

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. \_\_\_\_\_ /2021

Saleem Khan

versus

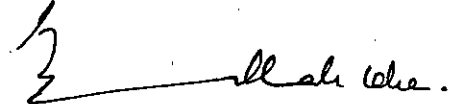
CCPO & Another

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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. 7051 /2021

Khyber Pakhtunkhwa  
Service Tribunal

Saleem Khan,  
Sub-Inspector No. 786/P  
Capital City Police,  
Peshawar . . . . . Appellant

Diary No. 7258

Dated 15/7/2021

**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**  
**APPELLANT WAS CONFIRMED IN THE RANK OF**  
**SUB INSPECTOR WITH PROMOTION TO LIST "F"**  
**WITH IMMEDIATE EFFECT I.E. 21-01-2021**  
**INSTEAD OF FROM THE DATE OF PROMOTION**  
**TO THE RANK OF OFFICIATING SUB INSPECTOR**  
**I.E. 16-04-2014 AND DEPARTMENTAL APPEAL**  
**DATED 30-03-2021 BEFORE R. NO. 02 WAS NOT**  
**HONORED TILL DATE:**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Filed to-day  
by  
Registrar  
15/7/2021

**Respectfully Sheweth:**

1. That appellant was initially appointed / recruited as Probationer Assistant Sub-Inspector on 26-03-2011.
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. 26-03-2011 and was deprived for about 03 years from the benefits of rendered services. (Copy as annex "A")
3. That appellant etc. 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 appellant etc. from the date of initial recruitment as ASIs vide Notification dated 05-06-2020. The name of appellant was figured at S. No. 13. (Copy as annex "D")
5. That on 01-07-2020 subsequent Notification of colleagues of appellant etc was issued by R. No. 01 and services of colleagues were regularized from the date of their initial recruitment. (Copy as annex "E")
6. That on ~~01-07~~ 01-07-2020, 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 ~~31-08~~ 31-08-2020, appellant filed Writ Petition No. 3831-P/20 "Masood Khan, 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. 66 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. 39. (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 appellant was confirmed in the rank of SI with effect from 21-01-2021, when he 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 with his colleagues. He was deprived from confirmation as SI from the date of promotion to the rank of Officiating SI, i.e. 16-04-2014, so on 30-03-2021, he submitted representation before R. No. 02 to treat him at par with his colleagues and to confirm him from the date of

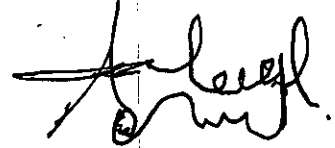
promotion to the rank of Officiating SI, i.e. 16-04-2014 but in vain.  
(Copy as annex "L")

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 promotion to the rank of Officiating Sub Inspector i.e. 16-04-2014.
- e. That Notification dated 16-03-2021 is liable to be modified with effect from 16-04-2014 instead of with immediate effect i.e 21-01-2021.
- f. 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 be confirmed as Sub Inspector from the date of promotion to the rank of Officiating Sub Inspector i.e. 16-04-2014 with all service benefits instead of 21-01-2021 with such other relief as may be deemed proper.



Appellant

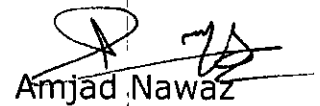
Through



Saadullah Khan Marwat



Arbab Saiful Kamal

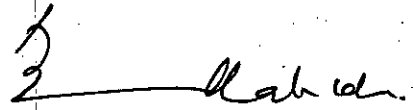


Advocates

Dated: 13-07-2021

### **CERTIFICATE:**

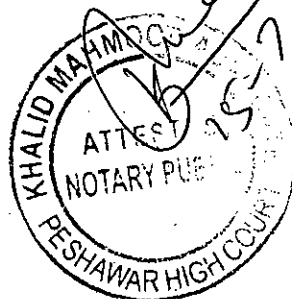
As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.



Advocate

### **AFFIDAVIT**

I, Saleem Khan No. 479/P, 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

A 6

13-08-14

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 Hadi No. 747/P	CCP Peshawar/ Elite Force	20.02.2010
3.	Manzoor Khan No.748/P	Operation Room CPO	20.02.2010
4.	Tahir Ali 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 Tahir 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 KHalil No.783/P	CCP Peshawar	26.03.20211
29.	Imtiaz Ahmad No.784/P	CCP Peshawar	26.03.20211
30.	Asif Ali Khan No,785/P	CCP Peshawar	26.03.20211
31.	Salceem Khan No. 786/P	CCP Peshawar	26.03.20211
32.	Inam Ullah No.787/P	CCP Peshawar	26.03.20211
33.	Muhammad Asif Khan No.788/P	CCP Peshawar	26.03.20211
34.	Ayub Khan No.789/P	CCP Peshawar	26.03.20211
35.	Qazi Muhammad Arif No.790/P	CCP Peshawar	26.03.20211*

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36.	Mumtaz Khan No.791/P	CCP Peshawar	26.03.2021
37.	Bilal Hussain No.792/P	CCP Peshawar	26.03.2021
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.	Ahmadullah 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 Shahan 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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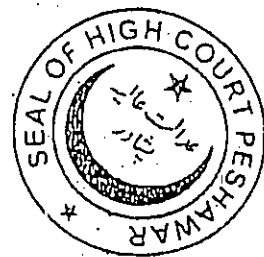
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6-7-18

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. Saeed 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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Peshawar High Court

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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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Peshawar High Court

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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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 Peshawar High Court

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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

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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:-

GROUND:

- 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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EXAMINER  
Peskawar 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 abeneticio, 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 / mode 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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EXAMINER  
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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EXAMINER  
Peshawar High Court

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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) 14.03; 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 pat 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 Registrars 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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**ATTESTED**

EXAMINER  
Peshawar High Court

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 promotion 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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Deputy Registrar  
06 JUL 2018

*Deputy*

**ATTESTED**

ATTESTED

EXAMINER  
Peshawar High Court

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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Deputy Registrar  
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EXAMINER  
Peshawar High Court

**ATTESTED**

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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  
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 06 JUL 2018

*[Signature]*  
 ATTESTED  
 EXAMINER  
 Peshawar High Court

**ATTESTED**

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24-4-19

JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

WP No. 3720-P/2018

Qazi Muhammad Arif and others,  
Vs  
Government of Khyber Pakhtunkhwa through Chief  
Secretary, Khyber Pakhtunkhwa, Peshawar.



Date of hearing: 24.04.2019

Petitioner (by) Zurriyat Anwar Khan Advocate

Respondents (by) Kamran Haqai

JUDGMENT

MUSARRAT JALALI, J.- Petitioner, Qazi Muhammad Arif and others, through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, have prayed for issuance of directions to the respondents to implement the decision of the committee board regarding fixation of seniority whereas the seniority list "E" be revised and the petitioner's 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 and rules.

*main*

*3*

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**ATTESTED**

EXAMINER  
Peshawar High Court

2. 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

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**ATTESTED**  
 EXAMINER  
 Peshawar High Court

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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 AAG 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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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

JUDGE

Announced  
24.04.2019

No. 5236  
 Date of Presentation of Application 22/8/2020  
 No of Pages 19  
 Copying fee  
 Total  
 Date of Preparation of Copy 22/8/2020  
 Date of Delivery of Copy 22/8/2020  
 Received By: Anam Jabeel

CERTIFIED TO BE TRUE COPY

EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 87 of  
The Constitution of Pakistan Order 1985

22 AUG 2020

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

Hane Shah, PS

ATTESTED





24  
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 05/06/2020.

No. 7097/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 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 Imtiaz 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 Khalil 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

Attested  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No. 7098-7104/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. AIG/legal, Peshawar.
3. SSP/Operation & Investigation, Peshawar.
4. DSP/Legal, Peshawar.
5. Asstt: Secret Branch, & EC-II, CCP, Peshawar.

ATTESTED



E 25

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 1/12/2020.

No. 5097 /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 w.e.f from as noted against each:-

S#	Name & No	Date of list "E"	Date of Revised list "E"
1.	PASI Now SI Abdúl 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 No. 754/P	13.08.2014	20.02.2010
9.	PASI Now SI Muhammad Tahir No. 757/P	13.08.2014	13.03.2010
10.	PASI Now SI Rehmat Ullah Khan No. 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 No. 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 Rafiq 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 Waqid Khan No. 777/P	13.08.2014	17.09.2010
24.	PASI Now SI Akhtar Hussain No. 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 No. 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

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32.	PASI Now SI Syed Asghar Khan-802/P	13.08.2014	26.03.2011
33.	L/PASI Now SI Mughis No. 804/P	13.08.2014	26.03.2011
34.	L/PASI Now SI Sumaira Jabben- 805/P	13.08.2014	26.03.2011
35.	L/PASI Now SI Mehwish Bukhari-807/P	13.08.2014	26.03.2011
36.	L/PASI Now SI Nadia Shaheen-808/P	13.08.2014	26.03.2011
37.	L/PASI now SI Saeeda Shaheen-806/P.	01-03-2017	26.03.2011

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, 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.

Attested  
[Signature]

[Signature]  
SSP (COORDINATION)  
FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

**ATTESTED**

[Signature]

F 27



2453/CAB  
01-07-2020

To,

The Provincial Police Officer,  
Kyber Pukhtoonkhwa,  
Peshawar.

