.

69. The learned Tribunal has erred in treating the different establishments created under the Police Rules, 1.4 as various Cadres classified on functional basis; whereas the overall scheme of Police Act, 1861 and the Rules 1934 envisage the police forces one indivisible body possessing various establishments performing the assigned functions such as District Police, Police Training Center, Crime Branch, Special Branch, Reserve Police and so on. Each of these establishments are in fact integral parts of the police force, and under no rules of construction they can be construed as separate or independent Cadres.

70. Therefore, the directions of the learned Tribunal to the government to create Cadres in substitution of the establishments is neither warranted by the Act nor by the Rules and will lead to anomalies as has happened in the case in hand, where the DIGs of different establishments started exercising the administrative powers of the Range DIGs.

71. We are clear in our mind that there should be common seniority of Police Personnel serving in all the establishments to be maintained by District Police, the Range DIG and Central Police Office (C.P.O.) strictly as provided by the Rules in Chapter XIII, as discussed in Para 56 supra. Therefore, the Sindh Government and the competent authority under the Police Rules shall prepare the common seniority list of the Police Personnel serving in different establishments within three (03) months of the date of this judgment in terms of Police Rules and report compliance.

72. Likewise, we are clear in our mind that all the establishments, other than the executive police establishment, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion.

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73. Being the custodian of the service record etc. of the Police personnel, the District police/Range DIG, shall make selection for Police personnel for police training and practical training, and no other establishment shall be authorized to make such selection. By way of clarification it may be observed that the matters related to seniority, promotion or trainings in respect of Police Inspector, the competent authority is Inspector General of Police, as provided in the Rules 1934.

74. It has been observed that in many cases the Police personnel have completed their statutory period of probation but they were not confirmed for want of notification, and as result of which such officials have suffered in terms of delayed promotion or loss of seniority, which is a sheer negligence and abuse of power on the part of the competent authorities concerned. Hence, we are of the view that this practice must be brought to an effective end so that injustice may not be perpetrated against such officials. Therefore, in future those Police Personnel who have completed their statutory period of probation, whether it is three years or two years, they shall stand confirmed whether or not a notification to that effect is issued.

75. We have further observed that a cherry picking is made in the case of selection of Police personnel for police training or practical training despite the fact they have completed their required period to be eligible for such trainings, which amounts to denying them of timely promotion for the next scale; hence, we direct that in future, competent authority shall ensure that the Police personnel who have completed their required period to be eligible for trainings shall be forthwith sent for the training; and in case such police officials are bypassed for such trainings on account of default by the department, or to extend a favour to the junior, or negligence by the authority concerned, their inter se seniority and the accompanying financial entitlements shall not be effected on account of their late joining or completion of training.

76. For the reason stated hereinabove, we allow all these appeals and set aside the judgment of the learned Sindh Service Tribunal. It is expected from the Sindh Government and the Inspector General of Police, Sindh that the directives contained in this judgment shall be implemented in its letter and spirit without any undue delay and the seniority list of all the Police personnel belonging to any of the establishment created in terms of Rule 1.4 of the Police Rules, 1934 shall be prepared within the time stipulated in the judgment.

77. Copies of this judgment be sent through fax and otherwise to the Sindh Chief Secretary, Home Secretary, Sindh, Inspector General of Police, Sindh and Advocate General, Sindh, for their information and compliance.

MWA/G-7/SC

Appeal allowed.



IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench-V:

Mr. Justice Syed Mansoor Ali Shah
Mrs. Justice Ayesha A. Malik

LA
D Page 25

Civil Appeals No.1172 to 1178 of 2020

and

Civil Petitions No. 3789 to 3796, 2260-L to 2262-L and CP 3137-L of 2020

(Against the judgment dated 30.11.2018, passed by the Punjab Service Tribunal, Lahore in Appeals No.3780, 3779, 3852, 3778, 3425, 3851 of 2015, 3160/2014 & 214/2017)

and

C.M.Appeals No.23 & 33 of 2021

(Applications for impleadment in CA-1172 & 1178 of 2020 respectively)

Syed Hammad Nabi, etc. (In C.A. 1172 to 1178 of 2020)
Shujaat Ali Babar, etc (Appellants/Applicants in C.M. Appeal No.23 of 2021)
Maqsood Ali, etc (Appellants/Applicants in C.M. Appeal No.33 of 2021)
Jaseem Ahmad (in CP 3789/2020 to CP 3796/2020)
Muhammad Imran Haider, etc (In CP 2260-L/2020)
Ibrar Ahmed Khan, etc. (In CP 2261-L/2020)
Muhammad Yaseen (In CP 2262-L/2020)
Muhammad Sarwar Awan (In CP 3137-L/2021)

..... **Appellants/Petitioners**

Versus

Inspector General of Police Punjab, Lahore, etc. (In all cases)

For the appellant(s)/:
Petitioner(s) Mian Bilal Bashir, ASC.
Syed R.H. Shah, AOR.
Ch. Zulifqar Ali, ASC.
(Through V.L. Lahore Registry)
Mr. Maqbool Hussain Sh. ASC
Mr. Talaat Farooq Sh. ASC.
(Through V.L. Lahore Registry)

For the applicant(s): Mr. Safdar Shaheen Pirzada, ASC.
(In CMA 8616/2022)

For the respondent(s): Mr. Muddasar Khalid Abbasi, ASC.
Mr. Muhammad Ramzan Khan, ASC.
Mr. M. Sharif Janjua, AOR.
Mr. Kaleem Ilyas, ASC.
Raja Muhammad Khan, ASC.
Atta Muhammad-respondent-in-person

For the Govt. of Punjab: Mr. Ashfaq Ahmad Kharral, Addl. A.G.
a/w Kamran Adil, DIG (Legal)
Sh. Asif, S.P.
Amir Khalil Syed, S.P.
Kashif Butt, A.D.

Date of hearing: 02.11.2022

....**Respondent(s)**

Ahmed

Date of hearing: 07.11.2023

Ксентин Вилл ВД
Анни Крелл Шелл ЗР
ЗР Валл ЗР
.....

For the Govt of Punjab: Mr. Vardar Singh Kaurist VDC VDO

Анни Миллманн-Корборнотт м-Корборнотт
Корборнотт Миллманн Крелл VDC
Мр. Крелл Шелл VDC
Мр. М. Шелл Шелл VDC
Мр. Миллманн-Корборнотт Крелл VDC

For the respondents: Mr. M. Shella Kaurist VDC

(In Civil Suit No. 3033)

For the applicant(s): Mr. Shella Kaurist VDC

Шелл Шелл Шелл VDC
Мр. Шелл Шелл Шелл VDC
Мр. Шелл Шелл Шелл VDC
Шелл Шелл Шелл VDC
Ср. Шелл Шелл VDC

Respondent(s): Shella Kaurist VDC

For the respondents: Shella Kaurist VDC

.....

Verdict

.....

- Миллманн-Корборнотт Шелл VDC (In Civil Suit No. 3033)
- Миллманн-Корборнотт Шелл VDC (In Civil Suit No. 3033)
- Ирелл Шелл Крелл VDC (In Civil Suit No. 3033)
- Миллманн-Корборнотт Шелл VDC (In Civil Suit No. 3033)
- Шелл Шелл VDC (In Civil Suit No. 3033)
- Шелл Шелл VDC (In Civil Suit No. 3033)
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- Шелл Шелл VDC (In Civil Suit No. 3033)

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IN THE SUPREME COURT OF PUNJAB

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JUDGMENT

Syed Mansoor Ali Shah, J.- There are three sets of police officers before us: (i) Appellants (Hammad Nabi and others); (ii) Respondents (Atta Muhammad and others); (iii) Impleaders through applications (CMAs) (Jaseem Ahmad, Shujaat Ali Babar and others).

2. *Appellants* belong to a batch of direct Sub-Inspectors ("SI") who were selected in BS-14 through the Punjab Public Service Commission ("Commission") in October, 1997. The order of appointment of Hammad Nabi (appellant) was issued in Multan Region on 30-10-1997. He was subjected to probation¹ for three years and after successful completion of probationary courses² (A, B, C and D), he was confirmed in the same rank i.e., Sub-Inspector with effect from 28.11.2000 by DIG/Multan vide order dated 29.11.2000. By this time, this Court in *Qayyum Nawaz*³ held that the date of confirmation is the same as the date of appointment. The Inspector General of Police ("IGP") in order to implement *Qayyum Nawaz* issued circular dated 10-03-2004 that stated that date of appointment and confirmation shall be the same. In consequence thereof, Hammad Nabi was confirmed as SI from the date of his appointment i.e. 30-10-1997 vide order dated 07-04-2004 passed by the DIG/Multan. In addition, Hammad Nabi was admitted to Seniority List F (that is maintained for the promotion to the post of Inspectors)⁴ with effect from 21-11-2002 and was also promoted to the rank of Inspector with effect from 07-01-2003 vide order dated 14-01-2005. The officer was kept at Seniority List F and his name was notified in the List regularly. Before the implementation of the impugned judgement of Punjab Service Tribunal ("Tribunal"), the Seniority List of Inspectors was displayed on 07-02-2019 showing Hammad Nabi at Seniority No. 281 of the Seniority List F. However, after the implementation of the impugned judgement of the Tribunal, the Seniority List F notified on 13-03-2020 placed the Appellant at Seniority No. 323. This relegation of Hammad Nabi from Seniority No. 281 to Seniority No. 323 is a result of the implementation of impugned judgement of the Tribunal which is under challenge before us. Accordingly, the Appellant has prayed to set aside the impugned judgment dated 30-11-2018 passed by the Tribunal.

¹ Rule 12.8 of the Police Rules, 1934.

² Rule 19.25 of the Police Rules, 1934.

³ 1999 SCMR 1594.

⁴ Rule 13.15 of the Police Rules, 1934

JUDGMENT

Byed Mansoor Ali Shah, 1. There are three sets of police officers before us in Appellants (Hamid Nahi and others), (ii) Respondents (Munir Muhammad and others), (iii) Impugned circulars applications (CMAA) Mansoor Ahmad Shujaat Ali (Nahi and others).

2 Appointments being to a batch of direct Sub-Inspectors (SI) who were selected in 1997 through the Punjab Public Service Commission ("Commission") in October, 1997. The order of appointment of Hamid Nahi (Appellant) was issued in Multan Region on 30-10-1997. He was subjected to promotion for three years and after successful completion of promotional courses (A, B, C and D), he was confirmed in the same rank i.e. Sub-inspector with effect from 28-11-2000 by DIG Multan vide order dated 29-11-2000. By this time, the Court in Qudus Wahid, held that the date of confirmation is the same as the date of appointment. The Inspector General of Police (IGP) in order to implement Qudus Wahid issued circular dated 10-03-2004 that stated that date of appointment and confirmation shall be the same in consequence thereof. Hamid Nahi was confirmed as SI from the date of his appointment i.e. 30-10-1997 vide order dated 07-01-2002 passed by the IGP, Multan. In addition Hamid Nahi was admitted to Seniority List B that is maintained for the promotion to the post of Inspector, with effect from 21-11-2002 and was also promoted to the rank of Inspector with effect from 07-01-2003 vide order dated 14-01-2002. The officer was kept at Seniority List B and his name was notified in the list regularly before the implementation of the impugned judgment of Punjab Service Tribunal ("Tribunal") the Seniority List of Inspectors was dispatched on 07-02-2018 showing Hamid Nahi at Seniority No. 281 of the Seniority List B. However, after the implementation of the impugned judgment of the Tribunal, the Seniority List B notified on 13-03-2020 placed the Appellant at Seniority No. 323. This relegation of Hamid Nahi from Seniority No. 281 to Seniority No. 323 is a result of the implementation of impugned judgment of the Tribunal which is a clear challenge before us. Accordingly, the Appellant has prayed to set aside the impugned judgment dated 30-11-2018 passed by the Tribunal.

