

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

7056
S.A. No. _____ /2021

Muhammad Arshad

versus

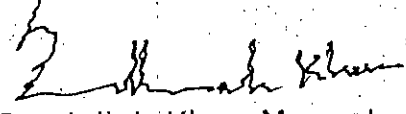
CCPO & Another

I N D E X

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Appellant

Through


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

Dated 13-07-2021

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____ /2021

Muhammad Arshad, Officiating
Sub-Inspector No. 770/P,
Capital City Police,
Peshawar Appellant

Versus

1. **Capital City Police Officer,**
Peshawar.
2. **Provincial Police Officer,**
KP, Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE NOTIFICATION NO. 3439 / EC-I,
DATED 16-03-2021 OF R. NO. 01, WHEREIN THE
INCUMBENTS MENTIONED THEREIN WERE
CONFIRMED IN THE RANK OF SUB INSPECTORS
FROM THE DATE OF COMPLETION OF
MANDATORY PERIODS BUT APPELLANT BEING
AT PAR AS PER NOTIFICATION DATED 26-02-
2021 WAS IGNORED FROM THE SAID BENEFITS
FOR NO LEGAL REASON:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was initially appointed / recruited as Probationer Assistant Sub-Inspector on 17-09-2010.
2. That on 13-08-2014, services of appellant was regularized along with others but with immediate effect instead of from the date of initial appointment i.e. 17-09-2010 and was deprived from 04 years 10 months from the benefits of rendered services. (Copy as annex "A")

3. That colleagues of appellant filed W.P. No. 3720-P/18, "Qazi Muhammad Arif etc vs Govt. of KP & Others" to direct respondents to implement the decision of the Committee Board regarding fixation of seniority from the date of initial appointment which was allowed on 24-04-2019 by the hon'ble bench of the Peshawar High Court, Peshawar directing respondents to implement the recommendations of the Committee already admitted by the them in the comments in letter and spirit. (Copies as annex "B" & "C")
4. That in the pursuance of the judgment dated 24-04-2019 of the hon'ble Peshawar High Court, Peshawar, R. No. 01 revised List "E" of the colleagues of appellant etc from the date of initial recruitment as ASIs vide Notification dated 05-06-2020. (Copy as annex "D")
5. That on 01-07-2020 subsequent Notification was issued by R. No. 01 and services of appellant etc were regularized from the date of their initial recruitment. The name of appellant was figured at S. No. 17. (Copy as annex "E")
6. That on 24-07-2020, appellant etc submitted representation before R. No. 02 to finalize / issue seniority list with effect from the date of initial recruitment with other colleagues as promotion to the upper rank was took on place but in vain. (Copy as annex "F")
7. That on 07-09-2020, appellant etc filed Writ Petition No. 3900-P/20 "Abdul Sattar, etc, vs CCPO & another" for direction to respondents to issue joint seniority list with others and to bring his name on list "F" with all back benefits. (Copy as annex "G")
8. That on 12-10-2020, R. No. 01 circulated Seniority List of Officiating Sub Inspectors and Assistant Sub Inspectors with List "E" wherein name of appellant was figured at S. No. 46 and his name was brought on List "E" from the date of appointment instead of with immediate effect as per court decision. (Copy as annex "H")
9. That on 26-02-2021, R. No. 01 issued Notification wherein on the recommendation of Departmental Selection Committee, appellant was promoted to the rank of Officiating Sub-Inspector with effect

from 16-04-2014 and his name was placed at S. No. 18. (Copy as annex "I")

10. That in light of the Writ Petitions regarding promotion, confirmation and antidation, DPC was constituted who examined the cases and held therein that it was principally agreed to grant favour to incumbents of their SHO period served during acting charge basis period and those PASIs of the batches who had completed their mandatory period, prior to amendment shall be confirmed on old criteria while those who could not completed periods prior of SHO, etc shall be confirmed as SI after completion of mandatory period (SHO etc). However on completion of the said period left over's PASIs shall be confirmed and he be assigned seniority with their batch. (Copy as annex "J")
11. That in pursuance of the decision of the said DPC, R. No. 01 issued Notification on 16-03-2021 wherein colleagues of appellant were confirmed in the rank of SIs with effect from the date, they completed mandatory period provided in PR 13.02 and Standing Orders issued from time to time. (Copy as annex "K")
12. That appellant was never deputed by the department for completion of mandatory periods of SHO etc so he was not dealt with as per Notification dated 16-03-2021 of R. No. 01. He was deprived from confirmation as SI, so on 30-03-2021, he submitted representation before R. No. 02 to treat him at par with others as per Notification dated 16-03-2021 but in vain. (Copy as annex "L")

Hence this appeal, Inter Alia, on the following grounds:-

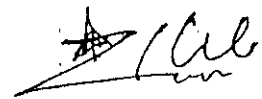
GROUND S

- a. That appellant is serving the department with devotion and no complaint, whatsoever, was made against him in this respect.
- b. That appellant was deprived from confirmation as Sub Inspector for the sole reason that he has not gone through the mandatory periods of SHO, etc. which objection is incorrect and illegal for the reason

that it was the duty of the respondents to depute him for the purpose and when the respondents did not do so, then who be made responsible for the same.


- c. That it was held time and again not only by this hon'ble Tribunal but also by the apex court that when the department failed to honor its objection, there no shall be hold responsible for the same and was give the relief sought for.
- d. That in the circumstances, appellant is entitled to be confirmed as SI from the date of Officiating i.e. 16-04-2014.
- e. That in the circumstances, the impugned Notification to extent of not confirming appellant as Sub Inspector since 16-04-2014 is based on discrimination and malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 16-03-2021 of R. No. 01 be modified / reviewed and appellant name be included in the Notification dated 16-03-2021 and be shown confirmed Sub Inspector from the date of promotion to the rank of Officiating Sub Inspector i.e. 16-04-2014 and further to bring his name on list "F" with effect from 16-04-2014 with all service benefits with such other relief as may be deemed proper.



Appellant

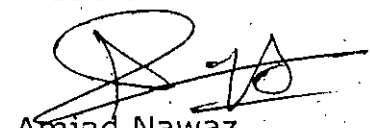
Through



Saadullah Khan Marwat



Arbab Saiful Kamal



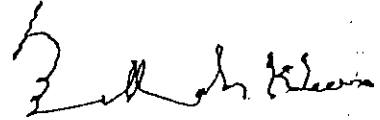
Amjad Nawaz

Advocates

Dated: 13-07-2021

CERTIFICATE:

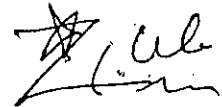
As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.



Advocate

AFFIDAVIT

I, Muhammad Arshad No. 770/P, Offg: Sub Inspector, Capital City Police Peshawar (appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief



DEPONENT

POLICE DEPTT:CCP PESHAWAR

For Publication in the Khyber Pakhtunkhwa Police Gazette Part-II, Orders, by the Capital City Police Officer Khyber Pakhtunkhwa, Peshawar.

Notification

Dated 13.08.2014

No. 10848/EC-I, Confirmation in the Rank of Notification PASI & promotion to List "E", As per Recommendation of Departmental Promotion Committee meeting held on 12.06.2014, the following P/ASIs of Capital City Police Peshawar are hereby confirmed in rank of ASI from the date of their appointment as noted against each after completion of their three years prohibition period and course under police Rules 12.8 and 19.25 and brought their names on promotion to list E with immediate effect.

S.No	Rank Name & No	Present Posting	Date of Confirmation
1.	Abdus Sattar No.746/P	CCP Peshawar/ Elite Force	20.01.2010
2.	Fazal Hatli No. 747/P	CCP Peshawar/ Elite Force	20.02.2010
3.	Manzoor Khan No.748/P	Operation Room CPO	20.02.2010
4.	Tahir Aji Khan No. 749/P	Charsadda	20.02.2010
5.	Bismillah Jan No. 750/P	Charsadda	20.02.2010
6.	Imran Ullah No.71/P	Charsadda	20.02.2010
7.	Wisal Khan No.753/P	Nowshera/ Elite Force	20.02.2010
8.	Muhammad Arif No.754/P	CCP Peshawar	20.02.2010
9.	Muhammad Umar No.755/P	CCP Peshawar	20.02.2010
10.	Masood Khan No.756/P	Peshawar/ Invest: Wing Pgl	13.03.2010
11.	Muhammad Fahir No.757/P	AIG/ Legal CPO CFMS	13.03.2010
12.	Aftab Khan No.758/P	AIG/ Legal CPO CFMS	13.03.2010
13.	Rehmatullah Khan No.759/P	Charsadda	01.04.2010
14.	Afzal Gul No.760/P	CCP Peshawar	01.04.2010
15.	Riaz Ahmed No.761/P	CCP Peshawar	01.04.2010
16.	Afzal Khan No.766/P	CCP Peshawar	17.09.2010
17.	Ihsan Ullah No.767/P	CCP Peshawar	17.09.2010
18.	Naveed Gul No.768/P	Charsadda	17.09.2010
19.	Babar Ali No.769/P	Charsadda	17.09.2010
20.	Muhammad Arshid No.770/P		17.09.2010
21.	Asif Khan No.771/P	Charsadda	17.09.2010
22.	Muhammad Rafique No. 772/P	CCP Peshawar	17.09.2010
23.	Tehseen Ullah No.773/P	CCP Peshawar	17.09.2010
24.	Laiq Zada No.774/P	CCP Peshawar	17.09.2010
25.	Irfan Ullah No.776/P	Charsadda	17.09.2010
26.	Wajid Khan No.777/P	CCP Peshawar	17.09.2010
27.	Akhtar Hussain No.778/P	CCP Peshawar	17.09.2010
28.	Azaz Alam Khan K Halil No.783/P	CCP Peshawar	26.03.2021
29.	Imtiaz Ahmad No.784/P	CCP Peshawar	26.03.2021
30.	Asif Ali Khan No.785/P	CCP Peshawar	26.03.2021
31.	Saleem Khan No.786/P	CCP Peshawar	26.03.2021
32.	Inam Ullah No.787/P	CCP Peshawar	26.03.2021
33.	Muhammad Asif Khan No.788/P	CCP Peshawar	26.03.2021
34.	Ayub Khan No.789/P	CCP Peshawar	26.03.2021
35.	Qazi Muhammad Arif No.790/P	CCP Peshawar	26.03.2021

