Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 536/2016

Date of Institution 20.05.2016
Date of Decision 11.12.2018

Hamayun Khan, Ex-Assistant Sub Inspector now Constable, Investigation Wing, CPO Peshawar.

Appellant

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Additional Inspector General of Police Investigation Wing (Crime Branch) CPO, Khyber Pakhtunkhwa Peshawar.
3. The Deputy Inspector General of Police Investigation Wing (Crime Branch) CPO, Khyber Pakhtunkhwa Peshawar

Respondents

11.12.2018

Mr. Muhammad Hamid Mughal----------Member(J)
Mr. Ahmad Hassan----------Member(E)

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for appellant and Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present.

2. This judgment in the above captioned service appeal, shall also dispose of service appeals (1) bearing No. 537/2016 filed by Constable Nizar Muhammad (2) bearing No. 538/2016 filed by Constable Muhammad Ijaz being identical in nature, having arisen from the same law, facts and circumstances

3. The appellants (Ex-Officiating Assistant Sub Inspectors now Constables) have filed the present service appeals u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 13.12.2013 through which their promotion order dated 21.04.2012 as Offg: ASI,s was cancelled. The appellants have also challenged the order dated 23.12.2013 whereby their promotion orders as Offg: Head Constables were cancelled on the ground that they have neither qualified A-1 B-1 examination nor undergone lower College Course and their promotions were repugnant to the Police Rules Chapter-13.

4. The appellants earlier filed service appeals against the impugned orders mentioned above and this Tribunal vide common judgment dated 16.11.2015 passed in service appeal No.561/2014 remitted the departmental appeals of the appellants to the appellate authority with the direction to examine their appeals and decide the same strictly on merits without any discrimination. The authority vide order dated 21.03.2016 decided that all promotions in the Investigation Wing/Computer Section as well as other units have been done against law and rules and the cases of all those constables may be filed, further recommended that all such promotions be cancelled in the light of august Supreme Court of Pakistan decision on out of turn promotions. The appellants are aggrieved against the said order dated 21.03.2016.

5. Learned counsel for the appellant argued that the impugned orders dated 13.12.2013, 23.12.2013 and 21.03.2016 are against law,

facts and norms of justice. Further argued that the appellants remained on the higher posts of Offg: Head Constables and Offg: ASI,s for sufficient long period. Further argued that the department was supposed to have sent the appellants for the prescribed courses necessary for the promotions as Head Constables and ASI,s and as such the appellants cannot be punished for no fault on their part. Further argued that discriminatory treatment was met out to the appellants by reverting them to their substantive posts of Constables.

6. As against that learned Assistant Advocate General argued that the impugned orders are legal, just and in accordance with law/rules. Further argued that the departmental appeals of the appellants were rejected by the appellate authority on the recommendation of Appellate Board with the direction to all Heads of units of Police to set aside the illegal/out of turn promotion orders in the light of judgment of august Supreme Court of Pakistan. Further argued that the appellants have not qualified the prescribed promotion courses requisite for promotion to the next higher ranks. Further argued that the appellants have not ever applied for participation in the lower school course or intermediate school course at Police Training College. Further argued that all the similarly placed officials were treated alike.

7. Arguments heard. File perused.

8. There is no dispute that the appellants have not qualified even the lower school course necessary for promotion to the next higher post/rank of Head Constable. The respondents with their joint

reply/written comments also annexed another order dated 28.04.2016 whereby other Offg: Head Constables too, who had not undergone lower school course, were reverted to their substantive ranks of Constables. In this scenario the argument on behalf of appellants regarding discriminatory treatment with them is found without any force. Promotion to the higher rank but without qualifying the requisite promotion course cannot be looked in with favor.

9. In view of above, the appellants have not been able to seek indulgence of this Tribunal. Consequently the present service appeal and connected service appeals as mentioned in para-2 of this judgment are hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
11.12.2018

p12.11.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 29.11.2018.

READER

29.11.2018 Appellant present. Learned counsel for the appellant not present. Adjournment requested. Adjourn. To come up for further proceedings on 11.12.2018 before D.B

Member

Member

11.12.2018 Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Vide common judgment of today of this Tribunal placed on file, the present service appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
11.12.2018

02.10.2018 Appellant in person and Mr. Riaz Paindakheil learned Assistant Advocate General present. Appellant seeks time to produce testimonials regarding his qualification of A-1 and B-1. Adjourn. To come up for further proceedings/record on 12.10.2018 before D.B

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

12.10.2018 Appellant in person present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Sher Alam SI for the respondent present. Learned AAG stated that the appellant possess the qualification of A-1 and B-1. Learned counsel for the appellant not available. Adjourn. To come up for further proceeding on 25.10.2018 before D.B

Member

Member

25.10.2018 Due to retirement of Hon'ble Chairman, the tribunal is defunct. Therefore, the case is adjourned. To come up for same on 12.11.2018 before D.B

READER

Service Appeal No. 536/2016

30.07.2018 Appellant absent. Learned counsel for the appellant is also absent. However, junior counsel for the appellant present and requested for adjournment. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Sher Alam, S.I for the respondents present. Adjourned. To come up for arguments on 30.08.2018 before D.B.

(Ahmad Hassan)
Member (E)

(Muhammad Hamid Mughal)
Member (J)

30.08.2018 Appellant with counsel and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Sher Alam, S.I (Legal) for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.10.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

01.10.2018 Learned counsel for the appellant and Mr. Riaz Ahmed Paindakhel Assistant Advocate General alongwith Mr. Sher Alam S.I for the respondent present. Arguments heard. To come up for further proceeding/order on 02.10.2018 before D.B.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

01.12.2017 Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Learned Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.01.2018 before D.B.

Member (Executive) Member (Judicial)

29.01.2018 Junior counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney along with Muhammad Raza for the respondents present. Junior to counsel for the appellant seeks adjournment as counsel for the appellant is not available. Adjourned. To come up for arguments on 26.03.2018 before D.B

(Muhammad Amin Kundi) MEMBER (Muhammad Hamid Mughal) MEMBER

26.03.2018 Junior to counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 24.05.2018 before D.B

(Muhammad Amin Kundi) MEMBER (Muhammad Hamid Mughal) MEMBER

24.05.2018 Appellant in person and Addl: AG alongwith Siyar Khan, Inspector for the respondents present. Arguments could not be heard due to incomplete bench. Adjourned. To come up for arguments on 30.07.2018 before D.B.

(Muhammad Amin Khan Kundi) Member

04.01.2017 Counsel for the appellant and Mr. Hafeez ul Haq, SI alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder not submitted. Requested for adjournment. Request accepted. To come up for rejoinder and arguments on 18.5.17.

(ASHFAQUE TAJ)
MEMBER

(MUHAMMAD AAMIR NAZIR)
MEMBER

18.05.2017 Counsel for the appellant and Mr. Muhammad Adeel Butt Addl: AG for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 02.08.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

(Gul Zeb Khan)
Member

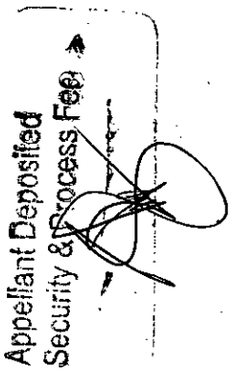
02.08.2017 Counsel for the appellant and Asst: AG alongwith Mr. Karam Hayat, SI(Legal) for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.12.2017 before D.B.

Member

Chairman

24.05.2016

Counsel for the appellant present. Learned counsel for appellant contends that identical service appeal No. 412/2016 has already been admitted to regular hearing and fixed for written reply on 14.07.2016.



In view of the above the instant appeal is admitted to regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 14.07.2016 before S.B.

Chairman

14.07.2016

Counsel for the appellant and Mr. Imtiaz Gul, SP (lit) alongwith Addl. AG for respondents present. Written reply submitted. Copy handed over to Addl. AG. The appeal is assigned to D.B for rejoinder and final hearing on 7.9.2016.

