

ORDER

10.01.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 1225/2017 "titled Shafqatullah Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", the present service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

10.01.2022



(SALAH-UD-DIN)
MEMBER (J)




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

05.01.2022

Mr. Muhammad Alam Zeb Khan, Advocate for the appellant present. Mr. Shah Hussain, Personal Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Learned Member Judicial (Mr. Salah-ud-din) is on official tour, therefore, order could not be announced. To come up for order before the D.B on 10.01.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

15.12.2021

Mr. Muhammad Alamzeb Khan, Advocate, for the appellant present. Mr. Shah Hussain, Personal Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Partial arguments heard. To come up for remaining arguments on 16.12.2021 before this D.B.


(Atiq-ur-Rehman Wazir)
Member (E)


(Salah-ud-Din)
Member (J)

16.12.2021

Mr. Muhammad Alamzeb Khan, Advocate for the appellant present. Mr. Shah Hussain Personal Assistant alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Arguments heard. To come up for order before the D.B on 05.01.2022.



(Atiq Ur Rehman Wazir)
Member (E)



(Salah-ud-Din)
Member (J)

01.07.2021

Learned counsel for the appellant present. Mr. Sohail Aziz H.C alongwith Muhammad Adeel Butt, Additional Advocate General for the respondents present.

We being Members of Larger Bench, remained busy in hearing arguments in the appeals fixed before the Larger Bench, therefore, arguments in the instant appeal could not heard. Adjourned. To come up for arguments before the D.B on 20.10.2021.


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

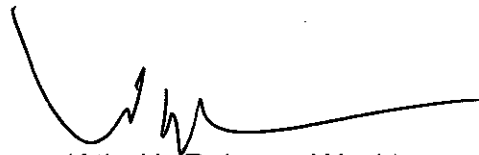

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

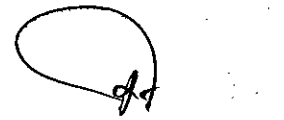
20.10.2021


Counsel for the appellant present.

Mr. Muhammad Rasheed, Deputy District Attorney, alongwith Mr. Shah Hussain, Junior Clerk for respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 15.12.2021 before D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

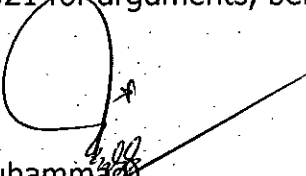


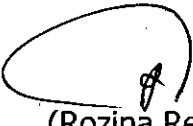
11.11.2020

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Sulaiman Reader for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 19.01.2021 for arguments, before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

19.01.2021

Due to COVID-19, the case is adjourned to 05.04.2021 for the same.


Reader


05.04.2021

Junior to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 1/7/2021 before D.B.


(Atiq ur Rehman Wazir)
Member (E)

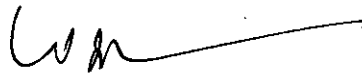

(Rozina Rehman)
Member (J)

15.09.2020

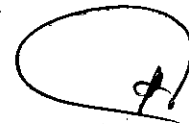
Appellant in person present.

Mr. Muhammad Jan, learned Deputy District Attorney for respondents present.

In the instant case, partial arguments were heard by D.B-II (Mr. Muhammad Jamal Khan Member Judicial and Mr. Mian Muhammad Member Executive) and time was given to learned counsel to render assistance to the bench on the point of limitation only. As such, case is adjourned to 29.09.2020 for arguments before the D.B mentioned above.



(Atiq ur Rehman)
Member (E)



(Rozina Rehman)
Member (J)

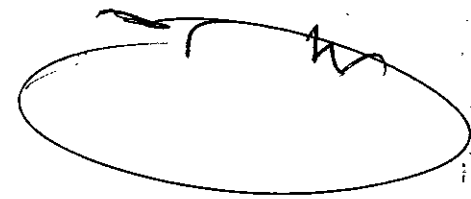
29.09.2020

Appellant himself alongwith Mr. Alamzeb Khan, Advocate, are present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith representative of the department Mr. Suleman, Reader are also present.

Remaining arguments to some extent on the point of limitation heard. Learned counsel for appellant is seeking time for rendering assistance on the point of limitation in response to the arguments addressed by the Learned Assistant Advocate General. Time is given. File to come up for remaining arguments on the point of limitation on 11.11.2020 before D.B.



(Atiq-ur-Rehman Wazir)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

29-4 .2020

Due to COVID19, the case is adjourned to
13 / 7 /2020 for the same as before.


Reader

13.07.2020


Due to COVID-19, the case is adjourned to 03.09.2020
for the same.



Reader

03.09.2020

Learned counsel for the appellant is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General alongwith representative of the department Mr. Javed Iqbal, DSP (Legal) are also present.

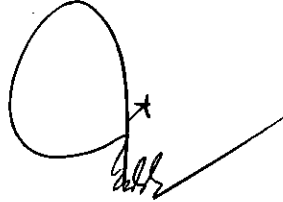
Arguments of the instant appeal heard. Learned counsel for appellant is seeking time to render assistance to the bench on the point of limitation involved in the present appeal as per preliminary objection raised by the learned Assistant Advocate General. Time is given and the learned counsel for appellant is directed to ensure his availability for completion of his arguments. File to come up for same on 15.09.2020 before D.B.


(Mian Muhammad)
Member (Executive)


(Muhammad Jamal Khan)
Member (Judicial)

18.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Suleman, H.C for respondents present. Learned counsel for the appellant is directed to submit member copy of the instant appeal in main appeal. Adjourned. To come up for arguments on 29.04.2020 before D.B.



(MAIN MUHAMMAD)
MEMBER



(M.AMIN KHAN KUNDI)
MEMBER

01.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 12.12.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

12.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith M/S Nisar Khan, SP and Wisal Khan for the respondents present. Adjourned to 11.02.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

11.02.2020

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. . To come up for arguments on 18.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member


19.08.2019 Learned counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 21.08.2019 before D.B


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

21.08.2019 Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Naeem Hussain, Inspector (Legal) for the respondents present. The appeal was fixed for order today, however, learned counsel for the appellant appeared and requested for adjournment on the ground that he want to argue some further points. The request of learned counsel for the appellant is accepted. Case to come up for arguments on 30.09.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

30.09.2019 Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 01.11.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

01.04.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Muhammad Asif, DSP (Legal) for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief.

Adjourned to 26.04.2019 before the D.B.


Member


Chairman

29.04.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 19.06.2019 before D.B.


Member


Member

19.06.2019


Clerk to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Suleman Reader for the respondents present. Clerk to counsel for the appellant requested for adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 19.08.2019 before D.B.

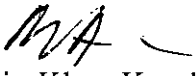

Member


Member

09.10.2018

Counsel for the appellant present Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Granted. Case to come up for arguments on 21.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

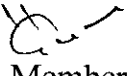
21.11.2018

Since 21.11.2018 has been declared as public holiday on account of 12th Rabi-ul-Awal. Therefore, the case is adjourn. To come on 10.01.2019 before D.B.

10.01.2019


Counsel for the appellant and Mr. Riaz Paindakhe learned Assistant Advocate General alongwith Mr. Muhammad Asif DSP (legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments alongwith connected appeal on 15.02.2019 before D.B



Member


Member

15.02.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Suleman Reader for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.04.2019 before D.B


(Hussain Shah)
Member


(Muhammad Amin Khan Kundi)
Member

26.12.2017

None present for the appellant. To come up for preliminary hearing on 11.01.2018 before the S.B.


Chairman


11.01.2018

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 31.01.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

01.02.2018

Appellant in person present and seeks adjournment as his counsel is not in available due to general strike of the Bar. Adjourned. To come up for preliminary hearing on 28.02.2018 before S.B.


(Ahmad Hassan)
Member(E)

28.02.2018



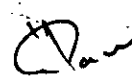
Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on 16.03.2018 before S.B.


(Ahmad Hassan)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 1236/2017

S.No.	Date of order proceedings	Order or other proceedings with signature of judge.
1	2	3
1	08/11/2017	<p>The appeal of Mr. Habibullah presented today by Mr. Muhammad Alam Zeb Khan Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 8/11/17</p>
2-	13/11/17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/11/17</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
27.11.2017		<p>None present on behalf of the appellant.</p> <p>Lawyers on strike. Adjourned. To come up for preliminary hearing on 26.12.2017 before S.B.</p> <p style="text-align: center;"> (MUHAMMAD HAMID MUGHAL) MEMBER</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR.

S.A. No. 1236/2017.

Habibullah..... Appellant

Versus

Government of Khyber Pakhtunkhwa
through Chief Secretary and others..... Respondents

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Habibullah
Appellant

Through

A: 3/b
Muhammad Alamzeb Khan
Advocate, Peshawar
Cell: 0333-9171362

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR.

S.A. No. 1236/2017

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1276

Dated 08/11/2017

Habibullah No.122

Sub Inspector Special Branch Police Department.....Appellant

Versus

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
- 2) Provincial Police Officer (Inspector General of Police), Govt. of
KPK, Central Police Office, Peshawar.
- 3) Additional Inspector General of Police (Special Branch) KPK,
Peshawar..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT, 1974 TO THE EFFECT
THAT IMPUGNED ORDER OF
RESPONDENTS NO.2 AND 3 NO.2445/EB
DATED PESHAWAR THE 27.04.2016 IS
WRONG, ILLEGAL, AGAINST FACTS,
CORAM NON-JUDICE, INEFFECTIVE ON
RIGHTS OF APPELLANTS AND HENCE
LIABLE TO BE SET ASIDE/
CANCELLED.

Filed to-day

Registrar

8/11/17

Respectfully submitted that;

- 1) The appellant is police official of Special Branch Department.
- 2) It is to be particularly noted that special branch of police
department is highly sensitive and technical branch and is the most
unattractive offshoot of police department. Hence to make it

attractive, certain incentives were offered to the employees particularly to lower staff. Out of which one step promotion was one of them, hence the appellant who basically was constable, joined Special Branch as head constables (i.e. on one step promotion).

- 3) Maximum tenure in special branch was 5 years but whoever wished to remain in special branch got promotion till Assistant Sub Inspector and Sub Inspector with passage of time on merits. Some of the appellants are now at the verge of retirement.
- 4) In Sind province certain illegalities and irregularities were committed by the provincial Govt. in police department, to which illegalities. Legal covers were granted by Sind Govt. through certain enactments, which act of provincial government of Sind was challenged in Supreme Court of Pakistan wherein the matter was elaborately discussed and the malafide acts and enactments were set aside by Hon'ble Supreme Court of Pakistan vide SCMR 2013 Page (1752)
- 5) The respondents taking shelter of judgment of Supreme Court and by misinterpreting the same, demoted appellant again as Head Constable, which extremely is injustice and punishment for no fault of appellants with no offence from appellant's side constrained from which situation writ petition No.2088-P/2016 was filed before Hon'ble Peshawar High Court, Peshawar, which was dismissed being not maintainable and directed the appellants to approach the proper forum for the redressal of their grievance and hence the present appeal.

GROUND FOR SETTING ASIDE IMPUGNED ORDERS OF RESPONDENTS NO.S/2262-2312/16 DATED 21.03.2016 AND NO.2445/EB DATED PESHAWAR THE 27.04.2016.

- A. The Supreme Court judgment has been misinterpreted and wrongly applied on appellant as the promotion of appellant is on merits and with the passage of time the appellant has been

promoted and so such promotion is not out of turn promotions, hence the impugned orders are illegal and unjustified.