36.	Mumtaz Khan No.791/P	CCP Peshawar	26.03.20211
37.	Bilal Hussain No.792/P	CCP Peshawar	26.03.20211
38.	Abdullah Jalal Khan No.793/P	CCP, Peshawar	15.03.2011
39.	Muhammad Mubarak Zeb Gul No.794/P	CCP, Peshawar	26.03.2011
40.	Saeed Jan No. 795/P	CCP, Peshawar	26.03.2011
41.	Muhammad Aslhaq No.796/P	CCP, Peshawar	26.03.2011
42.	Alimadullah Khan No.797/P	CCP, Peshawar	26.03.2011
43.	Muhammad Waqas Yousaf No.798/P	District Nowshera	26.03.2011
44.	Muhammad Ayaz No.799/P	District Nowshera	26.03.2011
45.	Mamoon Rashid No.800/P	CCP, Peshawar	26.03.2011
46.	Adil Sayed No. 801/P	District Nowshera	26.03.2011
47.	Syed Asghar Khan No.802/P	District Nowshera	26.03.2011
48.	Nauman Khan No. 803/P	CCP, Peshawar	26.03.2011
49.	Lady Mughis No.804/P	CCP, Peshawar	26.03.2011
50.	Lady Sumaira Jabeen No.805/P	CCP, Peshawar	26.03.2011
51.	Lady Mehwish Bukhari No.807/P	CCP, Peshawar	26.03.2011
52.	Lady Nadia Shaheen No.808	CCP, Peshawar	26.03.2011

The following P/ASIs have been deferred from confirmation in the Bank of ASI and promotion to List E due to the reason as noted against each:-

1.	Ishfaq Ahmed No.775/P	Charsadda	Deferred from confirmation in the rank of ASI & promotion to list "D" due to incomplete "D" course and also non availability of ACRs 2011 and 2012.
2.	Saeeda Shahen No. 806/P	CCP Peshawar	Deferred from confirmation in the rank of ASI & promotion to list E due to incomplete "D" course.

Sd/
Capital City Police Officer,
Peshawar

No.10849-60/EC-I

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

1. Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. Addl: Inspector General of Police, Investigation Khyber Pakhtunkhwa Peshawar.
3. Addl: Inspector General of Police, Legal CPO, Peshawar.
4. Deputy Inspector General of Police, Legal CPO, Peshawar.
5. Director Anti Corruption Establishment, KPK, Peshawar
6. District Police Officer, Charsadda, Nowshera.
7. SSP/ Operation Investigation & traffic, Peshawar.
8. Asstt: Secret Branch & EC-II, CCP Peshawar.

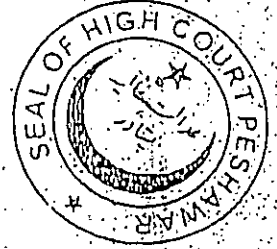
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6-7-18

BEFORE THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR

W.P No. 3720P /2018



1. Qazi Muhammad Arif S/o Qazi Ghulam Sarwar, belt No. 790-P R/o CCPO Peshawar
2. Saced Jan S/o Ibrahim Khan, Belt No. 795-P R/o CCPO Peshawar
3. Aiza Alami S/o Mawaz Alam, Belt, No. 783-P R/o CCPO Peshawar.
4. Asif Khan S/o Ghulam Muhammad, Belt No. 788-P R/o CCPO Peshawar
5. Mumtaz Khan S/o Musharaf Khan, Belt No. 791-P R/o CCPO Peshawar.
6. Nauman Khan S/o Sharif Ahmad, belt No. 803-P R/o CCPO Peshawar
7. Muhamamd Ishfaq S/o Zahirullah, belt No. 796-P R/o CCPO Peshawar
8. Muhammad Umar S/o Fazal Gul, belt No. 755-P R/o CCPO Peshawar
9. Ayub Khan S/o Mian Khan, belt No. 789-P R/o CCPO Peshawar
10. Masood Khan S/o Shah Muhammad, belt No. 756-P R/o CCPO Peshawar
11. Ahmadullah Khan S/o Kiramatullah, belt No. 797-P R/o CCPO Peshawar

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- 12. Inamullah S/o Haji Muhammad Khan, belt No. 787-P R/o CCPO Peshawar
- 13. Saleem Khan S/o Nowrang Khan, belt No. 786-P R/o CCPO Peshawar
- 14. Imtiaz Ahmad S/o Liaqat Ali, belt, No. 784-P R/o CCPO Peshawar
- 15. Asif Ali Khan S/o Fazal Ali, belt No. 785-P R/o CCPO Peshawar
- 16. Abdullah Jalal Khan S/o Major (R) Javed Jalal, belt No. 793-P R/o CCPO Peshawar.

..... Petitioners

VERSUS

- 1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2. Provincial Police Officer, Govt of Police Khyber Pakhtunkhwa Peshawar.
- 3. Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 4. Chief Capital Police Officer, Peshawar.
- 5. District Inspector General Headquarter, Peshawar.

..... Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973

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Respectfully submitted:

- 1) That the Petitioners were appointed as Assistant Sub Inspectors on 26.03.2011 through Public Service Commission and subsequently on completion of satisfactory probation were confirmed w.e.f 26.03.2011, from the date of appointment, But brought in the seniority/promotional list, i.e. list E, after completion probationary period. (copy of appointment letter ad confirmation letter are attached as annex A)
2. The Petitioners have been appointed as probationer AISs in the batches year , 2010 and 2011, and till date performing their duties as such with full zeal and devotion to the entire satisfaction of their superiors without any complaint what so ever.
3. That the petitioners were placed in their own seniority list and not properly placed at the E list, which need to prepare and maintain to the candidates who can further sent for upper college course for promotion and placing in the regular list of Si,s.
4. That placing and Admission to E list of the Petitioners has been kept secret and petitioners remained unaware of our actual position / seniority in the list but have come to know that number of rankers/promotes SIs, confirmed on the same

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status with the probationer ASIs, have been brought seniors on seniority list and detailed to upper course which is squarely against the constitutional rights and rules, applicable to police force.

5. That the petitioners represented to the respondents that since it was the duty of the respondents department that a proper seniority list should have been made after the conformation or after satisfactory completion of probation period, however if it was not done by them than how the petitioners could be punished, the representations so made were given deaf ear. (Copies of the representations is attached as annexure B)

6. That on representation of the petitioners the respondents department constituted committee regarding the fixation of the seniority, where as the committee duly constituted by the competent authority, recommended that E list be revised and the appellant/petitioners including others if any, be brought and placed at their due place, and the candidates who been officiating promotion may be brought on seniority list E after completion officiating /probation period according to police rule 13.18. (copy of committee report vide dated 31-08-2017 as annexure C)

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Peshawar High Court

- 7. That the petitioners approached number of times to the respondents to implement the decision of the committee regarding the fixation of the seniority of the petitioners but quite malafiedly not implementing the clear directions of their own constituted committee for the purpose to accommodating their own blue eyes ones, which they doing it by sending the promote ASIs for the upper college course. (copies of the requests for implementation of committee decision are attached as annexure D)
- 8. That the secured and guaranteed rights of the petitioners have been violated, they were felt themselves aggrieved of the above acts and omission, and having no other remedy available in law is constrained to invoke the Constitutional Jurisdiction of this Honorable Court inter alia on the following grounds:-

GROUNDS:

- A. That the petitioners have not been treated in accordance with law and his rights secured and guaranteed under the law have been violated.
- B. That Non publishing of list E as per rule 13.11 PR 1934 suggests, keeping us / other probationers ASIs in dark and to unaware of their actual position / status.

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 Peshawar High Court

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C. That as per rule list E of all Assistant Sub Inspectors, having been approved by DIG of the region and shall maintain in card index form, to be published in the police gazette annually in accordance with rule 13.11, Police Rules 1934. The entry of officers therein shall be made from date of confirmation, to be assessed from the date of appointment but with due apology, the said list has not been issued / circulated to officers concerned and with our personal efforts, the same has been obtained / requisitioned.

D. That list E has been prepared in deviation of rules, provided for upper subordinates hence illegal, arbitrary and void abenetic, therefore required to be corrected to meet the ends of justice, as per following criterion:

- Rule 12.2 Police Rules 1934; provides criterion for determining seniority of subordinates rank of police force as from dates of their confirmation.
- There is nothing in the language of rule 12.2(3) police rules 1934 which supports the contention; date of confirmation must necessarily be different from date of appointment.

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It shall be unjustified if the confirmation of probationers also is delayed, in the admission to promotion list E.

E. That it is the basic principle that every appointment whether initial / direct recruitment or promotion is made against a sanctioned post hence when there is no sanctioned post, there shall be no appointment; detailed discussion whereof is as under:-

.. Officiating promotion as per rules/Esta code is staff-gap arrangements. Such promotions are made against non sanctioned posts / no availability of permanent vacancy for which salary is drawn by someone else. For clear understanding, the relevant excerpt (Annex B) from Esta code is re-produced as under.