Subject:

APPEAL AGAINST OFFICE NOTIFICATION NO. 7097 / EC-I DATED 05-06-2020 OF THE CAPITAL CITY POLICE OFFICER PESHAWAR, WHEREBY POSITION OF THE APPELLANTS FROM THE DATE OF APPOINTMENT 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 on 13-03-2010, 20-02-2010 and 26-03-2011 numbering 13 as Probationer Assistant Sub-Inspectors.
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 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 the department was not implementing the judgment of the hon'ble court in letter and spirit, so COC No. 52-P/2020 was filed for the purpose which came up for hearing and then the representative of the respondents placed on board Notification dated 05-06-2020 by regularizing them from the date of initial recruitment instead of the date of immediate effect, i.e. 13-08-2014. (Copies attached)

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**ATTESTED**

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5. That though order dated 13-08-2014 of all the applicants was revised to 13-03-2010, i.e. date of initial recruitment but till date no final seniority list with other colleagues was issued by the department.
6. 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.
7. 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 hon'ble 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. Masood Khan         | No. 756/P. | 2. Muhammad Umer       | No. 755/P |
| 2. Ahmad Ullah Khan    | No. 798/P. | 4. Abdullah Jalal Khan | No. 793/P |
| 5. Nauman Khan         | No. 803/P. | 6. Imtiaz Ahmad        | No. 784/P |
| 7. Saeed Jan           | No. 795/P. | 8. Muhammad Ashfaq     | No. 796/P |
| 9. Azaz Alam Khan      | No. 783/P. | 10. Qazi Muhammad Arif | No. 790/P |
| 11. Asif Ali Khan      | No. 785/P. | 12. Mumtaz Khan        | No. 791/P |
| 13. Saleem Khan        | No. 786/P. | 14. Inam Ullah         | No. 787/P |
| 15. Muhammad Asif Khan | No. 788/P  | 16. Ayub Khan          | No. 789/P |

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

Dated 04-07-2020.

Cell No. 0333-9609000

**ATTESTED**

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 3881-P/2020

- 1. Masood Khan, Belt No. 756-P
- 2. Muhammad Umar, Belt No. 755-P
- 3. Ahmad Ullah Khan, Belt No. 797-P
- 4. Noman Khan, Belt No. 803-P
- 5. Imtiaz Ahmad, Belt No. 784-P
- 6. Saeed Jan, Belt No. 795-P
- 7. Muhammad Ishfaq, Belt No. 796-P
- 8. Azaz Alam Khan, Belt No. 783-P
- 9. Qazi Muhammad Arif, Belt No. 790-P
- 10. Saleem Khan, Belt No. 786-P
- 11. Asif Ali Khan, Belt No. 785-P

All Officiating Sub Inspectors

Capital City Police Peshawar ..... Petitioner

VERSUS

1. **Capital City Police Officer,**  
Peshawar.

2. **Provincial Police Officer,**  
KP, Peshawar

..... Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

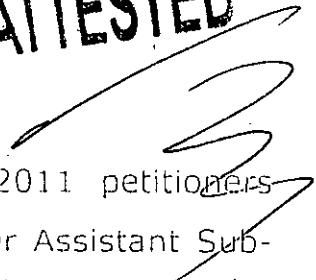
WRIT PETITION UNDER ARTICLE 199  
OF THE CONSTITUTION OF ISLAMIC  
REPUBLIC OF PAKISTAN, 1973.

⊕<=>⊕<=>⊕<=>⊕<=>⊕=

Respectfully Sheweth:

- 1. That on 20-02-2010, 13-03-2010 and 26-03-2011 petitioners were initially appointed / recruited as Probationer Assistant Sub-Inspectors.

**ATTESTED**



2. That on 13-08-2014, after serving successfully and devotedly services of all petitioners were regularized with immediate effect and not from the date of initial recruitment. (Copy as annex "A")
3. That 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 the said judgment was remitted to respondents for compliance on 27-06-2019, but respondents were not implementing the same of the hon'ble court in letter and spirit, so COC No. 52-P/2020 was filed for the purpose which came up for hearing and then the representative of the respondents placed on board Notification dated 05-06-2020 by regularizing their services from the date of initial recruitment instead of the date of with immediate effect; i.e. 13-08-2014. (Copies as annex "D", "E" & "F")
5. That on 05-06-2020, R. No. 01 revised order dated 13-08-2014 of the petitioners with effect from 20-02-10, 13-03-2010 & 26-03-2011, i.e. from the date of their initial recruitment but till date, no Final Seniority List with other colleagues was circulated by the department. (Copy as annex "G")
6. That on the other hand, respondents are promoting incumbents from the previous Seniority List who have by now become most junior 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 representations before respondents on 12-06-2020 and 01-07-2020 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 from the former seniority list, despite the fact that petitioners are quite seniors than the former incumbents. (Copies as annex "H")

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

**ATTESTED**  


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 from the date of their initial recruitment and not with immediate effect.
- 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 till then.
- e. That juniors to petitioners, being most seniors, are battling since the year, 2018 for their vested right but respondents are intentionally not redressing their grievances for no legal reason. such act of the respondents is based on 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.

**ATTESTED**





32

- 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.

**OR**

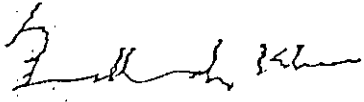
In the alternate, this petition be treated as COC and respondents be dealt with as per Contempt of Court Law;


**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 (now seniors) till the issuance of integrated Seniority List till the decision of the case.

Petitioners

Through

  
Saadullah Khan Marwat

  
Arbab Saif-ul-Kamal

  
Anjad Khan  
Advocates

Dated 31-08-2020


**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)

**ATTESTED**

  
Advocate.



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

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

ATTESTED

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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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 <sup>th</sup>	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	18-11-2009	20-03-2011
22.	Offg: SI Nazeer Muhammad-606/P	20-04-1964	31-12-1987	10 <sup>th</sup>	03.09.2007	18-11-2009	18-11-2009	20-09-2010	
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	

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24.	Offg; SI Amin Said No. 628/P	09-10-1967	31-12-1987	FA	03.09.2007	18-11-2009	18-11-2009	20-09-2010	
25.	Offg; SI Faridoon No. 641/P	28-04-1961	30-10-1979	10 <sup>th</sup>	03.09.2007	18.11.2009	18.11.2009	30.09.2015	Lien transferred from Mardan
26.	Offg; SI Nawar Khan No. 653/P	17-11-1960	20-01-1979	8 <sup>th</sup>	24.08.2007	18.11.2009	18.11.2009	30.09.2015	Lien transferred from Mardan
27.	Offg; SI Masood Ali No. 658/P	10-01-1962	04-10-1980	10 <sup>th</sup>	21.08.2007	18.11.2009	18.11.2009	31-01-2016	Lien transferred from Mardan
28.	Offg; SI Nasrullah No. 659/P	20-04-1968	20-09-1987	F.A	21.08.2007	18.11.2009	18.11.2009	20.03.2011	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
29.	Offg; SI Abdus Sattar No. 746/P	22-09-1980	20-02-2010	FA	PASI 20-02-2010	20-02-2010	12-02-2019	20-12-2018	-do-
30.	Offg; SI Fazal Hadi No. 747/P	14-02-1993	20-02-2010	FA	PASI 20-02-2010	20-02-2010	12-02-2019	20-12-2018	-do-
31.	Offg; SI Manzoor Khan No. 748/P	01-06-1976	20-2-2010	10 <sup>th</sup>	PASI 20-02-2010	20-02-2010	12-02-2019	20-12-2018	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification No.7097-7104/EC-I, dated 05.06.2020.
32.	Offg; SI Masood Khan No. 756/P	11-03-1975	13-03-2010	F.A	PASI 13-03-2010	13-03-2010	12-02-2019	20-12-2018	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
33.	Offg; SI Muhammad Tahir -757/P	01-06-1977	13-3-2010	FA	PASI 13-3-2010	13-3-2010	12-02-2019	20-12-2018	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
34.	Offg; SI Muhammad Umer- 755/P	01-01-1979	20.02.2010	FA	PASI 20.02.2010	20.02.2010	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.7097-7104/EC-I, dated 05.06.2020.
35.	Offg; SI Tahir Ali No. 749/P	12-08-1973	20.02.2010	FA	PASI 20.02.2010	20.02.2010	12-02-2019	20-12-2018	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
36.	Offg; SI Wisal Khan No. 753/P	28-05-1977	20.02.2010	FA	PASI 20.02.2010	20.02.2010	12-02-2019	20-12-2018	-do-
37.	Offg; SI Afzal Gul No. 760/P	26-10-1986	01-04-2010	FA	PASI 01-04-2010	01-04-2010	12-02-2019	20-12-2018	-do-
38.	Offg; SI Bismillah Jan No. 750/P	01-05-1984	20.02.2010	FA	PASI 20.02.2010	20.02.2010	12-02-2019	20-12-2018	-do-

2020 Seniority E list

**ATTESTED**

39.	Offg; SI Muhammad Arif No. 754/P	10-6-1981	20.02.2010	BA	PASI 20.02.2010	20.02.2010	12-02-2019	20-12-2018	-do-
40.	Offg; SI Imran Ullah No.751/P	15-09-1980	20.02.2010	MA	PASI 20.02.2010	20.02.2010	12-02-2019	20-12-2018	-do-
41.	Offg; SI Rehmat Ullah Jan -759/P	12-02-1979	01-04-2010	FA	PASI 01-04-2010	01-04-2010	12-02-2019	20-12-2018	-do-
42.	Offg; SI Riaz Ahmad No. 761/P	05-02-1974	01-04-2010	FA	PASI 01-04-2010	01-04-2010	12-02-2019	20-12-2018	-do-
43.	Offg; SI Afzal Khan No.766/P	20-04-1986	17-09-2010	BA	PASI 17-09-2010	17-09-2010	12-02-2019	20.08.2019	-do-
44.	Offg; SI Ihsan Ullah No.767/P	14-03-1989	17-09-2010	FA	PASI 17-09-2010	17-09-2010	12-02-2019	20-12-2018	-do-
45.	Offg; SI Bahar Ali No.769/P	07-02-1980	17-09-2010	FA	PASI 17-09-2010	17-09-2010	12-02-2019	20-12-2018	-do-
46.	Offg; SI Muhammad Arshid- 770/P	03-03-1985	17-09-2010	FA	PASI 17-09-2010	17-09-2010	12-02-2019	20-04-2019	-do-
47.	Offg; SI Asif Khan No.771/P	10-03-1990	17-09-2010	FA	PASI 17-09-2010	17-09-2010	15-04-2019	20-12-2018	-do-
48.	Offg; SI Muhammad Rafique -772/P	18-01-1989	17-09-2010	FA	PASI 17-09-2010	17-09-2010	12-02-2019	U/Willing	-do-
49.	Offg; SI Tehseen Ullah No.773/P	28-06-1986	17.09.2010	FA	PASI 17.09.2010	17.09.2010	12-02-2019	20.08.2019	-do-
50.	Offg; SI Laiq Zada No.774/P	28-06-1988	17.09.2010	FA	PASI 17.09.2010	17.09.2010	12-02-2019	20-12-2018	-do-
51.	Offg; SI Irfan Ullah No.776/P	15-03-1991	17.09.2010	FA	PASI 17.09.2010	17.09.2010	12-02-2019	20-12-2018	-do-
52.	Offg; SI Wajid Khan No.777/P	09-04-1989	17.09.2010	FA	PASI 17.09.2010	17.09.2010	12-02-2019	20-12-2018	-do-
53.	Offg; SI Akhtar Hussain No.778/P	15-8-1982	17.09.2010	BA	PASI 17.09.2010	17.09.2010	12-02-2019	20-12-2018	-do-
54.	Offg; SI Ishfaq Ahmed No.775/P	01.01.1989	17-09-2010	B.A	PASI 17-09-2010	17-09-2010	12-4-2019	20.08.2019	-do-
55.	Offg; SI Ahmad Ullah Khan-797/P	06-03-1981	26-03-2011	BA/LLB	PASI 26-03-2011	26-03-2011	12-02-2019	20.08.2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.7097-7104/EC-I, dated 05.06.2020.
56.	Offg; SI Abdullah Jalal Khan -793/P	11-08-1986	26-03-2011	BA/LLB	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
57.	Offg; SI Nauman Khan No. 803/P	03-03-1990	26-03-2011	BA	PASI 26-03-2011	26-03-2011	12-02-2019	20-12-2018	-do-
58.	Offg; SI M.Mubarak Zeb Gul-794/P	03-06-1979	26-03-2011	BA	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
59.	Offg; SI Imtiaz Ahmad No. 784/P	15-03-1988	26-03-2011	FSC	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.7097-7104/EC-I, dated 05.06.2020.
60.	Offg; SI Saeed Jan No. 795/P	04-12-1981	26-03-2011	10 <sup>th</sup>	PASI 26-03-2011	26-03-2011	12-02-2019	20-12-2018	-do-