- B. The Supreme Court judgment is of 2013 and now in 2016 it has been executed on appellant. The appellant has been penalized and demoted to the rank of head constable for no reasons and rhyme.
- C. That the promotion of appellant is on merits and at their own turn and with the passage of time the appellant has been promoted without adopting any illegal mode, other than merits. No underhand means applied in such promotions and is purely on merits.
- D. That the promotion of appellant has been made in accordance with law and in good faith without any ulterior motives or malafides. These promotions are not out of turn promotions.
- E. Had there been any affectees, they would have challenged the promotions and absorption in Special Branch before services tribunal.
- F. That the appellants have got the matching qualifications for the posts and such promotions are not out of turn promotions.
- G. Valuable and fundamental rights of the appellants are involved in the matter and is a case of public importance.
- H. The impugned orders are without jurisdiction, arbitrary in nature, contradictory one and so void ab-initio.
- I. For no reason and rhyme, the appellant has been demoted and been penalized, which act of respondents is against the rules of natural justice.
- J. The acts of respondents through impugned orders are perverse and vitiated from its very inception.
- K. The impugned orders are unfair, malafide one, capricious in nature as the case of appellant has been dealt with not permitted by law, moreover, the appellant has been condemned unheard.

- L. The impugned orders are prejudice in nature, the laws and rules have been transgressed. The case has never been dealt with objectively and passionately.
- M. No reasons for demotion given nor substantiated nor any nexus between appellants case and supreme court judgment established.

PRAYER:

Hence for the above stated reasons and in interest of justice the impugned orders of demotion be set aside along with any other appropriate remedy deemed fit by this Hon'ble Tribunal.

Habibullah

Appellant
Through

A. Zeb
Muhammad Alamzeb Khan
Advocate, Peshawar

CERTIFICATE:

Certified that as per information and instructions furnished by my client such like appeal has earlier been filed by the appellant on the subject in this hon'ble Tribunal which was returned under Rule 3 sub rule 2 of Service Appeal Rules 1986 for filing separate appeal.

A. Zeb
Advocate

AFFIDAVIT

I, do hereby affirm and declare as per information furnished by my clients that the contents of the **Appeal** are true and correct and nothing has been concealed from this hon'ble Tribunal.

Habibullah
Deponent

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC
6/1/17

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

S.A. No. _____ 2017

Habibullah..... Appellant

Versus

Government of Khyber Pakhtunkhwa
through Chief Secretary and others..... Respondents

ADDRESSES OF THE PARTIES

APPELLANT:

Habibullah No.122

Sub Inspector Special Branch Police Department.

RESPONDENTS:

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar.
- 2) Provincial Police Officer (Inspector General of Police), Govt. of
KPK, Central Police Office, Peshawar.
- 3) Additional Inspector General of Police (Special Branch) KPK,
Peshawar

Habibullah.
Appellant

Through

A. 3/b
Muhammad Alamzeb Khan
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

S.A. No. _____ 2017

Habibullah..... Appellant

Versus

Government of Khyber Pakhtunkhwa
through Chief Secretary and others..... Respondents

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDERS TILL FINAL
DECISION OF ACCOMPANYING APPEAL.

Respectfully Sheweth;

- 1) That the above noted appeal is being filed today before this hon'ble Tribunal.
- 2) That grounds of appeal may be read as part and parcel of this application.
- 3) That prima facie case exists in favour of appellant/ petitioner and are sanguine about its success.
- 4) That balance of convenience also lies in favour of suspension of impugned orders.
- 5) That if the operation of impugned orders/ judgments are not suspended, petitioners will suffer irreparable loss.

It is therefore, prayed that on acceptance of this application, operation of impugned orders may kindly be suspended, till final disposal of accompanying appeal.

Habibulloha

Appellant

Through

A. 316
Muhammad Alamzeb Khan
Advocate, Peshawar

AFFIDAVIT

I, do hereby affirm and declare as per information furnished by my clients that the contents of the **Application** are true and correct and nothing has been concealed from this hon'ble Tribunal.

Habibulloha
DEPONENT

ATTESTED
IRFAN AKKLAN ADVOCATE
NOTARY PUBLIC
IRFAN AKKLAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,

PESHAWAR.

S.A.No. _____ 2017

Habibullah..... Appellant

Versus

Government of Khyber Pakhtunkhwa
through Chief Secretary and others..... Respondents

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth;

- 1) That the above titled appeal is being filed before this Hon'ble Tribunal which next date has not yet been fixed.
- 2) That earlier the appellant filed writ petition before Peshawar High Court, Peshawar against the impugned orders of demotion along with interim relief which was fixed on 12.01.2017 and the hon'ble High Court directed the appellant to approach the proper forum for the redressal of their grievance.
- 3) That the appellant with other appellants filed appeal at the directions/ order of Peshawar High Court, which was returned to the appellant for filing separate appeals.
- 4) That the appellants are numerous in number and communication to them was not possible, hence the petitioner request for condonation of delay.

It is, therefore, prayed that on acceptance of this application, the delay, if any, in filing the instant appeal may kindly be condoned and the case may kindly be decided on its own merits, in the interest of justice.

Habibullah

Appellant

Through

A. Zeb

Muhammad Alamzeb Khan
Advocate, Peshawar

AFFIDAVIT

I, do hereby affirm and declare as per information furnished by my clients that the contents of the **Application** are true and correct and nothing has been concealed from this hon'ble Tribunal.

Habibullah
DEPONENT

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC

اور ذمہ داریاں دوتے معیار تصور کیا جائیگا۔ ATS تربیت یافتہ اہلکار کو ترقی صحیح دی جائیگی۔
 پولیس ڈویژن (21-25) کے تحت DIG سپیشل برانچ اعلیٰ عہدہ اور ٹائپنگ

والے اسٹریٹریٹک بنیادوں پر بھرتی کر سکتے ہیں تاہم جنکی تعداد سپیشل برانچ کے کسی بھی یونٹ
 میں متجاوز شدہ تعداد کی 20 فیصد سے زائد نہ ہوگی۔ ایسین، سرولینس اور سکیورٹی کیلئے کوئی کوئی

و ایسی بھرتی نہیں کی جائیگی۔
 تحقیق تحقیقاتی اور سپلیوریٹری کورسز :-

پولیسٹیکل برانچ، سپیشل اینٹیلی جنس یونٹ، رائے عامہ سروئے یونٹ، سنسٹریٹ
 ایسین برانچ، سرولے اور سرولینس کیلئے جن اہلکاروں کا چناؤ ہوگا۔ وہ مندرجہ ذیل کورسز کیلئے
 بھیجے جائیں گے۔

1۔ اینٹیلی جنس (تھیوری اور اصول) Counter Sabotage ، Counter Espionage

Counter Intelligence

۱۲۔ مقابلہ اینٹیلی جنس، مقابلہ جاسوسی، مقابلہ دہشت گردی کی ٹریننگ دی جائیگی۔

۱۳۔ اطلاعات، اشخاص، دستاویزات اور VVIP کے سکیورٹی ٹریننگ

۱۴۔ بین الاقوامی سیاسی تحقیقاتی کورسز

۱۵۔ ساکت اور وڈیو فوٹو گرافی، سماعتی آلات کے استعمال اور اعلیٰ ٹیکنالوجی ٹریننگ۔

۱۶۔ سرولینس ڈرائیور کورس، ڈرائیونگ لائسنس رکھنے والوں اور ریگولر ڈرائیوروں کیلئے ڈرائیونگ

۱۷۔ کمپیوٹر اور مائیکرو فلپنگ کی ٹریننگ

۱۸۔ انسٹرکٹر ٹریننگ کورسز اور عملی کارروائی کے ٹریننگ

۱۹۔ متذکرہ کورسز کیلئے انسٹرکٹر کورسز

سپیشل کے اہلکاروں پر کوئی پابندی نہیں ہوگی۔ کہ وہ PTC، مینگو، PTC

نوٹیشنرہ، ATS سمبلی ڈیم یا CID ٹریننگ سکول سموات میں ریگولر پولیس ٹریننگ

سراغیا کریں

سپیشل برانچ میں مدت تعیناتی :-

ایسے تمام اہلکار (FC سے ST تک) جنہیں سپیشل برانچ میں شامل کیا جائے
 کم از کم پانچ سال ملازمت کرنے کے معاہدے پر دستخط کریں گے۔ معاہدہ کی خلاف ورزی کرنے پر اسکے

خلاف چھکمانہ کارروائی کی جائیگی۔
 ترقی؛ Promotion :-

متعلقہ ضلعوں اور ریجنوں میں ترقی پانے والے اہلکار سپیشل برانچ میں

ترقی پا جائیں گے۔

ADVOCATE

Advocate High Court
 Embury

۴۶۱/۴۶۰ سرٹیفکیٹ یا ساوی تعلیم دینے والے ریٹائرمنٹ پر
Intelligence ایجنسی میں کورسز پاس کرنے پر

کارکردگی اور ستیاری پر
متعلقہ شعبہ میں اعلیٰ تعلیم پر

وہ ایٹکار جو سٹیٹل براج میں 5 پانچ سال کیلئے ملازمت کرنا چاہتے ہوں انکو ماضی
ایڈ نفاک بنیادوں پر ترقی دی جائیگی لیکن اپنے متعلقہ ضلعوں کو واپس بھیجے جانے کی صورت
میں وہ اپنے سابقہ عہدے اور ستیاری پر Reverse کیے جائینگے۔
ایسے ایٹکار جو 5 سال مدت پوری کرنے کے بعد بھی سٹیٹل براج میں ملازمت
کرنا چاہتے ہوں انکو ریگولر ترقی دی جائیگی۔
اس سلسلے میں حکومت کو ایک کیس پیش کیا جائیگا تاکہ اعلیٰ پولیس ٹریننگ کیساتھ
FBI سکول میں سٹیٹل براج کے ایٹکار ٹریننگ حاصل کر سکیں اور پولیس کورسز کیلئے
سٹیٹل بنیادوں پر ترقی دینے کے مواقع فراہم کیے جاسکیں یہ سلسلہ سٹیٹل براج
ٹریننگ سکول کے قیام تک جاری رہیگا۔

دستخط: سید مسعود شاہ
ای جی پی سسرحد

.....

No. 521-24 /EB, Dated Peshawar the, 24-1- /1996.

Copy of above is forwarded to All SsP, in
Special Branch for circulation amongst the staff.

Handwritten notes and signatures on the left side of the page, including names like 'S. Z. Raza' and 'S. P. Khan'.

FOR BY: INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, NWFP, PESHAWAR.

ADVOCATE
Advocate High Court
Peshawar.