Member

07.09.2016

Clerk to counsel for the appellant and Mr. Sattar Khan, SI alongwith Addl. AG for respondents present. Rejoinder not submitted. Requested for time to file rejoinder. To come up for rejoinder and arguments on 4-1-17.

Member

Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 536/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/05/2016	The appeal of Mr. Hamayun Khan presented today by Mr. Muhammad Asif Yousafzai Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please. REGISTRAR
2		This case is entrusted to S. Bench for preliminary hearing to be put up there on 24-5-16. CHAIRMAN

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 536 /2016

Hamayun Khan V/S Police Deptt:

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3.	Copy of order dated 2.5.2002	B	7
4.	Copy of order dated 21.4.2012	C	8
5.	Copy of order dated 13.12.2013	D	9
6.	Copy of order dated 23.12.2013	E	10
9.	Copy of order dated 26.2.2013	F	11
10.	Copy of departmental appeal	G	12-13
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APPELLANT

THROUGH:

(M.ASIF YOUSAFZAI)

&

(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO 536 /2015

Hamayun Khan, Ex- Assistant Sub inspector now Constable, Investigation Wing, C.P.O, Peshawar

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Addl: Inspector General of Police Investigation wing (Crime Branch) KPK, CPO, Peshawar.
3. The Deputy Inspector of Police Investigation (Crime Branch) KPK, CPO, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 21.3.2016 RECEIVED BY THE APPELLANT ON 26.4.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 13.12.2013 AND 23.12.2013 HAS BEEN REJECTED.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.03.2016, 13.12.2013 AND 1312.2013 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED TO HIS ORIGINAL RANK OF ASSISTANT SUB INSPECTOR WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was enlisted in the police department on dated 10.7.1991 as Constable (BPS-5) of Investigation (Crime Branch) C.P.O, Peshawar and since then performed his duties upto the entire satisfaction of his superior and no complaint has been filed against him. (Copy of appointment order is attached as Annexure-A)

2. That during the course of his service the appellant was promoted as Head Constable on 2.5.2002 and ASI on 21.04.2012. Since the appellant was performing his duties in the said capacity (Copies of orders 2.5.2002and 21.4.2012 are attached as Annexure- B&C).

3. That while serving in the said capacity, to the great surprise of the appellant, without serving any notice, charge sheet or show cause notice appellant was reverted to the post of Head Constable vide order dated 13.12.20143 and then reverted to Constable vide order dated 23.12.2013, allegedly on the ground that the appellant have neither qualified A-1, B-1 examination nor under gone Lower course and the appellant was directed that his deputation to Investigation unit CPO Peshawar is hereby repatriated to their parent distract Mardan vide order dated 26.2.2013. (Copy of order dated 13.12. 2013 and 23.12.2013 and 26.2 2013 are attached as annexure-D,E&F)

4. That against the order dated 13.12.2013 and 23.12.2013, the appellant filed departmental appeal on dated 8.1.2014, however his departmental was not responded in the statutory period of 90 days. (Copy of the departmental appeal is attached as annexure-F)

5. That after the expiry of statutory period of departmental appeal, the appellant filed service appeal No. 564/2014 in this august Service Tribunal which was decided on 16.11.2015 with the direction that since departmental appeal of the appellant has not been responded therefore, the Tribunal is of the considered view that further indulgence by the Tribunal at this may cause further complications. Hence, the appeal is remitted to the appellate authority with the direction to examine appeal of the appellant and decide the same strictly on merits without any discrimination. (Copies of departmental appeal, memo of appeal and judgment are attached as Annexure-G,H&I)

6. That on the direction of august Service Tribunal, the department called departmental appellate Board meeting on dated 2.3.2016 in which the Departmental Appellate Board decided that all promotions in the investigation Wing, Sis, ASIs, HCs, and constables as well as other Units of Police have been done against law and rules may be set aside/ cancelled vide order dated 21.3.2016 and which was received on 26.4.2016 . (Copy of order dated 21.3.2016 is attached as Annexure-J)

7. That now the appellant come to this august tribunal on the following grounds amongst others.

GROUNDS:

A) That the impugned orders dated 21.03.2016, 13.12.2013 and 23.12.2013 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

B) That in the rejection order it was mentioned that the cases of these constables may be filed with the recommendation that all such promotion in the light of the Supreme Court of Pakistan decision on out of turn promotion be cancelled, however the promotion of the appellant was done according to the rule as the appellant was on S.No.5 at the seniority list and 10 vacancy of ASI were laying vacant and the DSP legal gave recommendation of the appellant for the promotion to ASI to Addl: IGP Investigation on the application for promotion by the appellant.

C) That no proper procedure has been followed before reverting the appellant down to the rank of Constable, the appellant has not been served with any notice or charge sheet, nor he has been served any show cause notice to the appellant before the issuance of impugned order, which is the violation of law and rules.

D) That the appellant was promoted by the competent authority after observing all necessary formalities and had performed duties against the promoted posts for a considerable long period, therefore in the view of principal of Locus poenitentiae certain valuable rights have been created in the favor of the appellant which cannot be withdrawn so easily.

E) That when there is no quota for the lower and intermediate course for Crime Branch Peshawar, in such circumstances the appellant cannot be held responsible for not undergoing the said courses as the crime branch is also a part of KPK Police Deptt:. Moreover the Police Rules also provide 10% quota for promotion of illiterate Police officers.

F) That the appellant remained as Sub Inspector for about 12 years, therefore under the provision of 13-18, Police Rules the appellant having not reverted in the initial 2 years period of his promotion, has matured his rights to be allowed to regular promotion instead of reversion.

G) That the appellant was initially appointed in Crime Branch (now Investigation Wing) C.P.O Peshawar and have got promotion to different ranks in the same branch, thus his lien cannot be transferred to any other district without his consent.

H) That the appellant was discriminated as the Appellate Departmental Board in his order mentioned that that all promotions in the investigation Wing, Sis, ASIs, HCs, and constables as well as other Units of Police have been done against law and rules may be set aside/ cancelled, but despite that other officials are still retain on their posts while only the appellant was reverted.

I) That the issuance of demotion orders not cover under section 21 of the General Clause Act as the authority is empowered to rescind, modify, vary, cancel and amend administrative orders but not decisive orders, the promotion of the appellant within the category of decisive order, therefore the same authority was not competent to cancel the promotion orders issued by the competent authority.

J) That the appellant has more the 25 years service carrier and reversion would spoil his future service carrier.

K) The appellant has been condemned unheard and not been treated according to law and rules.

L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Hamayun Khan

THROUGH:

(M.ASIF YOUSAFZAI)

&

(TAIMUR ALI KHAN)

ADVOCATES, PESHAWAR

A (6)

ENLISTMENT ORDER

Candidate No. Hamayun Ulsaar

S/O Chaman Ulsar resident of Village Sangar

Police Station Katlang Tehsil Mardan District Mard

enlisted in HQ No. 3,1.a.(Rs.700-25-1200) with effect from 10-7-9

and allotted Constabulary No. 107.

He is enlisted purely on temporary basis and his servi

would be liable to termination any time without any notice under Pol

Rules 23-25.

Height 5 - 9 1/2" Chest 35 - 37"

Age 19 Yrs Education 10 Th

Date of Birth 1-4-72

O.B.No. 126

Dated 10-7-1991

Asstt: Superintendent Central of Police,
Crimes Branch, M.P.F., Mardan.

B 17

ORDAR.

The following constables of Crimes Branch NWFP, Peshawar are hereby promoted as Offg: Head Constables (BPS-7 (3120-120-6820) with effect from 30.4.2002:-

1.	FC Rifaq Ali	No. 7
2.	FC Abdul Jalil	No. 3
3.	FC Haroon-ur-Rashid	No. 11
4.	FC Humayun Khan	No. 12

No. 278/SNC/CB
2/5/2002.

(FAQIR HUSSAIN)
Dy: Inspector General of Police,
Crimes Branch NWFP, Peshawar.

No. 1331-37/SNC/CB, dated Peshawar, the 2/5/2002.