2020 Seniority E list

**ATTESTED**

61.	Offg; SI Muhammad Ashfaq No. 796/P	08-04-1989	26-03-2011	Msc	PASI 26-03-2011	26-03-2011	12-02-2019	31.12.2019	-do-
62.	Offg; SI Azaz Alam Khan Khalil No.783/P	12-12-1986	26-03-2011	MA	PASI 26-03-2011	26-03-2011	12-02-2019	20.08.2019	-do-
63.	Offg; SI Qazi Muhammad Arif No. 790/P	23-05-1985	26-03-2011	BA	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
64.	Offg; SI Asif Ali Khan No.785/P	20-04-1980	26-03-2011	BA	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
65.	Offg; SI Mumtaz Khan No.791/P	25-02-1985	26-03-2011	FS.c	PASI 26-03-2011	26-03-2011	12-02-2019	20.08.2019	-do-
66.	Offg; SI Saleem Khan No.786/P	10-12-1982	26-03-2011	10 <sup>th</sup>	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
67.	Offg; SI Muhammad Waqas Yousaf - 798/P	10-05-1988	26-03-2011	B.com	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.7097-7104/EC-I, dated 05.06.2020.
68.	Offg; SI Inam Ullah No.787/P	02-04-1980	26-03-2011	M.A	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
69.	Offg; SI Muhammad Ayaz No.799/P	23-01-1982	26-03-2011	B.A	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.7097-7104/EC-I, dated 05.06.2020.
70.	Offg; SI Muhammad Asif Khan No. 788/P	30-10-1984	26-03-2011	BSC	PASI 26-03-2011	26-03-2011	12-02-2019	20.08.2019	-do-
71.	Offg; SI Ayub Khan No.789/P	03-01-1984	26-03-2011	MA	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	Revised "E" list from the date of appointment instead of with immediate effect as per court decision vide Notification NO.9097/EC-I, dated 01.07.2020.
72.	Offg; SI Bilal Hussain No.792/P	11-04-1986	26-03-2011	BA	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
73.	Offg; SI Mamoon Rashid No.800/P	16-04-1983	26-03-2011	B.Com	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-

2020 Seniority E list

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74.	Offg; SI Adil Sayed No.801/P	17-07-1987	26-03-2011	B.A	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
75.	Offg; SI Syed Asghar Khan No. 802/P	01-12-1979	26-03-2011	B.A	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
76.	Offg; L/SI Mughis No.804/P	20-02-1986	26-03-2011	MSc	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
77.	Offg; L/SI Sumaira Jabeen No. 805/P	19-09-1983	26-03-2011	B.A	PASI 26-03-2011	26-03-2011	12-02-2019	20-04-2019	-do-
78.	Offg; L/SI Mehwish Bukhari No. 807/P	12-03-1980	26-3-2011	10 <sup>th</sup>	PASI 26-3-2011	26-03-2011	12-02-2019	20-04-2019	-do-
79.	Offg; L/SI Nadia Shaheen No. 808/P	07-05-1985	26-3-2011	10 <sup>th</sup>	PASI 26-3-2011	26-03-2011	12-02-2019	20-04-2019	-do-
80.	Offg;L/SI Saeeda Shaheen No. 806/P	14-04-1982	26-03-2011	BA	PASI 26-03-2011	26-03-2011	24-01-2020	31-12-2019	-do-
81.	Offg; SI Hazrat Ali No. 813/P	10-09-1965	28-12-1985	10 <sup>th</sup>	28.01.2006	27.09.2011	27-09-2011	20.03.2012	Deferred from "E" list On 5-4-2008
82.	Offg; SI Inayat Ullah No. 820/P	21-04-1962	21.05.1980	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	20.09.2014	
83.	Offg; SI Nadir Shah No. 834/P	03-09-1963	10-11-1981	9 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	30-09-2015	
84.	Offg; SI Hanif Ullah No. 850/P	14-08-1965	03-03-1984	10h	09.04.2008	27.09.2011	27.09.2011	20.03.2012	U/W for ever
85.	Offg; SI Naseem Khan No. 852/P	09-09-1965	13-08-1988	F.A	09.04.2008	27.09.2011	27.09.2011	20.03.2012	
86.	Offg; SI Waris Khan No. 855/P	02-03-1962	06-01-1981	F.A	09.04.2008	27.09.2011	27.09.2011	31.05.2015	
87.	Offg; SI Abdul Qayum No. 861/P	20-07-1965	17-03-1983	10 <sup>th</sup>	09.04.2008	27.09.2011	27.09.2011	20.09.2012	Lien transferred from Mardan
88.	Offg; SI Fazal Dad No. 867/P	13-10-1963	02-03-1982	10 <sup>TH</sup>	01.02.2008	27.09.2011	27.09.2011	30.09.2015	
89.	Offg; SI Nasrat Ali No. 869/P	20-04-1961	12-01-1981	10 <sup>th</sup>	09.04.2008	27.09.2011	27.09.2011	20.03.2013	
90.	Offg; SI Shamroz Khan No. 873/P	03-10-1967	31-12-1987	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	20.09.2014	Lien transferred from Mardan
91.	Offg; SI Abdul Ghafor No. 876/P	01-12-1963	23-02-1983	10 <sup>th</sup>	03.03.2008	27.09.2011	27-09-2011	20.03.2013	
92.	Offg; SI Aman Ullah No. 884/P	01.01.1965	24.03.1986	B.A	09.04.2008	27.09.2011	27-09-2011	Selected/Failed	
93.	Offg; SI Jehangir Khan No.894/P	15.04.1964	21.02.1982	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	20.09.2012	Lien transferred from Mardan
94.	Offg; SI Qeemat Bali No.895/P	20.03.1966	18.06.1986	10 <sup>th</sup>	26.08.2008	27.09.2011	27-09-2011	20.09.2012	
95.	Offg; SI Tilawat Shah No.898/P	01.01.1968	31.12.1987	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	Selected	
96.	Offg; SI Sher Alam No.904/P	04.02.1961	22.11.1981	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	30-09-2015	
97.	Offg; SI Malang Jan No.906/P	21.10.1960	04.09.1980	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	U/W for ever	
98.	Offg; SI Alam Sher No. 907/P	08.09.1964	17.03.1983	10 <sup>th</sup>	09.04.2008	27.09.2011	27-09-2011	31.01.2015	Lien transferred from Mardan
99.	Offg; SI Jamshed Khan No.913/P	02.01.1963	02.09.1985	10 <sup>th</sup>	26.08.2008	27.09.2011	27-09-2011	20.03.2013	
100.	Offg; SI Arshullah No.915/P	12.04.1966	16.12.1986	F.A	09.04.2008	27.09.2011	27-09-2011	20.09.2014	
101.	Offg; SI Muhamamd Iqbal No.924/P	01.05.1964	05.01.1986	F.A	03.05.2008	27.09.2011	27-09-2011	20.09.2014	
102.	Offg; SI Khial Badshah No.933/P	10.02.1964	11.10.1986	10 <sup>th</sup>	03.05.2008	27.09.2011	27-09-2011	20.09.2014	
103.	Offg; SI Shad Muhammad No.1116/P	15.10.1969	13.08.1988	10 <sup>th</sup>	26.11.2009	27.09.2011	16.04.2014	31.05.2015	Lien transferred from Mardan
104.	Offg; SI Niamat Gul No.937/P	02.06.1967	31.03.1990	F.A	03.05.2008	27.09.2011	27-09-2011	20.09.2013	

2020 Seniority E list

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

*ofc* 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.