List of Sub Inspector (Granted 2 & 3 step promotion in SB)

Sr	Name & No	D/O appoint	D/O Posting in SB	D/O Promotion	Rank in SB	Reverted to	Substantive Rank	Place of posting	Date of Present posting
1	Mumtaz Ali No.23/SB	20.10.1975	01.11.1981	As HC 04.11.1981 As ASI 11.06.1996 As SI 04.09.2002	SI	HC	Constable	Peshawar Airport	11.04.2016
2	Muhammad Ashraf	05.03.1976	08.06.1982	As HC 01.12.1985 As ASI 01.09.1987 As SI 01.01.2005	SI	HC	Constable	CM House	06.02.2015
3	Syed Attaullah Shah	08.06.1976	24.04.1985	As ASI 21.09.2002 As SI 13.10.2009	SI	ASI	Head Constable	R & A Section	11.05.2015
4	Pervez (Driver)	08.01.1991	08.01.1991	As HC 13.08.1995 As ASI 26.12.1995 As SI 04.09.2002	SI	HC	Constable	CM Squad	
5	Nascer Khan	01.04.1990	30.04.1993	As HC 11.06.1996 As ASI 21.09.2002 As SI 13.10.2009	SI	HC	Constable	AGO Kohat	04.02.2015
6	Muhammad Iqbal No.481	28.03.1994	28.03.1994	As HC 01.04.1995 As ASI 11.11.1996 As SI 01.01.2005	SI	HC	Constable	Alien	29.01.2011
7	Hameyoun Khan 231	09.09.1991	01.06.1995	As HC 01.01.2002 As ASI 01.05.2006 As SI 01.12.2008	SI	HC	Constable	Provincial Assembly	07-09-15
8	Imtiaz Ali 312/SB	10.07.1991	10.06.1996	As HC 01.06.2002 As ASI 01.01.2005 As SI 13.10.2009	SI	HC	Constable	LO	11.06.2012
9	Muhammad Asif 173	12.02.1996	12.02.1996	As HC 01.01.2002 As ASI 01.01.2005 As SI 15.12.2008	SI	HC	Constable	Reader to Director Tech	07.01.2013
10	Asif Saleem 348	24.11.1994	07.04.2005	As HC 15.07.2005 As ASI 24.11.2008 As SI 09.04.2010	SI	HC	Constable Computer Operator	DSR Section	07.04.2005
11	Asfandiyar	25.02.1992	18.02.2006	As ASI 20.02.2006 As SI 13.10.2009	SI	ASI	HC	SB/HQ	18.02.2006
12	Shaifqat Ullah No.392	10.11.1990	28.05.2010	As HC 26.06.2006 As ASI 24.07.2012 As SI 15.04.2013	SI	ASI	HC	Admin. Section T/M to ICP	28.05.2010

ATTACHED

19/11/2017

"B"

APPROVED
Sub Inspector
Advocate High Court
Peshawar

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List of Assistant Sub Inspector (Granted 2 step promotion in SB)

S.#	Name & No	D/O appoin:	D/O Posting in SB	D/O Promotion	Rank in SB	Reverted to	Substantive Rank	Place of posting	Date of Present posting
1	Samin Khan	02.04.1979	25.02.1982	As HC 14.02.1983 As ASI 21.09.2002	ASI	HC	Constable	AGO Malakand	31.01.2014
2	Zahidullah 240	30.12.1985	09.09.1990	As HC 08.07.1996 As ASI 01.01.2007	ASI	HC	Constable	Provincial Assembly	16.01.2015
3	Muhammad Siddique	10.08.1991	10.08.1991	As HC 08.07.1996 As ASI 21.09.2002	ASI	HC	Constable	Governor Squad	10.08.1991
4	Muzzeen, 186	31.12.1987	21.12.1991	As HC 31.05.1995 As ASI 21.09.2002	ASI	HC	Constable	AGO Warsak Road	13.08.2015
5	Mohammad Javid, 270	30.06.1988	05.07.1992	As HC 31.05.1995 As ASI 01.11.2006	ASI	HC	Constable	AGO Nowshera	11.10.1995
6	Habib Ullah, 122	28.12.1985	03.04.1994	As HC 08.07.1996 As ASI 21.09.2002	ASI	HC	Constable	CM Sectr	23.02.2012
7	Harisun Khan 502	30.05.1996	30.05.1996	As HC 01.01.2002 As ASI 15.12.2008	ASI	HC	Constable	DSR Section	30.05.1996
8	Mohammad Kausar, 204	01.10.1996	01.10.1996	As HC 01.03.2002 As ASI 15.12.2008	ASI	HC	Constable	Computer	07.02.2013
9	Tariq Khan, 458	27.11.1996	27.11.1996	As HC 23.10.2002 As ASI 01.02.2007	ASI	HC	Constable	AGO Cantt	29.08.14
10	Naseem Ullah, 58	01.12.1996	01.12.1996	As HC 01.01.2002 As ASI 01.09.2008	ASI	HC	Constable	Censor GPO Peshawar Cantt	03.10.2014
11	Wali Gul, 272	17.06.1996	21.05.1998	As HC 01.06.2002 As ASI 01.08.2008	ASI	HC	Constable	SB/HQ	01.12.14
12	Muhammad Ali, 573	24.09.1991	31.01.1999	As HC 23.10.2002 As ASI 13.06.2008	ASI	HC	Constable	AGO Mardan	23.10.2002
13	Saeed Ullah 356	02.09.1991	10.08.1999	As HC 01.06.2002 As ASI 15.12.2008	ASI	HC	Constable	SB/HQ	15-08-12
14	Wahid Khan 516	01.09.1993	05.12.2001	As HC 23.10.2002 As ASI 09.08.2008	ASI	HC	Constable	AGO Hangu	19-01-10
15	Mohammad Nadeem 406	11.10.1993	03.03.2003	As HC 01.01.2005 As ASI 22.01.2008	ASI	HC	Constable	AGO DIKhan	03.03.2003
16	Abdul Halim, 325	21.01.1991	21.01.1991	As HC 01.06.2002 As ASI 26.08.2008	ASI	HC	Constable	Admn: HQ	24.10.2001
17	Farid Khan, 445	10.08.1991	10.08.1991	As HC 08.07.1996 As ASI 13.10.2009	ASI	HC	Constable	SB/HQ	07.11.2014
18	Abdul Hemi, 430	24.05.1992	24.05.1992	As HC 01.06.2002 As ASI 13.10.2009	ASI	HC	Constable	AGO Nowshera	08.10.2003

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19	Haroon Samad.439	01.10.1994	01.10.1994	As HC 13.11.1996 As ASI 13.10.2009	ASI	HC	Constable	I/C GC Section	116.06.2010
20	Saeed Khan. 489	26.06.1996	22.04.2003	As HC 15.07.2005 As ASI 15.06.2009	ASI	HC	Constable	SB/HQ	28.10.2013
21	Israil Khan. 101	28.09.1988	17.06.2009	As HC 01.08.2005 As ASI 25.07.2009	ASI	HC	Constable	SB/HQ	19-02-16
22	Ihsanul-Haq 83	01.10.1980	13.04.1988	As HC 08.07.1996 As ASI 13.10.2009	ASI	HC	Constable	AGO Charsadda	25.06.2004
23	Israr Khan.297	11.10.1994	06.04.2002	As HC 01.06.2002 As ASI 09.04.2010	ASI	HC	Constable	Control Room	06.04.2002
24	Shuaib Zada.477	16.09.1991	14.05.2004	As HC 01.03.2007 As ASI 10.04.2010	ASI	HC	Constable	SB/HQ	14.11.2012
25	Alamzeb. 45	02.12.1994	28.08.2002	As HC 23.10.2002 As ASI 12.07.2010	ASI	HC	Constable	SB/HQ	14.11.2012
26	Muhammad Mushtaq. 72	02.11.1995	26.08.2000	As HC 01.06.2002 As ASI 25.08.2010	ASI	HC	Constable	AGO City	19.12.2009
27	Afsar Ali. 179	15.09.1991	09.07.2012	As HC 09.04.2009 As ASI 09.10.2009	ASI	HC	Constable	SB/HQ	10.07.2015

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REGISTER

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17/10/15 200 8.00

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ORDER.

It has been observed that officials of various ranks have gained promotion from one rank to another without any prescribed qualification, criteria or any other intelligence course. In some of the cases even Constable of substantive rank has been given promotion to the rank of Inspector resultantly the efficiency of the organization has adversely been effected.

Therefore all officials serving in Special Branch will be given option to do the Intelligence Course. The officials must obtain 50 % marks in the course and those failing to qualify the course/securing less than 50 % marks will be reverted to his substantive rank and be given option to stay in Special Branch or to go back to his parent District.

ADDITIONAL INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, KHYBER PUKHTUNKHAWA,
PESHAWAR.

No. 3188-93 /EB, dated Peshawar the 17-5 2011.

Copy of above is forwarded to :-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. All concerned.

ATTESTED

Subanwar Alamzeb Khan,
Advocate High Court
Peshawar.

ORDER.

It has been observed that officials of various ranks have gained promotion from one rank to another without any prescribed qualification criteria or any other intelligence course. In some of the cases even Constable of substantive rank has been given promotion to the rank of Inspector resultantly the efficiency of the organization has adversely been effected.

Therefore all officials serving in Special Branch will be given option to do the Intelligence Course. The officials must obtain 50 % marks in the course and those ailing to qualify the course/securing less than 50 % marks will be reverted to his substantive rank and be given option to stay in Special Branch or to go to his parent District.

Sd/xxxxx

ADDL: INSPECTOR GENERAL OF POLICE
SPECIAL BRANCH, KHYBER PAKHTUNKHWA
PESHAWAR.

No. 3188/93/EB, dated Peshawar the 17-5-2011

Copy of above is forwarded to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. All concerned.

ATTESTED
[Signature]
[Stamp]

17

09:41 +92-9-13165



From: The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
To: All Heads of Police in Khyber Pakhtunkhwa.
No. 14282-325 dated Peshawar, the 19.6.2013.

Subject: DIRECTIVES OF PROVINCIAL POLICE OFFICER ON SPECIAL CASE PROMOTION.

MEMORANDUM.

The Worthy Provincial Police Officer has ordered that Special Case promotion should be discontinued in future to provide a level playing field for all police personnel in career progression. If a Police Officer performs an act of gallantry, he should be rewarded through cash prizes, certificates, excellent annual reports, nomination for gallantry awards such as P.P.M., Q.I.M., Tamgha-ic-Shujjat etc.

[Signature]

PSO
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Copy to DIG/Mardan w/r to his office No. 1736/ES dated 12.06.2013 with the direction to decide the appeal of the applicants on merit keeping in view their seniority position and rules on the subject.

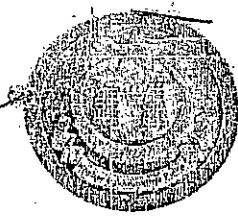
not hearing
9/5/2013

PSO
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 11088-95 / 20-10-11
24/6/13 - 2013 / Investigation / Traffic
DWO Nisa / 2013 / Cond. - CPC

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for [unclear] / [unclear]
[unclear] / [unclear]

ATTENDED
ADVANCED SIGNATURE
NUMBER



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

174

No. S/2262-2312/16, Dated Peshawar the 27/03/2016.

To: All Heads of Police offices
in Khyber Pakhtunkhwa.

Subject:- ORDER

Memo

It is submitted that the appellants namely Muhammad Ijaz, Muhammad Tariq, Fazlur-Rahman, Hamayun Khan, Nizar Muhammad and Shabir Ahmad (Computer Operator), while serving as ASIs/SI in Investigation CPO, were reverted to their substantive rank of Constables by the then Addl: IGP/Investigation Khyber Pakhtunkhwa Peshawar vide order dated 29.01.2014 because it was found that they have not undergone the basic promotion courses i.e lower intermediate and were promoted in violation of rules.

The above mentioned officers filed Service Appeal No. 561, 562, 563, 537, 715 & 538/2014 respectively, which were vide consolidated judgement 16.11.2015 as referred to above. The relevant para of the judgement review as follows:-

"This cannot be disputed that the Crimes Branch is part and parcel of the Khyber Pakhtunkhwa police, being regulated by its rules for the purpose of promotion and maintaining the seniority list. Evidently this aspect of the matter was lost sight by the concerned officers who passed the promotion orders. Irony of the issue is that the appellant has served on the promoted post for sufficient time in the course of which they also received emoluments but nobody took notice of the same. This being so it would be also irony if the impugned cancellation order are found based on whims, likes and dislikes and pick and choose as alleged by the appellants that HC Shafiullah and Mujahid Hussain were left untouched. Since departmental appeal of the appellant has also not been responded, therefore, the Tribunal of the considered view that further indulgence by the Tribunal at this stage may cause further complications. Hence the appeal is remitted to the appellate authority with the direction to examine appeals of the appellants and decide the same strictly on merits without any discrimination"

Meeting of the Appeal/Review Board was held on 02.03.2016, and the appellants were heard in person. The cases were perused; lists obtained from Addl: IGP/Investigation, Khyber Pakhtunkhwa Peshawar was also perused/examined by the board. The Board decided that all promotions in the Investigation Wing/Computer Section as well as other Units have been done against law and rules. Therefore, the cases of these Constables may be filed with the recommendation that all such promotions in the light of the Supreme Court of Pakistan decision on out of turn promotions be cancelled.