Rule 17 of the Police Rules 1974
Rule 19 of the Police Rules 1974
Rule 18 of the Police Rules 1974

Page 2)

3. Respondent Atta Muhammad, alongwith other officers arrayed as respondents, belongs to a batch of officers which were selected as direct Assistant Sub-Inspectors (ASIs) in BS-9 by the Commission on 10-11-1993. He was assigned to the Punjab Constabulary (PC), a reserve police unit within the Punjab Police that was treated at par with a Range for legal purposes. The officer was subjected to three years probationary period⁵ and after successful completion of his training courses (A, B, C and D)⁶, he was confirmed on 16-03-1999 and his name was placed on Seniority List E maintained by DIG/Commandant/Range/Regional Police Officer with effect from 18-11-1996. Later on, due to administrative arrangements within the Punjab Police, the officer was assigned to Rawalpindi Range/Region by the IGP vide order dated 13-08-2002. He was promoted as an Officiating Sub-Inspector in Rawalpindi Range/Region on 27-08-2003. Atta Muhammad obtained his revised confirmation with effect from 10-11-1993 (his date of appointment) as a result of implementation of *Qayyum Nawaz (supra)*. Thereafter, he agitated that he stood senior to the promotee ASI Muhammad Arshad (who had by now reached to the rank of Inspector). His argument was that he was senior to Muhammad Arshad due to his date of appointment/confirmation which was 10-11-1993 as compared to the date of appointment/confirmation of Muhammad Arshad on 13-11-1993. The legal requirements of three years probationary period and completion of training courses (A, B, C and D) for direct ASIs was not appreciated by any fora while comparing cases of Atta Muhammad and Muhammad Arshad. His claim on the basis of Muhammad Arshad was accepted and his standing on List E was revised with effect from 01-02-1996. Based on this revision of his standing at List E, he was granted revised promotion to the rank of SI with effect from 22-12-1996 by the Commandant PC on 07-08-2006. He was admitted to Seniority List F with effect from 21-11-2002 and promoted to the rank of Inspector with effect from 07-01-2003. As a result, whereas before implementation of impugned judgement, he was not listed on Seniority List and was treated as a SI, after implementation of the impugned judgement of the Tribunal, he was placed at Seniority No. 241 of the Seniority List of Inspectors dated 13-03-2020. Amongst the *Impleaders* some support the case of the Appellants while the others support the case of the Respondents. The Comparative Table hereunder gives a tabular representation of the

Handwritten notes in Urdu on the left margin, including dates like 15/11/93, 16/3/99, 13/8/02, 27/8/03, 10/11/93, 13/11/93, 01/02/96, 22/12/96, 21/11/02, 07/01/03, 07/08/06, and 13/03/2020, along with other illegible text.

⁵ Rule 12.8 of Police Rules, 1934.
⁶ Rule 19.25 of Police Rules, 1934

Handwritten signature of Atta Muhammad at the bottom right of the page.

3. Respondent Ali Muhammad alongwith other officers assigned as respondents, belongs to a batch of officers which were selected as per Assistant Sub-Inspector (AS) in HR-2 by the Commission on 10-11-1993. He was assigned to the Punjab Constabulary (PC) a reserve police unit within the Punjab Police that was treated at par with a Range for legal purposes. The officer was subjected to three years probationary periods and after successful completion of the training courses (A, B, C and D), he was confirmed on 16-03-1999 and his name was placed on Seniority List E maintained by DIO (Commandant) Range (Regional Police Officer) with effect from 18-1-1999. Later on due to administrative arrangements within the Punjab Police, the officer was assigned to Rawalpindi Range/Region by the IGP vide order dated 13-08-2002. He was promoted as an Offsetting Sub-Inspector in Rawalpindi Range/Region on 27-08-2003. Ali Muhammad obtained his revised confirmation with effect from 10-11-1993 (his date of appointment) as a result of implementation of Quota Rules (seniority). Thereafter, he stated that he stood senior to the petitioner Ali Muhammad Ashraf (who had by now reached to the rank of Inspector). His argument was that he was senior to Muhammad Ashraf due to his date of appointment/confirmation which was 10-11-1993 as compared to the date of appointment/confirmation of Muhammad Ashraf on 13-11-1993. The legal requirements of three years probationary period and completion of training courses (A, B, C and D) for grant ASIs was not required by any law. While comparing cases of Ali Muhammad and Muhammad Ashraf, Tribunal on the basis of Muhammad Ashraf was accepted and his standing on List E was revised with effect from 01-02-1996. Based on this revision of his standing at List E, he was granted revised promotion to the rank of SI with effect from 22-12-1996 by the Commandant PC on 07-08-2000. He was admitted to Seniority List F with effect from 21-11-2002 and promoted to the rank of Inspector with effect from 07-01-2003. As a result, whereas before implementation of impugned judgement, he was not listed on Seniority List and was treated as a SI after implementation of the impugned judgement of the Tribunal, he was placed at Seniority No. 241 of the Seniority List of Inspectors dated 13-03-2020. Amongst the applicants some support the case of the Applicants while the others support the case of the Respondents. The Comparative Table herewith gives a tabular representation of the

service record of the parties for better understanding the dispute in hand.

COMPARATIVE TABLE

PARTIES TO LITIGATION	Date of appointment as ASI	Initial Date of confirmation as ASI	Revised date of confirmation as ASI	Date of appointment as SI	Initial Date of Promotion as SI	Revised promotion as SI	Initial date of confirmation as SI	Revised date of confirmation as SI
1	2	3	4	5	6	7	8	9
Hammad Nabi etc. (Group-a)	-	-	-	30.10.97	-	-	28.11.00	30.10.97
Atta Muhammad etc. (Group-b)	10.11.93	18.11.96	10.11.93	-	27.08.03	22.12.96	27.08.03	22.12.96
Jaseem Ahmad (Group-c)	30.09.90	11.03.96	30.09.90	-	25.09.01	25.09.01	25.09.01	25.09.01
Shujaat Ali Babar Etc (Group-d)	08.06.88	01.07.93	08.06.88	-	01.04.99	-	01.04.99	01.04.99

4. We have heard the learned counsel for the parties and Mr. Kamran Adil, DIG (Legal) at some length and have carefully gone through the case law⁷ cited at the bar, as well as, the Police Rules, 1934 ("Police Rules") and Police Order, 2002. The question before us is the mode of determination of seniority of a police officer holding the post of Inspector in the Punjab Police under the Police Rules. The answer to the said question is clearly provided under Rule 12.2(3) of the Police Rules, which is reproduced hereunder for convenience:

12.2. Seniority and probation. - (1) The seniority of Assistant Superintendents of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superintendent of Police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examinations.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service; provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendents of Police are contained in Appendix 12.1.

(3). All appointments of enrolled police officers are on probation according to the rules in this chapter applicable to each rank.

⁷ 2015 SCMR 456; 1996 SCMR 1297; PLD 1985 SC 159; 1999 SCMR 1594 & 2016 SCMR 1254

Seniority in the case of upper subordinates⁸, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however, be finally settled by dates of confirmation, the seniority *inter se* of several officers confirmed on the same date being that allotted to them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regain the seniority which he originally held *vis-à-vis* any officers promoted or confirmed before him during his deputation.

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The seniority of lower subordinates shall be reckoned from dates of appointment, subject to the conditions of rule 12-24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.

(emphasis supplied)

Rule 12.2(3) provides that in the first instance the seniority of the upper subordinates shall be reckoned from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. The sub-Rule further provides that seniority shall be finally settled by dates of confirmation, the seniority *inter se* of several officers confirmed on the same date being that allotted to them on first appointment. Rule 12.2(3) provides for two stages for determining the seniority, one is prior to the probationary period and is to be reckoned from the first appointment and the final seniority is settled from the date of confirmation which is once the period of probation is successfully completed.⁹ Period of probation is important as the officers have to undergo various courses (A,B,C & D)¹⁰ and qualify the same. Once police officer has successfully undergone the said courses he stands confirmed at the end of the probationary period. The seniority is once again settled, this being the final seniority from the date of confirmation. The above rule is, therefore, very clear that final seniority list of Inspectors will be reckoned from the date of confirmation of the officers and not from the date of appointment.

A. K. Khan

5. The Appellants in this case had a probationary period of three years while the probationary period of the Respondents was two

⁸ Inspectors, Sub-Inspectors (SIs) & Assistant Sub-Inspectors (ASIs) - See Rule 19.25 of the Police Rules, 1934.

⁹ See Rule 12. 8 and 13.18 of the Police Rules, 1934

¹⁰ See Rule 19.25 *ibid*.

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Seniority in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall however be finally settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on probation outside his range or district shall, on being promoted or confirmed, regain the seniority which he originally held vis-à-vis any officers promoted or confirmed before him during his probation.

The seniority of lower subordinates shall be reckoned from dates of appointment subject to the conditions of rule 12.3 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.

(emphasis supplied)

Rule 2 (a) provides that in the first instance the seniority of the upper subordinates shall be reckoned from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. The sub-rule further provides that seniority shall be finally settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment. Rule 12.3(i) provides for two stages for determining the seniority, one as prior to the probationary period and one to be reckoned from the date of confirmation and the final seniority is settled from the date of confirmation which is once the period of probation is successfully completed. Period of probation is important as the officers have to undergo various courses (A, B, C & D) and qualify the same. Once police officer has successfully undergone the said courses he stands confirmed at the end of the probationary period. The seniority is once again settled, this being the final seniority from the date of confirmation. The above rule is therefore very clear that final seniority list of subordinates will be reckoned from the date of confirmation of the officers and not from the date of appointment.

The appellants in this case had a probationary period of three years while the probationary period of the respondents was two

1. The seniority and promotion rules (A, B, C & D) of the respondents were in force from 1973.
2. See Rule 12.3 and 2 of the Police Rules, 1974.
3. See Rule 12.3 (a).

years¹¹ and their dates of confirmation are different. It is submitted that the clarity of the said Rule has been muddled over the years due an earlier pronouncement of this Court in *Qayyum Nawaz*.¹² We have gone through *Qayyum Nawaz* and find that it is a leave-refusing order (described as a judgment), which has neither decided any question of law nor enunciated any principle of law in terms of Article 189 of the Constitution. Such leave-refusing orders do not constitute binding precedents.¹³ The impression that a leave-refusing order endorses the statements of law made in the impugned orders and thus enhances the status of those statements as that of the apex court is fallacious. This impression is based on inference drawn from the leave-refusing orders, while 'a case is only an authority for what it actually decides' and cannot be cited as a precedent for a proposition that may be inferred from it.¹⁴ The judgment of the Tribunal in *Qayyum Nawaz* totally ignores Rule 12.2(3) of the Rules as well as the earlier pronouncement of this Court in *Mushtaq Warriach*¹⁵ which underlines the difference between the date of appointment and the date of confirmation. Therefore, reliance on *Qayyum Nawaz* to hold that there is no difference between the date of appointment and date of confirmation under the Police Rules is absolutely misconceived and strongly dispelled.