ATTESTED

*ofc*



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

POLICE DEPTT:

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

S#	Name & No	Date of appointment	Date of confirmation as ASI	Date of revised DPC for confirmation on 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	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
2.	PASI Now SI Fazal Hadi No. 747/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
3.	PASI Now SI Manzoor Khan No. 748/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
4.	Offg: SI Masood Khan No. 756/P	13-03-2010	13-03-2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
5.	PASI Now SI Muhammad Tahir-757/P	13.03.2010	13.03.2010	18-09-2013	13-8-2014	13-03-2010	12-02-2019	16-04-2014
6.	Offg: SI Muhammad Umer-758/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	13.03.2010	12-02-2019	16-04-2014
7.	PASI Now SI Tahir Ali Khan No. 749/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
8.	PASI Now SI Wisai Khan No. 753/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
9.	PASI Now SI Afzal Gul No. 760/P	01.04.2010	01.04.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
10.	PASI Now SI Bismillah Jan No. 750/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	01.04.2010	12-02-2019	16-04-2014
11.	PASI Now SI Muhammad Arif-754/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
12.	PASI Now SI Imran Ullah No. 651/P	20.02.2010	20.02.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
13.	PASI Now SI Rehmat Ullah Khan-759/P	01.04.2010	01.04.2010	18-09-2013	13-8-2014	20.02.2010	12-02-2019	16-04-2014
14.	PASI Now SI Riaz Ahmad No. 761/P	01.04.2010	01.04.2010	18-09-2013	13-8-2014	01.04.2010	12-02-2019	16-04-2014
15.	PASI Now SI Afzal Khan No. 766/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	01.04.2010	12-02-2019	16-04-2014
16.	PASI Now SI Ihsan Ullah No. 767/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
17.	PASI Now SI Bahar Ali No. 769/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
18.	PASI Now SI Muhammad Arshid-770/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
19.	PASI Now SI Naveed Gul No. 768/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
20.	PASI Now SI Asif Khan No. 771/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
21.	PASI Now SI Muhammad Rafiq-772/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
22.	PASI Now SI Tehseen Ullah No. 773/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
23.	PASI Now SI Laiq Zada No. 774/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
24.	PASI Now SI Irfan Ullah No. 776/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
25.	PASI Now SI Wajid Khan No. 777/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
26.	PASI Now SI Akhtar Hussain-778/P	17.09.2010	17.09.2010	18-09-2013	13-8-2014	17.09.2010	12-02-2019	16-04-2014
27.	PASI Now SI Ishtaq Ahmad No. 775/P	17-09-2010	17-09-2010	18-09-2013	13-8-2014	17-09-2010	12-02-2019	16-04-2014
28.	Offg: SI Ahmad Ullah Khan-797/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	17-09-2010	15-04-2019	16-04-2014
29.	Offg: SI Abdullah Jalal Khan-793/P	26-03-2011	26-03-2011	27-03-2014	13-8-2014	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	13-8-2014	26-03-2011	12-02-2019	16-04-2014
31.	PASI Now SI Muhammad Mubarak Zeb No. 794/P	26.03.2011	26.03.2011	27-03-2014	13-8-2014	26.03.2011	12-02-2019	16-04-2014

Notification

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32	Offg; SI Imtiaz Ahmad No. 784/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 Ashfaq 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. 783/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 Ayaaz-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 Rasheed 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.

**ATTESTED**

Notification

*[Large Signature]*

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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

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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

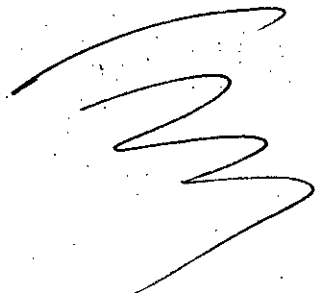
*sd/-*

Superintendent of Police Security,

*sd/-*

Deputy Supdt of Police, Legal

**ATTESTED**





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 Fazal Hadi 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 Rehmat Ullah 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	08-12-2016
17.	Offg; SI Asif Ali Khan No.785/P	FRP KPK	P/464	14-12-2016
18.	Offg; SI Ihsan Ullah 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 Inam Ullah 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

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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. 748/P	CCP, Peshawar	P/477	31-03-2018
30.	Offg; SI Azaz Alam Khan Khaili 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,

the:-

Copy of above is forwarded for information and necessary action to

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.

FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

Attested

*[Handwritten Signature]*

Notification

**ATTESTED**

*[Handwritten Signature]*

To,

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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.

**ATTESTED**



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. 31 was confirmed with immediate effect i.e. 21-01-2021 with immediate effect after completion of the mandatory period and not with their batch mates according to the DPC Minutes.

7. That here it is pertinent to mention that I was never deputed / posted for completion of Police Rules 13.10 (2) at the right time, so I was confirmed with immediate effect.
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 and not with immediate effect.
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 appellànt 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 appellànt be confirmed in the rank of Sub Inspector with their batch mates and obliged.

**ATTESTED**

Dated 30-03-2021

Appellant

Saleem Khan

Sub-Inspector. 786/P

CCP Peshawar.

Cell No. 0333-9139311

بعد التّجارب سروس ٹریڈنگ کمپنی

املاکت

مستجاب

لوہی

بھان

سليم خان

دعوتی

پاکستان سروس ٹریڈنگ کمپنی

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارڈ کی منتطافہ آن مقام اپنا اور  
 کیلئے اس قدر افسانہ خانی دست رفتہ ایڈوکیٹ الائی گورنٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب  
 تہ و تصوف کو مقدمہ کی کل کارڈائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے واسطے نامہ و اقرار ثالث و ذیہا برتاف  
 دینے جواب دہی اور اقبال دعوتی اور لہذا تہذیب ڈگری کو نے اجازت اور وصولی چیک در پیہ اور رضی دعوتی اور درخواست  
 ہر قسم کی تعلیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری تکلیف یا اپیل کی برآمدگی  
 اور مستحقین نیز دار و کرنے اپیل نگران و نظریاتی و پیروی کرنے کا اختیار ہوگا اور وصولی ہر صورت مقدمہ ہرگز  
 کے کل یا جزوی کارڈائی کے واسطے اور وکیل یا افسار قانونی کو اپنے ہمراہ یا اپنی بجائے تہذیب کا اختیار ہوگا  
 اور صاحب مقرر شدہ کر بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر دستخط منظور  
 قبول ہوگا اور دوران مقدمہ میں جو ضروریہ و ہر جملہ التوا مقدمہ کے حساب سے ہوگا اس کے مستحق وکیل صاحب  
 تہذیب ہوں گے نیز لہذا بار و ضروریہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تہذیب پیشی مقام درجہ  
 پر ہو یا عد سے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔  
 لہذا وکالت نامہ رقم دیا کہ سند ہے۔

الرقوم 13-07-21

التباعد

ارباب نیف اہمال  
ایڈوکیٹ

Mahid  
مستجاب  
ایڈوکیٹ

سليم خان

محمد کوانز  
ایڈوکیٹ



**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**

**Service Appeal No.7051/2021.**

Saleem Khan SI No. 479/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.4951 /2021.**


Saleem Khan SI No. 479/P of CCP, Peshawar.....**Appellant.**

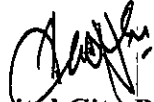
**VERSUS**

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. 7051/2021**

Saleem Khan

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. 26-03-2011 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 05-06-2020.
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. Admitted correct by the respondents by confirming services of appellant as SI with effect from 21-01-2021, neither with his colleagues nor per Police Rules 13:18 from the date of officiating promotion to the rank of SI.
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. (Copies Attached)

**G R O U N D S:**

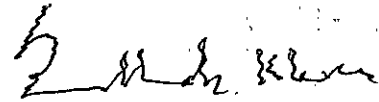
- a. Needs no comments.
- b. Not correct. It was the duty of the respondents to depute appellant for mandatory periods / essential assignment / training, if any. By not doing so, he cannot be held responsible for the same.
- c. Not correct. Nothing has been violated by the appellant but it was the department 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. The ground of the appeal is correct to modify Notification dated 16-03-2021 into 16-04-2014 instead of 21-01-2021.
- f. Not correct. The ground of the appeal is correct regarding confirmation of appellant as SI with effect from 16-04-2014 with all service benefits.

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



Appellant

Through



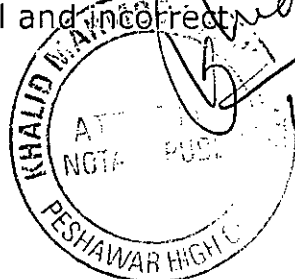
Saadullah Khan Marwat

Advocate.

Dated: 03-01-2022

**A F F I D A V I T**

I, Saleem Khan Sub Inspector, appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.




DEPONENT

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT ABBOTTABAD

Service Appeal No. 736/2016

Date of Institution... 07.06.2016

Date of decision... 21.02.2018



Amjad Ali son of Mir Alam Khan, Inspector Law Instructor Police Training  
College, Hangu. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal  
Affairs Department, Peshawar and others. ... (Respondents)

Mr. Muhammad Arshad Tanoli,  
Advocate

For appellant.

Mr. Ziaullah,  
Deputy District Attorney

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD HAMID MUGHAI.,

CHAIRMAN  
MEMBER

JUDGMENT

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

FACTS

2. The appellant was promoted on officiating basis as Sub Inspector on  
16.2.2002. Thereafter he was sent on deputation to Motorway Police in the year,  
2002. During his deputation his juniors were promoted and the appellant could not

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judgments referred to above, the appellant was entitled to be confirmed from the date of his officiating promotion.

4. On the other hand learned DDA argued that the appellant did not implead those officers/officials who would be declared junior to him through anticipated judgments. That the departmental authority rightly ordered the confirmation of the appellant from 27.08.2015 because he was to undergo certain pre conditions like testing for one year and passing certain courses. He next contended that the present appeal was time barred. He further argued that the appellant was repatriated in the year, 2010 from Motorway Police and thereafter he was posted as SHO and he would be confirmed thereafter.

CONCLUSION.

5. The appeal is not time barred as in the first round this Tribunal remitted the appeal to departmental appellate authority. There was no need to implead other officials as this is a case of confirmation and not seniority simplicitor. This Tribunal in the above mentioned judgments have already decided this issue by holding that the confirmation of officiating police officials shall be from the date of officiating promotion. This Tribunal also in the case of *Munir Hussain's* case discussed a similar case wherein the appellant was sent on deputation to Motorway Police and granted relief to him for not posting him as SHO for one year under Rule 13.10(2) of Police Rules, 1934. This Tribunal has also treated the case of the appellant at par with the similarly placed cases.

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EXAMINED  
Chyocir Talwar  
Service Tribunal  
Peshawar

Cardinal

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have been decided by this Tribunal and accepts the appeal of the appellant. The department is directed to take into consideration, the cases of all those similarly placed persons who have not been confirmed from the date of their officiating promotion in the light of the judgments reported as <sup>2009</sup>1996-SCMR-1 and 1996-SCMR-1185 so as to safeguard the interest of senior Sub Inspectors to the appellant. Parties are left to bear their own costs. File be consigned to the record room.