This order is passed in the light of judgement of Service Tribunal Khyber Pakhtunkhwa Peshawar that all promotions in the Investigation Wing, SIs, ASIs, HCs & Constables as well as other Units of Police have been done against law and rules may be set aside/cancelled. All such promotions in the light of the Supreme Court of Pakistan decision on out of turn promotions may also be cancelled.

This order is issued with approval by the Competent Authority.

ATTENDED
Schahzad Alamzeb Khan
Advocate High Court
Peshawar

(MUHAMMAD ALAM SHINWARI)
DIG/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

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ORDER

In compliance with the orders of Inspector General of Police K Pakhtunkhwa Peshawar vide his Order No. S/2263-2312/16, dated 21.03.2016, for the fight of Supreme Court Order, all orders issued regarding *second and third* step of turn promotions to the officials of Special Branch from their substantive ranks hereby withdrawn with immediate effect.

Signature
ADDL. INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, KHYBER PAKHTUNKHWA,
PESHAWAR

NO. *2445*/S/EB, dated Peshawar the *27* / *4* /2016.
Copy forwarded to:-

1. DIG/HQ's, CPO, Khyber Pakhtunkhwa Peshawar.
2. The AIG/Establishment, CPO Peshawar.
3. PA to Addl. IGP/Special Branch.
4. F.C./Accountant.

ATTENDED
WITNESSED
Signature
GENERAL MANAGER
1470015 Hqs CPO
PESHAWAR

ORDER.

In compliance with the orders of Inspector General of Police Khyber Pakhtunkhwa Peshawar vide his Order No. S/2262-2312/16, dated 21.03.2016, issued in the light of Supreme Court Order, all orders issued regarding second and third steps out of turn promotions to the officials of Special Branch from their substantive ranks are hereby withdrawn with immediate effect.

Sd/xxxxx

ADDL: INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, KHYBER PAKHTUNKHWA,
PESHAWAR.

No. 2445/EB, dated Peshawar the 27-4-2016

Copy forwarded to:-

1. DIG/HQrs, CPO, Khyber Pakhtunkhwa, Peshawar.
2. The AIG/Establishment, CPO Peshawar.
3. PA to Addl: IGP/Special Branch.
4. E.C/Accountant.



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"E"

To

Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL

Sir,

Respectfully stated that

Judgment of Supreme Court of Pakistan has wrongly been applied on us for the reason that:-

1. Our promotion has been made on Merits at different times intervals when our promotion became matured/ due with afflux of time.
2. Our promotion are not out of turn promotion but on merits and at its own time.
3. For our promotion, different courses has been done by the appellants and after due process of law.
4. Majority of appellants are at the verge of retirement which would be worst set back to appellants and their children.
5. The judgment of Supreme Court of Pakistan has once been implemented by Ex-I.G.P K.P.K vide letter dated 19.06.2013, hence against it's implementation through letters dated 27.04.2016 is unjustified, illegal & untenable.

Special Branch Police was an unattracted area of police. So, one step promotion as an incentive was granted to the appellants to join this Branch.

7. Had there been some aggrieved persons from such promotions they would have challenge the same at competent forums. Meaning thereby that the promotion of appellants are on merits and no one

Advocate Ali Ahmad Khan
Advocate High Court
Peshawar
REGISTERED

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was aggrieved of such promotions hence not out of turn promotions:

8. These promotions of appellants did not confer right of seniority to any one.
9. It is worth mentioning here that judgment of Supreme Court of Pakistan is regarding High ups in police department & not regarding sepoyees/ constables & Head Constables.
10. The promotions of appellants were temporary & in event of deputation to their parent districts the appellants would have lost their promotions.
11. Hence for the above stated reasons the impugned order of withdrawal of promotion orders of appellants be set aside and to mitigate the agonies of appellants.

Appellants

- 1) Mumtaz Ali, No.23
Sub Inspector Special Branch Police Department.
- 2) Parvez,
Sub Inspector Special Branch Police Department.
- 3) Naseer Khan,
Sub Inspector Special Branch Police Department.
- 4) Muhammad Iqbal No.481,
Sub Inspector Special Branch Police Department.
- 5) Hamayoun Khan No.231,
Sub Inspector Special Branch Police Department.
- 6) Imtiaz Ali No.3121,
Sub Inspector Special Branch Police Department.

Mumtaz 30/4
Parvez

Naseer

Muhammad Iqbal
Hamayoun

Imtiaz Ali

ATTORNEYS
Advocate High Court
Karachi.

- 21
- Asif
- Asif
- Asif
- As Farooq
- Shafiq
- Samin Khan
- Muhammad Javid
- Hamayon
- Tariq Khan
- Naseem Ullah
- Muhammad Ali
- Saeed Ullah
- Waheed Khan
- Abdul Halim
- 7) Muhammad Asif No.178,
Sub Inspector Special Branch Police Department.
 - 8) Asif Saleem No.348,
Sub Inspector Special Branch Police Department.
 - 9) Asfandiyar,
Sub Inspector Special Branch Police Department.
 - 10) Shafqat Ullah No.392,
Sub Inspector Special Branch Police Department.
 - 11) Samin Khan,
Assistant Sub Inspector, Special Branch Police Department.
 - 12) Muhammad Javid No.27,
Assistant Sub Inspector, Special Branch Police Department.
 - 13) Hamayon,
Assistant Sub Inspector, Special Branch Police Department.
 - 14) Tariq Khan No.458,
Assistant Sub Inspector, Special Branch Police Department.
 - 15) Naseem Ullah No.58,
Assistant Sub Inspector, Special Branch Police Department.
 - 16) Muhammad Ali No.573,
Assistant Sub Inspector, Special Branch Police Department.
 - 17) Saeed Ullah No.356,
Assistant Sub Inspector, Special Branch Police Department.
 - 18) Waheed Khan No.516,
Assistant Sub Inspector, Special Branch Police Department.
 - 19) Abdul Halim No.325,
Assistant Sub Inspector, Special Branch Police Department.

Samin Khan

Muhammad Javid

Hamayon

Tariq Khan

Naseem Ullah

M. Ali

Saeed Ullah

Waheed Khan

Abdul Halim

REGISTERED
Advocate High Court
Peshawar

22

- 20) Farid Khan No.445,
Assistant Sub Inspector, Special Branch Police Department.
- 21) Saeed Khan No.489,
Assistant Sub Inspector, Special Branch Police Department.
- 22) Israil Khan No.101,
Assistant Sub Inspector, Special Branch Police Department.
- 23) Ihsan ul Haq No.83,
Assistant Sub Inspector, Special Branch Police Department.
- 24) Israr Khan No.297,
Assistant Sub Inspector, Special Branch Police Department.
- 25) Shuaib Zada No.477,
Assistant Sub Inspector, Special Branch Police Department.
- 26) Afsar Ali No.179,
Assistant Sub Inspector, Special Branch Police Department
- 27) Muhammad Ashraf No.224
Sub Inspector, Special Branch Police Department
- 28) Habib Ullah No.122
Sub Inspector, Special Branch, Police Department

Farid -
Saeed

israil

IHSAN

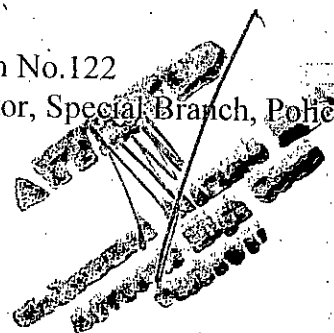
ISRAR KHAN

Shuaib Zada

AP

30/9/16

Habibullah



"F"

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Respected Sir,


Kindly refer to Order No. S/2262-2312/16 dated 21.03.2016 received from Central Police Office, Khyber Pakhtunkhwa, Peshawar wherein all Units have been directed to undo the out of turn promotions.

In order to ensure compliance of the above orders received from CPO, a search was made to find out whether anyone is availing out of turn promotions in Special Branch or not. The scrutiny and perusal of the record revealed that the Special Branch was un-attracted area/unit of Police and almost all the members of regular Police were reluctant to serve the Special Branch in any rank. The Police Officers use to exert political or other extraneous pressures for cancellation of their transfer orders to Special Branch.

The high ups of the Police department in order to create attraction in Special Branch service approached the Provincial Government for sanction of special allowance. The government was pleased to allow twenty percent (20 %) special allowance for the rank officers serving in the Special Branch. However these incentives did not prove effective, therefore, the authorities in order to create charm in service of Special Branch allowed promotions to next ranks on ad-hoc and officiating basis.

Worthy Inspector General of Police Khyber Pakhtunkhwa first issued Standing Order No. 1/1996 which provides ad hoc and officiating promotions for the Police Officers who submit written option of service in Special Branch for five (05) years or beyond five (05) years on ad-hoc and officiating basis respectively. (Copy of standing order is enclosed as F/A).

In pursuance of the Standing Order mentioned above, Police Officers serving in Special Branch were granted ad-hoc and officiating promotions who are still availing the promotions. In addition to grant of promotions, the Standing Order also provide that a policy may be chalked out for selection of Special Branch officers for technical courses in Intelligence Bureau training school so that Special Branch officers may be able to earn


Advocate High Court
Peshawar

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regular promotion. However such idea contained in the Standing Order was not implemented and materialized in true prospective.

In the year 2011, the issue of demotion of officers serving in Special Branch cropped up, therefore, Additional Inspector General of Police Special Branch issued Order bearing No. 3188-93/EB dated 17.05.2011 (Copy enclosed at F/B), that the promotions allowed to Special Branch officials have adversely affected the efficiency, therefore, the officials serving in Special Branch will be given option for selection for Intelligence courses. The officers who qualify the Intelligence courses will be allowed to stay in Special Branch. The copy of the order was submitted to the office of Worthy Inspector General of Police, Khyber Pakhtunkhwa and he was pleased to pass the following remarks on the Order.

Para 2 may apply to future inductees. The officers who are already serving should not be disturbed. However if the Additional Inspector General of Police Special Branch wants that the services of a particular staff is not required any more he is at liberty to surrender after coordinating with the Additional Inspector General of Police

The remarks of Worthy Inspector General of Police were conveyed to Additional Inspector General of Police Special Branch vide letter No. 1475/Legal dated 03.06.2011. (Copy enclosed as F/C).

In view of the position explained above, it is clear that the promotions made in Special Branch do not amount to out of turn promotions as the same have been made by the competent authority in compliance with Standing Order and Orders of Worthy Inspector General of Police mentioned above. This is also important to pinpoint that still no one has challenged the promotion orders of Special Branch officials in Departmental appeals, Service Appeals and Writ petitions meaning thereby that no one is aggrieved of the promotion orders. Therefore such promotions could not be held out of turn promotions. Furthermore, the competent authorities while issuing the promotion order has mentioned in clear terms that officers will not claim seniority. A promotion order which do not confer right of seniority cannot be termed as out of turn promotions. As

AMRITSAR
Advocate High Court
Punjab

SECRET
ADVISORY MILITARY BOARD
MEMBER OF THE BOARD
ATTENTION

Submitted please

It is also advisable that AIG Legal may be approached in the matter for proper opinion if approved.