مدافعت

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تصویر

مثال کے طور پر

مثلاً : ڈیڑھ ماہ

6. The impugned judgment of the Tribunal before us also relies on *Qayyum Nawaz* when the said judgement does not pass as a precedent and settles no principle of law. The impugned judgement has misread Rule 12.2(3) and has ignored its substantive part which clearly deals with the formulation of the final seniority list which is to be settled from the date of confirmation of the Police Officers. The Tribunal through the impugned judgement has without any justification dismissed from consideration *M. Yousaf*¹⁶ which holds that seniority must be determined in accordance with the rules. For these reasons the impugned judgment is not sustainable.

Alleged

7. It is also underlined that much water has flown under the bridge since *Qayyum Nawaz*. This Court has put an end to out of turn promotions in *Contempt Proceedings Against the Chief Secretary, Sindh*

¹¹ See Rule 12.18 ibid

¹² 1999 SCMR 1594.

¹³ Muhammad Salman v. Naveed Anjum 2021 SCMR 1675; Tariq Badr v. NBP 2013 SCMR 314.

¹⁴ Quinn v. Leatham 1901 AC 495; Trustees of the Port of Karachi v. Muhammad Saleem 1994 SCMR 2213; SHCBA v. Federation PLD 2009 SC 879 per Ch. Ijaz Ahmad, J.; Khairpur Textile Mills v. NBP 2003 CLD 326.

¹⁵ P.I.D 1985 SC 159

¹⁶ Muhammed Yousaf & others v. Abdul Rashid & others, 1996 SCMR 1297

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12.2.3

years, and their dates of confirmation are different. It is submitted that the clarity of the said Rule has been muddled over the years but an earlier pronouncement of the Court in *Quayson v Attorney General* ("We have gone through *Quayson v Attorney General* and find that it is a leave-refusing order (described as a judgment), which has neither decided any question of law nor enunciated any principle of law in terms of Article 189 of the Constitution. Such leave-refusing orders do not constitute binding precedents. The impression that a leave-refusing order endorses the statements of law made in the impugned orders and thus enhances the status of those statements as that of the apex court is fallacious. This impression is based on an inference drawn from the leave refusing orders, while in case it only an authority for what it is, namely, 'decided', and cannot be cited as a precedent for a proposition that may be extracted from it." The judgment of the Tribunal in *Quayson v Attorney General* totally ignores Rule 12 (2) of the Rules as well as the earlier pronouncement of the Court in *Wassiah Warriner*, which underlines the difference between the date of appointment and the date of confirmation. The Court reliance on *Quayson v Attorney General* to hold that there is no difference between the date of appointment and date of confirmation under the Police Rules is absolutely misconceived and strongly doubted.

6 The impugned judgment of the Tribunal before us also refers on *Quayson v Attorney General* when the said judgment does not pass as a precedent and cites no principle of law. The impugned judgment has misread Rule 12(2) and has ignored its substantive part which clearly deals with the jurisdiction of the said senior judge which is to be settled from the date of confirmation of the Police Officers. The Tribunal through the impugned judgment has without any justification dismissed upon consideration *Wassiah Warriner* which holds that seniority must be determined in accordance with the Rules. For these reasons the impugned judgment is not sustainable.

7 It is also underlined that much water has flown under the bridge since *Quayson v Attorney General*. The Court has put an end to out of turn promotions in Contempt Proceedings Against the Chief Secretary, Senior

1. The Tribunal's decision is hereby set aside and the matter is remitted to the Tribunal for reconsideration.
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 10. The Tribunal's decision is hereby set aside and the matter is remitted to the Tribunal for reconsideration.

and others¹⁷ followed by *Ali Azhar Khan Baluch*¹⁸. The practice of ante-dated confirmations and promotions have been put down in *Raza Safdar Kazmi*¹⁹ and delay in confirmations after the probationary period have been regulated in *Gul Hasan Jatoi*²⁰.

8. It is best if the Police force is allowed to be regulated by its statutory framework i.e. the Police Order, 2002 and the Police Rules which provide a complete code of internal governance. Disputes, if any, amongst the police officers must first be resolved by the Inspector General of Police or his representatives. Only in case of any legal interpretation or blatant abuse of the process provided under the Police Order or Rules should the courts interfere in the working of the Police force so that the force can maintain its functioning, autonomy, independence and efficiency which is essential for Police which is charged with the onerous responsibility of maintaining law and order and with the onerous obligation to protect the life and property of the citizens of this country. More than any other organization, it is imperative that the Police must function as a rule based organization which is fully autonomous and independent in regulating its internal governance. Strong and smart Police force requires *organizational justice* firmly entrenched in the institution so that its officers are assured that they work for an institution that firmly stands for rules, fairness, transparency and efficiency. This upholds the morale of the police officers, especially junior police officers who are required to undertake dangerous and strenuous assignments on a daily basis and also uplifts the institution by making it more vibrant and progressive.

Atiqul

9. The importance of *organizational justice* cannot be undermined. It focuses on how employees judge the behavior of the organization and how this behavior is related to employees' attitudes and behaviors regarding the organization. The employees are sensitive to decisions made on a day-to-day basis by their employers, both on the small and large scale, and will judge these decisions as unfair or fair. Decisions judged as unfair, lead to workplace deviance. Employees also believe procedures are fair when they are consistent, accurate, ethical, and lack bias²¹. Organizational justice is concerned with all matters of workplace behaviour, from treatment by superiors to pay, access to

¹⁷ 2013 SCMR 1752

¹⁸ 2015 SCMR 456

¹⁹ Judgment of the Punjab Service Tribunal dated 15.08.2006, passed in Appeal No. 239/2006, which was upheld by the Supreme Court vide order dated 29.01.2008, passed in Civil Appeals No.2017 to 2031 of 2006 (*erroneously mentioned as 2007 on the order*) and other connected matters.

²⁰ 2016 SCMR 1254

²¹ *Dr. Annette Towler*, The benefits of organizational justice and practical ways how to improve it. CQNet.

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training and gender equality²². Ensuring organizational justice should be a priority for any organization – it can reduce the incidence of workplace deviance, absence, disengagement and counterproductive workplace behaviours and also encourage positive attributes like trust and progressive communication.²³

10. Organizational justice is necessary for the police officers to perform their duties with complete commitment, dedication and fidelity, because they must perceive that the institution is fair and just towards them²⁴. Police officers who have such perceptions of fairness would demonstrate less cynicism towards the job and are also likely to have a more amiable attitude towards the public²⁵. Uncertainty in the promotion structure and delay in promotions weakens such perceptions of serving police officers, resulting in inefficiency, likelihood of misconduct and low morale, thereby, also adversely impacting the trust of the public in the police²⁶. Therefore, for an efficient and effective police force, it is necessary to ensure the provision of organizational justice in the police as an institution, especially with regards to career progression and promotion. As such, there must be no ambiguity in the promotion structure and any grievance with regards to career progression/promotion must be redressed expeditiously under the law. Organizational justice, therefore, stands firmly on the constitutional values and fundamental rights ensured to any person under the Constitution²⁷. The constitutional principle of social and economic justice read with due process and right to dignity, non-discrimination and right to carry out a lawful profession and the right to livelihood are basic ingredients of organizational justice.



11. Given the primacy of Police in the criminal justice system, organization justice must be ensured in the Police service. The issues of posting, transfer and seniority must be settled within the department strictly in accordance with the Rules and only matters requiring legal interpretation may come up before the Courts. Several junior officers approaching the courts for redressal of their grievance reflects poorly on the internal governance of the Police department when the elaborate Police Rules and the Police Order provide for such eventualities in detail.

²² It is originally derived from equity theory, which suggests individuals make judgements on fairness based on the amount they give (input) compared to the amount they get back (output).

²³ HRZone .com

²⁴ Volkov, M. "The Importance of Organizational Justice, Corruption, Crime & Compliance", 2015.

²⁵ Wolfe, Scott E., Justin Nix, & Justin T. Pickett. "The Measurement of Organizational Justice Matters: A Research Note", July 16, 2020.

²⁶ Weimer, C. "How would Organizational Justice Shape Police Officer's Attitudes in the Workplace?", 2019.

²⁷ Constitution of the Islamic Republic of Pakistan, 1973.

We are sanguine that in future the Police department will take charge of its internal governance strictly in accordance with law and will restore a Rule-based approach in addressing the grievances of the police officers so that courts are not unduly burdened.

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12.2.3
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12. In this background, all the parties before us are in agreement that their seniority be worked out according to Rule 12.2(3) of the Police Rules and submit that the competent authority be directed to follow the said Rule in letter and spirit and make necessary amendments in the seniority list of the police officers before us. We, therefore, direct the IGP to constitute a committee to look into the question of seniority of the parties before us in terms of Rule 12.2(3) and in the light of this judgement. The said committee shall also address the grievance(s) of other Police Officers, if any, who are not before us but belong to the same batch of officers as the parties before us.

13. It is also noted that the Inspector General of Police, Punjab ("IGP") enjoys administrative powers over the Police organization under Article 10 of the Police Order, 2022 read with Rule 12.1 of the Police Rules, therefore, he is under an obligation to exercise his legal powers within the organization to ensure that the police officers are dealt with in accordance with law within the statutory timelines. In case there is any unexplained delay in following the timeline the concerned Police Officers be held accountable and any action taken or penalty imposed upon them be duly reflected in their performance evaluation reports. The IGP may also consider constituting a standing committee headed by an Additional Inspector General of Police or any appropriate officer to regularly address the concerns of junior police officers with respect to their inter se seniority so that a police officer feels empowered that there is organizational justice in his organization. This will lead to developing a more robust, efficient and strong police force in the country.

Alitrad

14. For the above reasons, the impugned judgment is set aside and the listed appeals are allowed in the above terms. The connected listed Civil Petitions are also converted into appeals and allowed in the same terms.

Judge

Islamabad,
2nd November, 2022.
Approved for reporting
Sadaqat

Judge

Page No I

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 12438/2020

Date of Institution ... 13.10.2020

Date of Decision ... 30.11.2021



Furqan Javed S/O. Younas Javed Mirza R/O House No.466/C, Jhang Street, Bannu City. ... (Appellant)

(A)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home Department, Civil Secretariat, Peshawar and two others. ... (Respondents)

Amin Ur Rehman Yusufzai,
Advocate

... For Appellant

Muhammad Rasheed,
Deputy District Attorney

... For Respondents

ROZINA REHMAN
ATIQU-UR-REHMAN WAZIR

...
...

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

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JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the

case are that consequent upon recommendations of Public Service Commission, the appellant was initially appointed as Assistant Sub Inspector (ASI) in Police Department vide order dated 15-12-2010. After completion of officiating period, the appellant was confirmed as ASI with effect from the date of his regular appointment against such post i.e. 10-02-2011. The respondents instead of his date of confirmation entered his name in E list on 08-05-2014 and on the basis of which a revised seniority list dated 27-07-2020 was drawn, which was bad for his future maneuver for promotion, hence he preferred a departmental appeal, which was filed vide order dated 20-05-2020. The appellant filed review petition

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PRAYER

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dated 23-06-2020, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 20-05-2020 may be set aside and seniority list dated 27-07-2020 may be revised to the extent that the appellant name be placed at list E with effect from the date of appointment i.e. 10-02-2011 and in view whereof, his officiating promotion order dated 03-06-2016 to the rank of Sub Inspector be revised and be given effect from the date of his eligibility and be confirmed as Sub Inspector under Rule-13(18) of Khyber Pakhtunkhwa Police Rules, 1934 with all consequential benefits.