"For example, a Head Clerk etc are being retired / on long leave or suspension shall be filled on officiating basis, till he/ they is /are regularly promoted. Substantive post is those which are sanctioned, in particular cadre, therefore the probationer ASIs are appointed through competitive exams, in regular cadre while ranker ASIs are promoted in a temporary way / mbdc hence the confirmation of probationer ASIs shall be counted from the date of appointment whereas the confirmation of ranker ASIs shall be reckoned from date of completion of

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Peshawar High Court

probation period i.e after 02 years as per rule 13.18 PR 1934 hence the rank promotion shall be junior against the direct recruitment"

" In the case in hand, the Applicants have been appointed through initial / direct recruitments against available post by the KP Public Service Commission whereas the ranker officiated against the posts of ASIs, not available at the time. Therefore, there is no question of seniority between Applicants and rankers on list D, within the meaning of Police Rules 12.2(3) and 12.8 and 13.18 r/w section 7(5) of KP Civil servant Act 1973 (XVIII).

" Worthy clarifying that section 7(5) of the KP civil servants act 1973 (XVIII) is also applicable to the direct appointments of civil servants.

" Officiating status of the rank promotion of ASIs, is well explained in rule 13.4(2) PR 1934 which clearly declares the said promotions as temporary appointments and not permanent, according to permanent sanctioned posts but just to overcome the work load to meet the requirements of the district amongst the suitable men on list D, therefore anti date confirmation is not

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Peshawar High Court

criteria for the officiating status but to be confirmed w.e.f the date of completion of 02 years probation for rankers.

F. That as per reported judgment of Services tribunal 2002 PLC (CS) 1403, there is no rule lying down that conformation would be a date different from date of appointment hence confirmation other than appointment shall be illegal in light of provision 12.2(3) Police Rules 1934. The confirmation date as date of appointment has been well supported by Supreme Court of Pakistan in his judgment 1999 SCMR 1594 (Judgments enclosed), therefore, our seniority legally requires to be brought and adjusted on list E, on due places from date of appointment.

G. That Natural justice demands that when a public servant is put to ab acid test qualifies that test, then any sort of punishment shall not only contrary to the norm of justice but also counterproductive, therefore the seniority probationers placing at par with the rankers, in the same meaning is not warranted rather unjustified.

H. That the Rank officers on D list; vide notification FILED TODAY 16537/EC-1 dated 26.11.2009, numbering 180 Deputy Registrar have been confirmed from the date of officiating 06 JUL 2018 status w.e.f 21.11.2009 which in fact in view of the

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above discussions / law points, the confirmation is strictly in deviation to the rules / law and they should have been confirmed w.e.f 21.11.2011 (on the completion date of probation period) list is enclosed as annex C, hence they are juniors to us as per above quoted rules / law.

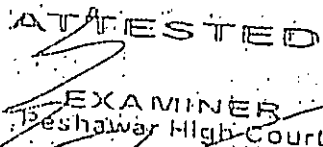
I. That the petitioners have been assigned dud seniority in the seniority list from date of confirmation i.e 26.03.2011; therefore any other officers, promoting from HC and were required to be confirmed from the date of completion of probation period, gets no bonafide right to be made senior and selected for upper course rather detailing to the course before us.

J. That the Officers as per rule of law, highlighted in the seniority list E, are juniors to us but have been placed seniors in the seniority lists, strictly in contravention to the rules / law on the seniority

K. That the Hon'ble Inspector General of police vide order No 452/E-II dated 23.01.2017 has considered the prayer of probationer kohat division and revised seniority of probationer ASIs of kohat region in list E in accordance with the prescribed rules i.e 12.2(3), 12.8 and 13.18 of police rules 1934 (copy attached as annex F) thus attracting the principle / rule of consistency, directed by the Hon'ble Supreme Court

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Duty


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of Pakistan, in its judgment 2009 SCMR page 1 calling the mother judgment. On this score we also deserve / entitle for earlier confirmation and placement of seniority, above the ranker ASIs numbering 180 and others, if any.

L. That the petitioner seeks the permission of this Honorable Court to rely on additional grounds at the hearing of this Petition.

It is therefore prayed that On acceptance of this writ petition appropriate may please may be issued by directing the respondents to implement the decision of the committee Board regarding fixation of seniority, where as the seniority list "E" be revised and petitioners direct appointee through public service commission 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 rules lay down for the purpose, the reluctance on the part of the respondents by not implementing the decision of the committee board is illegal unlawful, without lawful authority, violative upon the rights of the petitioners. Or any other relief which is not specifically asked may also be allowed.

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FILED TODAY
Deputy Registrar
06 JUL 2018

ATTESTED
EXAMINER
Punjab High Court

INTERIM RELIEF:

As an interim Relief the respondents be directed to process the promotion of the petitioner and release it, they may subject it to the decision of this writ petition.

[Signature]
Petitioners

Through

[Signature]
ZARTAJ ANWAR
Advocate Peshawar

CERTIFICATE

Certified that no writ petition on the same subject and between the same parties was previously or concurrently filed

PETITIONERS

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other law books according to need

ADVOCATE

FILED TODAY
Deputy Registrar
06 JUL 2018

[Signature]

ATTESTED

EXAMINER
Peshawar High Court

In essence, it is the petitioners' case that they were appointed as Assistant Sub-Inspector on 26.03.2011 through Public Service Commission and subsequently on completion of satisfactory probation period, they were confirmed w.e.f 26.03.2011 from the date of appointment, but were placed in their own seniority list and not properly placed at "E" list which needs to be prepared and maintained to the candidates who can further sent for upper college course for promotion and placing in the regular list of SIs. It is alleged in the petition that the petitioner filed representation before the respondents department on which the competent authority constituted committee for the purpose of fixation of the seniority list, who recommended that "E" list be revised and the appellants/petitioners including others if any, be brought and placed at their due place and the candidates who being officiating promotion may be brought on seniority list "E" after completion of officiating/probation period according to police rules. For the purpose, petitioners approached several times to the respondents to implement the decision of the committee regarding the fixation of the

man

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APPEARED
EXAMINER
Peshawar High Court

seniority of the petitioners but in vain, feeling aggrieved, petitioner has filed the instant writ petition for redressal of their grievance.

Arguments heard and appended documents gone through.

3. The worthy AAC while taking us to para-6 of the comments submitted that pursuant to representation submitted by the petitioners, a committee was constituted by respondents on 10.08.2017 to thoroughly examine the stance of the petitioners in the light of relevant rules. He added that the committee submitted recommendations and the same have already been followed by the respondents in letter and spirit.

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4. When confronted learned counsel for the petitioners with the above stated position, he submitted that though recommendations have been made by the committee but respondents have not yet implemented it.

5. In the circumstances, we direct the respondents to implement the recommendations of the

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ATTESTED
EXAMINER
Peshawar High Cou

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committee already admitted by them in the comments in letter and spirit.

6. Accordingly, the instant writ petition is disposed of in the above terms.

JUDGE

Announced
24.04.2019.

JUDGE

No. 5236
 Date of Presentation of Application 22/8/2020
 No of Pages 19
 Copying fee Rs 2000
 Total Rs 2000
 Date of Preparation of Copy 22/8/2020
 Date of Delivery of Copy 22/8/2020
 Received By Asst. Secy. M. A. Khan

CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Constitution of Pakistan, Order 1984

22 AUG 2020

(DB) Hon'ble Mr. Justice Ikramullah Khan
Hon'ble Justice Musarrat H Khan.

Imam Shah, PS

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24
OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Tel: 091-9210641 Fax: 091-9212597

POLICE DEPTL:

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE CAPITAL CITY POLICE OFFICER, KHYBER PAKHTUNKHWA, PESHAWAR.

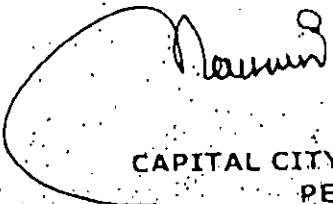
NOTIFICATION.

Dated 05/06/2020.

No. 7097/JEC-I, Revised "E" List seniority of PASIs:- In light of judgment passed by Peshawar High Court Peshawar in writ petition No. 3720-P/2018 Title: Qazi Muhammad Arif VS. Govt. of KPK & others as approved by the W/CCPO, Peshawar, the "E" list seniority of the following PASIs is hereby revised w.e from as noted against each:-

S#	Name & No	Date of list "E"	Date of Revised list "E"
1.	Offg; SI Masood Khan No. 756/P	13-08-2014	13-03-2010
2.	Offg; SI Muhammad Umer-755/P	13-08-2014	20-02-2010
3.	Offg; SI Ahmad Ullah Khan-797/P	13-08-2014	26-03-2011
4.	Offg; SI Abdullah Jalal Khan -793/P	13-08-2014	26-03-2011
5.	Offg; SI Nauman Khan No. 803/P	13-08-2014	26-03-2011
6.	Offg; SI Imlaz Ahmad No. 784/P	13-08-2014	26-03-2011
7.	Offg; SI Saeed Jan No. 795/P	13-08-2014	26-03-2011
8.	Offg; SI Muhammad Ashfaq No. 796/P	13-08-2014	26-03-2011
9.	Offg; SI Azaz Alam Khan Khallil No.783/P	13-08-2014	26-03-2011
10.	Offg; SI Qazi Muhammad Arif No. 790/P	13-08-2014	26-03-2011
11.	Offg; SI Asif Ali Khan No.785/P	13-08-2014	26-03-2011
12.	Offg; SI Mumtaz Khan.No.791/P	13-08-2014	26-03-2011
13.	Offg; SI Saleem Khan No.786/P	13-08-2014	26-03-2011
14.	Offg; SI Inam Ullah No.787/P	13-08-2014	26-03-2011
15.	Offg; SI Muhammad Asif Khan No. 788/P	13-08-2014	26-03-2011
16.	Offg; SI Ayub Khan No.789/P	13-08-2014	26-03-2011

7098-7104
No. 7098-7104/JEC-I,


CAPITAL CITY POLICE OFFICER,
PESHAWAR.