Officers will not deliver to the satisfaction of high ups. It is suggested that in future there will be a clear policy may be chalked out that in future there will be no promotion in Special Branch are also personal/interim as the officer loose the promotion in Special Branch and civil servants who served at Swat during operation period. The promotion in Special Branch is appraised that personal up-gradation was allowed to about three hundred officers without grant of seniority in any un-attracted area. In the same vein your promotion had affected the seniority of numerous police officers who knocked at the doors of Supreme Court of Pakistan. The spirit of the ruling does not prohibit the in turn promotions made in senior posts of Police in the province of the Sindh. The recent the reference of Hon'ble Supreme Court of Pakistan judgment in the order received from CPO, it is worth mentioning that the Supreme Court look adverse notice of the doors of Supreme Court of Pakistan. It is also suggested that in future there will be a clear policy may be chalked out that in future there will be no promotion in Special Branch are also personal/interim as the officer loose the promotion in Special Branch and civil servants who served at Swat during operation period. The promotion in Special Branch is appraised that personal up-gradation was allowed to about three hundred officers without grant of seniority in any un-attracted area. In the same vein your promotion had affected the seniority of numerous police officers who knocked at the doors of Supreme Court of Pakistan. The spirit of the ruling does not prohibit the in turn promotions made in senior posts of Police in the province of the Sindh. The recent the reference of Hon'ble Supreme Court of Pakistan judgment in the order received from CPO, it is worth mentioning that the Supreme Court look adverse notice of

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Respected Sir,

Kindly refer to Order No. s/2262-2312/16 dated 21.03.2016 received from Central Police Office, Khyber Pakhtunkhwa, Peshawar wherein all Units have been directed to undo the out of turn promotions.

In order to ensure compliance of the above orders received from CPO, a search was made to find out whether anyone is availing out of turn promotions in Special Branch or not. The scrutiny and perusal of the record revealed that the Special Branch was un-attracted area/unit of Police and almost all the members of regular Police were reluctant to serve the Special Branch in any rank. The Police Officers use to exert political or other extraneous pressures for cancellation of their transfer order to Special Branch.

The high ups of the Police department in order to create attraction in Special Branch service approached the Provincial Government for sanction of special allowance. The government was pleased to allow twenty percent (20 %) special allowance for the police officers serving in the Special Branch. However these incentives did not prove positive, therefore, the authorities in order to create charming in service of Special Branch allowed promotions to next ranks on ad-hoc and officiating basis.

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In pursuance of the Standing Order mentioned above, Police Officers serving in Special Branch were granted ad-hoc and officiating promotions, who are still availing the promotions. In addition to grant of promotions, the Standing Order also provide that a policy may be chalked out for selection of Special Branch officers for technical courses in Intelligence Bureau training school so that Special Branch officers may be able to earn

AFT/15/12
Inspector General of Police
Khyber Pakhtunkhwa
Peshawar

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ADVISOR
Khyber Pakhtunkhwa
Peshawar

regard the reference of Hon'ble Supreme Court of Pakistan Judgment in the order received from CPO, it is worth mentioning that the Supreme Court took adverse notice of the out turn promotions made in senior posts of Police in the province of the Sindh. Out of turn promotion has affected the seniority of numerous police officers who knocked at the doors of Supreme Court of Pakistan. The spirit of the ruling does not prohibit promotions without grant of seniority in any un-attracted area. In the same vein your good office is appraised that personal up-gradation was allowed to about three hundred (300) Police Officers and civil servants who served at Swat during operation period. The promotions in Special Branch are also personal/temporary as the officer loose the promotion n reverted to his parent district. It is also suggested that in order to stop out of turn promotions, a clear policy may be chalked out that in future there will be on regular promotions. In case the promotions of Special Branch officials then it will not only disturb the smooth function of Special Branch but will encourage the officials serving in Special Branch. This act will also open a flood

litigation. Moreover the duties of Special Branch are technical in nature and will not deliver to the satisfaction of high ups.

It is also advisable that AIG Legal may be approached in the matter for proper if approved.

Submitted please.



ق. 26

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR
(Judicial Department)

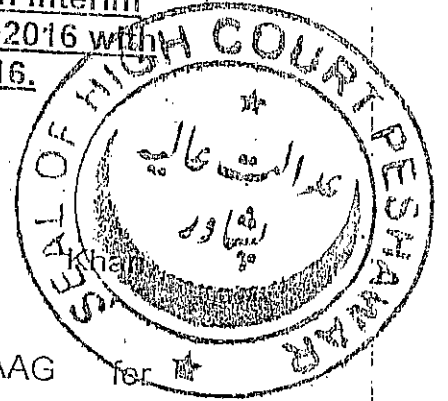
26

W.P. No.2088-P of 2016 with interim relief with COC NO.391-P of 2016 with C.M.No.1360-P of 2016.

Date of hearing: 12.01.2017.

Petitioner (Mumtaz Ali etc) by Mr.Muhammad Alamzeb advocate.

Mr.Mujahid Ali Khan, AAG for respondents.



JUDGMENT

LAL JAN KHATTAK, J.-

Petitioners through the instant petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 have prayed for issuance of a writ to declare order dated 27.04.2016 as illegal and unlawful whereunder their 2nd and 3rd out of turn promotions have been withdrawn.

Signature

3. Brief facts of the case are that the petitioners are serving in the Special Branch of Police Department, Government of Khyber Pakhtunkhwa. They were initially enlisted as

ATTESTED
EXAMINER
Peshawar High Court

27 JAN 2017

ATTESTED

Muhammad Alamzeb Khan
Advocate High Court
Peshawar



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Constables in the Police Department whereafter they joined the Special Branch pursuant to the incentive of one step promotion announced by the Government. Subsequently further out of turn promotions were also given to them, which have been withdrawn by the respondents through order impugned in the instant petition.

4. Comments were called for from the respondents, which have been so furnished, wherein, issuance of the desired writ has been opposed.

5. Learned counsel for the petitioners argued that the impugned order is bad in law as on no account the petitioners' out of turn promotions were hit by the judgment delivered by the Hon'ble Supreme Court of Pakistan, which has been made a base by the respondents for passing the impugned order.

6. As against the above, learned AAG defended the order questioned by

Gain

ATTESTED
EXAMINER
Peshawar High Court
27 JAN 2017

Sadia Shah PS

ATTESTED
Advocate High Court
Peshawar

the petitioners for its being in line with the judgment of the apex court.

7. Arguments heard and record gone through.

8. Perusal of the case record would reveal that admittedly petitioners are civil servants and promotion is one of the terms and conditions of service of civil servants within the meaning of Chapter-I of the Khyber Pakhtunkhwa Civil Servants Act, 1973. According to Section 3 of the Act *ibid*, a Tribunal shall have exclusive jurisdiction in respect of matters relating to the terms and conditions of service of civil servants. Furthermore, according to Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this court cannot entertain a case relating to the terms and conditions of service of a civil servant because for resolution of such issues, a Service Tribunal has been constituted where the aggrieved civil servant can agitate his grievance.

Q. J. Khan

ATTEST
BY
Registrar
27/11/2015

REGISTERED

Sadiq Shah PS
District High Court
Peshawar

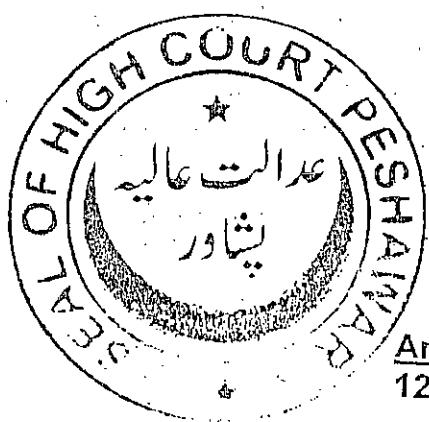
29

9. For what has been discussed above, without touching merit of case, we dismiss this petition for its being not maintainable before this court leaving the petitioners at their liberty to approach the proper forum for the redressal of their grievance. COC No.2088-P of 2016 and C.M.No.1360-P of 2016 having become redundant also stand dismissed.

Waqar Ahmad S.M.
M. Iqbal Jan Bhattach

JUDGE

Judge



Announced
12.01.2017.

CERTIFIED TO BE TRUE COPY
EXAMINER
27 JAN 2017

ATTACHED
Sadia Shah ES
Associate High Court
Peshawar

Sadia Shah ES

14915
No. 14915
Date of Presentation of Application 23/1/17
No of Page 78
Copying fee
Amount per
Total 14-00
Date of Preparation of Copy 23/1/17
Date Given For Delivery 23/1/17
Date of Delivery of Copy 1/2/17

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL

PESHAWAR



S.A. No. _____ 2017

Director General
Director No. 281
Date 01-3-2017

- 1) Mumtaz Ali, No.23 Sub Inspector Special Branch Police Department.
- 2) Muhammad Ashraf, Sub Inspector Special Branch Police Department.
- 3) Parvez, Sub Inspector Special Branch Police Department.
- 4) Naseer Khan, Sub Inspector Special Branch Police Department.
- 5) Muhammad Iqbal No.481, Sub Inspector Special Branch Police Department.
- 6) Hamayoun Khan No.231, Sub Inspector Special Branch Police Department.
- 7) Imtiaz Ali No.3121, Sub Inspector Special Branch Police Department.
- 8) Muhammad Asif No.178, Sub Inspector Special Branch Police Department.
- 9) Asif Saleem No.348, Sub Inspector Special Branch Police Department.
- 10) Asfandiyar, Sub Inspector Special Branch Police Department.
- 11) Sharqat Ullah No.392, Sub Inspector Special Branch Police Department.
- 12) Samin Khan, Assistant Sub Inspector, Special Branch Police Department.
- 13) Zahid Ullah No.240, Assistant Sub Inspector, Special Branch Police Department.
- 14) Niazbeen No.186, Assistant Sub Inspector, Special Branch Police Department.

01/3/17
Registration
H.H. (Sd/-)

Advocate Amir Khan
Advocate Amir Khan
Advocate Amir Khan
Advocate Amir Khan

30
r H 2

- 15) Muhammad Javid No.27, Assistant Sub Inspector, Special Branch Police Department.
- 16) Hamayon, Assistant Sub Inspector, Special Branch Police Department.
- 17) Tariq Khan No.458, Assistant Sub Inspector, Special Branch Police Department.
- 18) Naseem Ullah No.58, Assistant Sub Inspector, Special Branch Police Department.
- 19) Saeed Ullah No.356, Assistant Sub Inspector, Special Branch Police Department.
- 20) Waheed Khan No.516, Assistant Sub Inspector, Special Branch Police Department.
- 21) Farid Khan No.445, Assistant Sub Inspector, Special Branch Police Department.
- 22) Saeed Khan No.489, Assistant Sub Inspector, Special Branch Police Department.
- 23) Israil Khan No.101, Assistant Sub Inspector, Special Branch Police Department.
- 24) Ihsan ul Haq No.83, Assistant Sub Inspector, Special Branch Police Department.
- 25) Israr Khan No.297, Assistant Sub Inspector, Special Branch Police Department.
- 26) Shuaib Zada No.477, Assistant Sub Inspector, Special Branch Police Department.
- 27) Afsar Ali No.179, Assistant Sub Inspector, Special Branch Police Department.