PRAYER

02. Learned counsel for the appellant has contended that the appellant has neither been treated in accordance with law nor has he been extended equal protection of law, rather his legal vested rights have been violated; that as per rule, list E of all ASIs to be published in the police gazette annually in accordance with Rule-13:11 of Police Rules, 1934; that entry of the officers to such list shall be made from the date of confirmation, but the said list has neither been issued nor circulated to the officers concerned; that the impugned list has been prepared in deviation of rules, hence illegal, therefore, required to be rectified to meet the ends of justice; that Rule-12:2(3) of Khyber Pakhtunkhwa Police Rules, 1934 provides criteria for determining seniority of subordinate ranks of police force from the date of their confirmation, which is 10-02-2011 in case of the appellant, which however is recorded as 08-05-2014, which adversely affected seniority/promotion of the appellant; that similarly placed other colleagues of the appellant had approached Peshawar High Court in Writ Petition No. 3720-P/2018, which was disposed of vide judgment dated 24-04-2019 with direction to respondents to revise list E as per date of confirmation, which was rectified vide order dated 05-06-2020, therefore, the appellant having similar case, is also entitled for the same relief within the meaning of judgment of the Apex Court reported as 2009 SCMR 1.

Aloud

FOR THE APPELLANT
By Mr. [Signature]
Senior Counsel
Peshawar

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03. Learned Deputy District Attorney for the respondents has contended that the judgment of Peshawar High Court dated 05-06-2020, as referred to by the learned counsel for the appellant was judgment in personam, hence was not applicable in case of the appellant as the appellant was not petitioner in the said writ petition; that name of the appellant was removed from list E vide order dated 01-06-2018 under Rule-16(33) of Khyber Pakhtunkhwa Police Rules, 1934 and reverted back to the rank of ASI, but upon acceptance of his departmental appeal name of the appellant was restored on promotion list E with restoration of his officiating rank of Sub-Inspector with all back benefits vide order dated 23-10-2018; that a committee for the purpose was constituted to settle the issue of placement of officials on list E from the date of confirmation, but the appellant did not request to the committee for placing him on list E; that contention of the appellant to bring his name on list E with retrospective effect is not justified under the rule.

04. We have heard learned counsel for the parties and have perused the record. Criteria for placing names of upper sub-ordinates has been devised in Rule-12:2 of Khyber Pakhtunkhwa Police Rules, 1934, which is reproduced as under:

Rule-12:2 Seniority in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however, be finally settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regain the seniority which he originally held vis-à-vis any officers promoted or confirmed before him during his deputation.

Attest

Q

(4)

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05. We have noted that the issue of seniority based on list E and criteria for placing names of officials on list E was strongly agitated by the official concerned, for which a committee was constituted to settle the issue once and for all. The committee submitted its report vide order dated 31-08-2017 and in light of Rule-12:2 as well as judgments reported as 2002 PLC (C.S) 1403 and 1999 SCMR 1594, very clearly recommended that confirmation of PASIs would be made from the date of their regular appointment against their posts and their placement on list E would be from the date of confirmation and not with immediate effect. Such report was not implemented, until some of the batch-mates of the appellant filed Writ Petition No. 3720-P/2018 with prayers to implement the decision of the committee regarding fixation of seniority, whereas seniority list E be revised and the petitioner be brought and placed at their due place of seniority and also to ensure the circulation of the seniority list prepared in accordance with law and rules. The said writ petition was disposed of vide judgment dated 24-04-2019 with direction to the respondents to implement recommendations of the committee already submitted to them. In pursuance of the said judgment, confirmation as well as placement of the petitioners on list E was rectified and were confirmed from the date of their appointments vide order dated 05-06-2020. Case of the appellant is also the same but respondents did not bother to consider his case on the same analogy. To this effect, the Supreme Court of Pakistan in its judgment reported as 1996 SCMR 1185 have held that when a court decide a point of law relating to the terms of service of a civil servant which covers not only the case of civil servant who litigated, but also of other civil servants, who may have not taken legal proceedings, in such a case, the dictates and rule of good governance demand that the benefit of such judgment be extended to other civil servants, who may not be parties to the litigation instead of compelling them to approach the tribunal or any other legal forum. In view of the verdict of the apex court, the respondents were required to extend the same benefit to the appellant as well, which however was not.

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granted to the appellant and which was not warranted. The issue of confirmation from the date of appointment has already been decided in similar cases vide judgment reported as 2001 PLC (C.S) 245 as well as judgment dated 07-12-2017 of this Tribunal in Service Appeal No. 573/2016 and judgment dated 18-03-2019 in Service Appeal No. 800/2018. In view of the clear judgments and report dated 31-08-2017 of the committee constituted for the purpose, case of the appellant squarely falls within the purview of similarly placed employees and the department cannot ignore the appellant from extending the benefit of that very judgments.

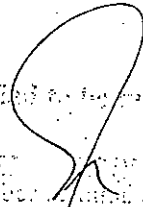
06. In view of the foregoing discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.


ANNOUNCED
30.11.2021


(ROZINA REHMAN)
MEMBER (J)


(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)


Secretary
Service Appeal


Certified to be correct
Secretary
Service Appeal

2400 6/12/21
76 -
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6/12/21
6/12/21

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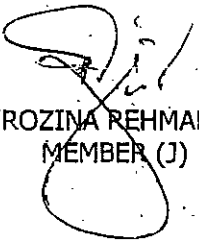
Page 39


ORDER
30.11.2021

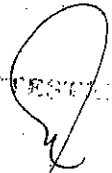
Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for respondents, present. Arguments heard and record perused.

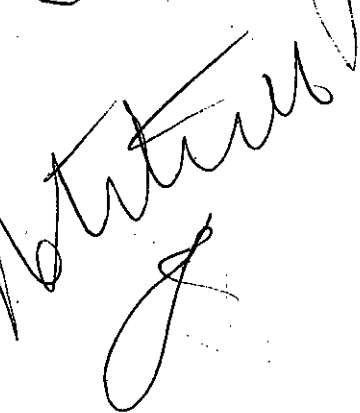
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
30.11.2021


(ROZINA REHMAN)
MEMBER (J)


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)



(A) stages


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خارج بری

21-11-20

F. 40



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 40)

SUBJECT: SERVICE APPEAL NO. 12438/2020 FURQAN JAVED VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HOME DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 22.12.2021 at 11:00 A.M. in the office of Secretary, Law Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. Assistant Advocate General (Mr. Bashar Naveed) represented the Advocate General, Khyber Pakhtunkhwa.

2. The representatives of Home Department Mr. Umar Nawaz, DS alongwith Mr. M. Qaseem, Office Supdt. Police apprised the Committee about the background of the case and stated that the appellant filed the subject service appeal with the prayer that the impugned order dated: 20.05.2020 may be set aside and seniority list dated: 27.07.2020 may be revised to the extent that the appellant name be placed at List-E w.e.f. the date of the appointment i.e.10.02.2011 and in view whereof, his officiating promotion order dated: 03.06.2016 to the rank of Sub-Inspector be revised and be given effect from the date of his eligibility and be confirmed as Sub-Inspector under rule 13(18) of Khyber Pakhtunkhwa Police Rules, 1934 with all consequential benefits. The Khyber Pakhtunkhwa Service Tribunal vide order dated: 30.11.2021 accepted the subject service appeal as prayed for. The Scrutiny Committee declared the subject case unfit on the following grounds:

GROUND/DISCUSSIONS:

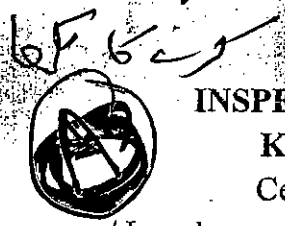
- i. The Scrutiny Committee perused the record of the case and the impugned judgment which revealed that some of the batch mates of the appellant filed Writ Petition No. 3720-P/2018 with prayer to implement the decision of the Committee regarding fixation of seniority whereas seniority list E be revised and the petitioner be brought and placed at their due place of seniority and to ensure the circulation of the seniority list prepared in accordance with law which was disposed of by the Hon'ble High Court vide judgment dated: 24.04.2019 with the direction to the respondents to implement recommendation of the Committee and in pursuance of the said judgment, confirmation as well as placement of the petitioners in List-E was rectified and were confirmed from the date of their appointment vide order dated: 05.06.2020 and the case of the appellant was also the same but the Department did not consider the case of the appellant on the same analogy.
- ii. The Scrutiny Committee held that not granting the benefit to the appellant and granting the benefits to his batch mates amounts to discrimination which is not tenable in the eyes of law. The Scrutiny Committee held that no plausible grounds exist against which CPLA in the upper forum could be filed.

ADVICE:

3. Hence in view of above, it was decided with consensus by the Scrutiny Committee that the subject case was not a fit case for filing of Appeal/CPLA in the Supreme Court of Pakistan.

(TAHIR IQBAL KHATTAK)
SOLICITOR

بی بی - اوہ - نے ار بی او بیرون کوفہ



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

341

No. 159

/ Legal

dated the

11 / 01 / 2022.

To: The District Police Officer,
Bannu.

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Subject: APPEAL AGAINST ORDER DATED 30.11.2021 PASSED BY
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
IN SERVICE APPEAL NO. 12438/2020 TITLED FURQAN JAVED
VS IGP KP ETC.

Memo:

Please refer to your office Letter No. 9540, dated 18.12.2021, on the subject cited above.

The subject case was referred to Secretary Government of Khyber Pakhtunkhwa, Home & TAs Department, Peshawar with the request for lodging of CPLA vide this office Letter No. 11782-83/ Legal, dated 17.12.2021. (Copy of the same was endorsed to your good office).

The Scrutiny Committee of Law Department, Government of Khyber Pakhtunkhwa, Peshawar did not approve the case for lodging of CPLA in meeting held on 22.12.2021 at Agenda Item No. 40. (Copy of minutes is enclosed).

The Competent Authority has directed to implement the judgment dated 30.11.2021 of Khyber Pakhtunkhwa, Service Tribunal, Peshawar.

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AIG/LEGAL

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

10.01.2022

~~Page No 5~~



H Page 42

Execution Petition No. 154/2022

20th Dec, 2022

1. Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Farooq Khan, DSP (Legal) for respondents present.

02. Learned counsel for the petitioner, is though satisfied with the order produced by the representative of the respondents but, says that the same may be modified in accordance with the order of the RPO, D.I.Khan passed in another case, copy of which has been supplied by him to which the representative of the respondents has assured that he will accordingly get the order modified within a week, failing which the petitioner may file contempt application. Disposed of accordingly.

03. In view of the implementation of the judgment, the Accountant General, Khyber Pakhtunkhwa is directed to release salaries of the respondents No. 2 and 3 forthwith. Consign.

04. Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 20th day of December, 2022.

*Farooq Khan
20/12/22*

*Arshad Khan
B*

*(Kalim Arshad Khan
Chairman*

Date of Presentation of Application 25/7/23
Number of page 6
Copying Fee 30/-
Urgent 5/-
Total 35/-
Name of Shahid
Date of 25/7/23
Date of Delivery of 25/7/23

Certified to be true copy
25/7/23
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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J.P. No. 154/2021
1. In the matter of

21.10.2023

1. Learned counsel for the petitioner present, Mr. Arun Kumar, learned Assistant Advocate General alongwith Mr. Umair, JSP (Legal) for the respondents present.



2. Representative of respondents submitted implementation report duly notified in official gazette. Learned counsel for the petitioner argued that mentioning that seniority of petitioner will be consider at par with his colleagues who were appointed through same selection process. Perusal of service appeal bearing No. 12438/20 reveals that the prayer of the petitioner as under.