Copies forwarded for information & n/action to:-

1. SP Crimes Branch.
2. DSP Admn CB.
3. Line Officer CB.
4. Accountant CB.
5. MO/IS CB.

ATTESTED

ORDER

As approved by the Addl:IGP Investigation, KPK Peshawar on the recommendations by the DIG/Investigation-II Khyber Pakhtunkhwa, Peshawar followed by the report of DSP/Legal Investigation, the following Head Constables of Investigation Unit CPO are hereby promoted as Offg: Assistant Sub Inspectors BPS-09 (6200-380-17600) against the existing vacancies of this unit with immediate effect and till further orders:-

S.NO.	NAME/RANK
1.	Head Constable Nizar Muhammad No. 141
2.	Head Constable Muhammad Tariq No. 128
3.	Head Constable Muhammad Ijaz No. 127
4.	Head Constable Fazle Rehman No. 161
5.	Head Constable Humayun Khan No. 171

(MUHAMMAD IDREES)
Deputy Inspector General of Police,
(Hqrs) Investigation-III, Khyber Pakhtunkhwa,
Peshawar.

No. 2827-35 **/EC, dated Peshawar, the** 21 **/04/2012.**

Copies are sent for information and necessary action to the:-

1. DIG/Investigation-II Khyber Pakhtunkhwa Peshawar.
2. DIG/Investigation-III (Hqrs:) Khyber Pakhtunkhwa Peshawar.
3. SSP/Investigation CPO Peshawar.
4. PSO/DSP Legal Inv
5. PA to Addl:IGP Inv:
6. Accountant Inv:

(MUHAMMAD IDREES)
Deputy Inspector General of Police,
(Hqrs) Investigation-III, Khyber Pakhtunkhwa,
Peshawar.

ATTESTED

D (9)

ORDER

In terms of Section 21 of The General Clauses Act 1956 the promotion order as Offg: ASIs in respect of the following Head Constables of Investigation Unit CPO Peshawar, issued by the then DIG Hqrs./Investigation, CPO Peshawar vide his office Endst: No.2829-35/EC, dated 21.04.2012 is hereby cancelled with immediate effect:-

S.NO.	NAME/RANK
1.	Head Constable Nizar Muhammad No. 141
2.	Head Constable Muhammad Tariq No. 128
3.	Head Constable Muhammad Ijaz No. 127
4.	Head Constable Fazle Rehman No. 161
5.	Head Constable Humayun Khan No. 171

Sd/-------
SHAUKAT HAYAT PSP
Addl: Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

No. 11542-46 **/EC, dated Peshawar, the** 13 **/12/2013.**

Copies are sent for information and necessary action to the:-

1. SSP/Investigation CPO Peshawar.
2. DSP Legal Inv
3. PA to Addl:IGP Inv:
4. Accountant Inv:
5. SHO PS Investigation (CB)

INJTED

(ASIF ZAFAR CHEEMA)
DIG/HQRS:/INVESTIGATION
For Addl: Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar. 13/12/013

E

355-58/IN
24-12-13
(10)

ORDER

The following officiating Head constables of Investigation Unit CPO Peshawar promoted vide order No.4648-52/SRC/CB dated 10-11-2001, order No.4992-98/SRC/CB dated 01-12-2001, No.765-70/CB dated 04-3-2002, and vide order No.1934-38/SRC/CB dated 2-5-2002 respectively have neither qualified A-1, B-1 examination nor undergone Lower College Course, hence their promotions being repugnant to the Police Rules Chapter-13. In the light of section 20 of the General Clauses Act 1956. The orders are hereby cancelled with immediate effect and reverted to their substantive rank of Constable.

S. NO.	NAME/RANK
1.	H/Constable Nizar Muhammad No.141
2.	H/Constable Muhammad Tariq No.128
3.	H/Constable Muhammad Ijaz No.127
4.	H/Constable Fazle Rehman No.161
5.	H/Constable Hamayun Khan No.171

(SHAUKAT HAYAT) PSP
Additional Inspector General of Police,
Investigation, Khyber Pakhtunkhwa,
Peshawar.

No. 2092-99/EC, dated Peshawar, the 23 /12/2013.

Copies are sent for information and necessary action to the: -

1. Regional Police Officer, Mardan Region, Mardan.
2. DIG/HQrs/Investigation, CPO Peshawar.
3. SSP Investigation CPO, Peshawar.
4. DSP Legal Investigation,
5. Accountant Investigation
6. SHO PS Investigation (CB)

Seen fax

SHO PS/IN

24/12/2013

ATTESTED

Office of the Addl: IGP Investigation
Dy. No 8649
Dated 26/12/2013.
Khyber Pakhtunkhwa Peshawar

FC(II)

ORDER

The following Constables of District Police Mardan on deputation to Investigation unit CPO Peshawar are hereby repatriated to their parent district Mardan with immediate effect:-

1. Constable Nizar Muhammad No. 141
2. Constable Muhammad Tariq No. 128
3. Constable Muhammad Ijaz No. 127
4. Constable Fazle Rehman No. 161
5. Constable Hamayun Khan No. 171

(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

No. 31460-83/E-II, dated Peshawar the 26/12/2013

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

1. Addl: IGP/HQrs Khyber Pakhtunkhwa Peshawar.
2. Addl: IGP/Investigation Khyber Pakhtunkhwa Peshawar w/r to his letter No. 11521/EC/Inv: dated: 13.12.2013 and No. 12691/EC/Invest: dated: 23.12.2013.
3. Deputy Inspector General of Police Mardan Region.
4. District Police Officer, Mardan.

OFFICE OF THE ADDL: IGP/INVESTIGATION KHYBER PAKHTUNKHWA PESHAWAR

No. 12162-68/EC/Inv: Dated Peshawar the 27/12/2013

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

1. DIG/HQrs:/ Investigation CPO.
2. SSP Investigation CPO.
3. DSP Admn: Investigation.
4. SHO PS Investigation.
5. PA to Addl: IGP Investigation CPO.
6. Accountant Investigation.

SSP/ Investigation
For Addl: Inspector General of Police
Investigation, Khyber Pakhtunkhwa
Peshawar

67 12

(اپیل)

(بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخوا)

جناب عالی!

مودبانہ گزارش ہے کہ سائل جولائی 1991 میں کرائمز برانچ میں بطور کنسٹیبل بھرتی ہوئے تھے۔اس وقت کرائمز برانچ میں B-I, A-I کا کوٹہ نہیں تھا۔اور نہ اب تک ہے۔سائل نے مختلف کورسز کیے ہیں اور ساتھ ہی ساتھ اوریج ہونے کا درخواستیں بھی گزاریں۔لیکن کوئی شنوائی نہ ہوئی اس کے بعد 1998 میں بغرض (Lein) اپنے اپنے متعلقہ اضلاع کو تبادلہ کے احکامات جاری ہوئے لیکن بحکم محمد تنویر الحق DIG/Qrs صوبہ سرحد ہمیں متعلقہ اضلاع کو جانے نہیں دیا گیا۔(نقل حکم لف ہے)۔سائل کو 2001 میں آفسران بالا نے بطور ہیڈ کنسٹیبل ترقیاب کر دیا گیا۔پھر 2012 میں سائل نے آفسران بالا کی خدمت میں بعہدہ ASI ترقیاب نے کے لئے درخواست گزاری۔جس پر Addl:IGP/Inv: صاحب نے طریقہ کار کے بارے میں DIG-I سے رائے مانگی جنہوں نے نوٹ شیٹ لکھ کر اس میں وضاحت کر دی اور ساتھ ہی ترقی کی سفارش بھی کی۔اسی نوٹ شیٹ کو Addl:IGP/Inv: صاحب نے PDSP صاحب جو کہ آج کل AIG لیگل کی ڈیوٹی سرانجام دے رہے ہیں کو بغرض قانونی آراء دینے کا حکم دیا۔PDSP صاحب نے اس پر پولیس رولز باب 21,25 کا حوالہ دیتے ہوئے قانونی رائے دی کہ

Police Rules 21.25 is clear in the subject. The police officer's deputed to crime branch are eligible for officiation promotion.(copy enclosed)