Appellants

Versus

EXAMINER
 Khyber Pakhtunkhwa
 Government

ATTORNEY
 Advocate High Court
 Peshawar

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- 1) Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
- 2) Provincial Police Officer (Inspector General of Police), Govt. of KPK, Central Police Office, Peshawar.
- 3) Additional Inspector General of Police (Special Branch) KPK, Peshawar..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 TO THE EFFECT THAT IMPUGNED ORDER OF RESPONDENTS NO.2 AND 3 NO.2445/EB DATED PESHAWAR THE 27.04.2016 IS WRONG, ILLEGAL, AGAINST FACTS, CORAM NON JUDICE, INEFFECTIVE ON RIGHTS OF APPELLANTS AND HENCE LIABLE TO BE SET ASIDE./ CANCELLED.

ATTORNEY
 General
 Government of Khyber Pakhtunkhwa
 Peshawar

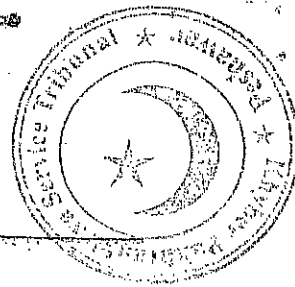
Respectfully submitted that;

- 1) The appellants are police officials of Special Branch Department.
- 2) It is to be particularly noted that special branch of police department is highly sensitive and technical branch and is the most unattractive offshoot of police department. Hence to make it attractive, certain incentives were offered to the employees particularly to lower staff. Out of which one step promotion was one of them, hence the appellants who basically were constables, joined Special Branch as head constables (i.e. on one step promotion).
- 3) Maximum tenure in special branch was 5 years but whoever wished to remain in special branch got promotion till Assistant Sub


 Advocate
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar




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Form-A
FORM OF ORDER SHEET



Court of

Case No. /2017

S.No.	Date of order proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
1	26/04/2017	<p>As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>04-05-2017</u></p> <p style="text-align: right;">  REGISTRAR </p> <p>Counsel for the appellant present. Seeks adjournment. Adjudged for arguments on office objection on 16.5.2017 before S.B.</p> <p style="text-align: right;">  Chairman </p> <p style="text-align: right;">  Chairman Khyber Pakhtunkhwa Service Tribunal, Peshawar </p>

21

Munir Ali & others vs Govt

16.05.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for preliminary hearing on 07.06.2017 before S.B.

(Ahmad Hassan)
Member

07.06.2017

Clerk to counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 04.07.2017 before S.B.

(Ahmad Hassan)
Member

04.07.2017

Counsel for the appellant present and requested for adjournment. Adjourned. To come up for arguments on office objection on 11.07.2017 before S.B.

(Ahmad Hassan)
Member

ATTESTED

SECRETARY
Muzaffargarh District
Sessions Tribunal,
Peshawar

Munir Ali & others vs Govt
Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 04.07.2017 before S.B.

Mumtaz Ali & others vs Govt

11.07.2017

Counsel for the appellant present and requested for adjournment. Adjournd. To come up for arguments on office objection on 09.08.2017 before S.B.

(Munir Ahmad Khan) Member

09.08.2017

Counsel for the appellant present and seeks adjournment. Adjournd. To come up for arguments on office objection on 16.08.2017 before S.B.

(Ahmad Hassan) Member

16.08.2017

Appellant in person present and seeks adjournment as his counsel is not in attendance. Adjournd. To come up for preliminary hearing on 31.08.2017 before S.B.

(Ahmad Hassan) Member

Handwritten signature and stamp of the court clerk.

ATTENDED
Sd/-
ADVOCATE HIGH COURT

Munir Ali & others vs Govt



31.08.2017

No one present on behalf of appellant. Notice issued to the appellant and his counsel for attendance. To come up for preliminary hearing on 20.09.2017 before S.B.

(Muhammad Hamid Mughal)
Member (J)

20/09/2017

Counsel for the appellant present. Learned counsel for the appellant was heard on office objection, who stated that as a common point is involved, hence, there is no need of separate appeals.

Sub Rule (2) of Rule 3, of Appeal Rules 1986 provides that every affected civil servant shall prefer the appeal separately under the prescribed rules.

In view of the above, the office objection sustains

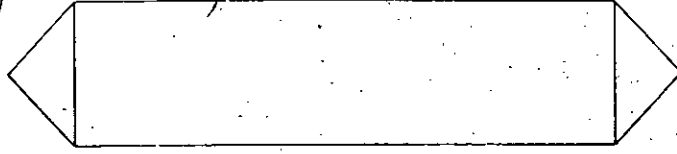
Certified to be true copy
HAMID
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Ahmad Hassan)
Member

Date of Presentation of Application 26-9-17
Number of Words 3600
Copying Fee 2000
Urgent 20
Total 22
Name of Copy [Signature]
Date of Completion of Copy 26-9-17
Date of Delivery of Copy 26-9-17

No one present on behalf of appellant. Notice issued to the appellant and his counsel for attendance. To come up for preliminary hearing on 20.09.2017 before S.B.

بعدالت صاحب سروس کی درخواست اور نمٹ آف کا



مواخ 7/11/17

2، منجانب

صاحب رتھ بنام گورنمنٹ آف پاکستان

مقدمہ

سروس اسٹاپ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام میسور کیلئے محمد عزیز صاحب خان اور دیگر

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوگا

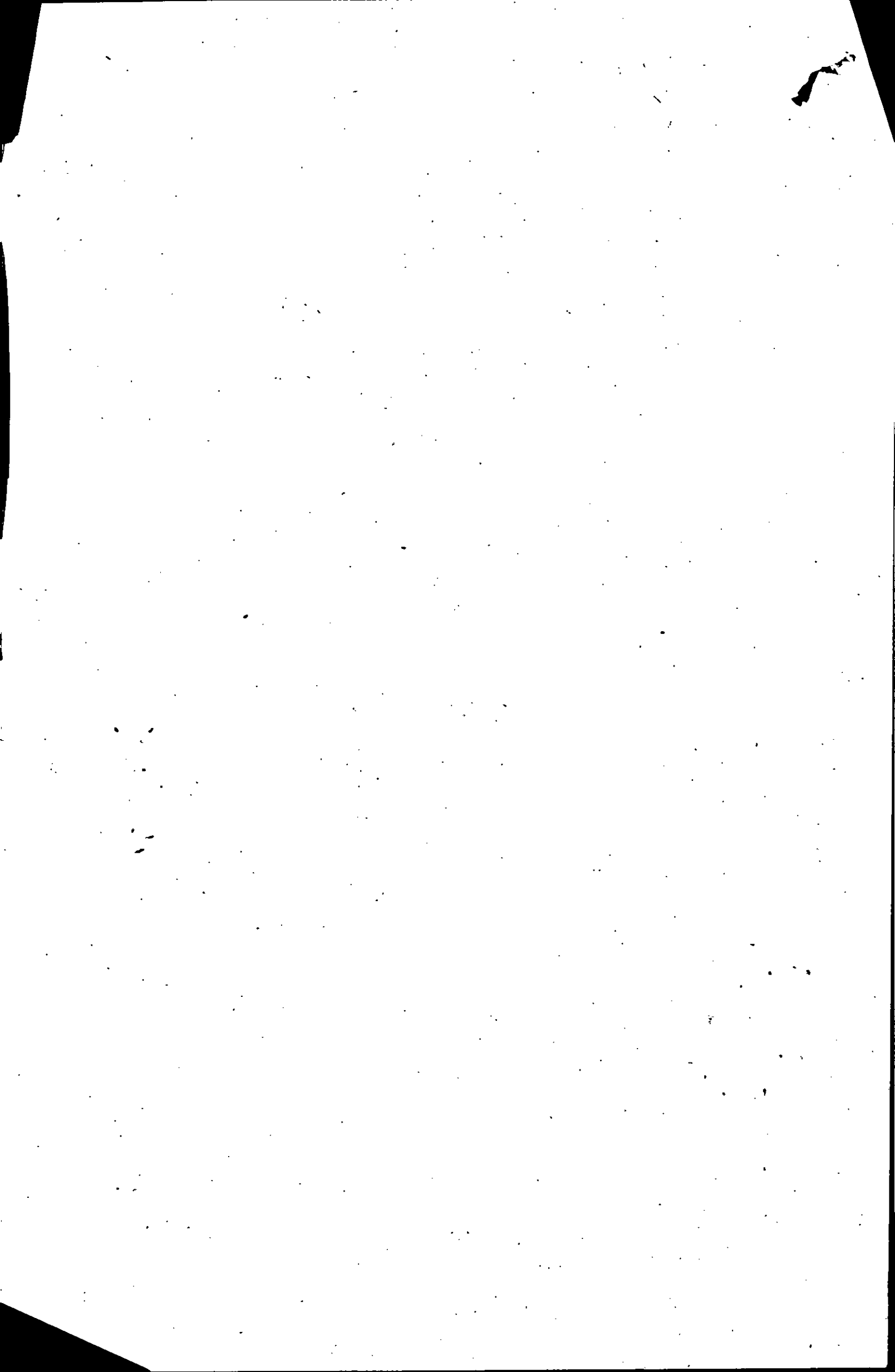
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

Attested
Accepted
A. Zeb

المرقوم 7 ماہ نومبر 2017

العبد گداوا العبد

مقام میسور کے لئے منظور ہے۔



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1236/2017

Habibullah No. 122 Sub Inspector Special Branch Police Department
.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Provincial Police Officer (Inspector General of Police), Govt of KPK, Central Police Office, Peshawar.
3. Additional Inspector General of Police (Special Branch) KPK, Peshawar
..... (Respondents)

Subject:- **COMMENTS ON BEHALF OF RESPONDENTS No. 2 & 3**

Respectfully Sheweth!

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder and mis-joinder of necessary parties.
- d) The appellant is estopped to file the appeal.
- e) The appellant has got no cause of action to file the appeal.
- f) The appellant has not come to the Honorable Service Tribunal with clean hands.

FACTS:-

1. Needs no comments as it pertains to service record of the appellant.
2. Correct to the extent that in past incentives of one step promotion were allowed to the Police Officers who voluntarily opt for transfer to Special Branch. Since the Hon'ble Supreme Court of Pakistan declared out of turn promotion as illegal and unconstitutional, therefore the said incentives being availed by Police Officers on the eve of their transfer to Special Branch were withdrawn.
3. Incorrect, only one step promotion was allowed, therefore the second and third step promotion availed by the Police Officers during their posting period in Special Branch were withdrawn in

compliance with the Judgment of the Hon'ble Supreme Court of Pakistan.

4. Needs no comments as this Para pertains to verdict of the Hon'ble Supreme Court of Pakistan. Anyhow the appellant has admitted the order of the Hon'ble Supreme Court of Pakistan.
5. Incorrect, Respondents in order to comply with the order of Hon'ble Supreme Court of Pakistan issued withdrawal order of out of turn and irregular promotions earned by Police Officers.

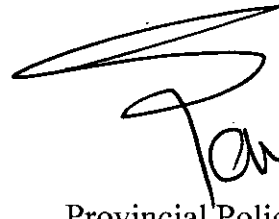
GROUNDS:-

- A. Incorrect, the Judgment of Hon'ble Supreme Court of Pakistan was circulated to all concerned for implementation.
- B. Incorrect, the order of Hon'ble Supreme Court of Pakistan is still intact, therefore Respondents have correctly issued the withdrawal order of promotion availed by Police Officers without qualifying the promotion courses.
- C. Incorrect, the appellants had earned out of turn and irregular promotions, therefore the Respondents in order to implement the Judgment of Hon'ble Supreme Court of Pakistan passed the impugned order.
- D. Incorrect, the seniority of Police Officers is maintained in the respective districts and regions. Furthermore the appellant has not qualified the promotion courses.
- E. Incorrect, the appellant was promoted on the strength of Special Branch therefore no one made any complaint against the appellant.
- F. Incorrect, appellant does not possess the matching qualification. Furthermore appellant will claim seniority/ promotion in district and region level.
- G. Incorrect, no valuable and fundamental rights of the appellant *are* involved in the matter by implementing the verdict of Hon'ble Supreme Court of Pakistan.
- H. Incorrect, the impugned order is just legal and has been passed in accordance with law and rules.
- I. Incorrect, appellant was availing irregular and out of turn promotions, therefore the same were correctly withdrawn.
- J. Incorrect, the impugned order was passed in compliance with the order of Hon'ble Supreme Court of Pakistan.