"On acceptance of instant appeal, impugned decision/order dated 20.03.2020 of Respondent No.3, may be set aside and seniority list "E" w.e.f the date of appointment i.e 10.02.2011, and in view whereof, his officiating promotion Notification dated 03.06.2016 to the rank of Sub-Inspector be revised, be given effect from the date of his eligibility and be confirmed, as sub-Inspector under 13.18 Police Rules, 1934, with all consequential benefits, so as to avoid discriminatory treatment and to secure the ends of justice".

Arjun

Said prayer is accepted as prayed for vide judgment dated 30.11.2021 by this Tribunal. Petitioner specifically requested for consequential benefits from a specified date i.e 10.02.01). Although respondent vide order dated 27.09.2023 brought appellant at list "E" w.e.f 10.02.2011 but same was reflected in the seniority list. It pertinent to mention here that earlier respondents produce order dated 12.12.2022 wherein petitioner was brought list "E" w.e.f 10.02.2011 but seniority list issued on 21.02.2023 produce by the respondents reveals that effect of order dated 12.12.2022 was not given in the seniority list, therefore, mentioning words about determination of seniority of the petitioner with his batch mates is not in accordance with true letter and spirit of judgment dated 30.11.2021. Implementation

21.10.2023
J.P. No. 154/2021
1. In the matter of

In its true letter and spirit has given effect of enlistment from 10.02.2011 in his seniority list too, therefore, respondents are directed to incorporate date of enlistment of petitioner in list "E" i.e 10.02.2011 and not 08.05.2014 like his other colleagues. Respondents are directed to produce correct seniority list in light of judgment of this Tribunal. To come up for proper implementation report on 15.11.2023 before S.D. P.P given to the parties.

Certified to be true copy
[Signature]
Secretary
Service Tribunal
Peshawar

[Signature]
(Rashida Bano)
Member (J)

Date of Presentation of Application 07/11/23
Number of Writs 2-7
Copying Fee 10/-
Fees 5/-
Total 15/-
Name of Copy 07/11/23
Date of Receipt 07/11/23
Date of Issuance 07/11/23

[Signature]

POLICE DEPTT:

(H)

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE
PART-II ORDERS BY THE RPO BANNU REGION

BANNU REGION

NOTIFICATION

No. 2362 /EC, dated Bannu, the 27/07/2020

Subject: REVISED SENIORITY LIST OF CONFIRMED ASIs/SIs ON PROMOTION LIST "E" AS IT STOOD ON 27.07.2020

K Page 45

In light of the committee recommendations "restoration of seniority list on the criteria/principle", already made by Dar Ali Khattak, the then RPO Bannu Region, constituted vide this office order Endst: No.3321-24/EC dated 02.11.2018 on the applications/appeals of police officers on list "E" of Bannu Region, requesting therein their due seniority, the seniority list "E" issued vide this office Notification No.476/EC dated 23.01.2019 is hereby revised as given below:-

S.#	Name & No.	Date of Birth	Edu:	Date of Enlistment	Date of confirmation as ASI	Date of Entry to List "E"	Date of Promotion as OSI	Date of confirmation as SI	Remarks
1.	SI Dilawar Khan No.B/4	17.02.1962	10th	06.03.1982	19.10.2007	28.12.2015	28.03.2016	10.02.2020	
2.	OSI Gul Mohammad No. 125/B	06.01.1962	10th	08.01.1981	27.08.2008	20.03.2014	21.11.2014		
3.	SI Sanaulah No.B/49	15.04.1962	10th	16.04.1980	27.08.2008	28.12.2015	21.11.2014 28.03.2016	29.06.2018	
4.	OSI Muhammad Ali No.138/B	25.05.1962	10 th	20.07.1980	27.08.2008	28.01.2016	28.03.2016		
5.	SI Mohammad Zaman No.B/51	01.09.1963	10th	21.02.1982	27.08.2008	28.12.2015	21.11.2014 28.03.2016	29.06.2018	
6.	SI Mir Daraz No.B/52	07.01.1964	10th	28.07.1983	27.08.2008	28.12.2015	21.11.2014 28.03.2016	29.06.2018	
7.	OSI Sarfaraz Khan No.150/B	02.01.1965	FA	11.10.1983	27.08.2008	20.03.2014	28.03.2016		
8.	SI Mohammad Salim No.B/53	31.10.1965	10th	16.02.1984	27.08.2008	29.06.2016	28.02.2011 21.11.2014 22.12.2016	29.06.2018	
9.	OSI Syed Ayaz No.145/B	07.12.1965	10th	22.03.1987	27.08.2008	28.12.2015	21.11.2014 28.03.2016		
10.	SI Hakim Khan No.B/50	13.08.1969	10th	01.01.1990	27.08.2008	31.12.2015	21.11.2014 28.03.2016	29.06.2018	
11.	OSi Aman Ullah No.11/B	01.04.1980	M.A	03.03.2009	03.03.2009	09.05.2012	10.09.2013		
12.	SI Azad Khan No.B/55	10.01.1979	FA	28.03.2009	28.03.2009	22.06.2012	28.11.2013	29.06.2018	
13.	OSi Allah Nawaz No.67/B	04.04.1981	MA	06.04.2009	06.04.2009	09.05.2012	28.11.2013		Dismissed by RPO Bannu vide order Endst: No.361-6/EC dated 23.01.2020

Signature

2013

S N	NAME	DOB	Edu	DTG admit	DTG admission	Ex test	OSI Rank	Comments
15.	OSI Waheedd Noor No. 93/B	01.04.1990	FA	02.08.2010	02.08.2010	11.10.2013	28.03.2016	
16.	OSI Mohammad Rashid No. 97/B	01.01.1989	FA	11.08.2010	11.08.2010	09.10.2013	28.03.2016	
17.	OSI Naeemullah Khan No. 96/B	03.03.1990	M.A	11.08.2010	11.08.2010	09.10.2013	28.03.2016	
18.	OSI Ihsanullah No. 94/B	01.01.1974	BA	25.08.2010	25.08.2010	11.10.2013	28.03.2016	
19.	OSI Rizwanullah No. 98/B	15.10.1986	FA	28.09.2010	28.09.2010	09.10.2013	28.03.2016	
20.	OSI Inayat Ali Amjid No. 108/B	01.09.1979	MA	19.01.2011	19.01.2011	19.08.2014	28.03.2016	
21.	OSI Mohammad Javed No. 109/B	15.03.1981	MA	19.01.2011	19.01.2011	08.05.2014	28.03.2016	
22.	OSI Asmatullah No. 107/B	05.06.1983	MSc	19.01.2011	19.01.2011	08.05.2014	28.03.2016	
23.	OSI Mohammad Kamran No. 110/B	19.09.1988	BSc	19.01.2011	19.01.2011	08.05.2014	28.03.2016	
24.	OSI Irfanullah No. 106/B	01.04.1989	BSc	22.01.2011	22.01.2011	08.05.2014	28.03.2016	
25.	OSI Raham Dil Khan No. 120/B	24.08.1976	MA	10.02.2011	10.02.2011	08.05.2014	28.03.2016	
26.	OSI Altaf-ur-Rehman No. 122/B	03.03.1981	MA/MED	10.02.2011	10.02.2011	08.05.2014	28.03.2016	
27.	OSI Hamidullah No. 112/B	28.03.1984	BA	10.02.2011	10.02.2011	08.05.2014	28.03.2016	
28.	OSI Furqan Javed No. 105/B	01.07.1984	BA	10.02.2011	10.02.2011	08.05.2014	28.03.2016	
29.	OSI Damsaz Khan No. 121/B	05.01.1985	M.Com	10.02.2011	10.02.2011	08.05.2014	28.03.2016	
30.	OSI Mohammad Zahir No. 101/B	01.04.1986	BSc/LLB	10.02.2011	10.02.2011	08.05.2014	28.03.2016	
31.	OSI Munawar Jan No. 38/B	02.03.1963	10th	03.12.1981	04.03.2011	28.12.2015	21.11.2014 28.03.2016	
32.	OSI Sahar Gul No.23/B	20.06.1964	10 th	01.10.1984	19.05.2011	28.01.2016	28.03.2016	
33.	OSI Mohammad Ishaq No.45/B	10.01.1963	BA	23.12.1986	12.07.2011	28.12.2015	28.03.2016	
34.	OSI Nasirud-Din No. 48/B	18.03.1969	10 th	22.03.1987	21.12.2011	20.03.2014	28.03.2016	
35.	OSI Sanaulah No.34/B	20.06.1964	MA	27.09.1988	04.01.2012	31.12.2015	28.03.2016	
36.	OSI Saadullah No.63/B	20.09.1960	7 th	21.09.1978	22.02.2013	28.12.2015	22.12.2016	
37.	OSI Safirullah No.24/B	09.09.1965	10 th	17.03.1986	22.02.2013	31.12.2015	21.11.2014 22.12.2016	
38.	OSI Ibniaz Khan No.26/B	10.03.1968	FA	01.04.1990	01.03.2013	20.03.2014	22.12.2016	
39.	OSI Noor Jehan Shah No.72/B	25.07.1963	FA	24.12.1985	19.05.2013	14.12.2016	22.12.2016	
40.	OSI Abdullah Khan No.136/B	14.08.1963	10 th	22.03.1987	31.05.2013	18.02.2016	06.02.2019	
41.	OSI Sardar Ali No.58/B	10.04.1964	FA	23.12.1986	31.05.2013	28.12.2015	12.12.2019	
42.	OSI Habib-ur-Rahman No.1/B	20.07.1964	10 th	23.09.1986	31.05.2013	28.12.2015	06.02.2019	
43.	OSI Abdul Majid No. 91/B	25.07.1965	9 th	04.08.1983	31.05.2013	28.12.2015	09.08.2018	
44.	OSI Sartaj Jehan No.47/B	09.02.1967	10 th	23.12.1986	31.05.2013	11.01.2016	06.02.2019	
45.	OSI Fidaullah No. 37/B	15.07.1968	10th	23.12.1986	31.05.2013	15.03.2016	06.02.2019	
46.	OSI Abdul Saboor No.95/B	16.03.1969	FA	15.06.1988	31.05.2013	23.06.2016	09.08.2018	
47.	OSI Saadullah No. 79/B	06.09.1970	10th	10.12.1988	31.05.2013	20.03.2014	12.12.2019	
48.	OSI Barkatullah No.33/B	09.01.1966	10 th	24.12.1985	06.09.2013	14.12.2016	06.02.2019	
49.	OSI Hidayat Ullah 13/B	10.03.1970	F.A	11.07.1991	06.09.2013	20.03.2014	12.12.2019	