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

1. Addl: Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar.
2. AIG/legal, Peshawar.
3. SSP/Operation & Investigation, Peshawar.
4. DSP/Legal, Peshawar.
5. Asstt: Secret Branch, & EC-II, CCP, Peshawar.



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OFFICE OF THE
CAPITAL CITY POLICE OFFICER
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597

POLICE DEPTT:

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-IA
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION:

Dated 1/12/2020

No. 9092/EC-I, Revised "E" List seniority of PASIs:- In light of judgment passed by Peshawar High Court Peshawar in writ petition No. 3720-P/2018 Title Qazi Muhammad Arif VS Govt. of KPK & others and recommendation of Departmental Promotion Committee meeting held on 23-06-2020 as approved by the CCPO, Peshawar, the "E" list seniority of the following PASIs of Capital City Police, Peshawar issued vide this office notification No. 10848/EC-I, dated 13-08-2014 is hereby revised with from as noted against each:-

S#	Name & No	Date of list "E"	Date of Revised list "E"
1.	PASI Now SI Abdul Sattar No. 746/P	13.08.2014	20.02.2010
2.	PASI Now SI Fazal Hadi No. 747/P	13.08.2014	20.02.2010
3.	PASI Now SI Manzoor Khan No. 748/P	13.08.2014	20.02.2010
4.	PASI Now SI Tahir Ali Khan No. 749/P	13.08.2014	20.02.2010
5.	PASI Now SI Bismillah Jan No. 750/P	13.08.2014	20.02.2010
6.	PASI Now SI Imran Ullah No. 651/P	13.08.2014	20.02.2010
7.	PASI Now SI Wisal Khan No. 753/P	13.08.2014	20.02.2010
8.	PASI Now SI Muhammad Arif 754/P	13.08.2014	20.02.2010
9.	PASI Now SI Muhammad Tahir 757/P	13.08.2014	13.03.2010
10.	PASI Now SI Rehmat Ullah Khan 759/P	13.08.2014	01.04.2010
11.	PASI Now SI Afzal Gul No. 760/P	13.08.2014	01.04.2010
12.	PASI Now SI Rizal Ahmad No. 761/P	13.08.2014	01.04.2010
13.	PASI Now SI Afzal Khan No. 766/P	13.08.2014	17.09.2010
14.	PASI Now SI Ihsan Ullah No. 767/P	13.08.2014	17.09.2010
15.	PASI Now SI Naveed Gul No. 768/P	13.08.2014	17.09.2010
16.	PASI Now SI Bahar Ali No. 769/P	13.08.2014	17.09.2010
17.	PASI Now SI Muhammad Arshid 770/P	13.08.2014	17.09.2010
18.	PASI Now SI Asif Khan No. 771/P	13.08.2014	17.09.2010
19.	PASI Now SI Muhammad Raliq No. 772/P	13.08.2014	17.09.2010
20.	PASI Now SI Tehseen Ullah No. 773/P	13.08.2014	17.09.2010
21.	PASI Now SI Lalq Zada No. 774/P	13.08.2014	17.09.2010
22.	PASI Now SI Irfan Ullah No. 776/P	13.08.2014	17.09.2010
23.	PASI Now SI Wajid Khan No. 777/P	13.08.2014	17.09.2010
24.	PASI Now SI Akhtar Hussain 778/P	13.08.2014	17.09.2010
25.	PASI Now SI Ishfaq Ahmad No. 775/P	19-08-2015	17-09-2010
26.	PASI Now SI Bilal Hussain No. 792/P	13.08.2014	26.03.2011
27.	PASI Now SI Muhammad Mubarak Zeb No. 794/P	13.08.2014	26.03.2011
28.	PASI Now SI Muhammad Waqas Yousuf No. 798/P	13.08.2014	26.03.2011
29.	PASI Now SI Muhammad Ayaz 799/P	13.08.2014	26.03.2011
30.	PASI Now SI Mamoon Rashid No. 800/P	13.08.2014	26.03.2011
31.	PASI Now SI Adil Syed No. 801/P	13.08.2014	26.03.2011

Notification

32.	PASI Now SI Syed Asghar Khan-802/P	13.08.2014	26.03.2014
33.	L/PASI Now SI Mughis No. 804/P	13.08.2014	26.03.2014
34.	L/PASI Now SI Sumaira Jabeen-805/P	13.08.2014	26.03.2014
35.	L/PASI Now SI Mehwish Bukhari-807/P	13.08.2014	26.03.2014
36.	L/PASI Now SI Nadia Shaheen-808/P	13.08.2014	26.03.2014
37.	L/PASI now SI Saeeda Shaheen-806/P.	01-03-2017	26.03.2014

Sd/-
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 8008-9/04 /EC-I.

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

1. Addl. Inspector General of Police, Hqs. Khyber Pakhtunkhwa, Peshawar.
2. AIG/Legal, Peshawar.
3. SSP/Operation & Investigation, Peshawar.
4. DSP/Legal, Peshawar.
5. Asstt. Secret Branch, & EC-II, CCP, Peshawar.

Attested
MBS

(SSP COORDINATION)
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR

To,

F

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The Provincial Police Officer,
Kyber Pukhtoonkhwa,
Peshawar.

Subject:

APPEAL AGAINST OFFICE NOTIFICATION NO. 9097 / EC-I DATED 01-07-2020 OF THE CAPITAL CITY POLICE OFFICER PESHAWAR, WHEREBY POSITION OF THE APPELLANTS FROM THE DATE OF CONFIRMATION WAS REVISED FROM THE DATE OF INITIAL APPOINTMENT / RECRUITMENT BUT SENIORITY LIST WITH OTHER COLLEAGUES WAS NOT FINALIZED / ISSUED TO ACTUALIZED ORDER / SENIORITY WITH EFFECT FROM THE DATE OF INITIAL RECRUITMENT WITH OTHER COLLEAGUES.

Respectfully sir,

1. That applicants were initially appointed / recruited Probationer Assistant Sub-Inspectors in the year 2010/2011.
2. That services of all appellants were regularized on 13-08-2014 but with immediate effect and not from the date of initial recruitment.
3. That colleagues of the appellants filed Writ Petition No. 3720-P/18, "Qazi Muhammad Arif vs Govt. of KP & Others" which was allowed on 24-04-2019.
4. That on 05-06-2020, CCPO Peshawar revised order dated 13-08-2014 of the colleagues of the appellants from the date of their initial recruitment but till date, no Final Seniority List of their colleagues as well as of appellants was circulated by the department.
5. That on 01-07-2020, CCPO Peshawar only revised their recruitment from the date of initial appointment but no Final Seniority List with other colleagues was circulated by the respondents.

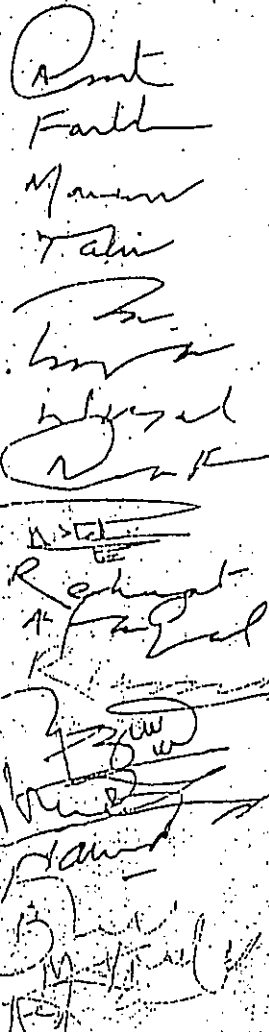
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- 6. That though order dated 13-08-2014 of all the applicants was revised from the date of initial recruitment but till date no final seniority list with other colleagues was issued by the department.
- 7. That the department is going to promote incumbents on the old seniority list, being most juniors while appellants, being most seniors were ignored for the reason that fresh seniority list of the old and new incumbents was not issued till date.
- 8. That unless and until integrated seniority list is not issued the department will be promoting juniors by ignoring the seniors, so for the purpose direction of the honorable court to issue final integrated seniority list is required.

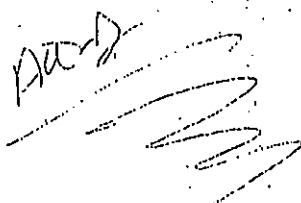
It is, therefore, most humbly requested that final integrated seniority list be issued of the old incumbents with the applicants and obliged.

All Appellants

- 1. Abdul Sattar, Belt No. 746/P
- 2. Fazal Hadi, Belt No. 747/P
- 3. Manzoor Khan, Belt No. 748/P
- 4. Tahir Ali Khan, Belt No. 749/P
- 5. Bismillah Jap, Belt No. 750/P
- 6. Imran Ullah, Belt No. 651/P
- 7. Wisal Khan, Belt No. 753/P
- 8. Muhammad Arif, Belt No. 754/P
- 9. Muhammad Tahir, Belt No. 757/P
- 10. Rehmat Ullah Khan, Belt No. 759/P
- 11. Afzal Gul, Belt No. 760/P
- 12. Riaz Ahmad, Belt No. 761/P
- 13. Afzal Khan, Belt No. 766/P
- 14. Ihsan Ullah, Belt No. 767/P
- 15. Naveed Gul, Belt No. 768/P
- 16. Behar Ali, Belt No. 769/P
- 17. Muhammad Arshad, Belt No. 770/P
- 18. Asif Khan, Belt No. 771/P



 A list of handwritten signatures corresponding to the appellants listed on the left. The signatures are written in black ink and are somewhat stylized.