لہذا اس پر Addl:IGP/Inv. صاحب نے بمورخہ 21-4-2012 ترقیاب کرنے کی منظوری دی اسی بناء پر DIG-II اوریں خان صاحب نے پرموشن آرڈر جاری کیا (آرڈر کاپی لف شد)۔1991 سے لیکر اب تک سائل نے کبھی بھی آفسران بالا کو شکایت کا کوئی موقع نہیں دیا۔اور اپنی ڈیوٹی نہایت خوش اسلوبی سے سرانجام دے رہے ہیں۔

مگر اب موجودہ Addl:IGP/Inv: صاحب نے اسی PDSP حالیہ AIG لیگل سے رائے مانگی جنہوں نے اپنے ہی سابقہ رائے کی نفی کرتے ہوئے دفعہ 21 سروسز رولز کا حوالہ دیتے ہوئے ہماری دیرینہ عرصہ ملازمت کو تباہ کرتے ہوئے سابقہ احکامات کو منسوخ کرنے کی رائے دی۔جس پر بحوالہ حکم نامہ نمبری 11542-46/EC dated 13-12-2013 ہماری عرصہ ملازمت کو مدنظر نہ رکھتے ہوئے ہمیں تنزل بھی اور سابقہ احکامات کو منسوخ بھی کیا گیا (کاپی ہمراہ لف ہے)۔اور ساتھ ہی ساتھ ہمیں متعلقہ اضلاع میں از کنسٹیبل رپورٹ کرنے کی ہدایات بھی جاری کر دگئیں۔اور عذر یہ بنایا گیا کہ ہم نے متعلقہ کورسز پاس نہیں کئے۔ان مذکورہ حالات میں ذیل عرضیات پیش خدمت ہیں کہ۔

ا۔ہم سب تو کرائمز برانچ کے بھرتی شدہ ہیں۔

ATTESTED

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۲۔ہم پولیس پرولز 25-21 کا اطلاق ہی نہیں ہوتا۔

۳۔ہم تو افسران بالا کے حکم پر ہی کرائمز برانچ میں رہے اور متعلقہ اضلاع کو رپورٹ نہیں کی۔

۴۔ہماری طرح اور بھی 40,30 ملازمین انوسٹی گیشن یونٹ سی پی پشاور میں ہیں کہ جنہوں نے A-I,B-I پاس نہیں کیا یا متعلقہ کورس نہیں کئے اور وہ ASI,HC SI اور Inspector ترقیاب ہوئے ہیں اور کچھ ایسے بھی ہیں کہ اپنی عہدوں پر پنشن بھی چلے گئے ہیں۔اور اسطرح دوسری یونٹوں میں بھی ہیں۔

۵۔کورسز پر ہمیں افسران نے ہی منتخب کر کے بھیجوانا تھا جو نہیں کیا گیا تو اس میں ہمارا کیا قصور ہے۔کیا سالہا سال تک ملازمت سرکار صرف اور صرف افسران کی پسند و ناپسند کے مطابق سرانجام دیں گے ہمیں اپنے جائز حق سے محروم کرنے کا ذمہ دار کون ہوگا۔کیا سابقہ رائے PDSP غیر قانونی تھی اور اب AIG لیگل کی رائے قانونی حیثیت رکھتی ہے۔

۶۔2001-2002 میں بطور ہیڈ کنسٹیبل ترقیاب ہوئے تھے۔اور اب بطور کنسٹیبل ہماری ڈبل ریورشن کر دی گئیں۔

لہذا ان مذکورہ بالا امور کو پیش نظر رکھا جا کر اور ہماری دراز عرصہ ملازمت کو بہ یک جنبش قلم تباہ کرنے میں مداخلت کیا جائے اور براہ کرم ہمارے ساتھ انصاف کیا جائے۔

العارض:
شائل ہمایون خان
1/2011/1

ATTESTED

A (14)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No._____/2014

Hamayum Khan Ex-Assistant Sub Inspector, Investigation Branch/Crime Branch, now Constable, District Police Mardan.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police Investigation (Crime Branch) Khyber Pakhtunkhwa CPO, Peshawar.
3. DIG of Police Investigation (Crime Branch) Khyber Pakhtunkhwa CPO, Peshawar.
4. District Police Officer Mardan.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 13/12/2013, whereby the appellant has been reverted from the Post of ASI to the Post Head Constable, and against the order dated 23/12/2013, whereby the appellant has been further reverted to the post of Constable and subsequent order dated 26.12.2013, whereby the appellant has been repatriated to the District Mardan, against which the departmental appeal dated 08.01.2014, has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal: -

On acceptance of this appeal the order dated 13.12.2013, order dated 23.12.2013 and order dated 26.12.2013, may please be set-aside and the appellant may please be re-instated to his original rank of Assistant Sub Inspector with all back benefits.

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Respectfully Submitted:

1. That the appellant was initially enlisted as Constable BPS-05 in the Crime Branch C.P.O, Peshawar vide order dated 10.07.1991. Ever since his enlistment, the appellant had performed his duties as assigned to him with zeal and devotion and without giving any chance of complaint whatsoever to his superiors. *(Copy of the enlistment order dated 10.07.1991 is attached as Annexure A)*

2. That during the course of his service, the appellant also got promotion to the Rank of Head Constable on 02.05.2002, lastly he was promoted to the Rank of Assistant Sub Inspector on 21.04.2012. *(Copies of the promotion orders dated 02.05.2002 and 21.04.2012 are attached as Annexure B & C)*

3. That while serving in the said capacity, to the great surprise of the appellant, without serving upon him any notice, he has been reverted to the post of Head Constable vide order dated 13.12.2013. *(Copy of the order dated 13.12.2013 is attached as Annexure D)*

4. That again vide order dated 23.12.2013, the appellant was further reverted to the post of Constable, allegedly on the ground that the "Crime / Investigation Wing is not empowered to make promotions of Police staff nor the said police official has acquired mandatory qualifications necessary for the promotion." (Copy of the Order dated 23.12.2013, is attached as Annexure E).

5. That though the appellant was initially appointed in the Crime Branch/Investigation Branch, C.P.O, Peshawar, however he was not only reverted but has also been illegally repatriated to District Mardan vide order dated 26.12.2013. (Copy of the Order dated 26.12.2013, is attached as Annexure F)

6. That the aggrieved from the impugned orders, the appellant also filed the departmental appeal dated 23.12.2013 and 08.01.2014, however it has not been responded despite the lapse of statutory period. Copy of the Departmental appeal is attached as Annexure G)

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7. That the appellant also filed Writ Petition No. 93-P of 2014, in the Peshawar High Court Peshawar, which was disposed of vide order & Judgment dated 17.01.2014. the concluding Para of the Judgment is reproduced below

> *"this Court in view of the foregoing discussion, without passing any finding on the merit of the present matter, which may prejudice the case of the parties, treat the present petition as representation and refers the same to the Appellate Authority/Inspector General of Police (PPO) Khyber Pakhtunkhwa, Peshawar with directions to decide the appeal of the petitioners on merit, in accordance with law and Rules, after hearing the petitioners, within a period of one month, if not earlier, form the date of receipt of this Order.*
> (Copy of the Judgment and order dated 17.01.2014, is attached as Annexure H)

8. That the impugned orders are illegal unlawful without lawful authority and are thus liable to be set aside inter alia on the following grounds:

GROUNDS OF APPEAL.

A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.

B. That no proper procedure has been followed before reverting the Appellant down to the Rank of Constable, the Appellant has not been served with any notice or charge sheet, nor he has been provided any opportunity of hearing before the issuance of the impugned orders thus the orders so made are liable to be set aside.

C. That the Appellant was promoted by the competent authority, after observing all necessary formalities, moreover, the order of promotions have taken its effect, the appellant has taken over the charge of the higher post and had performed duties against the promoted posts for a considerable period, thus valuable rights have been created in his favor and the same cannot be undone or snatched illegally.