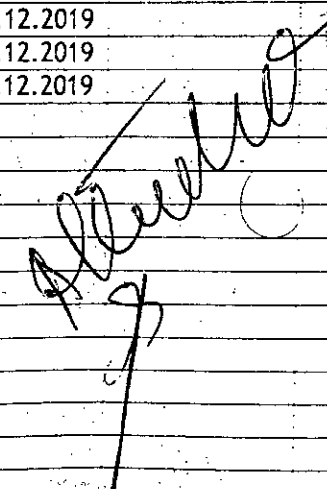
10-2-2011

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50.	OSI Gul Muhammad No.31/B	01.07.1970	10 th	30.12.1989	06.09.2013	28.08.2014	28.02.2019	Restored his previous order of confirmation dated 28.08.2014 vide this office order Endst: No.1784-86/EC dated 06.07.2018.
51.	OSI Sajid Khan 39/B	16.04.1974	F.A	04.05.1993	06.09.2013	20.03.2014	09.08.2018	
52.	OSI Saeed Nawaz No. 134/B	25.09.1965	10th	19.04.1984	13.12.2013	18.02.2016	06.02.2019	
53.	OSI Rustum Khan No.90/B	10.11.1965	10 th	23.12.1986	13.12.2013	27.01.2016	06.02.2019	
54.	OSI Sher Mali Khan No.54/B	01.03.1967	10 th	03.04.1990	13.12.2013	28.08.2014	12.12.2019	Restored his previous order of confirmation dated 28.08.2014 vide this office order Endst: No.2271/EC dated 16.08.2018.
55.	OSI Kamran Ali Shah No.68/B	14.03.1968	B.Com	11.07.1991	13.12.2013	20.03.2014	09.08.2018	
56.	OSI Razaulha No.69/B	30.04.1975	M.A	26.12.1996	13.12.2013	20.03.2014	09.08.2018	
57.	OSI Abdul Samad No.3/B	15.09.1980	MA	02.10.2004	19.12.2013	09.03.2016	09.08.2018	
58.	OSI Rahatullah Shah No. 113/B	12.09.1984	B.A	04.02.2014	04.02.2014	22.02.2019	12.12.2019	
59.	OSI Muhammad Bilal No. 118/B	04.03.1989	M.A	04.02.2014	04.02.2014	22.02.2019	12.12.2019	
60.	OSI Qudratullah No. 119/B	20.10.1989	F.A	04.02.2014	04.02.2014	22.02.2019	12.12.2019	
61.	ASI Imran Khan No. 116/B	15.11.1990	F.Sc	04.02.2014	04.02.2014	22.02.2019		
62.	ASI Fidaulah No. 117/B	29.03.1991	F.A	04.02.2014	04.02.2014	22.02.2019		
63.	ASI Mumtaz Khan No. 115/B	05.04.1991	F.A	04.02.2014	04.02.2014	22.02.2019		
64.	ASI Arifullah Khan No. 114/B	02.01.1992	B.A	04.02.2014	04.02.2014	22.02.2019		
65.	OSI Mir Sahib Khan No.60/B	14.04.1968	10 th	21.06.1987	30.12.2015	29.03.2016	06.02.2019	
66.	OSI Islam Noor No.21/B	20.03.1964	FA	24.12.1985	20.01.2016	29.03.2016	06.02.2019	
67.	OSI Niaz Muhammad No.12/B	24.04.1983	BA	11.02.2002	06.06.2016	22.06.2016	09.08.2018	
68.	OSI Qamar Zaman No. 159/B	06.10.1963	10th	16.11.1983	01.07.2016	14.12.2016	09.08.2018	
69.	OSI Ghulam Mohammad No.158/B	28.11.1964	FA	30.04.1983	01.07.2016	14.12.2016	06.02.2019	
70.	OSI Muhammad Azeem Shah No.160/B	04.04.1965	10 th	23.06.1986	01.07.2016	13.01.2017	06.02.2019	
71.	OSI Shakirullah No. 156/B	11.02.1966	FSc	11.01.1986	01.07.2016	11.08.2016	06.02.2019	
72.	OSI Muhammad Zahir Shah No.157/B	22.01.1967	FA	23.12.1986	01.07.2016	22.08.2016	06.02.2019	
73.	OSI Shafiullah No.152/B	24.04.1982	BA	15.04.2001	31.12.2016	07.02.2017	28.02.2019	
				23.08.199				
				as FC				

Alleged

77.	OSI Muhammad Ayaz No.30/B	18.06.1968	F.A	22.03.1987	21.06.2017	02.08.2018	12.12.2019
78.	OSI Muhammad Nawaz No.25/B	02.11.1968	F.A	01.10.1989	21.06.2017	02.08.2018	09.08.2018
79.	OSI Ghulam Saboor No.20/B	11.11.1968	10 th	27.09.1988	21.06.2017	02.08.2018	06.02.2019
80.	OSI Mohabbat Khan No.19/B	26.03.1969	10 th	21.06.1987	21.06.2017	02.08.2018	12.12.2019
81.	OSI Ghausullah No.29/B	15.11.1969	10 th	19.12.1987	21.06.2017	02.08.2018	12.12.2019
82.	OSI Khatid Zaman No.8/B	09.01.1970	F.A	10.12.1988	21.06.2017	02.08.2018	09.08.2018
83.	OSI Farid Khan No.27/B	20.07.1970	10 th	11.07.1991	21.06.2017	02.08.2018	09.08.2018
84.	OSI Ghani Rahman No.15/B	12.08.1971	10 th	01.04.1990	21.06.2017	02.08.2018	12.12.2019
85.	ASI Noor Kamal No.155/B	19.07.1961	9 th	21.07.1979	27.09.2018	27.09.2018	
86.	OSI Gul Ayub No.77/B	17.04.1963	10 th	02.10.1983	27.09.2018	27.09.2018	12.12.2019
87.	ASI Irshad Ali No.16/B	06.11.1963	10 th	01.02.1985	27.09.2018	27.09.2018	
88.	OSI Mehrab Khan No.104/B	31.03.1965	10 th	18.03.1986	27.09.2018	27.09.2018	06.02.2019
89.	OSI Hamdullah Jan No.74/B	14.08.1965	10 th	18.03.1986	27.09.2018	27.09.2018	12.12.2019
90.	OSI Rustum Khan No.144/B	03.12.1965	10 th	23.12.1986	27.09.2018	27.09.2018	12.12.2019
91.	OSI Rasool Zaman No.75/B	02.01.1966	10 th	16.03.1985	27.09.2018	27.09.2018	12.12.2019
92.	OSI Muhammad Rehman No.66/B	03.04.1966	10 th	23.12.1986	27.09.2018	27.09.2018	12.12.2019
93.	ASI Said Azam No.59/B	01.01.1967	10 th	23.12.1986	27.09.2018	27.09.2018	
94.	OSI Gul Janan No.131/B	15.01.1968	10 th	18.03.1986	27.09.2018	27.09.2018	12.12.2019
95.	ASI Hameed Ullah No.46/B	20.03.1968	M.A	22.06.1991	27.09.2018	27.09.2018	
96.	OSI Nizam Khan No.61/B	04.03.1969	10 th	10.12.1988	27.09.2018	27.09.2018	12.12.2019
97.	ASI Abdur Rasheed No.70/B	10.08.1969	10 th	01.10.1989	27.09.2018	27.09.2018	
98.	OSI Mehrullah No.84/B	1970	9 th	19.10.1988	27.09.2018	27.09.2018	12.12.2019
99.	ASI Munawar Khan No.9/B	15.02.1971	10 th	01.10.1989	27.09.2018	27.09.2018	
100.	OSI Ghaffar Ali No.78/B	22.02.1971	10 th	11.07.1991	27.09.2018	27.09.2018	12.12.2019
101.	OSI Qaza Khan No.5/B	08.04.1971	10 th	27.12.1989	27.09.2018	27.09.2018	12.12.2019
102.	OSI Abdul Hakim No.151/B	01.02.1972	10 th	03.01.1991	27.09.2018	27.09.2018	12.12.2019
103.	ASI Rasool Khan No.18/B	04.04.1962	10 th	21.12.1980	12.12.2019	12.12.2019	
104.	ASI Muhammad Tahir No.57/B	20.12.1964	10 th	20.06.1987	12.12.2019	12.12.2019	
105.	ASI Pasham Khan No.53/B	21.12.1964	FA	07.03.1985	12.12.2019	12.12.2019	
106.	ASI Muhammad Shah No.14/B	03.04.1966	10 th	24.12.1986	12.12.2019	12.12.2019	
107.	ASI Almar Khan No.80/B	06.02.1968	10 th	23.12.1986	12.12.2019	12.12.2019	
108.	ASI Nawab Khan No.85/B	25.11.1968	10 th	10.12.1988	12.12.2019	12.12.2019	
109.	ASI Asmat Ullah No.50/B	14.06.1969	10 th	03.01.1991	12.12.2019	12.12.2019	
110.	ASI Muhammad Yousaf No.82/B	10.03.1970	10 th	01.07.1989	12.12.2019	12.12.2019	
111.	ASI Muhammad Ajmal No.41/B	15.06.1970	10 th	01.10.1989	12.12.2019	12.12.2019	
112.	ASI Ghulam Razzaq No.51/B	26.01.1972	10 th	11.07.1991	12.12.2019	12.12.2019	
113.	ASI Abdul Jalil No.83/B	01.04.1972	10 th	19.12.1995	12.12.2019	12.12.2019	
114.	ASI Saif ur Rehnam No.64/B	01.05.1972	10 th	28.12.1991	12.12.2019	12.12.2019	
115.	ASI Karim Khan No.7/B	17.09.1964	10 th	20.05.1984	10.02.2020	18.02.2020	
116.	ASI Abdul Qayyum No.81/B	21.09.1965	10 th	22.03.1987	10.02.2020	18.02.2020	

Attest


118.	ASI Abdul Jamil No.35/B	10.07.1967	10 th	01.10.1989	10.02.2020	18.02.2020
119.	ASI Abdul Jalil No.40/B	05.12.1968	10 th	01.10.1989	10.02.2020	18.02.2020
120.	ASI Ilam Din No.87/B	10.02.1969	10 th	10.12.1988	10.02.2020	18.02.2020
121.	ASI Shafeed Ullah No.4/B	14.07.1970	10 th	01.10.1989	10.02.2020	18.02.2020
122.	ASI Imtiaz Khan No.32/B	01.04.1971	10 th	23.12.1991	10.02.2020	18.02.2020
123.	ASI Sher Ali No.102/B	28.04.1971	FA	01.10.1989	10.02.2020	10.03.2020
124.	ASI Sami Ullah No.123/B	22.05.1971	10 th	01.07.1989	10.02.2020	18.03.2020
125.	ASI Farid Ullah No.92/B	12.02.1972	10 th	11.07.1991	10.02.2020	10.03.2020
126.	ASI Mir Tajum No.111/B	07.03.1974	FA	03.04.1993	10.02.2020	10.03.2020
127.	ASI Abdul Hameed No.28/B	01.04.1975	MA	11.07.1995	10.02.2020	18.02.2020

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU

No. **2363-73** /EC, dated Bannu, the **27 / 07** /2020

Copies for necessary action in continuation to this office Notification No.1031-42/EC dated 16.04/2018 to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa Peshawar with 02 spare copies for publication.
3. The Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa Peshawar
4. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa Peshawar
5. The Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar
6. The Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa Peshawar
7. The Commandant, PTC Hangu
8. The District Police Officers, Bannu and Lakki Marwat
9. The Superintendents of Police, Investigation, Bannu and Lakki Marwat

(ABDUL GHAFOOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

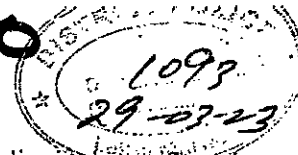
(ABDUL GHAFOOR AFRIDI) PSP
Regional Police Officer,
Bannu Region, Bannu

27/7/20

ORDER

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In compliance of CPO Peshawar directions vide No.CPO/CPB/63 and No. CPO/CPB/64, dated 13.02.2023 regarding removal of anomalies in the confirmation and placement on list "E" in accordance with Police Rules 13.10, 13.11 and 13.18 of 1934, the seniority of all PASIs to list "E" on successful completion of 03 years probation period will be made from the date of confirmation while the seniority of all ASIs promoted from the lower rank will be made from the date of confirmation as ASI after completion of two years probation period. The retired, deceased or Shaheed Police Officers have been excluded from the list. The retired seniority of all Police Officers was reckoned in list "E" stood on the basis of confirmation under Police Rules 13.11;

1. All PASIs on successful completion of 03 years probation period shall be brought on promotion list "E" from the date of confirmation.
2. All ASIs promoted from lower rank shall be brought on promotion list "E" after successful completion of two years probation period from the date of confirmation.