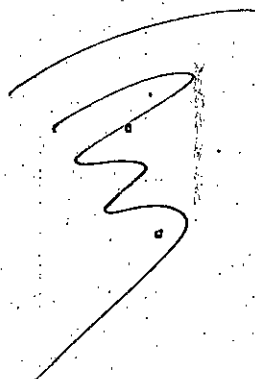
S.D.  
Muhammad Hanif Mughal  
Member

S.D.  
Niaz Muhammad Khan  
Chairman

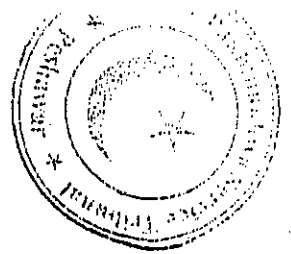
Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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**BEFORE THE SERVICE TRIBUNAL, K.P.K. PESHAWAR**

**Service Tribunal**  
**Study No. 637**  
**12-4-2011**

Service Appeal No. 760 /2011

Sanaullah Khan S/O Saadullah Khan,  
Inspector Circle Officer,  
Investigation Lakki Marwat. . . . . Appellant

Versus

for 27  
as Ex-panche  
ide order  
sheet dated  
17-1-2012

1. Regional Police Officer, Bannu Region, Bannu.
2. Inspector General of Police, K.P.K, Peshawar.
3. Bashir Khan, B/25, Inspector, D.I Khan.
4. Gul Naseeb, B/14, Inspector, Bannu.
5. Muhammad Shafiq, B/17, Inspector, spl. Branch, Peshawar.
6. Muhammad Arif, B/22, Inspector, Bannu.
7. Abdul Hameed, M/46, Inspector, Charsadda.
8. Habib-ur-Rehman, M/56, Inspector, CCPO, Peshawar.
9. Waqar Ahmad, P/173, Inspector, Traffic, Peshawar.
10. Hameedullah Khan, P/48, Inspector, Swat.
11. Muhammad Arif, P/36, Inspector, CID, Kohat.
12. Rafiullah, K/5, Inspector, PTC, Hangu.
13. Khaista Rehman, M/150, Inspector, Elite Force, D.I. Khan.
14. Tariq Masud Niazi, K/18, Inspector, Special Branch, Peshawar.
15. Tahir-ur-Rehman, H/57, Inspector, D.I. Khan.
16. Abdul Ghafoor, D/26, Inspector, D.I. Khan.
17. Darwesh Ali, P/12, Inspector, CCPO, Peshawar.
18. Hazrat Ali Khan, B/1, — do —
19. Tauheed Khan, D/17, Inspector, Bannu.
20. Salah-ud-Din, D/6, Inspector, Haidar, ATTESTED.

*[Signature]*  
12/4/11

Re-submitted to-day  
and filed.

Registrar,  
29/4/11

**ATTESTED**

*[Signature]*  
ENAMUNNUR  
Khanter Patakhilwan  
Service Tribunal  
Peshawar

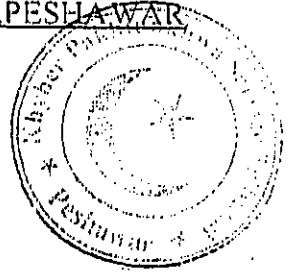
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 760/2011

Date of Institution ... 12.04.2011

Date of Decision ... 15.03.2019



Sanaullah Khan S/O Saadullah Khan, Inspector Circle Office, Investigation Lakki Marwat. ... (Appellant)

VERSUS

Regional Police Officer, Bannu Region, Bannu and 26 others. ... (Respondents)

MR. SAADULLAH KHAN MARWAT,  
Advocate

--- For appellant.

MR. ZIAULLAH  
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

--- MEMBER (Executive)  
--- CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER - Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS

2. Learned counsel for the appellant argued that on the recommendations of Khyber Pakhtunkhwa Public Service Commission, he was appointed as ASI in the Police Department on 29.01.1991. He was confirmed as ASI w.e.f 29.04.1991 in 1994 and got promoted as Sub-Inspector on 01.10.1997 on officiating basis. In order to complete the process of confirmation against the available slots a meeting of Departmental Promotion Committee was held on 29.08.2002. A panel of eight officers including the appellant was placed before the committee for consideration/decision. Name of the officers appearing at sr. no. 1 to 6 of the list

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**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal

were ignored due to various deficiencies recorded in the minutes. Mr. Bashir's case was cleared by the committee. Case of the appellant alongwith others was deferred for want of PERs for the year 2000 and 2001. However, in parawise comments submitted by the respondents, it was clarified that case of the appellant was deferred being posted at UN Peace Mission. However, in 2002 Mr. Gul Naseeb and Mr. Muhammad Shafiq (respondents no. 4 and 5) were confirmed without getting approval of the Departmental Promotion Committee. In 2003 another meeting of the Departmental Promotion Committee was convened in which name of the appellant was reflected at sr. no.5 but again ignored. Feeling aggrieved, he preferred a departmental representation on 22.01.2011 which was rejected on 15.03.2011, hence, the instant service appeal. No valid justification was given while ignoring the appellant for confirmation against the said post. Even officers juniors to him were confirmed which is a worst case of discrimination. Reliance was placed on case law reported as 1996 PLC 528 and judgment of this Tribunal dated 21.02.2018 passed in service appeal no. 736/2016.

3. On the other hand learned Deputy District Attorney argued that as the appellant had proceeded abroad to perform duty at U.N Peace Mission and due to non-availability his case for confirmation of S.I was not considered during the meeting by the DPC held meeting on 29.08.2002. Subsequently, another meeting of DPC was held on 10.12.2013 to fill the vacant vacancies but as the appellant was junior so his case was again not taken up. All codal formalities were observed and the appellant was treated fairly and without any discrimination.

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**ATTESTED**  
 Higher Education  
 Service Tribunal  
 Peshawar

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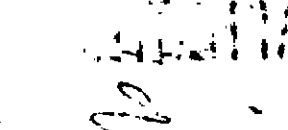
CONCLUSION

4. Perusal of record revealed that the applicant was confirmed as ASI w.e.f. 29.04.1991 in 1994 and promoted as SI on officiating basis on 01.10.1997. It is not disputed that being eligible for confirmation as SI his name was included in the panel of officers considered by the Departmental Promotion Committee in its meeting held on 29.08.2002. However, it was not considered for want of PERS for the year 2002 and 2001, but in the statement-wise comments it was stated that time he was posted at U.N. Peace Mission. Similar remarks were also recorded against Gul Naseeb. It is strange enough that in 2002 Gul Naseeb and Muhammad Shafique were confirmed without getting approval of the DPC. In addition to above they did not fulfill the criteria laid down for the confirmation. Respondents had not quoted rules which imposed bar on confirmation during the course of posting abroad. It is pertinent to point out that he was sent to the U.N. Peace Mission by the Govt. of Pakistan. This issue has already been addressed in the below mentioned judgment of this Tribunal. We are unable to comprehend that those who joined service in 1992 and were junior to the applicant were confirmed but he was ignored.

2. Moreover, on the strength of judgment of this Tribunal dated 21.03.2018 passed in service appeal no. 7362016, it was held that confirmation of officiating police officials shall be considered from the date of officiating promotion. It is further fortified by Rule-13.18 of Police Rules, wherein it is laid down that all police officers promoted in rank shall be on probation for two years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards a period of probation. On the conclusion of the

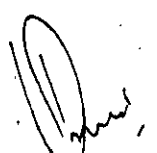
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The undersigned  
Secretary



probationary period a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the officer or revert him.

6. As a sequel to above, the appeal is accepted, impugned order dated 15.03.2011 is set aside and the respondents are directed to consider the case of the appellant for confirmation as S.I from the due date. Parties are left to bear their own costs. File be consigned to the record room.




(HAMID FAROOQ DURRANI)  
CHAIRMAN



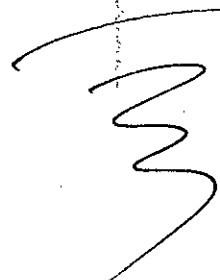
(AHMAD HASSAN)  
MEMBER

**ANNOUNCED**  
15.03.2019

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application	08/4/21
Number of Pages	9/20
Copying Fee	22/-
Urgent	
Total	22/-
Name of...	
Date of Completion of Copy	08/4/21
Date of Delivery of Copy	08/4/21

**ATTESTED**



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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1458/2018

Date of Institution ... 05.12.2018

Date of Decision ... 08.07.2021



Amjad Ali, Inspector, No.305-P Incharge Security Peshawar High Court Peshawar  
... (Appellant)

VERSUS

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

FAZAL SHAH MOHMAND  
Advocate

... For Appellant

MUHAMMAD RASHEED KHAN  
Deputy District Attorney

... For Respondents

MR. SALAH-U-DIN  
MR. ATIQ UR REHMAN WAZIR

MEMBER (JUDICIAL)  
MEMBER (EXECUTIVE)

JUDGMENT

Mr. ATIQ UR REHMAN WAZIR MEMBER (E):- Brief facts of the case are that the appellant was promoted as officiating Sub Inspector(SI) on 01-01-2010 but was not confirmed as SI after satisfactory service for two years, whereas his other colleagues including his juniors were confirmed in the rank of SI vide order dated 10-09-2012. Finally, the appellant was confirmed as sub inspector vide order dated 13-07-2015 but with immediate effect, against which the appellant filed departmental appeal, which was not responded to, hence the instant service appeal with prayers that the appellant may be confirmed as sub inspector w.e.f

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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10-09-2012, the date when his other colleagues/juniors were confirmed with due seniority in list F with all back benefits.