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- 19. Muhammad Rafiq, Belt No. 772/P
- 20. Tehseen Ullah, Belt No. 773/P
- 21. Laiq Zada, Belt No. 774/P
- 22. Irfan Ullah, Belt No. 776/P
- 23. Wajid Khan, Belt No. 777/P
- 24. Akhtar Hussain, Belt No. 778/P
- 25. Bilal Hussain, Belt No. 792/P
- 26. Mamoon Rashid, Belt No. 800/P

[Handwritten signatures and notes]

M. J. J.

[Signature]

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[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

All appellants are Sub-Inspectors of Capital City Police Office, Peshawar.

Dated 24-07-2020.

Cell No. 0333-9198180

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[Signature]

[Signature]

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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 3900-P/2020

- | | |
|------------------------|----------------|
| 1. Abdul Sattar, | Belt No. 746/P |
| 2. Fazal Hadi, | Belt No. 747/P |
| 3. Manzoor Khan, | Belt No. 748/P |
| 4. Tahir Ali Khan, | Belt No. 749/P |
| 5. Bismillah Jan, | Belt No. 750/P |
| 6. Imran Ullah, | Belt No. 651/P |
| 7. Wisal Khan, | Belt No. 753/P |
| 8. Muhammad Arif, | Belt No. 754/P |
| 9. Muhammad Tahir, | Belt No. 757/P |
| 10. Rehmat Ullah Khan, | Belt No. 759/P |
| 11. Afzal Gul, | Belt No. 760/P |
| 12. Riaz Ahmad, | Belt No. 761/P |
| 13. Afzal Khan, | Belt No. 766/P |
| 14. Ihsan Ullah, | Belt No. 767/P |
| 15. Naveed Gul, | Belt No. 768/P |
| 16. Behar Ali, | Belt No. 769/P |
| 17. Muhammad Arshad, | Belt No. 770/P |
| 18. Asif Khan, | Belt No. 771/P |
| 19. Muhammad Rafiq, | Belt No. 772/P |
| 20. Tehseen Ullah, | Belt No. 773/P |
| 21. Laiq Zada, | Belt No. 774/P |
| 22. Irfan Ullah, | Belt No. 776/P |
| 23. Wajid Khan, | Belt No. 777/P |
| 24. Akhtar Hussain, | Belt No. 778/P |
| 25. Bilal Hussain, | Belt No. 792/P |
| 26. Marnoon Rashid, | Belt No. 800/P |

All Officiating Sub Inspectors

Capital City Police Peshawar Petitioners

VERSUS

1. Capital City Police Officer,
Peshawar.
2. Provincial Police Officer,
KP, Peshawar Respondents

☞<=>☞<=>☞<=>☞<=>☞

WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973:

☞<=>☞<=>☞<=>☞<=>☞=

Respectfully Sheweth:

1. That petitioners were initially appointed / recruited as Probationer Assistant Sub-Inspectors in the year 2010/2011. The dates of recruitment have been figured against their names.
2. That on 13-08-2014, after serving successfully and devotedly for years, services of all petitioners were regularized with immediate effect and not from the date of initial recruitment. (Copy as annex "A")
3. That colleagues of the petitioners filed W.P. No. 3720-P/18, "Qazi Muhammad Arif vs Govt. of KP & Others" which was allowed on 24-04-2019 by the hon'ble court. (Copies as annex "B" & "C")
4. That on 05-06-2020, R. No. 01 revised order dated 13-08-2014 of the colleagues of the petitioners from the date of their initial recruitment but till date, no Final Seniority List of their colleagues as well as of petitioners was circulated by the department. (Copy as annex "D")
5. That on 01-07-2020, R. No. 01 only revised their recruitment orders from the date of initial appointment but no Final Seniority List with other colleagues was circulated by the respondents to bring them at par. (Copy as annex "E")

6. That on the other hand, respondents are promoting incumbents from the previous Seniority List who have by now become most juniors than petitioners but petitioners are ignoring from promotion to the next higher grade / post for the reason that integrated seniority list of the former incumbents viz-a-viz petitioners was neither finalized nor circulated till date amongst them.
7. That for the aforesaid purpose, petitioners submitted representation before R. No. 02 on 24-07-2020, to issue integrated seniority list of the former incumbents along with petitioners but of no avail till date, while on the other hand respondents are promoting incumbents from the former seniority list, despite the fact that petitioners are quite seniors than the former incumbents. (Copy as annex "F")

Hence this Writ Petition, inter alia, on the following grounds:

GROUND S.

- a. That respondents are not treating petitioners at par with other colleagues as they are much seniors than others.
- b. That as and when services of incumbents were confirmed / regularized after completing of probationer period, they were confirmed with immediate effect and not from the date of initial recruitment.
- c. That it was incumbent upon the respondents to confirm after successfully completing probationary period from the date of initial recruitment and not with immediate effect. In the case in hand, services of petitioners were confirmed with immediate effect instead of their initial date of recruitment, thus they were put to lose not only from further promotion but also other benefits of services.
- d. That unless and until revised integrated seniority list is not issued by the respondents of the colleagues viz-a-viz petitioners, they would suffer further promotion as well as other benefits of service and would remain juniors to them.

- e. That by not issuing integrated seniority list of petitioners and others, their vested rights are infringed and respondents are not redressing their grievances for no legal reason but with malafide and discrimination.

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this hon'ble Court may graciously be pleased to:-

- a. Direct respondents to issue Integrated Seniority List of petitioners viz-a-viz their colleagues hence forthwith with all consequential benefits.
- b. Direct further respondents to bring the petitioners on List "F" with all back benefits;

AND/OR


- c. Any other writ/order/direction deem proper and just in the circumstances of the case, be also issued/ordered/given.


INTERIM RELIEF:

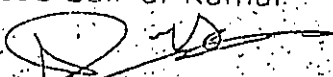
By keeping in view the aforesaid facts and circumstances of the case, authority be directed to not make further promotion of the junior colleagues of petitioners till the issuance of integrated Seniority List till the decision of the case.

Petitioners

Through


Saadullah Khan Marwat


Arbab Saif-ul-Kamal


Amjad Nawaz
Advocates

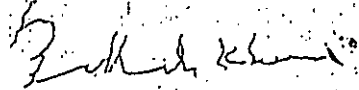
Dated 07-09-2020

LIST OF BOOKS:

1. Constitution.
2. Police Rules

CERTIFICATE:

Certified that as per instruction of petitioner, no such petition was filed before this Hon'ble court. (D.B Case)


Advocate.



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No.091-9210641 Fax No. 091-9212597

SENIORITY LIST OF OFFG: SUB-INSPECTORS AND ASSISTANT SUB-INSPECTORS ON LIST "E" OF CAPITAL CITY POLICE, PESHAWAR AS STOOD ON 08-10-2020.

S#.	Rank, Name and No	Date of Birth	Date of Enlistment	Education	D/o Promotion as Offg: ASI	D/O Admission to list "E"	Date of Offg: SI	Upper College Course	Remarks
1.	Offg: SI Saif-ur-Rehman No. 20/P	20-01-1971	21-12-1994	FSc	PASI 21.12.1994	09.12.1998	20-09-2000	10-10-1998	
2.	Offg: SI Jehanzeb No.365/P	10.11.1967	31.12.1987	M.A	08.01.1999	05.04.2008	21.04.2008	19.07.2007	Selected For Upper From Motorway
3.	Offg: SI Sajjad-Ali No. 380/P	01-01-1963	14-02-1981	10 th	20.05.2004	05.04.2008	21-04-2008	20-03-2009	
4.	Offg: SI Shah Jehan No.442/P	01.12.1961	02.09.1980	10 th	29.01.2005	05.04.2008	21-04-2008	20-09-2009	
5.	Offg: SI Khalid Khan No.454/P	30.03.1962	06.06.1981	10 th	25.05.2005	05.04.2008	21-04-2008	20-09-2009	
6.	Offg: SI Bad Shah Khan No. 474/P	14-04-1969	15-09-1987	10 th	25.05.2005	05.04.2008	21-04-2008	20-09-2009	
7.	Offg: SI Abdur Rehman No. 476/P	11-11-1969	31-08-1980	BA	25.05.2005	05.04.2008	21-04-2008	20-03-2011	
8.	Offg: SI Muqarab Khan No. 488/P	01-02-1964	05-02-1983	10 th	25.05.2005	05.04.2008	21-04-2008	U/W for ever	
9.	Offg: SI Mir Alam Khan No. 491/P	28-02-1963	07-12-1981	10 th	28.09.2005	05.04.2008	21-04-2008	20-09-2009	
10.	Offg: SI Nasir Khan No. 501/P	12-11-1968	29-08-1988	BA	28.09.2005	05.04.2008	21-04-2008	20-09-2010	
11.	Offg: SI Jehanzeb No. 504/P	15-04-1965	31-12-1987	FA	28.09.2005	05.04.2008	21-04-2008	20-09-2009	
12.	Offg: SI Noor Zaman No. 513/P	21-08-1961	15-06-1980	10 th	28.09.2005	05.04.2008	21-04-2008	31-01-2016	
13.	Offg: SI Kishwar Khan No. 514/P	05-01-1961	09-08-1981	FA	28.09.2005	05.04.2008	21-04-2008	20-09-2009	
14.	Offg: SI Hazrat Ullah No. 516/P	05-01-1964	01-08-1982	10 th	28.09.2005	05.04.2008	21-04-2008	U/W for ever	
15.	Offg: SI Zakir Ullah No. 525/P	23-11-1962	05-05-1981	10 th	28.09.2005	05.04.2008	21-04-2008	31-01-2016	
16.	Offg: SI Fakhre Alam No. 529/P	06-01-1961	24-11-1979	10 th	28.09.2005	05.04.2008	21-04-2008	20-03-2010	
17.	Offg: SI Liaqat Ali No. 531/P	08-04-1964	26-03-1983	10 th	28.09.2005	05.04.2008	21-04-2008	20-09-2011	
18.	Offg: SI Muhammad Ali No. 533/P	18-10-1967	22-09-1985	FA	28.01.2006	05.04.2008	21-04-2008	20-03-2010	
19.	Offg: SI Inayat Ullah No. 537/P	11-04-1962	05-11-1981	10 th	28.01.2006	05.04.2008	21-04-2008	20-09-2014	
20.	Offg: SI Sabz Ali No. 544/P	01-01-1963	14-10-1981	10 th	28.01.2006	05.04.2008	21-04-2008	30.09.2015	
21.	Offg: SI Muhammad Alam No.545/P	15.09.1961	12.02.1980	F.A	28.01.2006	05-04-2008	21-04-2008		
22.	Offg: SI Nazeer Muhammad-606/P	20-04-1964	31-12-1987	10 th	03.09.2007	18-11-2009	18-11-2009	20-03-2011	
23.	Offg: SI Javed Iqbal No. 611/P	01-05-1964	24-03-1984	FA	03.09.2007	18.11.2009	18.11.2009	20-09-2010	

482.	ASI Farooq Shah No.431/P	19-03-1971	04-08-1991	10 th	22.05.2018	23-05-2020		
483.	ASI Muzor Muhammad No.432/P	02-05-1974	01-09-1992	FA	22.05.2018	23-05-2020		

[Signature]
o/c CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 16707-33 /EC-I, dated Peshawar the, 12 / 10 2020.