S.#	Name & Rank	Date of Appointment as Constable	Date of Appointment as PASI	Date of Appointment as Offg: ASI	Date of Completion of Probation Period (03 years as PASI, 02 years as Ranker ASI)	Date of Confirmation as ASI	Date of Enlistment on list-E	Remarks if any
1.	DSP Gul Nazeeb No.46/B	-	24.04.1991	-	24.04.1994	24.04.1994	24.04.1994	-
2.	DSP Muhammad Arif No.44/B	-	25.04.1991	-	25.04.1994	25.04.1994	25.04.1994	-
3.	DSP Murad Ali	-	08.12.1991	-	08.12.1994	08.12.1994	08.12.1994	-
4.	DSP Nisar Muhammad No.17/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	-
5.	DSP Mullah Ur Rahman No.39/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	-
6.	DSP Mustafa Kamal Pasha No.49/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	-
7.	DSP Azmat Ali Khan No.07/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	-
8.	SI Zefar Ullah Khan No.78/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	Adhoc Inspector
9.	DSP Muhammad Tahir Shah No.75/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	-
10.	DSP Shaoh Hussain Shah No.77/B	-	11.01.1995	-	11.01.1998	11.01.1998	11.01.1998	-
11.	DSP Mehmood Nawaz No.66/B	-	29.02.2000	-	29.02.2003	29.02.2003	29.02.2003	-
12.	DSP Iftikhar Ali Shah No.29/B	-	03.03.2000	-	03.03.2003	03.03.2003	03.03.2003	-

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13.	Inspector Nabi Shah No.37/B	15.11.1981	-	17.04.2004	17.04.2006	17.04.2006	17.04.2006	-
14.	Inspector Muhammad Salim No.B/10	09.05.1982	-	18.04.2004	18.04.2006	18.04.2006	18.04.2006	Reverted to the substantive rank of SI vide RPO Bannu Order Endst: No.3402-08 /EC, dated 31.08.2022.
15.	Inspector Waqar Ahmad No.64/B	-	15.01.2004	-	15.01.2007	15.01.2007	15.01.2007	-
16.	Inspector Asif Mehmood No.24/R	-	15.01.2004	-	15.01.2007	15.01.2007	15.01.2007	-
17.	SI Muhammad Zaman No.142/B	21.02.1982	-	25.08.2006	25.08.2008	25.08.2008	25.08.2008	-
18.	SI Saad Ullah No.B/20	24.12.1985	-	16.02.2007	16.02.2009	16.02.2009	16.02.2009	-
19.	SI Abdul Khanan No.152/B	19.12.1987	-	16.02.2007	16.02.2009	16.02.2009	16.02.2009	-
20.	SI Syed Ayaz No.B/27	22.03.1987	-	16.02.2007	16.02.2009	16.02.2009	16.02.2009	-
21.	SI Mir Daraz No.B/52	28.07.1983	-	16.02.2007	16.02.2009	16.02.2009	16.02.2009	-
22.	Inspector Asad Ali Shah No.47/B	-	01.03.2006	-	01.03.2009	01.03.2009	01.03.2009	-
23.	SI Sher Ahmad No.140/B	23.06.1986	-	03.09.2007	03.09.2009	03.09.2009	03.09.2009	-
24.	SI Waheed Ullah B/24	24.12.1985	-	03.09.2007	03.09.2009	03.09.2009	03.09.2009	-
25.	SI Fazal Rahim No.135/B	17.11.1982	-	03.09.2007	03.09.2009	03.09.2009	03.09.2009	-
26.	OSI Saadullah No.B/94	10.12.1988	-	31.01.2008	31.01.2010	31.01.2010	31.01.2010	-
27.	SI Nasirud-Din No.B/41	22.03.1987	-	31.01.2008	31.01.2010	31.01.2010	31.01.2010	-
28.	SI Saifurullah No.B/42	17.03.1986	-	31.01.2008	31.01.2010	31.01.2010	31.01.2010	-
29.	SI Fidaullah No.B/54	23.12.1986	-	31.01.2008	31.01.2010	31.01.2010	31.01.2010	-
30.	SI Abdul Saboor No.B/56	15.06.1988	-	31.01.2008	31.01.2010	31.01.2010	31.01.2010	-
31.	SI Khalid Zaman No.B/85	10.12.1988	-	31.01.2008	31.01.2010	31.01.2010	31.01.2010	-
32.	SI Sahar Gul No.23/B	01.10.1984	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-
33.	SI Sarfaraz Khan No.B/17	11.10.1983	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-
34.	SI Mir Sahib Khan No.B/71	21.06.1987	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-
35.	SI Noor Jehan Shah No.B/91	24.12.1985	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-
36.	SI Sartaj Jehan No.B/48	23.12.1986	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-
37.	SI Saeed Nawaz No.B/61	19.04.1984	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-
38.	ASI Munawar Khan No.9/B	01.10.1989	-	14.04.2008	14.04.2010	14.04.2010	14.04.2010	-

39.	Inspector Gul Rauf No.90/B	01.02.2002	07.05.2010	-	07.05.2010	07.05.2010	07.05.2010	All round cadet
40.	SI Hakim Khan No.B/50	01.01.1990	-	27.08.2008	27.08.2010	27.08.2010	27.08.2010	-
41.	SI Islam Noor No.B/72	24.12.1985	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
42.	OSI Ghulam Mohammad No.158/B	30.04.1983	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
43.	SI Shakirullah No.B/78	11.01.1986	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
44.	SI Muhammad Zahir Shah No.B/79	23.12.1986	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
45.	SI Ijaz Khan No.B/44	01.04.1990	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
46.	SI Sardar Ali No.B/47	23.12.1986	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
47.	SI Abdul Majid No.B/75	04.08.1983	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
48.	OSI Said Azam No.59/B	23.12.1986	-	04.09.2008	04.09.2010	04.09.2010	04.09.2010	-
49.	Inspector Javed Iqbal No.55/B	-	05.10.2007	-	05.10.2010	05.10.2010	05.10.2010	-
50.	Inspector Zafar Ullah No.62/B	-	05.10.2007	-	05.10.2010	05.10.2010	05.10.2010	-
51.	Inspector Hamayun Raza No.B/12	-	05.10.2007	-	05.10.2010	05.10.2010	05.10.2010	-
52.	Inspector Yasin Kamal No.B/25	-	05.10.2007	-	05.10.2010	05.10.2010	05.10.2010	-
53.	SI Amir Jan No.B/80	24.03.1987	-	27.10.2008	27.10.2010	27.10.2010	27.10.2010	-
54.	OSI Mehrab Khan No.B/97	18.03.1986	-	27.10.2008	27.10.2010	27.10.2010	27.10.2010	-
55.	DSP Muhammad Mofiz No.B/17	-	03.12.2007	-	03.12.2010	03.12.2010	03.12.2010	-
56.	Inspector Imran Aslam No.B/04	-	03.12.2007	-	03.12.2010	03.12.2010	03.12.2010	-
57.	SI Haider Ali Shah No.50/B	-	03.12.2007	-	03.12.2010	03.12.2010	03.12.2010	-
58.	SI Rehmat Ullah No.B/81	01.04.1990	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
59.	OSI Ghulam Saboor No.B/95	27.09.1988	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
60.	SI Hidayat Ullah No.B/58	11.07.1991	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
61.	SI Monabat Khan No.B/83	21.06.1987	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
62.	OSI Ghani Rahman No.B/96	01.04.1990	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
63.	ASI Abdur Rasheed No.70/B	01.10.1989	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
64.	SI Rustum Khan No.B/62	23.12.1986	-	02.05.2009	02.05.2011	02.05.2011	02.05.2011	-
65.	OSI Farid Khan No.27/B	11.07.1991	-	23.07.2009	23.07.2011	23.07.2011	23.07.2011	-
66.	SI Gul Muhammad No.B/59	30.12.1989	-	23.07.2009	23.07.2011	23.07.2011	23.07.2011	-

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67.	OSI Gul Janan No.B/99	18.03.1986	-	23.07.2009	23.07.2011	23.07.2011	23.07.2011	-
68.	OSI Mehrullah No.84/B	19.10.1988	-	23.07.2009	23.07.2011	23.07.2011	23.07.2011	Reverted to the substantive rank of ASI vide RPO Bannu Order Endst: No.3409-11/EC, dated 31.08.2022.
69.	ASI Farid Ullah No.92/B	11.07.1991	-	23.07.2009	23.07.2011	23.07.2011	23.07.2011	-
70.	Inspector Rizwan Ullah No.B/15	-	23.02.2009	-	23.02.2012	23.02.2012	23.02.2012	-
71.	SI Aman Ullah No.B/28	-	03.03.2009	-	03.03.2012	03.03.2012	03.03.2012	-
72.	SI Muhammad Raza No.35/B	-	06.03.2009	-	06.03.2012	06.03.2012	06.03.2012	-
73.	Inspector Imran Ullah No.09/B	-	12.03.2009	-	12.03.2012	12.03.2012	12.03.2012	-
74.	Inspector Ihsan Ullah No.74/B	-	17.03.2009	-	17.03.2012	17.03.2012	17.03.2012	-
75.	SI Ihsan Ullah Dawar No.51/B	-	18.03.2009	-	18.03.2012	18.03.2012	18.03.2012	-
76.	OSI Umer Irfan No.49/B	-	25.03.2009	-	25.03.2012	25.03.2012	25.03.2012	-
77.	SI Rahim Gul No.18/B	-	28.03.2009	-	28.03.2012	28.03.2012	28.03.2012	-
78.	SI Azad Khan No.07/B	-	28.03.2009	-	28.03.2012	28.03.2012	28.03.2012	-
79.	SI Arif Ullah No.64/B	30.05.2007	28.03.2009	-	28.03.2012	28.03.2012	28.03.2012	-
80.	OSI Allah Nawaz No.67/B	-	06.04.2009	-	06.04.2012	06.04.2012	06.04.2012	-
81.	SI Sajid Khan No.B/60	04.05.1993	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	Removed from service vide RPO Bannu Order Endst: No.471/EC. dated 15.02.2023.
82.	SI Raza Ullah No.B/65	26.12.1996	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	Cadet in recruit course
83.	SI Kamran Ali Shah No.B/64	11.07.1991	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	-
84.	SI Ghausullah No.B/84	19.12.1987	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	-
85.	SI Nizam Khan No.B/93	10.12.1988	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	-
86.	OSI Qaza Khar No.B/100	27.12.1989	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	-
87.	OSI Abdul Hakim No.B/101	03.01.1991	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	-
88.	SI Rustum Khan No.B/98	23.12.1986	-	25.08.2010	25.08.2012	25.08.2012	25.08.2012	-
89.	SI Arshad Ullah No.83/B	-	20.03.2010	-	20.03.2013	20.03.2013	20.03.2013	-
90.	SI Asmat Ullah No.B/30	06.02.2004	26.03.2010	-	26.03.2013	26.03.2013	26.03.2013	-
91.	SI Umer Khitab No.81/B	-	26.03.2010	-	26.03.2013	26.03.2013	26.03.2013	-
92.	SI Nasib Ur Rahman No.82/B	25.05.2006	26.03.2010	-	26.03.2013	26.03.2013	26.03.2013	-