- K. Incorrect, the impugned order was passed with the sole aim of implementing the Judgment of Hon'ble Supreme Court of Pakistan.
- L. Incorrect, the impugned order is just and has been passed with sole aim of implementing the Judgment of Hon'ble Supreme Court of Pakistan.
- M. Incorrect, appellant has availed out of turn promotions therefore his promotion orders were withdrawn.

Prayer:

It is therefore humbly prayed that keeping in view of aforementioned submissions, the subject Appeal may please be dismissed.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)



Additional Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1236/2017

Habibullah No. 122 Sub Inspector Special Branch Police Department

.....(Appellant)

Versus

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Provincial Police Officer (Inspector General of Police), Govt of KPK, Central Police Office, Peshawar.

Additional Inspector General of Police (Special Branch) KPK, Peshawar

..... (Respondents)

AUTHORITY LETTER

Muhammad Asif DSP Legal, Special Branch, Khyber Pakhtunkhwa Peshawar is hereby authorized to appear on behalf of the Respondents No. 2 & 3 before the Hon'ble Service Tribunal Peshawar. He is authorized to submit all required documents and replies etc. pertaining to the appeal through the Government Pleader.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)



Additional Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.3)

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Additional Inspector General of Police (Special Branch) KPK, Peshawar
..... (Respondents)

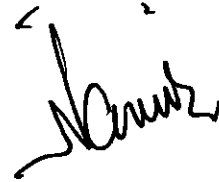
AFFIDAVIT

We the deponents do hereby declare that the contents of the written reply is true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

Deponents




Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.2)



Additional Inspector General of Police
Special Branch, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.3)

ORDER.

In compliance with the orders of Inspector General of Police Khyber Pakhtunkhwa Peshawar vide his Order No. S/2262-2312/16, dated 21.03.2016, issued in the light of Supreme Court Order, all orders issued regarding *second and third* steps out of turn promotions to the officials of Special Branch from their substantive ranks are hereby withdrawn with immediate effect.


ADDL; INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, KHYBER PAKHTUNKHWA,
PESHAWAR.

NO. 2445/EB, dated Peshawar the 27 / 4 / 2016.

Copy forwarded to:-

1. DIG/HQrs , CPO, Khyber Pakhtunkhwa Peshawar.
2. The AIG/Establishment, CPO Peshawar.
3. PA to Addl: IGP/Special Branch
4. E.C/Accountant.

سینڈنگ آرڈر نمبر ۱ ۱۹۹۶ء

پروگرام برائے ذرائع افراد سپیشل برانچ

پس منظر

ریگولر پولیس سے ڈیپوٹیشن پر سپیشل برانچ آنے والے پولیس اہلکاروں کیلئے کوئی مخصوص معیار مقرر نہیں ہے، مگر مشاہدہ ہے کہ ناپسندیدہ اہلکار یا ایسے اہلکار سپیشل برانچ بھیج دیئے جاتے ہیں جو خود جانا نہیں چاہتے۔ ڈیپوٹیشن کی محدود مدت، ٹریننگ اور مہارت کے فقدان کی وجہ سے سپیشل برانچ مستقل طور پر مسائل کے تسلسل کا شکار ہے۔

مقصد - Object :-

یہ نہایت ضروری ہے کہ حکومت کے مستعد، منظم تربیت یافتہ اور مخلص تحقیقاتی ادارے ہوتے چاہئے جو حالات و واقعات کے متعلق بروقت اور قبل از وقت اہم اطلاعات اکٹھا کرنے اور بروقت حکومت کو پہنچانے کی صلاحیت رکھتے ہوں تاکہ حکومت اس نامہ کی خاطر بروقت فیصلہ صادر کرے۔ اسی طرح سفید پارچات میں سکوری، مشتبہ اور غیر ملکی اشخاص کی نگرانی اور ڈاک سنسر شپ نہایت ہر تکنیکل شعبے ہیں۔ اسلئے رضا کار اور موزوں اہلکاروں کو سپیشل برانچ میں شامل کرنے کیلئے قواعد و ضوابط وضع کرنے کی اشد ضرورت محسوس کی گئی ہے۔

طریقہ کار - Method :-

ہر سال جنوری کے مہینے میں پولیس کے تمام شعبہ جات سے ایسے پولیس اہلکار (سیاہی سب انسپکٹنگ) جو خوشی خود سپیشل برانچ میں آنا چاہتے ہوں کے نام بھجوانے کی استدعا کی جائیگی۔

سپیشل برانچ میں ملازمت کا کم از کم دو رانیہ پانچ سال ہوگا جس میں دو سال خواندہ ملازمت کی جائیگی۔

FA/FSc سرٹیفیکیٹ رکھنے والے اہلکاروں کیلئے ملازمت کی معیاد تین برس ہوگی جس میں ایک سال خواندہ سروس کی جائیگی گریجویٹس یا اعلیٰ تعلیم یافتہ اہلکاروں کیلئے سپیشل برانچ میں ملازمت کا دو رانیہ دو سال ہوگا۔ تمام اہلکار جنکو سپیشل برانچ میں شامل کیا جائیگا سپیشل برانچ سے اجازت حاصل کرنے کے پابند ہوگی۔

سپیشل برانچ میں شمولیت کے خواہشمند اہلکار اردو، انگریزی، مضمون نویسی، جرنل نامہ اور اسٹریٹوریٹ کے پابند ہوگی تاکہ انکی سپیشل برانچ کیلئے موزنیت اور مہارت کا اندازہ لگایا جاسکے۔ اعلیٰ تعلیم رکھنے والوں کو اضافی نمبرات دیئے جائیگی۔

(ورق الیے)

سکیورٹی ڈیپارٹمنٹ کے ایجنٹوں کے چناؤ اور جہاں فٹنس، مستعدی، ذہانت اور ذمہ داری کے معیار تصور کیا جائیگا۔ ATS تربیت یافتہ ایجنٹوں کو ترجیح دی جائیگی۔

پولیس ڈویژن (21-25) کے تحت DIG سپیشل برانچ اعلیٰ مہارت اور تکنیک والے افراد کو کنٹریکٹ بنیادوں پر بھرتی کر سکتے ہیں تاہم جنکی تعداد سپیشل برانچ کے کسی بھی پونٹ میں منظور شدہ تعداد کی 20 فیصد سے زائد نہ ہوگی۔ ایسین، سرویلنس اور سکیورٹی کیلئے کوئی کوڈز

و ایسی بھرتی نہیں کی جائیگی کہ
خفیہ تحقیقاتی اور سیلیوری کورسز :-

پولیس برانچ، سپیشل اینٹیلی جنس پونٹ، رائے عامہ سروے پونٹ، سنیئر شپ ایسین برانچ، سروے اور سرویلنس کیلئے جن ایجنٹوں کا چناؤ ہوگا۔ وہ مندرجہ ذیل کورسز کیلئے بھیجے جائیں گے۔

1- اینٹیلی جنس (تعمیری اور اصولی) Counter Sabotage, Counter Espionage

Counter Intelligence

2- مقابلہ اینٹیلی جنس، مقابلہ جاسوسی، مقابلہ دہشت گردی کی ٹریننگ دی جائیگی۔

3- اطلاعات، اشخاص، دستاویزات اور VVIP کے سکیورٹی ٹریننگ

4- بین الاقوامی سیاسی تحقیقاتی کورسز

5- ساکت اور وڈیو فوٹو گرافی، سماعی آلات کے استعمال اور اعلیٰ ٹیکنالوجی ٹریننگ

6- سرویلنس ڈرائیور کورس، ڈرائیونگ لائسنس رکھنے والوں اور ریگولر ڈرائیوروں کیلئے ٹریننگ

7- کمپیوٹر اور مائیکرو ملٹنگ کی ٹریننگ

8- انسٹرکٹر ٹریننگ کورسز اور عملی کارروائی کے ٹریننگ

9- متذکرہ کورسز کیلئے انسٹرکٹر کورسز

سپیشل کے ایجنٹوں پر کوئی پابندی نہیں ہوگی کہ وہ PTC، پیٹرو، PTC

کو شہرہ، ATS سہیل ڈیم یا CID ٹریننگ سکول سمیت میں ریگولر پولیس ٹریننگ

سراغیا کریں
سپیشل برانچ میں مدت تعیناتی :-

(5) ایسے تمام ایجنٹوں (FC سے SI تک) جنہیں سپیشل برانچ میں شامل کیا جا

کم از کم پانچ سال ملازمت کرنے کے معاہدے پر دستخط کیے۔ معاہدہ کی خلاف ورزی کرنے پر اسٹیک

خلاف چھکمانہ کارروائی کی جائیگی۔

ترقی: Promotion :-

متعلقہ ضلعوں اور ریجنوں میں ترقی پانے والے ایجنٹوں کیلئے سپیشل برانچ میں

ترقی کی جائیگی۔

۱. سرٹیفکیٹ باساوی تعلیم رکھنے والے ایڈکار کو ذیل سیاروں پر ترقی دینا جائیگی۔
Intelligence ایڈلی جنس کو ریزرپس کرنے پر

۲. کارکردگی اور سنیارٹی پر
متعلقہ شعبہ میں اعلیٰ تعلیم پر

۳. وہ ایڈکار جو سپیشل پراجیکٹ میں 5 یا 6 سال کیلئے ملازمت کرنا چاہتے ہوں انکو عارضی ایڈھاک سنیادوں پر ترقی دی جائیگی لیکن اپنے متعلقہ ضلعوں کو واپس بھیجے جانے کی صورت میں وہ اپنے سابقہ عہدے اور سنیارٹی پر Revert کیے جائیگی

ایسے ایڈکار جو 5 سال مدت پوری کرنے کے بعد بھی سپیشل پراجیکٹ میں ملازمت کرنا چاہتے ہوں انکو ریگولر ترقی دی جائیگی۔
اس سلسلے میں حکومت کو ایک کیس پیش کیا جائیگا تاکہ اعلیٰ پولیس ٹریننگ کیساتھ اس سلسلے میں سپیشل پراجیکٹ کے ایڈکار ٹریننگ حاصل کر سکیں اور پولیس کورسٹر کیے بغیر مستقل سنیادوں پر ترقی دینے کے مواقع فراہم کیے جاسکیں یہ سلسلہ سپیشل پراجیکٹ ٹریننگ سکول کے قیام تک جاری رہیگا۔

دستخط: سید مسعود شاہ
ای جی پی سرحد

No. 521-24 /KB, Dated Peshawar the, 24-1-1996.

Copy of above is forwarded to All SsP, in Special Branch for circulation amongst the staff.

Handwritten notes and signatures on the left side of the page, including 'D/S', 'S/O', and 'Inspector General of Police'.

FOR BY: INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH, NWFP, PESHAWAR.

ORDER

The following constables of this establishment are hereby promoted to officiate as head constables EPS-7 with effect from 8.7.96 on adhoc basis in the existing vacancies of Spl:Branch NWF Peshawar till further orders.