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

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police NH & Motorways Police Islamabad.
3. Addl: Inspectors General of Police, HQrs:, Investigation, Special Branch & Elite Force, Khyber Pakhtunkhwa, Peshawar.
4. Deputy Inspectors General of Police, HQrs:, CTD & Traffic KPK, Peshawar.
5. Regional Police Officers, Mardan, Hazara, Malakand, Kohat, D.I Khan and Banuu.
6. Commandants FRP, Khyber Pakhtunkhwa, Peshawar & PTC Hangu.
7. Directors Anti Corruption Establishment & Ehtesab Commission KPK.
8. SSsP/Operations, Investigation & Traffic, Peshawar.
9. Commandant CPC University Campus, Peshawar.
10. EC-II CCP, Peshawar.
11. I/C Emergency Control (15) Peshawar.

They are requested to inform all the officers serving under their command. Any officer who has any objection regarding his seniority, missing of name/date of birth etc, he must submit his representation within **10** days after the issuance of the list, otherwise no representation will be Entertained after the specific period.



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR:

POLICE DEPTT:

Telephone No. 091-9210041 Fax No. 091-9217397
CCP, PESHAWAR

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION

No. 4210 /EC-I, REVISED DATE OF DPC OF CONFIRMATION IN THE RANK OF ASI AND PROMOTION TO THE RANK OF OFFICER SI:- In light of the decision dated 20-02-2021 of Departmental Promotion Committee constituted in the backdrop of Writ Petition No. 3900/P in CM No. 2171/P filed by Abdul Sattar and others, date of DPC for confirmation in the rank of ASI and promotion to the rank of Offg. Sub-Inspector for the PASI batches 2010 & 2011 is hereby revised as noted against each:-

Date 26/2/2021

Sr	Name & No.	Date of appointment	Date of confirmation as ASI	Date of revised DPC for confirmation in the rank of ASI	Date of list "E"	Date of revised list "E" from date of appointment	Date of promotion as offg. SI	Date of revised promotion as offg. SI
1.	PASI Now SI Abdul Sattar No. 746/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
2.	PASI Now SI Fazal Hadi No. 747/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
3.	PASI Now SI Manzoor Khan No. 748/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
4.	Offg. SI Masood Khan No. 756/P	13-03-2010	13-03-2010	10-09-2013	13-0-2014	13-03-2010	12-02-2019	16-04-2014
5.	PASI Now SI Muhammad Tahir 737/P	13.03.2010	13.03.2010	10-09-2013	13-0-2014	13.03.2010	12-02-2019	16-04-2014
6.	Offg. SI Muhammad Umer 739/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
7.	PASI Now SI Tahir Ali Khan No. 749/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
8.	PASI Now SI Wajid Khan No. 753/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
9.	PASI Now SI Afzal Gul No. 760/P	01.04.2010	01.04.2010	10-09-2013	13-0-2014	01.04.2010	12-02-2019	16-04-2014
10.	PASI Now SI Bhanu Jan No. 750/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
11.	PASI Now SI Muhammad Arif 754/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
12.	PASI Now SI Imran Ullah No. 651/P	20.02.2010	20.02.2010	10-09-2013	13-0-2014	20.02.2010	12-02-2019	16-04-2014
13.	PASI Now SI Rehmata Ullah Khan 759/P	01.04.2010	01.04.2010	10-09-2013	13-0-2014	01.04.2010	12-02-2019	16-04-2014
14.	PASI Now SI Riaz Ahmad No. 761/P	01.04.2010	01.04.2010	10-09-2013	13-0-2014	01.04.2010	12-02-2019	16-04-2014
15.	PASI Now SI Afzal Khan No. 766/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
16.	PASI Now SI Insan Ullah No. 767/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
17.	PASI Now SI Bahar Ali No. 769/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
18.	PASI Now SI Muhammad Arshad 770/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
19.	PASI Naveed Gul No. 760/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
20.	PASI Now SI Asif Khan No. 771/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
21.	PASI Now SI Muhammad Rafiq No. 772/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
22.	PASI Now SI Tahir Ullah No. 773/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
23.	PASI Now SI Laila Zaid No. 774/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
24.	PASI Now SI Irfan Ullah No. 776/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
25.	PASI Now SI Wajid Khan No. 777/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
26.	PASI Now SI Akhtar Hussain 779/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
27.	PASI Now SI Ishfaq Ahmad No. 775/P	17.09.2010	17.09.2010	10-09-2013	13-0-2014	17.09.2010	12-02-2019	16-04-2014
28.	Offg. SI Ahmed Ullah Khan 797/P	26-03-2011	26-03-2011	27-03-2014	13-0-2014	26-03-2011	12-02-2019	16-04-2014
29.	Offg. SI Abdullah Jafar Khan 793/P	26-03-2011	26-03-2011	27-03-2014	13-0-2014	26-03-2011	12-02-2019	16-04-2014
30.	Offg. SI Nauman Khan No. 803/P	26-03-2011	26-03-2011	27-03-2014	13-0-2014	26-03-2011	12-02-2019	16-04-2014
31.	PASI Now SI Muhammad Muhsin Zaid No. 794/P	26.03.2011	26.03.2011	27-03-2014	13-0-2014	26.03.2011	12-02-2019	16-04-2014

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32	Offg; SI Imlaz Ahmad No. 704/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
33	Offg; SI Saeed Jan No. 795/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
34	Offg; SI Muhammad Aahiq No. 796/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
35	Offg; SI Azaz Alam Khan Khalil No. 793/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
36	Offg; SI Qazi Muhammad Arif No. 790/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
37	Offg; SI Asif Ali Khan No. 785/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
38	Offg; SI Mumtaz Khan No. 791/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
39	Offg; SI Saleem Khan No. 786/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
40	PASI Now SI Muhammad Waqas Yousuf No. 798/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
41	Offg; SI Inam Ullah No. 787/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
42	PASI Now SI Muhammad Ayaz-799/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
43	Offg; SI Muhammad Asif Khan No. 788/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
44	Offg; SI Ayub Khan No. 789/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	26-03-2011	12-02-2019	16-04-2014
45	PASI Now SI Mahmood Rashid No. 800/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
46	PASI Now SI Adil Syed No. 801/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
47	PASI Now SI Syed Asghar Khan-802/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
48	L/PASI Now SI Mughis No. 804/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
49	L/PASI Now SI Sumaira Jabeen-805/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
50	L/PASI Now SI Mehwish Bukhari-807/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
51	L/PASI Now SI Nadia Shaheen-808/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014
52	L/PASI now SI Saeeda Shaheen-806/P	26.03.2011	26.03.2011	27-03-2014	01-03-2017	26.03.2011	20-01-2020	16-04-2014

Sd/-
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 4211-20 /EC-I,

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

1. Addl: Inspector General of Police, HQrs., Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, HQrs., KPK, Peshawar.
3. Asstt: Inspector General of Police, Establishment KPK, Peshawar.
4. SSSP/Operation, Investigation & Traffic, Peshawar.
5. AIG, Legal, KPK, Peshawar.
6. DSP/Legal Peshawar.
7. Asstt: Secret, & EC-II, CCP, Peshawar.

[Signature]
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

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DEPARTMENTAL SELECTION COMMITTEE FOR PASIS BATCH 2010-11

Departmental Selection Committee has been constituted in the backdrop of Writ Petition No. (Sic) in CM No.2171/P filed by Abdul Sattar & others for their revised seniority and information in the rank of Sub Inspector after their names were brought on List E from the date confirmation in light of the judgment in Writ Petition No.3720-P/2018. DSC had several directing on different dates and petitioners were also called in every meeting to hear their point of view. DSC comprised of the following officers:

1. SSP CO Ordination (Chairman)
2. SP HQrs
3. SP Security
4. SP Cantt Traffic
5. DSP legal
6. Office Sudpt

Petitioners were aggrieved of the following:-

- A. Their confirmation date in the rank of ASI shall be revised as DPC for both he batches was held late enough and if the same had been called on the due date i.e, after 03 years of completion of probation, they would have availed promotions chances and got eligibility in time for mandatory periods/ courses.
- B. They should have been promoted as Offg: SI in April 2014 when first DPC after the completion of their probation was held and petitioners be made senior to the promotees.
- C. They be confirmed on old criteria of SI confirmation wich was applicable prior to 30.06.2018.
- D. Their nomination as per Form 13.15 Police Rules shall be snet to Central Police Office recommending their names to be included in List F from revised date.

Committee had threadbare discussion over the specific issue and relevant laws/ rules were perused. Committee after mutual consultation agreed on the following recommendations.