D. That according to police Rules 21-25(6) in every exceptional cases and for the political branch only with the written sanction of the DIG personally, direct enrollment as constable or in the

ATTESTED

higher ranks may be made to the Criminal Investigation Department.

E. That the appellant has not joined the investigation/Crime Branch on deputation and he was originally enrolled as constable in the Investigation Branch therefore, his repatriation order to district Mardan is against the law.

F. That the appellant was directly appointed as constable in Crime Branch, Peshawar and was promoted as officiating Head Constable and officialiting Assistant Sub Inspector (ASIs) on the vacancies in the Crime Branch Peshawar.

G. When there are no quota for the Lower and Intermediate courses for Crime Branch Peshawar in such circumstances the appellant can not be held responsible for not undergoing the said courses.

H. That the Appellant was initially appointed in Crime Branch (now Investigation Wing), C.P.O Peshawar and have got promotions to different Ranks in the same branch, thus his lien cannot be transferred to any other district without his consent.

I. That the Appellant remained Head Constable for more then 12 years and as ASI for almost 2 years, therefore under the provisions of 13-18, Police Rules the Appellant, having not been reverted in that period, has matured his right to be allowed to regular promotion instead of reversion.

J. That the Appellant was promoted to higher Posts, he obeyed the orders and performed the duties of the higher post, his salary was also fixed against the promoted posts. Therefore, the pay once fixed in the higher posts can under no circumstances be reduced or withdrawn.

K. That some similarly placed employees, who were also appointed/ transferred in the Crime Branch and also got promotions in the same branch/ wing, they have been retained in the same branch and are still serving their, neither any reversion nor they have been transferred thus the appellant has been highly discriminated.

L. That on promotion of the Appellant, valuable rights have been created in his favour and the order of promotion has taken its effect, therefore, the same cannot be rescinded or snatched illegally.

M. That reversion to lower Post amounts to penalty for which proper right of hearing is required coupled with service of proper show

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cause, but in the instant case no such procedure was adopted, thus the order of reversion is illegal and not tenable.

N. That the Appellant has never been served with any Show Cause Notice nor he was allowed any opportunity of personal hearing before the order of reversion.

O. That even otherwise the reversion for two step lower in same succession is illegal and not warranted under the law.

P. That the Appellant has at his credit more than 23 years service career, the reversion made would spoil his bright service career.

Q. That the appellant also seek permission of this honorable Tribunal to rely on additional grounds at the time of hearing of this appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 13.12.2013, order dated 23.12.2013 and order dated 26.12.2013, may please be set-aside and the Appellant may please be re-instated to his original rank of Assistant Sub Inspector with all back-benefits.

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, **Hamayum Khan Ex-Assistant Sub Inspector, Investigation Branch/Crime Branch, now Constable, District Police Mardan,** do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal.

ATTESTED

DEPONENT

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Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.		KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. Service Appeal No. 561/2014 Muhammad Ijaz Versus the Provincial Police Officer, KPK, Peshawar etc. JUDGMENT
	16.11.2015	PIR BAKHSH SHAH, MEMBER.- Counsel for the appellant (Mr. Sajid Amin, Advocate) and Sr. Government Pleader (Mr. Usman Ghani) with Mr. Amir Hamza, S.I and Muhammad Ghani, S.I for the respondents present. 2. The appellant was appointed as Constable BS-5 in the Crime Branch vide order dated 2.7.1991 of the Addl. Inspector General of Police, Crimes Branch, Khyber Pakhtunkhwa, Peshawar. He alongwith other constables were promoted as Head Constable BS-7 on officiating basis vide order dated 01.12.2001 of the Deputy Inspector General of Police Crimes Branch, Peshawar. He was further promoted as ASI BS-9 on officiating basis vide order dated 21.4.2012 of the DIG of Police (Headquarters) Investigation-III, Khyber Pakhtunkhwa, Peshawar. Conversely Vide impugned order dated 13.12.2013 read with order dated 23.12.2013, both issued from the office of the Addl. I.G of Police (Investigation), KPK, the promotion orders of the appellant were cancelled with immediate effect and he was reverted to his substantive

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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rank of the Constable. Further vide order dated 26.2.2013, issued from the office of A.I.G (Establishment), the appellant was treated on deputation to the Investigation Unit and was repatriated to his parent district Mardan with immediate effect. The appellant is aggrieved with the above impugned orders dated 13.12.2013, 23.12.2013 and 26.2.2013 vide which his promotion was cancelled and further that he was also repatriated. His departmental appeals dated 23.12.2013 and 08.1.2014, per memo: of appeal has also not been responded so far, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

3. Arguments heard and record perused.

4. The learned counsel for the appellant submitted that no show cause notice was issued to the appellant before passing of the impugned orders, no opportunity of personal hearing was provided to him, therefore, the appellant has been deprived of his right of defence hearing. It was further submitted that the promotion orders were passed by the competent authority and after lapsey of sufficient time, the same provided vested right in favour of the appellant, therefore, the same cannot be unilaterally taken away from him. The learned counsel also submitted that the appellant has been discriminated as H.C Shafiullah and Mujahid Hussain both in the similar situation, were left untouched and retained whereas the appellant was

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

reverted. He requested that the impugned orders may be set aside and the appellant may be reinstated into position, he enjoyed before passing of the orders of reversion.

5. The learned Government Pleader resisted the appeal on the ground that the Crimes Branch is part and parcel of the Khyber Pakhtunkhwa Police which does not have a separate promotion quota or separate promotion rules for its staff and as promotion of the appellant was against the Police Rules and as the order was passed by an incompetent authority therefore, the same orders were rightly cancelled. It was further submitted that the impugned order is a speaking order showing that the appellant had not undergone the relevant courses for the purpose of promotion, therefore, the impugned orders being illegal and void ab-initio could not be left intact. He requested that the appeal may be dismissed.

6. We have heard the arguments of the learned counsel for the parties and perused the record.

7. 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 of the seniority list. Evidently this aspect of the matter was lost sight of 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

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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 orders are found based on whims, likes and dislikes and pick & choose as alleged by the appellants that H.C Shafiullah and Mujahid Hussain were left untouched. Since departmental appeal of the appellant has also not been responded therefore, the Tribunal is 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. The appeal is disposed off accordingly. Parties are left to bear their own costs. File be consigned to the record room.

8. Our this single judgment will also dispose off connected service appeals No. 562/2014 Muhammad Tariq, No. 563/2014 Fazl-ur-Rehman, No. 564/2014 Hamayun Khan, No. 538/2014 Nizar Muhammad and No. 715/2014 Shabir Ahmad having common questions of law, in the same manner.

ANNOUNCED
16.11.2015

Sd

(PIR BAKHSH SHAH)
MEMBER

Sd

(ABDUL LATIF)
MEMBER

Date of Presentation of Application 16-11-2015
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ATTESTED

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

No. S/ 2249 /16, Dated Peshawar the 21/03/2016.

ORDER

This order is hereby passed to dispose of departmental appeals under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975. Appellants namely Muhammad Ijaz, Muhammad Tariq, Fazl-ur-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 metnioned officers filed Service Appeal No. 561, 562,563,537, 715 & 538/2014 respectively, which were vide consolidated dated 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 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.

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

No. S/ 2250-61 /16,

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

1. Addl: IGP/Investigation Khyber Pakhtunkhwa Peshawar.
2. AIG/Establishment, CPO.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. Director, IT, CPO, Peshawar.
5. SP/Admn: CPO, Peshawar.
6. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
7. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
8. Office Supdts: E-I, II, III & IV CPO, Peshawar.
9. Central Registry Cell (CRC) CPO.

ATTESTED

SYED ZIA ALI SHAH
Office Superintendent
CPO, KPK, Peshawar.

VAKALAT NAMA

NO._____/20

IN THE COURT OF K.P.K Service Tribunal, Peshawar

Hamayun Khan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt: (Respondent)
(Defendant)

I/We Hamayun

Do hereby appoint and constitute ***M.Asif Yousafzai, Advocate, Peshawar***, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/ Counsel on my/our costs.