02. Written reply/comments were submitted by respondents.

03. Arguments heard and record perused.

04. Learned counsel for the appellant has contended that the appellant was not confirmed as SI along with his colleagues due to the reason that during the tenure as officiating sub inspector, he did not serve in independent charge of a police station, a notified police post or as in-charge investigation of a police station or in counter terrorism department. Learned counsel for the appellant further contended that such postings were beyond control of the appellant; that according to Police Rules 13:18, it was the legal right of the appellant to be confirmed as SI after lapse of two years, but in case of appellant, the said rules have not been observed; That finally the appellant was confirmed vide order dated 13-07-2015 but with immediate effect instead of 10-09-2012 and was included to list F, whereas his other colleagues and juniors were confirmed on 10-09-2012 and were accorded seniority accordingly, the appellant too, as such is entitled to ante-dated confirmation as SI w.e.f 10-09-2012, but he was not treated accordingly. Learned counsel for the appellant further contended that similar nature cases have already been accepted by this Tribunal and the appellant is also entitled to same relief under the principles of equity and consistency. Reliance was placed on CP No. 538-P of 2003, Service Appeal No. 1602/2010, Service Appeal No. 1450/2013, Service Appeal No. 1227/2013, Service Appeal No. 1021/2015 and Service Appeal No. 271/2018. Learned counsel for the appellant added that the appellant has not been treated in accordance with law and rule and was deprived of his legal rights in arbitrary and illegal manner. On the question of limitation, learned counsel for the appellant added that in matter of promotion, seniority, pay and other emoluments, limitation

ATTESTED

MEMBER  
JUDICIAL OFFICER  
SERVICE TRIBUNAL  
BANGALORE


ATTESTED

would not foreclose his right accrued to him. Reliance was placed on 2002 PLC (CS) 1388, 2009 PLC (CS) 178 and 1999 SCMR 880. Learned counsel for the appellant prayed that on acceptance of this appeal, the appellant may be confirmed as SI w.e.f 10-09-2012, the date when his colleague/juniors were confirmed with due seniority in list F and with all back benefits.

05. Learned Deputy District Attorney appeared on behalf of official respondents have contended that confirmation in the rank of SI is subject to fulfillment of rule 13:10(2) and standing order issued by the provincial police officer from time to time; that the appellant was required to qualify the requisite criteria for confirmation in the rank of SI. Learned Deputy District Attorney further contended that the appellant was confirmed as SI, when he fulfilled the mandatory requirements and orders are issued with immediate effect and not with retrospective effect as per law and rule. Learned Deputy District Attorney added that other colleagues/ juniors of the appellant were promoted after fulfilling the requisite criteria. Learned Deputy District Attorney further added that posting/transfer on independent position are made after examining professional skills and ability of suitable officers; that the appellant was treated in accordance with law and his appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and have perused the record. Record reveals that the only reason for non-confirmation of the appellant as SI was that the appellant had not fulfilled the criteria envisaged in 13:10(2) of Police Rules, 1934, which is reproduced as under:

*"No Sub-Inspector shall be confirmed in substantial vacancy unless he has been tested for a year of an officiating Sub-Inspector in independent charge of a Police Station, a notified police post, or as in-charge investigation of a police station or in counter terrorism department."*

**ATTESTED**  
  
EXAMINER  
by (Signature)  
Services Tribunal  
Peshawar

To this effect the worthy Apex Court as well as this Tribunal, in numerous judgments have held that condition of postings as envisaged in the rule ibid, as


**ATTESTED**  


impediment in the way of confirmation as SI was not attributable to the appellant because postings were beyond control of the appellant, which powers rests with the competent authority and subordinate officials cannot be punished for such administrative lapses on part of the relevant authority, hence depriving him from being confirmed in the rank of SI along with his batch-mates would tantamount to his deprivation from further progression, which was not justified. It was also noted that respondents totally ignore Rule-13:18 of Police Rules, 1934, wherein it is laid down that all police officers promoted in rank shall be on probation for two years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards a period of probation. On the conclusion of probation period a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the officer or revert him.

07. In view of the foregoing discussion, we are of the considered opinion that case of the appellant is similar in nature with the cases already decided by this Tribunal as well as by the apex court, as referred to by counsel of the appellant. For the reasons, we are inclined to accept the present appeal with directions to the respondents to confirm the appellant as SI from the date when his other colleagues were confirmed, as well as place him in due place in the seniority list. The appellant is also held entitled to all consequential benefits, if any. Parties are left to bear their own costs. File be consigned to record room.

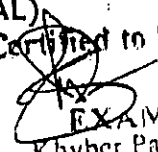
**ANNOUNCED**  
08.07.2021

**ATTESTED**

  
(SALAH-U-DIN)  
MEMBER (JUDICIAL)

  
(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)

Certified to be true copy

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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2018 P L C (C.S.) Note 170

[Peshawar High Court]

Before Waqar Ahmad Seth and Ijaz Anwar, JJ

Capt: ZAHUR AHMAD KHAN KHALIL

Versus

GOVERNMENT OF PAKISTAN through Secretary Establishment Division,

Islamabad and another

Writ Petition No.3801-P of 2016, decided on 8th November, 2017.

Civil Servants Act (LXXI of 1973)---

---S. 9---Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, Rr. 3, 4, 7, 8 & 8-A---  
Fundamental Rules, R. 17---Promotion---Deferment of an employee---Retirement---Employee---  
Seeking promotion after his retirement---Scope---Name of petitioner-employee was placed before  
Selection Board for promotion but he was deferred and reached to the age of superannuation---  
Contention of department was that competent officers could be promoted to undertake the  
responsibilities---Validity---Petitioner remained on major administrative posts in different  
departments till his retirement---Posting on any assignment was within the domain of government---  
If government did not post the employee on challenging assignment, he could not be blamed---Pick  
and choose policy had been adopted by the government in posting of officers of their choice---  
Objection with regard to non-posting on challenging assignment could not be attributed to the  
employee---Civil servant whose promotion had been deferred was to be considered as soon as the  
reason on the basis of which deferment took place ceased to exist---Deferment by itself referred to  
certain shortcomings which in due course of time when fulfilled the officer should be re-considered  
for promotion and was allowed promotion with effect from the date when he was deferred---Selecion  
Board remained stuck up with some report held from 3rd March, 2008 to 24th March, 2008 but  
thereafter employee was promoted to BPS-21 in the year 2010 and said report was considered and  
ignored---Selection Board had not conducted itself in the manner required under the law---Employee  
though had retired from service but his non-promotion had affected his privileges and pension---  
Employee could be considered for promotion even after retirement---Respondents were directed to  
place the case of employee again before the Selection Board for consideration for promotion and if  
cleared be allowed promotion from the date he was lastly deferred---Constitutional petition was  
allowed in circumstances. [Paras. 10, 12, 13, 14, 15 & 16 of the judgment]

Tariq Aziz-ud-Din's case 2010 SCMR 1301; Federation of Pakistan through Secretary,  
Establishment Division and others v. Dr. Muhammad Arif and others 2017 SCMR 969; Orya  
Maqbool Abbasi v. Federation of Pakistan through Secretary Establishment and others 2014 SCMR  
817 and Muhammad Rahim Khan v. The Chief Secretary, N.W.F.P. and 4 others 1999 SCMR 1605  
rel.

Nazir Ahmad for Petitioner.

Asghar Khan Kundi for Respondents.

Date of hearing: 8th November, 2017.

**JUDGMENT**

**IJAZ ANWAR, J.**---Through the instant writ petition under Article 199 of the Constitution  
of Islamic Republic of Pakistan, 1973, Capt: Zahur Ahmad Khan Khalil (the petitioner) claim  
promotion to BPS-22 after his retirement and prayed for the following relief:-

"That on acceptance of this writ petition in the light of above facts and grounds and after

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calling for all relevant record of the petitioner a direction may be issued to the respondents for grant of proforma promotion (BPS-22) with effect from the date the juniors to the petitioner are promoted). Any order if is issued in violation of it and not in the knowledge of the petitioner be declared illegal and against the law".

2. The precise facts as narrated in this writ petition are that the petitioner joined the District Management Group now (PAS) in 9th Common Training Programme in November, 1982. It is alleged that he was inducted against the Armed Forces quota where he was posted as Captain. It is claimed that the petitioner remained on various administrative positions like Assistant Commissioner, Deputy Commissioner, Commissioner, Secretary of various Departments, On Staff with Chief Minister and Governor of Khyber Pakhtunkhwa and with unblemished service career. He was promoted to BPS-18, BPS-19, BPS-20 and lastly as BPS-21. It is alleged that in the year, 2012, the High Powered Selection Board deferred his case for promotion in its meeting held on 12.02.2012. Again his name was placed before the High Powered Selection Board for promotion to BPS-22 in its meeting held on 27.12.2013, but his name was deferred. It is further alleged that twice again his name was placed before the High Powered Selection Board for consideration but for no justifiable reasons, he was deferred and in the meantime, he reached the age of superannuation with effect from 14.01.2015, hence this petition.

3. The respondents were put to notice, they submitted their parawise comments, raising factual and legal objections. It is alleged that the petitioner was considered for promotion quadrupled, however, he was not promoted specifically giving the reasons for his deferment. It is further alleged that High Powered Selection Board (HPSB) has exercised its powers responsibly, fairly, justly and for the advancement of the purpose of section 24-A of General Clauses Act. Further, the post of BS-22 is not only required to be considered as per seniority the officer is evaluated on the basis of record and collective wisdom of the Board, on merit. There is no mala fide intention on the part of HPSB to deprive any one from promotion. Instead, the officers are evaluated on the basis of available record as mentioned in Para-4 of the report so that competent officers could be promoted to undertake the highest level of responsibilities. No one is extended any favour. Only eligible, honest, qualified and competent officers are promoted. It is a matter of record that the petitioner is younger to the promoted officer and it has no relevance with the promotions.

4. The learned counsel for the petitioner argued that after the judgment of the Honourable Supreme Court in famous case of Tariq Aziz-ud-Din (2010 SCMR 1301), the respondents have formulated the Civil Servant (Promotion to the post of Secretary, BPS-22 and equivalent) Rules, 2010, the discretion of the Government in the matter of promotion was structured and confined to the rules, so framed. He referred to Rule 3, which prescribes the eligibility of the officer holding in BPS-21. Similarly, referred to Rule 4 and according to which, the petitioner was perfectly eligible and fit to have been allowed promotion to BPS-22. He argued that where the respondents themselves are not posting the petitioner against any alleged challenging assignment, how he can be denied promotion on such pretext. He argued that the petitioner though retired from service but due to inaction of the respondents, he is deprived of his promotion in BPS-22. He placed reliance on 2017 SCMR 969 Federation of Pakistan through Secretary, Establishment Division and others v. Dr. Muhammad Arif and others.