1. As for as the grievance A of the petitioners regarding revision of their confirmation in the rank of ASI is concerned it appears to be based on valid reason. PR 12.08 states that directly recruited ASIs should be on probation for 03 years but in the present case of petitioners, the probation period exceeded by 03 years. The DPC date is required to be revised and they may be confirmed on completion of 03 years probation PASIs of batch 2011 were appointed on same date i.e. 26.03.2011 but PASIs of batch 2010 were appointed on different dates, therefore their confirmation may be made from their dates of enrollment after completion of three years probation period.
2. As for as point B is concerned, after their confirmation in the rank of ASI is revised and comparing that date with that of the DPC for promotion of Offg SI held in April (sic)

Who were promoted through DPC held on 16.4.2014. Committee is of the opinion that petitioner's revised promotion shall be made from 16.4.2014 instead of 03.03.2017 & 12.02.2019.

3. After their revised promotion as Ofg SI next question before committee was the confirmation of the petitioners in the rank of SI. As there are certain courses and mandatory periods prior to confirmation in the rank of SI as provide in PR

13.10 and some standing orders. PR 13.10 has been amended and a one year mandatory course has been introduced in 30.6.2018. Petitioners have been promoted on Acting Charge Basis on 24.07.2015 much prior to their regular promotion in the year 2017 and 2019. It was principally agreed to grant the favor to petitioners of their SHO period served during Acting charge basis period. Among these PASIs of 2010 and 2011 batches who had completed their mandatory period prior to the amendment in 30.06.2018 shall be confirmed on old criteria while those who could not complete mandatory periods prior to amendment in PR 13.10, they shall be confirmed as SI after they complete the mandatory period as provided in amended PR 13.10. However on completion of period and after confirmation these leftover PASIs shall be assigned seniority with their batch.

- 4. Amended PR 13.10(2) makes it mandatory for every SI to go through Upper College course before being confirmed in the rank. Petitioners were deputed for upper college course in year 2019 because their seniority was not properly adjusted. Now as their seniority is being revised and as per revised seniority they would have completed the subject course much earlier to the amendment, therefore committee is of the view that one time waiver may be granted to the batches of 2010-11 by not considering the date of completion of Upper College Course at the time of confirmation. This decision is being suggested specifically in the present circumstances and it may not be made precedent in future.

sd/- Superintendent of Police Headquarters, sd/- Superintendent of Police Cantt, Traffic

sd/- Superintendent of Police Security, sd/- Deputy Supdt of Police, Legal



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597

POLICE DEPTT.

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA
PESHAWAR.

NOTIFICATION.

Dated 16/03/2021.

No. 3438 /EC-I, CONFIRMATION IN THE RANK OF SI:- In light of the recommendation of Departmental Promotion Committee meeting dated 20-02-2021 constituted in the backdrop of Writ Petition No. 3900/P in CM No. 2171/P filed by Abdul Sattar and others, consequently upon revised notification in the rank of Offg: SI promoted w.e from 16.04.2014 the following Offg: SIs of Capital City Police, Peshawar are hereby confirmed in the rank of SIs w.e from the dates on which they completed mandatory periods provided in the P.Rules 13.10(2) and Standing orders issued from time to time.

They are allotted new CCP, Peshawar number.

S#	Name & No	Place of posting	New CCP, Peshawar Number	Date of confirmation in the rank of SI
1.	Offg; SI Abdul Sattar No. 746/P	CTD	P/172	16-04-2016
2.	Offg; SI FazalHadi No. 747/P	Special Branch	P/173	16-04-2016
3.	Offg; SI Muhammad Umer- 755/P	Elite/GPO	P/174	16-04-2016
4.	Offg; SI Tahir Ali Khan No. 749/P	Special Branch	P/178	16-04-2016
5.	Offg; SI Wisal Khan No. 753/P	Special Branch	P/179	16-04-2016
6.	Offg; SI Imran Ullah No. 751/P	CCP, Peshawar	P/181	16-04-2016
7.	Offg; SI Riaz Ahmad No. 761/P	Legal Branch	P/184	16-04-2016
8.	Offg; SI Saeed Jan No. 795/P	ACE	P/186	16-04-2016
9.	Offg; SI Muhammad Ashfaq No. 796/P	Elite Force	P/187	16-04-2016
10.	Offg; SI Ahmad Ullah Khan-797/P	Special Branch	P/202	28-04-2016
11.	Offg; SI RehmatUllah Khan-759/P	Special Branch	P/303	02-09-2016
12.	Offg; SI Mumtaz Khan No.791/P	CCP, Peshawar	P/328	19-09-2016
13.	Offg; SI Nauman Khan No. 803/P	Elite Force	P/366	20-10-2016
14.	Offg; SI Bismillah Jan No. 750/P	CCP, Peshawar	P/413	01-12-2016
15.	Offg; SI Irfan Ullah No. 776/P	Charsadda	P/462	02-12-2016
16.	Offg; SI Abdullah Jalal Khan -793/P	Elite Force	P/463	28-12-2016
17.	Offg; SI Asif Ali Khan No.785/P	FRP KPK	P/464	14-12-2016
18.	Offg; SI IhsanUllah No. 767/P	CCP, Peshawar	P/465	15-02-2017
19.	Offg; SI Ishfaq Ahmad No. 775/P	Charsadda	P/466	22-02-2017
20.	Offg; SI InamUllah No.787/P	Special Branch	P/467	28-02-2017
21.	Offg; SI Mamoon Rashid No.800/P	FRP KPK	P/468	28-02-2017

Notification

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22.	Offg; SI Afzal Khan No. 766/P	Elite Force	P/469.	27-04-2017
23.	Offg; SI Qazi Muhammad Arif No. 790/P	Elite Force	P/470	03-05-2017
24.	Offg; SI Muhammad Asif Khan No. 788/P	Police school of Investigation	P/471	11-05-2017
25.	Offg; SI Imtiaz Ahmad No. 784/P	Elite Force	P/472	28-08-2017
26.	Offg; SI Afzal Gul No. 760/P	CCP, Peshawar	P/474	10-11-2017
27.	Offg; SI Wajid Khan No. 777/P	Elite force	P/475	20-12-2017
28.	Offg; SI Now SI Muhammad Mubarak Zeb-794/P	CCP, Peshawar	P/476	24-02-2018
29.	Offg; SI Manzoor Khan No. 740/P	CCP, Peshawar	P/477	31-03-2018
30.	Offg; SI Azaz Alam Khan Khalil No.783/P	Elite Force	P/478	11-04-2018
31.	Offg; SI Saleem Khan No. 786/P	CCP, Peshawar	P/479	21-01-2021

Sd/-
**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 3440-55 /EC-I,

Copy of above is forwarded for information and necessary action to

the:-

1. Addl: Inspector General of Police, HQrs, Inv, Elite Force & Special Branch Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, HQrs, CTD KPK, Peshawar.
3. Commandant FRP, KPK, Peshawar.
4. Asstt: Inspector General of Police, Establishment KPK, Peshawar.
5. SSsP/Operation, Investigation & Traffic, Peshawar.
6. AIG, Legal, KPK, Peshawar.
7. Director Anti-Corruption Establishment, Peshawar.
8. DSP/Legal Peshawar.
9. Asstt: Secret, & EC-II, CCP, Peshawar.

[Signature]
**FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

Attested
[Signature]

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To,
The Provincial Police Officer,
Kyber Pukhtoonkhwa,
Peshawar.

Subject:

APPEAL AGAINST OFFICE NOTIFICATION NO. 3439 / EC-I DATED, 16-03-2021 OF THE CAPITAL CITY POLICE OFFICER PESHAWAR, WHEREBY THE INCUMBENTS MENTIONED THEREIN WERE CONFIRMED AS ASI'S FROM THE DATE OF THEIR INITIAL APPOINTMENT AND PROMOTED FURTHER TO THE RANK OF SUB INSPECTORS WITH EFFECT FROM THE DATE, THEY COMPLETED MANDATORY PERIODS PROVIDED IN THE POLICE RULES 13.10 (2).

Respectfully sir,

1. That appellant etc were initially appointed / recruited Probationer Assistant Sub-Inspectors in the year 2010/2011.
2. That services of all appellant etc were regularized on 13-08-2014 but with immediate effect and not from the date of initial recruitment.
3. That appellant etc filed Writ Petition No. 3720-P/18, "Qazi Muhammad Arif vs Govt. of KP & Others" which was allowed on 24-04-2019.
4. That on 05-06-2020 and 01-07-2020, CCPO Peshawar revised their recruitment from the date of initial appointment.
5. That on 26-02-2021, Notification in pursuance of the pending Writ Petitions was issued through DPC wherein the incumbents mentioned therein were confirmed in the rank of ASI's and promoted to the rank of Officiating Sub-Inspectors of the batches 2010 and 2011 was revised. In his Notification 52 personnel's were mentioned.

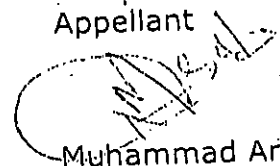
6. That on 16-03-2021 the worthy CCPO issued subsequent Notification wherein the incumbents mentioned therein were confirmed in the rank of Sub-Inspectors with effect from the date of completion of mandatory period provided in Police Rules 13.10 (2).

Here it out be not out of place to mention that I at S. No.18 was dropped for the reason that you have not completed mandatory periods provided in Police Rules 13.10 (2).

7. That here it is pertinent to mention that I was never deputed / posted for completion of Police Rules 13.10 (2), so I was dropped for no legal reason but due to the lapses of department.
8. That in the Minutes of the Meeting of the DPC, it was decided that the leftover incumbents shall be assigned seniority with their batch.
9. That it was incumbent upon the authority to confirm me in the rank of Sub-Inspector from the date of promotion to the rank of officiating SI.
10. That not only the hon'ble Service Tribunal and the apex Supreme Court of Pakistan held in plethora of judgments that no one can be deprived from benefits of confirmation / promotion to the next rank when the same is not on their part.
11. That appellant was discriminated for no legal reason but due to the lapses of the department / authority. Such act is based on ulterior motive.