I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20

(CLIENT)

ACCEPTED

M. ASIF YOUSAFZAI
Advocate

Ex.
Taimur Ali Khan.

Ex.
Syed Noman Ali Bu

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:
Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 536/2016

Hamayun Khan .....(Appellant)

VERSUS

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

COMMENTS BY RESPONDENTS ARE SUBMITTED AS UNDER.

Preliminary objections:-

a) The appeal has not been based on facts.

b) The appeal is not maintainable in the present form as according to Section-4 (b) (i) of Khyber Pakhtunkhwa Service Tribunal Act 1974, no appeal shall lie to the Tribunal against an order or decision of departmental authority determining fitness or otherwise of a person to be appointed to or hold a particular post or to be promoted to higher post or grade.

c) The appeal is barred by law and limitation.

d) The appeal is bad for mis-joinder and non-joinder of necessary parties.

e) The appellant has not come to the Tribunal with clean hands.

f) The appellant has approached wrong forum.

FACTS:-

1. Correct to the extent that appellant was appointed as Constable in Crime Branch CPO vide OB No. 126, dated 10.07.1991.

2. Correct to the extent that appellant was promoted to the next ranks of Head Constable and ASI but his promotion orders were found irregular as he had not qualified the prescribed promotion courses.

3. Correct to the extent of alleged promotion and demotion of appellant, however, the promotions were later on found irregular because appellant had neither qualified A-I/B-I examination nor he had under gone lower/ intermediate School courses. Therefore appellant and others were reverted to the substantive rank of constable.

4. Correct to the extent that appellant had filed departmental appeal through the appellant authority.

5. Correct to the extent that appellant had earlier filed a Service Appeal No. 564/2014 which was contested and the Tribunal vide judgment dated 16.11.2015 remitted the case to respondents department to examine appeal of appellant vis-à-vis similarly promoted other Police officers.

6. Correct to the extent that the representation of appellant was rejected by the competent authority on the recommendation of appellant board with

directions to all heads of units of Police to undo the out of turn promotion in compliance with the judgment of Honorable Supreme Court of Pakistan.

7. Incorrect, The appeal of appellant is not sustainable on the given grounds.

GROUNDS

A. Incorrect. The impugned orders are just, legal and have been passed in accordance with law and rules. Appellant has not qualified any promotion course prescribed for promotion to next rank. He had earned irregular and out of turn promotion. The Honorable Supreme Court of Pakistan issued directions to all Inspector General of Police that out of turn promotion generates frustrations amongst the force.

B. Incorrect, appellant has not qualified the promotion courses, therefore, his promotion to next rank was totally irregular and out of turn. Mere recommendations of any officers without any plausible and cogent reasons and grounds are no criteria for promotion.

C. Incorrect, appellant had earned out of turn and irregular promotion and under the law and rules reversion to substantive rank is no punishment. Therefore adopting of procedure of disciplinary action is not required. Anyhow, the appellate authority in compliance with the order of the Honorable Service Tribunal provided opportunity of hearing to appellant but he failed to explain earning out of turn and irregular promotion.

D. Incorrect, it is a well settled principle of law that wrong and void order does not confer any right. The promotion orders of appellant were found illegal and irregular, therefore, principle of poenitentia are not invoked.

E. Incorrect, appellant was required to transfer his lien to his home district if he desired promotion to next ranks. The seniority of junior ranks Police officers is maintained in the district and region. Crime Branch does not maintain seniority lists. Furthermore, there is nothing on the record that appellant has applied for appearing in promotion courses. Furthermore 10% quota has been fixed for promotion of illiterate Police constables but the appellant being literate cannot claim promotion under the said quota.

F. Incorrect. Illegal and irregular order do not create any right. Appellant had earned irregular and out of turn promotion, therefore, the same were withdrawn in compliance with orders of the Honorable Supreme Court of Pakistan.

G. Incorrect, according to Police order 2002 appointment shall be made in the districts of domicile and seniority and lien of all Police officers of junior rank shall be maintained by the district of domicile. The recruitment of appellant in crime branch was made against the law and rules.

H. Incorrect, almost all the units have initiated action against the Police officers who have gained out of turn and irregular promotions and the investigation wing of Police has completed the process. Copy of order is enclosed as **Annexure-A**.

I. Incorrect, the authority has passed proper speaking order. Furthermore, orders void ab-initio creates no right. Therefore, the appellant has wrongly assailed the order of competent authority.

J. Incorrect. Long service is no criteria for promotion. Police officers are promoted subject to qualifying promotion courses.

K. Incorrect, proper opportunity of defense and personal hearing was provided to appellant before passing the impugned orders.

L. The respondents may be also be allowed to raise other grounds during hearing of the case.

It is therefore, prayed that appeal of Appellant may be dismissed with costs.

PROVINCIAL POLICE OFFICER,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)

Addl: Inspector General of Police,
Investigation Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)

Deputy Inspector General of Police,
Investigation HQrs:
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 536/2016

Hamayun Khan .....(Appellant)

VERSUS

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

COUNTER AFFIDAVIT

We, the bellow mentioned respondents, do hereby Solemnly affirm and declare on oath that contents of reply are correct and true to the best of our knowledge and belief and nothing has been concealed from this honorable Service Tribunal.

PROVINCIAL POLICE OFFICER,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.1)

Addl: Inspector General of Police,
Investigation Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)

Deputy Inspector General of Police,
Investigation HQrs:
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.3)

17-2-2016

EJD MOHAMMAD KHATTAK
ADVOCATE
OATH COMMISSIONER PESHAWAR

4/55

ORDER

In compliance with the order of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar received vide order No.S/2262-2312/16, dated 21.03.2016,the following officiating Head Constables of Investigation Unit CPO Peshawar promoted vide order No. 8843-46/Inv: dated 22.10.2010, order No. 615-20/SRC, dated 07.02.2012, No. 5151-58/Inv: dated 12.11.2002, No.3704-10/SRC/Inv, dated 31.07.2002, No. 2321- 28/SRC/CB dated 27.05.2002, No. 4026-29/CB dated 01.10.2001 & vide Order No. 4448-52/SRC/CB dated 10.11.2001 are reverted to their substantive rank of Constable with immediate effect as their promotion was not made in accordance with rules as they have neither qualified A-I, B-I examination nor they have undergone Lower School Course.

S.No	Name & Rank
01.	HC Lal Zaman Shah No.116
02.	HC Abdullah Shah No. 123
03.	HC Shah Wali No. 126
04.	HC Fazal Dad No. 133
05.	HC Mohammad Fayaz No. 140
06.	HC Sarzamin No.143
07.	HC Mujahid Hussain No. 144

(DR.MASOOD SALEEM)PSP
DIG/HQrs: Inv:
o/c For Addl: Inspector General of Police
Investigation, Khyber Pakhtunkhwa
Peshawar. 28/4/016

No. 4021-26 /EC/ Inv: Date = 28/4/2016.

Copy of above is forwarded for information & n/action to the:

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar w/r to his Order No.S/2262-2312/16, dated 21.03.2016.
2. Addl: IGP/Investigation KPK, Peshawar.
3. SSP/Investigation
4. SP/Legal
5. DSP/Admn/Investigation
6. Accountant Investigation CPO.

O.B. No: 14/1/Inv:
Date = 28/4/2016.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 536/2013

Hamayun Khan VS Police Deptt:

.....

REJOINDER ON BEHALF OF APPELLANT

.....

RESPECTFULLY SHEWETH:
Preliminary Objections:

(a-f) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

1. Admitted correct. Hence no comments.

2. First portion of para 2 is admitted correct hence no comments while the rest of para is incorrect as the promotion of the appellant has done by the competent authority after observing all codal formalities.

3. Incorrect. The promotion of the appellant has done by the competent authority after observing all codal formalities. Moreover when there is no quota for the lower and intermediate course for Crime Bench, in such circumstances the appellant cannot be held responsible for not undergoing the said courses. Furthermore the Police Rules also provided 10% quota for promotion of illiterate Police Officers.