Date of appointment as Constable
 Date of appointment as PMSI
 OS MIA No
 Part 3
 Part 2
 Date of capture
 as per
 E list
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93.	SI Muhammad Riaz No.87/B	-	26.03.2010	-	26.03.2013	26.03.2013	26.03.2013	-
94.	OSI Binyamin No. S6/B	-	26.03.2010	-	26.03.2013	26.03.2013	26.03.2013	-
95.	SI Laiq Zaman No.85/B	-	27.03.2010	-	27.03.2013	27.03.2013	27.03.2013	-
96.	SI Waheed Noor No.B/73	-	02.08.2010	-	02.08.2013	02.08.2013	02.08.2013	-
97.	SI Tariq Mehmood No.92/B	-	11.08.2010	-	11.08.2013	11.08.2013	11.08.2013	-
98.	SI Naeem Ullah No.96/B	-	11.08.2010	-	11.08.2013	11.08.2013	11.08.2013	-
99.	SI Muhammad Rasheed No.B.09	-	11.08.2010	-	11.08.2013	11.08.2013	11.08.2013	-
100.	OSI Ihsanullah No.94/B	-	25.08.2010	-	25.08.2013	25.08.2013	25.08.2013	-
101.	SI Rizwan Ullah No.B/32	-	28.09.2010	-	28.09.2013	28.09.2013	28.09.2013	-
102.	SI Abdul Samad No.B/66	02.10.2004	19.12.2013	-	19.12.2013	19.12.2013	19.12.2013	All round Cadet
103.	SI Muhammad Javed No.109/B	-	19.01.2011	-	19.01.2014	19.01.2014	19.01.2014	-
104.	SI Inayat Ali Anjad No.B/35	-	19.01.2011	-	19.01.2014	19.01.2014	19.01.2014	-
105.	SI Asmat Ullah No.B/36	-	19.01.2011	-	19.01.2014	19.01.2014	19.01.2014	-
106.	SI Mohamrad Kamran No.B/39	-	19.01.2011	-	19.01.2014	19.01.2014	19.01.2014	-
107.	OSI Ihsanullah No.106/B	-	22.01.2011	-	22.01.2014	22.01.2014	22.01.2014	-
108.	SI Muhammad Nawaz No.B/82	01.10.1987	-	07.02.2012	07.02.2014	07.02.2014	07.02.2014	-
109.	SI Sher Mali Khan No.B/63	03.04.1990	-	07.02.2012	07.02.2014	07.02.2014	07.02.2014	-
110.	SI Muhammad Ayez No.B/92	22.03.1987	-	07.02.2012	07.02.2014	07.02.2014	07.02.2014	-
111.	ASI Asmat Ullah No.50/B	03.01.1991	-	07.02.2012	07.02.2014	07.02.2014	07.02.2014	-
112.	ASI Muhammad Ajmal No.41/B	01.10.1989	-	07.02.2012	07.02.2014	07.02.2014	07.02.2014	-
113.	SI Altaf-ur-Rahman No. B/12	-	10.02.2011	-	10.02.2014	10.02.2014	10.02.2014	-
114.	SI Rahim Dil Khan No.B/88	-	10.02.2011	-	10.02.2014	10.02.2014	10.02.2014	-
115.	SI Hamidullah No. 89	-	10.02.2011	-	10.02.2014	10.02.2014	10.02.2014	-
116.	SI Furqan Javed No.B/74	-	10.02.2011	-	10.02.2014	10.02.2014	10.02.2014	-
117.	SI Damsaz Khan No.B/90	-	10.02.2011	-	10.02.2014	10.02.2014	10.02.2014	-
118.	SI Mohammad Zaheer No.B/40	-	10.02.2011	-	10.02.2014	10.02.2014	10.02.2014	-
119.	ASI Muhammad Tahir No.57/B	20.06.1987	-	17.01.2014	17.01.2016	17.01.2016	17.01.2016	-
120.	ASI Ghulam Razzaq No.51/B	11.07.1991	-	17.01.2014	17.01.2016	17.01.2016	17.01.2016	-
121.	ASI Saif ur Rehnam No.64/B	28.12.1991	-	28.05.2014	28.05.2016	28.05.2016	28.05.2016	-

122.	SI Niaz Muhammad No.B/86	11.02.2002	06.06.2016	-	06.06.2016	06.06.2016	06.06.2016	Cadet within (V)
123.	ASI Pasham Khan No.53/B	07.03.1985	-	09.06.2014	09.06.2016	09.06.2016	09.06.2016	-
124.	ASI Nawab Khan No.85/B	10.12.1988	-	10.06.2014	10.06.2016	10.06.2016	10.06.2016	-
125.	ASI Karim Khan No.7/B	20.05.1984	-	25.06.2014	25.06.2016	25.06.2016	25.06.2016	-
126.	OSI Irshad Ali No.16/B	01.02.1985	-	20.11.2014	20.11.2016	20.11.2016	20.11.2016	-
127.	ASI Mir Tajum No.111/B	03.04.1993	-	20.11.2014	20.11.2016	20.11.2016	20.11.2016	-
128.	ASI Muhammad Shah No.14/B	24.12.1986	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
129.	ASI Almar Khan No.80/B	23.12.1986	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
130.	ASI Muhammad Yousaf No.82/B	01.07.1989	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
131.	ASI Abdul Jalil No.83/B	19.12.1995	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
132.	ASI Abdul Qayyum No.81/B	22.03.1987	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
133.	ASI Shafeed Ullah No.4/B	01.10.1989	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
134.	ASI Imtiaz Khan No.32/B	23.12.1991	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
135.	ASI Sher Ali No.102/B	01.10.1989	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
136.	ASI Sami Ullah No.123/B	01.07.1989	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
137.	ASI Abdul Hameed No.28/B	11.07.1995	-	21.11.2014	21.11.2016	21.11.2016	21.11.2016	-
138.	SI Shafi Ullah No.B/87	15.04.2001	31.12.2016	-	31.12.2016	31.12.2016	31.12.2016	Cadet within (V)
139.	SI Rahatullah Shah No.B/67	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
140.	SI Muhammad Bilal No.B/68	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
141.	SI Qudratullah No.B/69	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
142.	SI Imran Khan No.B/70	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
143.	OSI Fidaullah No.117/B	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
144.	OSI Muntaz Khan No. 115/B	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
145.	SI Arifullah Khan No.B/76	-	04.02.2014	-	04.02.2017	04.02.2017	04.02.2017	-
146.	OSI Ghaffar Ali No.78/B	11.07.1991	-	03.06.2016	03.06.2018	03.06.2018	03.06.2018	-
147.	OSI Hameed Ullah No.46/B	22.06.1991	-	22.12.2016	22.12.2018	22.12.2018	22.12.2018	-
148.	ASI Dilabaz Khan No.36/B	23.08.1999	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
149.	ASI Nauman Khan No.71/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
150.	ASI Nasibullah Shah No.44/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-

151.	ASI Wajid Ali No.43/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
152.	ASI Muhammad Alam Khan No.55/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
153.	ASI Muhammad Momin Khan No.62/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
154.	ASI Wajid-ur-Rehman No.65/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
155.	ASI Asim No.76/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-
156.	ASI Muhammad Basit Shah No.100/B	-	13.02.2017	-	13.02.2020	13.02.2020	13.02.2020	-

Note:- After revision of seniority, the officers shall not be entitled for back benefits, promotion etc.

No. 512-15 /EC, dated Bannu the, 21/02 /2023.

Copy of above is submitted for favour of information to:

1. The Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa, Peshawar with reference as quoted above.
2. The Assistant Inspector General of Police, Establishment, Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Inspector General of Police, Legal Khyber Pakhtunkhwa, Peshawar.
4. The District Police Officers Bannu, Lakki Marwa & North Waziristan.

[Handwritten Signature]
Regional Police Officer
Bannu Region,
Bannu

SAC / Ati Consumed

For information

[Handwritten Signature]
District Police Officer
Lakki Marwat

Regional Police Officer
Bannu Region,
Bannu
21/02/23

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CHAPTER XIII — PROMOTIONS

13.1. Promotion from one rank to another.— (1) Promotion from one rank to another, and from one grade to another in the same rank, shall be made by selection tempered seniority. Efficiency and honesty shall be the main factors governing selection. Specific qualifications, whether in the nature of training courses passed or practical experience, shall be carefully considered in each case. When the qualifications of two officers are otherwise equal, the senior shall be promoted. This rule does not affect increments within a time scale.

(2) Under the present constitution of the Police force no lower subordinate will ordinarily be entrusted with the independent conduct of investigations or the independent charge of a police station or similar unit. It is necessary, therefore, that well-educated constables, having the attributes necessary for bearing the responsibilities of upper subordinate rank, should receive accelerated promotion so as to reach that rank as soon as they have passed the courses prescribed for, and been treated and given practical training in, the ranks of constable and head constable.

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(3) For the purposes of regulating promotion amongst enrolled police officers six promotions lists — A, B, C, D, E and F will be maintained.

Lists A, B, C, and D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8 and 13.8 and 13.9 and will regulate promotion to the selection grade of constables and to the ranks of head constables and assistant sub-inspectors. List E shall be maintained in the office of Deputy Inspector-General as prescribed in sub-rule 13.10(1) and will regulate promotion to the rank of sub-inspector. List F shall be maintained in the office of the Inspector-General as prescribed in sub-rule 13.15(1) and will regulate promotion to the rank of inspector.

Entry in or removal from A, B, C, D or E lists shall be recorded in the order book and in the character roll of the police officers concerned. These lists are nominal rolls of those officers whose admission to them has been authorized. No actual selection shall be made without careful examination of character rolls.

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POLICE RULES 1934 - 13-11

13.11, publication of list E in the police Gazett : List E of each range shell be published annually in police Gazett Additions to the list may be made at any time by the Deputy Inspector General but all such additions and the removal of all names under sub rulls 13.12(2) shell be published in the Gezett by special notification. Names shell be entered in the list in order according to the date of admition. Lenght of police service deciding the relative position of assistant sub inspector admitted on the sams date

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVES TRIBUNAL PESHAWAR.**

Appeal No. 12438 /2020.

Sub Inspector, Furqan Javed, CO ACE Tank
-----(*Appellant*)

VERSUS.

1. Regional Police Officer, Bannu Region, Bannu Khyber
Pakhtunkhwa Peshawar etc.

.....(*Respondents*)

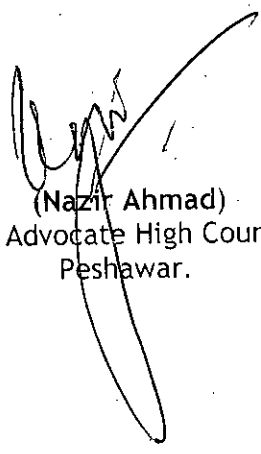
AFFIDAVIT

I, Nazir Ahmad, Advocate High Court, Peshawar do hereby
solemnly affirm on oath that the contents of objection petitions on behalf of
appellant is correct to the best may knowledge and belief. Nothing has been
concealed from this Honourable Tribunal.

Dated: 23/11 /2023.


APPELLANT.

Through


(Nazir Ahmad)
Advocate High Court,
Peshawar.