On promotion they remain posted to their respective places of posting.

Sl: NC. NAME & NUMBER

1. Const: Gul Rehman No.269/SB
2. " Nijat Ali No.13/SB
3. " Rehmat Khan No.54/SB
4. " Mehboob Ali No.84/SB
5. " Jaffar Shah No.463/SB
6. " Munawar Hussain No.435/SB
7. " Jan Gul No.434/SB
8. " Izhar Muhammad No.387/SB
9. " Akber Zaman No.438/SB
10. " Abdul Sattar No.433/SB
11. " Sadiqullah No.358/SB
12. " Shah Islam No.487/SB
13. " Mohammad Ishtiaq No.381/SB
14. " Mohammad Sadique No.440/SB
15. " Qinat Gul No.39/SB
16. " Mohammad Bilal No.283/SB
17. " Mohammad Jamil No.447/SB
18. " Ikram Muhammad No.22/SB
19. " Ghulam Khaliq No.253/SB
20. " Anwar Faraz No.241/SB
21. " Showrez No.354/SB
22. " Shaukat Hayat No.201/SB
23. " Sanaullah No.389/SB
24. " Azmat Ali No.233/SB
25. " Mohammad Sharif No.286
26. " Jani Alam No.448/SB
27. " Faizul Haq No.442/SB
28. " Sifatullah No.449/SB
29. " Abdul Mateen No.94/SB
30. " Badil Khan No.443/SB
31. " Mohammad Sabir No.172/SB
32. " Zahidullah No.240/SB
33. " Abdul Waheed No.36/SB
34. " Pervez Akhtar No.356/SB
35. " Fareed Khan No.445/SB
36. " Falak Niaz No.436/SB
37. " ~~Mohammad Zahid No.442/SB~~
38. " Mohammad Zahir No.446/SB
39. Lady " Farkhanda No.114/SB
40. Lady " Shehnaz Begum No.171/SB
41. Lady " Adeeba Khanam No.390/SB

PLACE OF POSTING.

- Surv:Section.
With AGO/SB University
-do- NSR
-do- University
Security Section.
-do-
-do-
Surv:Section.
Security Section.
Security Section.
Security Section.
With AGO/SB Karak.
-do- Haripur.
Security Section.
Surv:Section.
With AGO/SB Karak.
Security Section.
HQrs:S.B.
-do-
Security Section.
With AGO/SB Haripur.
-do- Karak.
-do- Swabi.
HQrs:S.B.
With AGO/SB Chitral.
-do- Swat.
Security Section.
-do-
-do-
-do-
-do-
-do-
-do-
-do-
-do-
With AGO/SB Nowshera.
Security Section.
With AGO/SB Abbottabad
HQrs:S.B.
-do-
-do-

(SHAD MUHAMMAD KHAN)
SP/Admn:

for Dy:Inspector General of Police,
Spl:Branch N.W.F.P. Peshawar.
/EB, Dated Peshawar, the 9/7/1996
Copy of above is forwarded for info n/a to the:
5.Acctt: S.B.
6.R.I. S.B.
7.SRC/S.B. with 41 spare copies.

NC. 5266-80

- 1.SP/Security S.B.
- 2.DSP/Political S.B.
- 3.DSP/Sur: S.B.
- 4.AGO/SB University, NSR,
Haripur, Karak, Swabi, Chital
Swat, Abbottabad.

O R D E R.

The following Head Constables of this Establishment are hereby promoted as Offg. Asstt. Sub-Inspectors BFS No. 9 (2410-145-6760) w.e.f. 21.9.2002 in the existing vacancies of Special Branch NWFP Peshawar.

The promotion is purely on temporary ad-hoc basis as they will not claim the benefit of this promotion towards seniority maintained in their own Districts.

<u>S.No.</u>	<u>Name and Number</u>	<u>S.No.</u>	<u>Name and Number</u>
1.	HU/544 Hameesh Gul	31.	HU/318 Mohammad Jamil
2.	HU/404 Arshad Iqbal	32.	HU/146 Khalid Khan
3.	HU/576 Gul Rahman	33.	HU/252 Samin Khan
4.	HU/527 Farid-Khan	34.	HU/349 Hayat Khan
5.	HU/07 Nadeem Ahmed	35.	HU/17 Wilayat Shah
6.	HU/305 Shah Zaman	36.	HU/122 Habibullah
7.	HU/545 Mohammad Sarwar	37.	HU/60 Liaqat Ali
8.	HU/366 Jamadar Khan	38.	HU/136 Niaz Bin
9.	HU/553 Akbar Hussain	39.	HU/485 Naseer Khan
10.	HU/537 Umar Tariq	40.	HU/440 Mohammad Siddique
11.	HU/77 Sattar Khan	41.	HU/34 Abdul Muteen
12.	HU/75 Mured Ali	42.	HU/149 Fazle Rabi
13.	HU/38 Mohammad Anwar	43.	HU/249 Syed Attatullah
14.	HU/27 Noor-Zaman	44.	HU/557 Abdul Rashid
15.	HU/564 Farhad Ali	45.	HU/452 Mohammad Sabbi
16.	HU/247 Abdul Rashid	46.	HU/456 Zulfiqar Ahmed
17.	HU/232 Taj-Ali		
18.	HU/565 Muktiair Ahmed		
19.	HU/184 Sher Mohammad		
20.	HU/361 Mohammad Saeed		
21.	HU/263 Javed Iqbal		
22.	HU/159 Kawas Khan		
23.	HU/321 Zafar Ali		
24.	HU/523 Mohammad Zakir		
25.	HU/547 Naseeb Jan		
26.	HU/332 Daraz Khan		
27.	HU/549 Badshah Hazrat		
28.	HU/365 Chand Badshah		
29.	HU/292 Mir Akbar Shah		
30.	HU/42 Khan Said		

(MOHAMMAD NOORAN KHAN)
SP/Admn

for Dy: Inspector General of Pol
Special Branch NWFP Peshawar

2

No. 6881 - 99 /EB Dated Peshawar the 21st Sept. 2002.

Copy forwarded for information and n/action to the:

1. All SPs in Spl:Branch NWFP Peshawar.
2. DSP/HQrs S.B. Peshawar.
3. PA to DIG/S.B. Peshawar.
4. O.C.S.B. Peshawar. - /
5. Accountant S.B. Peshawar.
6. SRC S.B. with 46 spare copies.

From:- The Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

To:- The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

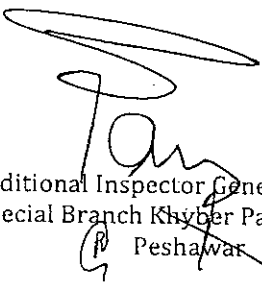
No. 2640 /EB, dated Peshawar the, 11/05/2016.

Subject:- DEPARTMENTAL APPEALS.

Memo:

Departmental Appeals submitted by 38 personals of Special Branch reverted to various ranks in the light of CPO order endst: No.S/2262-2312/16, dated 21-03-2016 are forwarded herewith for further necessary action at your end please.

Encls:38 appeals.


Additional Inspector General of Police,
Special Branch Khyber Pakhtunkhwa,
Peshawar

Respected Sir,

Kindly refer to Order No. S/2262-2312/16 dated 21.03.2016 received from Central Police Office, Khyber Pakhtunkhwa, Peshawar wherein all Units have been directed to undo the out of turn promotions.

In order to ensure compliance of the above orders received from CPO, a search was made to find out whether anyone is availing out of turn promotions in Special Branch or not. The scrutiny and perusal of the record revealed that the Special Branch was un-attracted area/unit of Police and almost all the members of regular Police were reluctant to serve the Special Branch in any rank. The Police Officers use to exert political or other extraneous pressures for cancellation of their transfer orders to Special Branch.

The high ups of the Police department in order to create attraction in Special Branch service approached the Provincial Government for sanction of special allowance. The government was pleased to allow twenty percent (20 %) special allowance for the Police officers serving in the Special Branch. However these incentives did not prove effective, therefore, the authorities in order to create charming in service of Special Branch allowed promotions to next ranks on ad-hoc and officiating basis.

Worthy Inspector General of Police Khyber Pakhtunkhwa first issued Standing Order No. 1/1996 which provides ad-hoc and officiating promotions for the Police Officers who submit written option of service in Special Branch for five (05) years or beyond five (05) years on ad-hoc and officiating basis respectively. (Copy of standing order is enclosed as F/A).

In pursuance of the Standing Order mentioned above, Police Officers serving in Special Branch were granted ad-hoc and officiating promotions who are still availing the promotions. In addition to grant of promotions, the Standing Order also provide that a policy may be chalked out for selection of Special Branch officers for technical courses in Intelligence Bureau training school so that Special Branch officers may be able to earn

regular promotion. However such idea contained in the Standing Order was not implemented and materialized in true prospective.

In the year 2011, the issue of demotion of officers serving in Special Branch cropped up, therefore, Additional Inspector General of Police Special Branch issued Order bearing No. 3188-93/EB dated 17.05.2011 (Copy enclosed at F/B), that the promotions allowed to Special Branch officials have adversely affected the efficiency, therefore, the officials serving in Special Branch will be given option for selection for Intelligence courses. The officers who qualify the Intelligence courses will be allowed to stay in Special Branch. The copy of the order was submitted to the office of Worthy Inspector General of Police, Khyber Pakhtunkhwa and he was pleased to pass the following remarks on the Order.

“Para 2 may apply to future inductees. The officers who are already serving should not be disturbed. However if the Additional Inspector General of Police Special Branch wants that the services of a particular staff is not required any more he is at liberty to surrender after coordinating with the Additional Inspector General of Police HQrs”.

The remarks of Worthy Inspector General of Police were conveyed to Additional Inspector General of Police Special Branch vide letter No. 1475/Legal dated 03.06.2011. (Copy enclosed as F/C).

In view of the position explained above, it is cleared that the promotions made in Special Branch do not amount to out of turn promotions as the same have been made by the competent authority in compliance with Standing Order and Orders of Worthy Inspector General of Police mentioned above. This is also important to pinpoint that still no one has challenged the promotion orders of Special Branch officials in Departmental appeals, Service Appeals and Writ petitions meaning thereby that no one is aggrieved of the promotion orders. Therefore such promotions could not be held out of turn promotions. Furthermore, the competent authorities while issuing the promotion orders have mentioned in clear terms that officers will not claim seniority. A promotion order which do not confer right of seniority cannot be termed as out of turn promotions. As

regard the reference of Hon'ble Supreme Court of Pakistan Judgment in the order received from CPO, it is worth mentioning that the Supreme Court took adverse notice of the out turn promotions made in senior posts of Police in the province of the Sindh. The out of turn promotion had affected the seniority of numerous police officers who knocked at the doors of Supreme Court of Pakistan. The spirit of the ruling does not prohibit promotions without grant of seniority in any un-attracted area. In the same vein your good office is appraised that personal up-gradation was allowed to about three hundred (300) Police officers and civil servants who served at Swat during operation period. The promotions in Special Branch are also personal/temporary as the officer loose the promotion if reverted to his parent district. It is also suggested that in order to stop irregular promotions, a clear policy may be chalked out that in future there will be complete ban on irregular promotions. In case the promotions of Special Branch officials were receded, then it will not only disturb the smooth function of Special Branch but will also discourage the officials serving in Special Branch. This act will also open a flood gate for litigations. Moreover the duties of Special Branch are technical in nature and new comers will not deliver to the satisfaction of high ups.

It is also advisable that AIG Legal may be approached in the matter for proper opinion if approved.


Submitted please