4. Admitted correct. Hence no comments.

5. Admitted correct. Hence no comments.

6. Incorrect. The respondent department discriminated the appellant as the appellant reverted while many other officials were not reverted which is evident from their pay slips. This discriminatory act of the respondent is against the norm of justice and fair play. (Copies of pay slip is attached as Annexure-R-1)

7. Incorrect. The appellant has good cause of action and appeal of the appellant is sustainable on the given grounds.

GROUNDS:

A. Incorrect. While para A of the appeal is correct.

B. Incorrect. The promotion of the appellant has done by the competent authority after observing all codal formalities. Moreover when there is no quota for the lower and intermediate course for Crime Bench, in such circumstances the appellant cannot be held responsible for not undergoing the said courses.

C. Incorrect. While para C of the appeal is correct.

D. Incorrect. While para D of the appeal is correct.

E. Incorrect. While para E of the appeal is correct.

F. Incorrect. The promotion of the appellant has done by the competent authority after observing all codal formalities.

G. Incorrect. The appellant was appointed before Police order 2002. The appellant was appointed by the competent authority in crime branch and his lien cannot be transferred to any other district without the consent of appellant.

H. Incorrect. While; para H of the appeal is correct.

I. Incorrect. While para I of the appeal is correct.

J. Incorrect. The promotion of the appellant has done by the competent authority after observing all codal formalities and reversion would spoil his future service carrier.

K. Incorrect. No opportunity of defense was provided to the appellant before passing the impugned orders.

L. Legal.

It is, therefore, most humbly prayed the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

Through:

M.ASIF YOUSAFZAI
ADVOCATE SUPREME COURT
&
(TAIMUR ALI KAHN)
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

DEPONENT

ATTESTED
Oath Commissioner
Zahoor Khan Advocate
Distt: Court Peshawar

18 MAY 2017

00026751 HABIB ULLAH | CNIC 1399610678[illegible] | Desig: ASSISTANT SUB INSPEC(80208528) | Grade: 09 NTN: | Buckle No | 3050 Gazetted/Non-Gazetted N

PAY ITEMS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	PERAID	BALANCE
0001 Basic Pay	24,580.00	3007 GPF Subscription - Rs	751.00		GPF : POL 0045879		232,427.00
1001 House Rent Allowance	3,712.00	4280 Professional Tax	100.00		INCOME TAX 2551.56	2,151.00	-01.04
1210 Convey Allowance 20	1,932.00	5956 Adj. Police Wel Fud K	1,445.00				
1300 Medical Allowance	1,500.00	3530 Police Wel Fud @5-1-C	490.00				
1547 Ration Allowance	681.00	4004 R. Benefits & Death C	450.00				
1567 Washing Allowance	150.00	3602 Income Tax	201.00				
1646 Constabulary R Allow	1,500.00						
1906 Risk Allowance (Pol	5,730.00						
1907 Special/Incentive Al	775.00						
2148 15% Adhoc Relief All	728.00						
2168 Fixed Daily Allowanc	2,730.00						
2199 Adhoc Relief Allow 0	485.00						
2211 Adhoc Relief All 201	2,450.00						
PAYMENTS	43,880.00	DEDUCTIONS	3,637.00	NET PAY	40,243.00	01 04 2017	30 04 201
Branch Code 088015	SECRETARIAT BR PESHAWAR	KHYBER BANK LIMITED	SECRETARIAT BR PESHAWAR	Peshawar		Acct No 0430500[illegible]	

0602675 2 USLB KHAN	CNIC 1730186769 13	Desig ASSISTANT SUB-INSPEC(80208529)	Grade 09 MTH 0	Buckle No	Gazetted/Non Gazetted N
P A Y E M E N T S	A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND	PRINCIPAL / REPAID / BALANCE
0001 Basic Pay	23,280.00	3009 GPF Subscription Rs	951.00	GPF# PDL 032425	47,047.00
1001 House Rent Allowance	1,719.00	4200 Professional Tax E	100.00	INCOME TAX 1-953-44	1,626.00 37.52
1210 Convey Allowance 20	1,932.00	3530 Police Wel Fud BS-1 C	466.00		
1300 Medical Allowance	1,500.00	4004 A Benefits & Death C	450.00		
1547 Ration Allowance	681.00	3609 Income Tax	169.00		
1567 Washing Allowance	150.00				

00026752 UNLB KHAN CNIC 1730120676913 Desig ASSISTANT SUB INSPEC(80208529) Grade 09 MTN (O Buckle No Gazetted/Non-Gazetted N

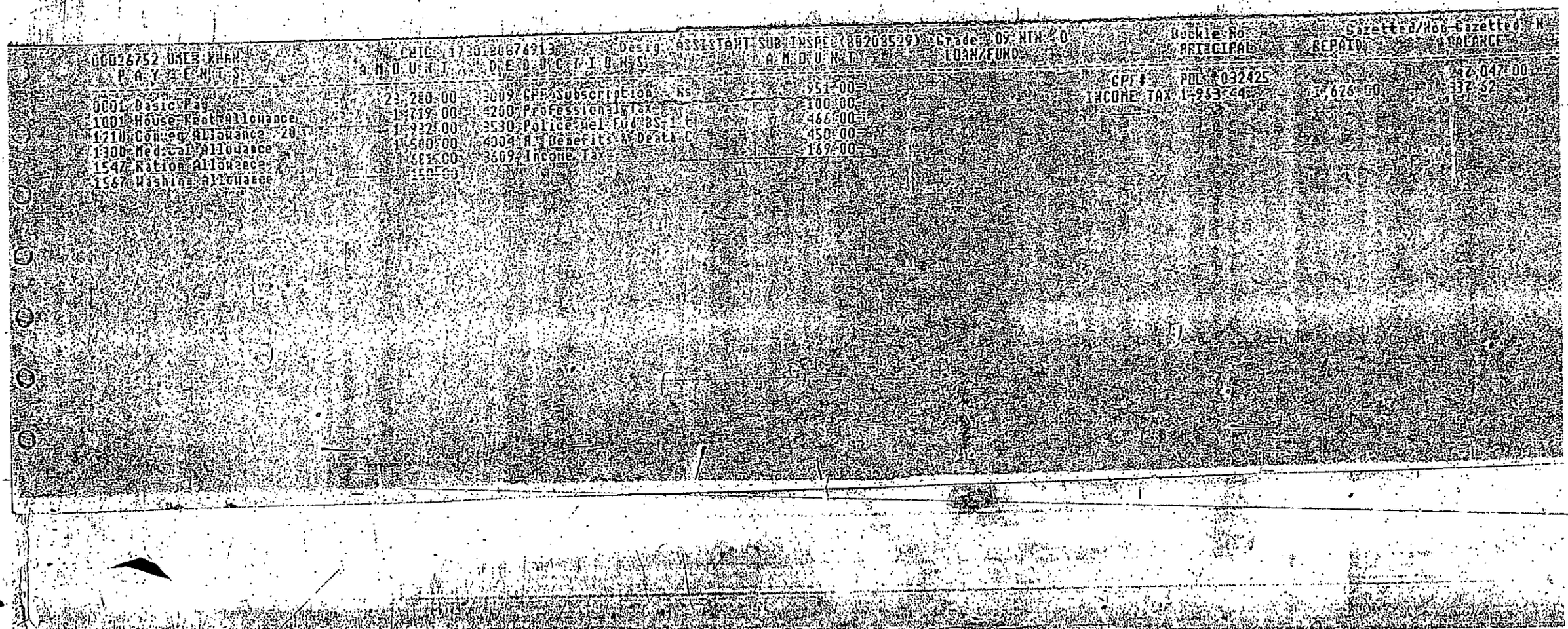
PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
					GPF :	POL 032425	247 047 00
0001 Basic Pay	23 280 00	3009 GPF Subscription Rs	951 00		INCOME TAX 1 953 60	1 626 00	327 60
1001 House Rent Allowance	1 719 00	4200 Professional Tax	100 00				
1210 Conveg Allowance 20	1 932 00	3530 Police Wel Fud OS-1 C	466 00				
1300 Medical Allowance	1 500 00	4004 R Benefits & Death C	450 00				
1547 Ration Allowance	681 00	3669 Income Tax	189 00				
1567 Washing Allowance	150 00						