5. The learned D.A.G. argued that the petitioner was duly considered for promotion; however, for the reasons correctly mentioned in the minutes, he was deferred. He argued that no officer can claim promotion as of right. He also referred to section 22 subsection of the Civil Servant Act, 1973, that since the matter relates to the fitness of the Civil Servant, therefore, this Court has got no jurisdiction to interfere in the matter.

6. Arguments heard and record perused.

7. The substantive law for promotion of civil servants is given in section 9 of Civil Servant Act, 1973, which provides as follows:-

"9. Promotion.--(1) A civil servant possessing such minimum qualification as may be prescribed shall be eligible for promotion to a higher post for the time being reserved under the rules of departmental promotion in the service or cadre to which he belongs:

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Provided that the posts of.

(a) .....

(b) .....

(2) A post referred to in subsection (1) may either be a selection post or a non-selection post to which promotions shall be made as may be prescribed.

(a) In the case of a selection post, on the basis of selection on merit; and

(b) In the case of a non-selection post, on the basis of seniority-cum-fitness.

(3) Promotion to posts in basic pay scales 20 and 21 and equivalent shall be made on the recommendations of a Selection Board which shall be headed by the Chairman, Federal Public Service Commission."

The above provisions are supplemented by Rules 7, 8 and 8-A of The Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. For the ease of reference the said rules are reproduced hereunder:

"7. Promotion and Transfers to posts in [basic pay scales 2 to 18 and equivalent, [except the posts specified in sub-clause (i) of Clause (b)] and equivalent] shall be made on the recommendation of the appropriate Departmental Promotion Committee and promotions and transfers to posts, [specified in sub-clause (i) of clause (b) and posts], in [basic pay scales 19 to [21] and equivalent] shall be made on the recommendations of the Central Selection Board.

8. Only such persons as possess the qualifications and meet the conditions laid down for the purpose of promotion or transfer to a post shall be considered by the Departmental Promotion Committee or the Central Selection Board as the case may be; (underlines supplied for emphases)

8-A. No promotion on regular basis shall be made to a posts in Basic Pay Scales 17 to 22 and equivalent unless the officer concerned has completed such minimum length of service, attended such training and passed such departmental examination, as may be prescribed from time to time."

8. The august Supreme Court of Pakistan, while dealing the cases of promotion of the posts carrying BPS-21 and BPS-22, had in Tariq Aziz-ud-Din case (2010 SCMR 1301), deprecated the non-existence of any rules for promotion to BPS-22 and besides others, directions observed for the formulation of Rules for promotion from BPS-21 to BPS-22 to avoid unjustness and arbitrariness in making promotion. The Federal Government vide SRO notified on 16th August, 2010, framed Civil Servants (Promotion to the post of Secretary, BS-22 and Equivalent) Rules, 2010. Rules 3 and 4 provide the eligibility criteria for promotion to BS-22. Rules 3 and 4 are reproduced for convenience:-

"3. **Manner of Promotion.**---(1) The Posts in BS-22 in the Federal Government shall be filled in by promotion from amongst the officers specified in sub-rule (2) with the approval of the appointing authority on the recommendations of the Board.

(2) The officers holding post in Basic Scale 21 on regular basis in an All Pakistan Service or, as the case may be, a civil service of the Federation or a post in connection with the affairs of the Federation and possessing the length of service and fulfilling other conditions specified in rule 4, shall be eligible for promotion to a post in Basic Scale 22 in the respective service, group or cadre to which the officer for the time being belongs:

Provided that the post of Secretary in BS-22 in the Secretariat Group may be filled in by promotion in the public interest from amongst officers of regularly constituted Occupational Groups and Services possessing the length of service and fulfilling other conditions specified in rule 4, holding, on regular basis, posts in Basic Scale 21.

(3) Nothing in this rule shall prevent a post in Basic Scale 22 or equivalent already reserved

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for initial appointment in accordance with the method of appointment laid down under sub-rule (2) of rule 3 of Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, in filling such post in accordance with such method.

4. Length of service and other conditions for promotion.---An officer shall possess the length of service and fulfill the following conditions for promotion to a post in Basic Scale 22 including the post in BS-22 as Secretary in the Groups and Services in the Federal Government;

(i) Twenty-five service in Basic Scale 17 and above, excluding the period of suspension not counted as duty and extraordinary leave, and has completed at least two years in a post in Basic Scale 21;

(ii) at least three "very good" reports during the last six years;

(iii) No penalty under Government Servants (Efficiency and Discipline) Rules, 1973 or under the Removal from Service (Special Powers) Ordinance, 2000 (since repealed) has been imposed upon him during his tenure in BS-21; and

(iv) possesses sufficient variety of experience. (underlines supplied).

9. On the promulgation of these rules, the discretion of the Government has been structured and curtailed and now promotion to BPS-22 are governed under the provisions of these rules. The petitioner has illustrious service career and was promoted to BPS-21 in the year 2010. It transpires from the comments submitted by respondents that the petitioner was initially considered for promotion by the High Powered Selection Board in its meeting held on 22nd to 26th December, 2012, 27th November, 2013, 22nd September, 2014 and lastly on 6th January, 2015, however, repeatedly in these meetings, the petitioner was deferred mainly for the reason beyond his control, as on 22nd September, 2014, "the board felt that his performance has to be assessed on a more challenging post for merit in promotion to BPS-22, the Board directed the Establishment Division to post the officer on a challenging assignment in Islamabad and called for special report of the officer at least for three months.

10. The synopsis of the posting order of the petitioner attached with the writ petition depict that the petitioner remained on major administrative posts of Secretaries in different departments of the Provincial Government ever since 1992. In the Federal Government, he remained Chairman Pakistan Tobacco Board, Govt. of Pakistan, Ministry of Commerce, Islamabad from 9th January, 2012 to 9th October, 2012, Member (Finance) Pakistan Agriculture Research Council, Islamabad, BS-21 from 27th May, 2013 to 8th July, 2013, Director General Wafaqi Mohtasib (Ombudsman)'s Secretariat, Regional Office, Peshawar, from 13th August, 2013 to 11th November, 2013, Member/Additional Secretary, Incharge Wafaqi Mohtasib (Ombudsman)'s Secretariat, Regional Office, Peshawar, from 12th November, 2013 till his retirement. It is pertinent to mention here that posting on any assignment is within the domain of the Federal Government if the Federal Government is not posting the petitioner on such alleged challenging assignment, how he can be blamed. It shows that pick and choose policy has been adopted by the Government in posting of officers of their choice, therefore, the objection regarding non-posting on challenging assignment cannot be attributed to the petitioner.

11. There is another important aspect of the case. On each occasion, when the petitioner was considered for promotion by the High Powered Selection Board, the petitioner was deferred and not superseded. The Federal Government has formulated policy guidelines for the conduct of Departmental Promotion Committees (D.P.Cs) and Central Selection Boards (C.S.Bs).

12. By way of general selection, the policy provided that the DPC/CSB shall consider the case of eligible civil servants in the order of seniority and either:

(a) Recommend a civil servant for promotion to the next higher post; or

(b) Recommend a civil servant for supersession; or

(c) Defer consideration of a civil servant's promotion provided that this step will be taken only.

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if

- (i) The CR dossier is incomplete or any other document/information required by the DPC/CSB for determining a civil servants suitability for promotion is not available; or
- (ii) Disciplinary or departmental proceeding are pending against the civil servant whose promotion case comes up for consideration before the DPC/CSB; or
- (iii) The civil servant on deputation abroad to a foreign government, private organization or international agency; or
- (iv) The civil servant does not possess the requisite length of service; or
- (v) The civil servant has not undergone the prescribed training or passed the departmental examination for reasons beyond his control; or
- (vi) The civil servant's inter se seniority is sub judice.

The policy further required that the civil servant whose promotion has been deferred will be considered as soon as the reason on the basis of which deferment took place ceases to exist.

13. Thus, the deferment by itself refers to certain shortcomings, which, in due course of time when fulfilled, the officer is re-considered for promotion and is allowed promotion with effect from the date when he was deferred. To the misfortune of the officer he stood retired from service w.e.f. 14.01.2015 and thus, remained deprived of the promotion to BS-22. The august Supreme Court of Pakistan, in the case of Orya Maabool Abbasi v. Federation of Pakistan through Secretary Establishment and others (2014 SCMR 817), held that "Although promotion was not a right but a civil servant fully qualified for promotion, has a right to claim that his case may be considered for promotion strictly following the eligibility criteria laid down by the authority, and that "though the officer not meeting eligibility criteria for promotion, could be deferred but the deferment could not be arbitrary and not supported by the service record. In this case, the apex Court further held that "Board failed to take into consideration the PER Reports for the reasons not tenable under the law and their such findings were clear violation and departure from the promotion policy because once the officer have fulfilled the criteria, their cases have to be considered to assess the fitness and suitability to share higher responsibility mostly based on subjective criteria instead of denying promotion to them for the subjective consideration".

14. It merit mention that the High Powered Selection Board remained stuck up with some report in the National Management Course (NMC), held from 3rd March, 2008 to 24th March, 2008. Though thereafter, the petitioner was promoted to BPS-21 in the year 2010, and those were considered and ignored, it seems that the High Powered Selection Board has not conducted itself in the manner required under the law. We are thus, fortified in our view by the judgments of the apex Court in Tariq Aziz-ud-Din (2010 SCMR 1301), Muhammad Rahim Khan v. The Chief Secretary, N.-W.F.P. and 4 others (1999 SCMR 1605), Orya Maqbool Abbasi v. Federation of Pakistan through Secretary Establishment and others (2014 SCMR 817), 2017 SCMR 969 Federation of Pakistan through Secretary, Establishment Division and others v. Dr. Muhammad Arif and others.

15. The petitioner though has retired from his service, but since his non-promotion has certainly effected his privileges and pension, therefore, in view of Fundamental Rules-17, he can be considered for promotion, even after retirement. Proviso to F.R. 17 is reproduced herein below:-

"[Provided that the [appointing authority may, if satisfied that a civil servant who was entitled to be promoted from a particular date was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the higher post, direct that such civil servant shall be paid the arrears of pay and allowances of such higher post through pro forma promotion or upgradation arising from the ante-dated fixation of his seniority.]