It is, therefore, most humbly requested that Notification dated 16-03-2021 be kindly reviewed / modified and appellant be confirmed in the rank of Sub Inspector with their batch mates and obliged.

Appellant



Muhammad Arshad

Offg: Sub-Inspector. 770/P

CCP Peshawar.

Cell No. 0300-9003522

Dated 30-03-2021

مخبر

محمد ارشد

دعویٰ

باعتبار

مقررہ سند پر معزبان بالا میں ایسی ارفاق و تسلیے پیروی و بیویوں کے لئے اور ان کے لئے متعلقہ ان مقام پر
 کیلئے متعلقہ ان مقام پر ایسی ارفاق و تسلیے پیروی و بیویوں کے لئے اور ان کے لئے متعلقہ ان مقام پر
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الحمد

ارباب نیف انکمال
ایڈووکیٹ

الحمد
ایڈووکیٹ

محمد ارشد

محمد کواز
ایڈووکیٹ

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.7056/2021.

Muhammad Arshid SI No.770/P of CCP, Peshawar.....**Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.....**Respondents.**

REPLY BY RESPONDENTS NO. 1, & 2.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Para pertains to record, hence needs no comments.
2. Incorrect. In fact as per Rules 19.25(1) (2) of the Police Rules 1934 which provides that (1) "Inspector, Sub Inspector, Assistant Sub inspector, who are directly appointed, shall be deputed to the Police Training school to undergo the course of training laid down for such officers in the Police Training School Manual and are liable to be discharged if they fail to pass the prescribed examinations or are badly reported on. (2) On successfully completing the course at the school, upper subordinate will be posted to districts for practical training. The following programme of instruction shall be followed. Course A- prosecuting inspector's work. Course B Police Lines. Course C- office of the Superintendent. Course D- training at a Police Station". The appellant after qualifying probationer course was confirmed in the rank of ASI and bringing his name on promotion List "E".(copy of rules is annexure as A)
3. Para pertains to court hence needs no comments. However, in pursuance of the order of the High Court seniority of the appellant along with their colleagues was fixed and they were confirmed in the rank of ASI from the date their initial appointment.
4. Para pertains to record, hence needs no comments. In addition to that after court order case of the appellant along with his colleagues was process in finally there were brought on their due place.

5. Para pertains to record, hence needs no comments. In fact, the case of the appellant along with his colleagues was put before the DPC where the case was discussed and after due consideration they were regularized from the date of their initial recruitment.
6. Incorrect. Application of the appellant was under process, but the appellant without waiting the finalization of his application, filed writ petition before Peshawar High Court regarding the same matter which effected on the process of his application.
7. Para not related to answering respondents record.
8. Para pertains to record, hence needs no comments. In fact, seniority was rightly issued and appellant along with his colleagues was revised and their names were brought to list E from the date of initial appointment.
9. Para pertains to record, hence needs no comments. However, after revised their names are list E they were promoted to the rank of officiating sub inspector from the date of 16.04.2014.
10. Incorrect. Colleagues of the appellant were confirmed in the Rank of SI after completion of their mandatory period. Confirmation in the rank of S.I requires completion of laid down criteria and those S.Is who fulfill the said qualification are confirmed first in the rank of S.I. Real facts of the para are that those SIs who have completed their mandatory period toward confirmation in the rank of SI prior to the year 30.06.2018 have been confirmed on old criteria while those who have not fulfilled the requisite laid down criteria have not been considered for the same, hence para is not maintainable. In order to ensure transparency and fairness in seniority/promotion of Police Officer/ Officials, different Standing Orders have been issued from time to time to meet the criteria for promotion to the next higher rank.
11. Correct to the extent that the appellant himself accepted the reality that he was confirmed in the rank of SI after completion his mandatory period.
12. Incorrect and misleading. Actually services of Police required extra vigilance and experience to serve the general public and generally only those officers are selected for posting as SHO, who have gained sufficient experience in Police duty, and whose working/ duties are found satisfactory and it can be relied that he will come upon the expectations of public at large and Police Seniors officers as well. Therefore under Rule 13-10 (2) of Police Rules 1934 amended 2017, which provides that "no sub inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating S.I in independent Incharge of PS, a notified post, or as Incharge investigation of a PS or CTD". (copy of rule is annexed as "B")

That appeal of the appellant being devoid of merits may be dismissed on the following grounds.

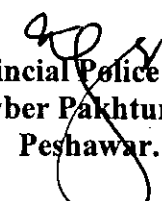
REPLY ON GROUNDS:

- a. Para pertains to record, hence needs no comments.

- b. Incorrect. Appellant has never been deprived of his due right nor treated with discrimination. Actually only those Sub Inspectors are confirmed in the ranks who fulfill the laid down criteria and confirmation of no SIs considered without completion of requisite criteria.
- c. Incorrect. Appellant has been treated strictly in accordance with law and no legal right has ever been violated. Actually confirmation in the rank of Sub Inspector is subject to fulfillment of Rule 13.10 (2) and Standing Orders issued by the Provincial Police Officer from time to time.
- d. Incorrect. In fact confirmation in the rank of S.I requires completion of laid down criteria and those S.Is who fulfill the said qualification on priority are confirmed first in the rank of S.I. Similarly appellant was also confirmed in the rank of S.I on qualifying the said pre-requisite criteria without committing any irregularity in his case of confirmation.
- e. Incorrect. Appellant has to qualify the requisite laid down criteria for confirmation in the rank of SI. His request for confirmation as SI is devoid of merit. Infact under rule 13.10(2) of Police Rules, he is not entitled for confirmation as SI.
- f. Incorrect. Appellant has never been deprived of his due right nor treated with discrimination. Replying respondents are duty bound to follow law/rules and no right of the appellant has been violated.

PRAYERS:-

It is therefore most humbly prayed that in light of above facts and submissions the appeal of the appellant being devoid of merits, legal footing may be kindly be dismissed with costs please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7056/2021.

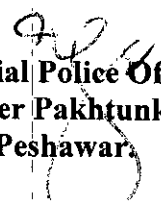
Muhammad Arshid SI No.770/P of CCP, Peshawar.....Appellant.


VERSUS

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

AFFIDAVIT.

We respondents 1 and 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 7056/2021

Muhammad Arshid

versus

CCPO & Another

REJOINDER**Respectfully Sheweth,****PRELIMINARY OBJECTION**

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is barred by law and limitation, bad for non and mis-joinder of necessary parties, unclean hands, without cause of action and locus standi, estoppel, concealment of facts and not maintainable.

ON FACTS

1. Needs no comments.
2. Not correct. The para of the appeal is correct regarding regularization of service from the date of initial appointment i.e. 17-09-2010 instead of with immediate effect because services of other similarly placed employees were regularized from the date of initial recruitment. Rest of the version of the respondents is not correct.
3. In response to para No. 03 of the comments, it is submitted that similarly placed employees services were regularized from the date of initial appointment but when such matter of other co-employees like appellant by not regularizing their services from the date of initial appointment, knocked the doors of the hon'ble court and thereafter on the direction of the hon'ble court, regularized their services from the date of initial appointment, so not only services of appellant were regularized from the date of initial appointment with seniority too but of others too.

4. Admitted correct by the respondents by revising the former order and regularized services of appellant as ASIs from the date of initial appointment vide order dated 01-07-2020.
5. As above.
6. Not correct. The para of the appeal is correct regarding submission of representation before the authority for issuing of seniority list from the date of initial recruitment like colleagues.
7. Not replied by respondents regarding Writ Petition for issuing joint seniority list with colleagues and to bring names on List "F" with all back benefits.
8. Admitted correct by the respondents regarding circulation of seniority list and bringing their names on list "E" from the date of initial appointment.
9. As above.
10. Not correct. The para of the appeal is correct where relief sought was given by the respondents to appellant.
11. Though respondents has admitted the para of the appeal as correct but in fact he was not confirmed in the rank of Sub Inspector with effect from 16-04-2014 per Police Rules 13:18 from the date of officiating promotion to the rank of SI for the reason he has not gone through mandatory periods nor he was confirmed with his colleagues. Despite the fact that he has completed the required courses.
12. Not correct. It was mandatory upon the respondents to depute appellant for completion of mandatory period of one year as SHO, etc. He was not dealt with as per Notification dated 16-03-2021 with his colleagues nor per the Minutes of the DPC to confirm promotion of appellant with his colleagues nor per Police Rules from the date of officiating SI i.e. 16-04-2014.

Similar question of law and facts came up for hearing before the hon'ble Tribunal wherein it was held in judgment dated 21-02-2018 and 15-03-2019 that to depute a person for mandatory period as well as training was the responsibility / duty of the

respondents. By not doing so, incumbent cannot be punishment for the lapses of others.


GROUND S:

- a. Needs no comments.
- b. Not correct. It was the duty of the respondents to depute appellant for mandatory periods / essential assignment / training, if any. By not doing so, he cannot be held responsible for the same.
- c. Not correct. Nothing has been violated by the appellant but it was the department who failed to fulfill its obligations.
- d. Not correct. When similarly and equally placed employees were confirmed from the date of officiating promotion to the rank of SI, then by not giving the same relief to appellant tent-amounts to discrimination.
- e. Not correct. Appellant has qualified the requisite criteria for confirmation in the rank of Sub Inspector. It was incumbent upon the respondents to depute appellant for mandatory periods, if any. Lapses of respondents cannot be attributed to him.
- f. As above.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.


Appellant

Through


Saadullah Khan Marwat
Advocate.

Dated: 03-01-2022