16. For the reasons stated above, this petition is allowed and the respondents are directed to place the case of petitioner again before the High Powered Selection Board for consideration for promotion to BPS-22, if cleared be allowed promotion to BPS-22 from the date he was lastly deferred. The

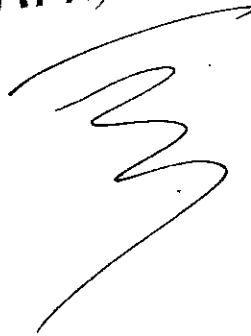


necessary exercise shall be carried out within a period of sixty days positively.

ZC/3/P

Petition allowed.

**ATTESTED**



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**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

C.M. No. \_\_\_\_\_/2022

IN

S.A. No. 7051/2021

Saleem Khan

versus

CCPO & Another

**APPLICATION FOR PLACING ON RECORD SOME  
RELEVANT DOCUMENTS PERTAINING TO THE  
SUBJECT MATTER AS PER ORDER SHEET DATED  
28-01-2022:**

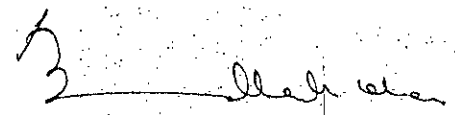
**Respectfully Sheweth;**

1. That the subject appeal was fixed for arguments on 28-01-2022.  
*And next date of hearing is 29-03-22.*
2. That during the course of arguments at the time, it came to surface that documents pertaining to the initial recruitment of the appellant as well as his colleagues are necessary for perusal, so are placed for the purpose. (Copy attached)
3. That in Notification dated 26-03-2011, the incumbents at S. No. 4, 7, 16, 17, 19 and 20, their appeals are pending disposal regarding confirmation with remaining colleagues as they are of the same batch of the year 2011.

It is, therefore, most humbly prayed that the application be accepted as prayed.

Appellant

Through

  
Saadullah Khan Marwat  
Advocate

Dated 18-03-2022

POLICE DEPTT:

CCP, PESHAWAR.

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

NOTIFICATION.

Dated Peshawar, the 26 / 03 / 2011.

No. So 73 /EC-I, APPOINTMENT AS PROBATIONER

ASSISTANT SUB-INSPECTOR: Consequent upon recommendations of Khyber Pakhtunkhwa, Public Service Commission, Peshawar vide letter No. K.P.K-PSC-EXAM-ASI 08/09/60997, dated 15-12-2010 and Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar letter No. 28334-40/E-II, dated 27-12-2010, the following candidates are hereby appointed as Probationer Assistant Sub-Inspectors BPS-9 (3620-230-10720) against 25% quota reserved for direct appointment in Police department vide Govt. of K.P.K, Home and TAs Department letter No. SO (Police) HD/03-22/2000, dated 17-10-2003 with immediate effect.

On appointment they are allotted CCP, Peshawar Numbers and posted to the Districts as noted against their names:-

S#	Name	Father's Name	Place of Posting	CCP No
1	Aziz Alam Khan Khalil	Mawaz Khalil	Peshawar	783/P
2	Imtiaz Ahmad	Luqat Ahmad	Peshawar	784/P
3	Asif Ali Khan	Fazal Ali Khan	Peshawar	785/P
4	Saleem Khan	Morang Khan	Peshawar	786/P
5	Isamullah	Haji Muhammad	Peshawar	787/P
6	Muhammad Asif Khan	Ghulam Muhammad	Peshawar	788/P
7	Ayub Khan	Mian Khan	Peshawar	789/P
8	Qazi Muhammad Arif	Qazi Ghulam Sarwar	Peshawar	790/P
9	Mumtaz Khan	Musharaf Khan	Peshawar	791/P
10	Bilal Hussain	Muhammad Israr	Peshawar.	792/P
11	Abdullah Jalal Khan	Javed Jalal Khan	Charsadda	793/P
12	Muhammad Mubarak Zeb Gul	Bad Shahn Gul	Charsadda	794/P
13	Saeed Jan	Ibrahim Jan	Charsadda	795/P
14	Muhammad Ashfaq	Zahir Ullah Khan	Charsadda	796/P
15	Ahmadullah Khan	Kiramatullah Khan	Charsadda	797/P
16	Muhammad Waqas Yousaf	Haji Muhammad Yousaf Khan	Nowshera	798/P
17	Muhammad Ayaz	Samin Gul	Nowshera	799/P

Mamnoon Rashid	Mian Anwar Shah	Nowshera	800/P
A. M. Sayed	Sayed Jauhar Shah	Nowshera	801/P
Syed Asghar Khan	Syed Anwar Khan	Nowshera	802/P

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

**No. 5074-84 JEC-I,**

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

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Addl: Inspector General of Police Investigation K.P. K Peshawar with 2 spare copies for publication in the K.P.K Police Gazette Part-II.
3. SSSP/Operations CCP, Peshawar.
4. District Police Officer, Charsadda. Medical/Verification Certificates alongwith application Form of the above P/ASIs of District Charsadda are enclosed.
5. District Police Officer, Nowshera. Medical/Verification Certificates alongwith application Form of the above P/ASIs of District Nowshera are enclosed.
6. Superintendent of Police, HQrs: Peshawar.
7. EC-II Branch CCP, Peshawar. Medical/Verification Certificates alongwith application Form of the above P/ASIs of District Peshawar are enclosed.
8. Assistant Secret CCP, Peshawar.
9. Pay Officer CCP, Peshawar.
10. Fuji Missal Branch.
11. All Probationer Assistant Sub-Inspectors concerned.

POLICE DEPTT:

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

CCP, Peshawar.

**Notification.**

Dated Peshawar the, 26/03/2011.

**No.5073/EC-I, APPOINTMENT AS PROBATIONER ASSISTANT SUB-INSPECTOR:-**

Consequent upon recommendations of Khyber Pakhtunkhwa, Public Service Commission, Peshawar vide letter No. K.P.K-PSC-EXAM-ASI 08-09/60997, dated 15-12-2010 and Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar letter No. 28334-40/E-II, dated 27-12-2010, the following candidates are hereby appointed as probationer Assistant Sub-Inspectors BPS-09 (3820-230-10720) against 25% quota reserved for direct appointment in Police Department vide Govt. of K.P.K, Home and TAS Department letter No. SO (Police) HD/03-22/2000, dated 17-10-2003 with immediate effect.

On appointment they are allotted CCP, Peshawar Numbers and posted to the Districts as noted against their names:-

S#	NAME	Father Name	Place of Posting	CCP No.
1.	Azaz Alam Khan Khalil	Mawaz Alam Khan Khalil	Peshawar	783/P
2.	Imtiaz Khan	Liaqat Ali	Peshawar	784/P
3.	Asif Ali Khan	Fazal Ali Khan	Peshawar	785/P
4.	Saleem Khan	Norang Khan	Peshawar	786/P
5.	Inam Ullah	Haji Muhammad	Peshawar	787/P
6.	Muhammad Asif Khan	Ghulam Muhammad	Peshawar	788/P
7.	Ayub Khan	Mian Khan	Peshawar	789/P
8.	Qazi Muhammad Arif	Qazi Ghulam Sarwar	Peshawar	790/P
9.	Mumtaz Khan	Musharaf Khan	Peshawar	791/P
10.	Bilal Hussain	Muhammad Israr	Peshawar	792/P
11.	Abdullah Jalal Khan	Javed Jalal	Charsadda	793/P
12.	Muhammad Mubarak Zeb	Bad Shah Gul	Charsadda	794/P
13.	Saeed Jan	Ibrahim Khan	Charsadda	795/P
14.	Muhammad Ashfaq	Zahir ullah Khan	Charsadda	796/P
15.	Ahmadullah Khan	Kiramtullah Khan	Charsadda	797/P
16.	Muhammad Waqas yousaf	Haji Muhammad Yousaf	Nowshera	798/P
17.	Muhammad Ayaz	Samin Gul	Nowshera	799/P
18.	Mamoon Rashid	Mian Anwar Shah	Nowshera	800/P
19.	Adil Sayed	Syed Liaqat Shah	Nowshera	801/P
20.	Syed Asghar Khan	Syed Anwar Khan	Nowshera	802/P

Sd/-

CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

No.5074-84 / EC-I,

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

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
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8. Assistant Secret CCP, Peshawar.
9. Pay Officer CCP, Peshawar.
10. Fuji Missal Branch.

Parusal of record reveals that appellant was appointed as ASI in police department on 26/3/2011 services of the appellant was regularized on 13/8/20 with immediate effect instead of from date of initial appointment, i.e. 26/3/2011, Appellant filed writ petition bearing no 3720-P/18 for giving direction to ~~the~~ regularized appellant with effect from his initial appointment which was allowed and respondents issued notification to this effect on 5/6/2020 and name of the appellant was figured at S. No 13 of list E but on 01/07/20 <sup>services of</sup> colleagues of the appellant were confirmed by ignoring appellant that on 12/10/20 ~~seniorly~~ list was of officiating inspectors and Assistant sub inspectors were issued where name of the appellant was maintained serial no 66 with his date of appointment. On 12/2021 appellant was promoted to the rank of ~~Asst~~ officiating sub inspector upon request of DSC by keeping his name at serial no 39. It was decided in DPC that persons who completed their SHO period during Acting charge basis was given favour and who those had not ~~grant~~ completed ~~period~~ <sup>their</sup> SHO period they will complete ~~at~~ <sup>at</sup> end after completion they will be placed assigned ~~seniorly~~ with their Batch mates. As consequence ~~respondent~~ 1902

Issued notification of appellant's services confirmation with effect from 21/1/21. The date upon which appellant ~~was to give~~ <sup>completed</sup> this training mandatory training i.e. 21/01/21. Appellant had never recorded by respondent for mandatory training of SHO period so he was deemed for confirmation as SI from the date of confirmation of his other colleagues i.e. 16-4-2014.

~~Record~~ Record reveals that only reason for non confirmation of the appellant as SI from 16/4/2014 was like his other colleagues was that appellant had not completed mandatory SHO period in accordance with PR 13.10 of Police Rules which say