00026752 UMER KHAN CNIC 1730106876913 Desig ASSISTANT SUB INSPEC(80203529) Grade 09 NTN 0 Buckle No Gazetted/Non Gazetted N

P A Y M E N T S	A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
0001 Basic Pay	23,280.00	3009 GPF Subscription	951.00	GPF	POL 032425		292,047.00
1001 House Rent Allowance	1,719.00	4200 Professional Tax	100.00	INCOME TAX	1,953.44	3,626.00	32.82
1210 Convey Allowance 20	1,912.00	3530 Police Wel Fu(BS=1	466.00				
1300 Medical Allowance	1,500.00	4004 R.Benefits & Death C	450.00				
1547 Ration Allowance	661.00	3609 Income Tax	169.00				
1567 Washing Allowance	150.00						

00026752 UHLS KHAN CUIC 1730120876913 Desig ASSISTANT SUB INSPE(80208529) Grade 09 NTN 0 Double Bo

P A Y E M E N T S	A M O U N T	D E D U C T I O N S	A M O U N T	LOAN/FUND	PRINCIPAL	REPAID	Gazetted/Non Gazetted N BALANCE
				GPF I	POL 032425		242 047 00
0001 Basic Pay	23 280 00	3009 GPF Subscription RS	951 00	INCOME TAX	1 963 00	3 626 00	332 82
1001 House Rent Allowance	1 719 00	4200 Professional Tax	100 00				
1210 Conveg Allowance 20	1 912 00	3530 Police Wel Fnd BS-1	466 00				
1300 Medical Allowance	1 500 00	4004 A Benefits & Death C	450 00				
1547 Ration Allowance	681 00	3609 Income Tax	169 00				
1567 Washing Allowance	150 00						



00026752 UNLS KHAN CNIC 1730120878913 Desig ASSISTANT SUB INSPEC(80208529) Grade 07 NTN 0 Buckle No Gazetted/Non-Gazetted N

P A Y M E N T S AMOUNT DEDUCTIONS AMOUNT LOAN/FUND PRINCIPAL REPAID BALANCE

0001 Basic Pay 2,280.00 3009 GPF Subscription Rs 951.00 GPF # POL 032425 492,047.00

1001 House Rent Allowance 1,739.00 4200 Professional Tax 100.00 INCOME TAX 1,953.54 3,626.00 332.52

1210 Conveg Allowance 20 1,922.00 3530 Police Hel Fu(BS-1 466.00

1300 Medical Allowance 1,500.00 4004 R Benefits & Death C 450.00

1547 Ration Allowance 681.00 3609 Income Tax 169.00

1567 Washing Allowance 150.00

ہمایوں / انوار محمد وغیرہ۔

OFFICE OF THE ADDL: INSPECTOR GENERAL OF POLICE,
INVESTIGATION BRANCH CPO
KHYBER PAKHTUNKHWA PESHAWAR

ORDER

This order will dispose off the appeal dated 04.01.2018 preferred by Constable/Computer Operator Shabbir Ahmad No. 35 of Investigation Unit CPO wherein he supplicated for the restoration of his original rank i.e. Sub Inspector/Computer Operator BPS-14 keeping in view the judgement dated 16.11.2015 passed by the KP Service Tribunal and subsequent CPO's letter No. S/7445-50/16, dated 16.11.2016.

The relevant record reveals that the applicant was enlisted as Constable/Computer Operator in the then Computer Section, established in Central Police Office Peshawar. Likewise his colleagues, after passing through different stages of promotion i.e. Head Constable, ASI he was granted promotion as Sub Inspector/Computer Operator on 29.11.2002. However, the then Addl:IGP/Investigation KP Peshawar, through an order issued vide OB No. 3/Investigation, dated 29.01.2014, reverted the appellant from the rank of Sub Inspector/Computer Operator BPS-14 to Constable/Computer Operator BPS-05 on the grounds that he did not acquire mandatory qualifications for the granted promotions as defined in section 21 of the General Clauses Act 1897.

After his reversion to the rank of Constable/Computer Operator, he preferred a departmental appeal followed by an appeal in the KP Service Tribunal. The Honourable Tribunal in its judgement dated 16.11.2015 remarked that ***since departmental appeal of the appellant has not been responded therefore the Tribunal is of the considered view that further indulgence by the Tribunal at this stage may cause further complications. Hence the appeal is remitted to the appellant authority with the direction to examine appeal of the appellant and decide the same strictly on merits without any discrimination".***

However the appellant could not get his grievances redressed due to some legal implications in the matter. On 16.11.2016, a letter No. S/7445-50/16, dated 16.11.2016 was issued from office of the Inspector General of Police, KP Peshawar wherein the present status quo of the staff of Computer Section was directed to be maintained till the decision of the Provincial Government regarding their merger in IT cadre.

In view of the above and opinion of DSP Legal Inv: Branch CPO dated 09.03.2018, I, Ishtiaq Ahmad Addl:IGP/Investigation KP Peshawar in exercise of powers conferred upon me under rule 11-A of NWFP now Khyber Pakhtunkhwa Police Rules 1975, set aside order vide OB No. 3/Investigation, dated 29.01.2014 and order restoration of original rank of the appellant i.e. Sub Inspector/Computer Operator BPS-14 with immediate effect and till the decision of absorption case of Computer Operators in I.T cadre already referred to the Provincial government vide CPO's letter No. S/7445-50/16, dated 16.11.2016. The appellant shall not claim any back-benefits.

Sd/----------
DR. ISHTIAQ AHMAD (PSP)
Addl: Inspector General of Police
Investigation KP Peshawar

No. 4248-54/EC/Inv: dated Peshawar, the 6/04/2018.

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

1. Director I.T CPO.
2. PA to Addl:IGP/Investigation KP Peshawar.
3. Accountant Inv:
4. Official concerned.
5. DSP Admn Inv:

Fasihuddin

(DR. FASIH-UD-DIN) PSP
Deputy Inspector General of Police,
Investigation Admn CPO Peshawar

Hamayun

P.I. as Constt: 2192 at Rs. 2124/- P.M
w.e from 1.12.2001.

N. Rehman
For DIG/Police CB,
NWFP Peshawar.

Dy: Supdt: of Police
Police Branch N.W.F.P.
Peshawar,

Pay fixed provisionally in the revised
Basic pay scale No. 5 at Rs. (2100-100-5100)
at Rs. 33.00 [illegible] w.e.f. 1.12.2001

N. Rehman
For DIG/Police, CB,
NWFP, Peshawar.

ORDER

Promoted as Offg: Head Constable
BPS-7 (2220-120-5220) w.e.f. 30-4-2002
vide His Office Order No. 1934-38/CB dt. 7/5/2002
(Copy attached).

Pay fixed as HC BPS-7 @ Rs 3420/PM

P.I as HC at Rs. 3540/- PM
w.e from 1.12.2002

N. Rehman
For DIG/Police CB,
NWFP Peshawar.

P. I. as HC at Rs. 3660/- PM
w.e.f. from 1.12.2003

N. Rehman
For Addl: I G Invest:
NWFP Peshawar.

P. I. as HC at Rs. 3780/- PM
w.e.f. from 1.12.2004

For Addl: I G Invest:
NWFP Peshawar.

2005 SR/CB 3/5

Pay fixed provisionally in the revised
Basic pay scale No. 7 Rs. 2555-140-6785
at Rs. 4375/- [illegible] w.e.f. 1.12.2005

N. Rehman
For Addl: I G Invest:
NWFP Peshawar.

P. I. as HC at Rs. 4515/- PM
w.e.f. from 1.12.2005

N. Rehman
For Addl: I G Invest:
NWFP Peshawar.

w.e.f 1-12-95.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar

Confirmation

Confirmed in the rank of constable w.e.f 9-7-96.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.

Pr as const at @ Rs 1862/-PM + 246/20 SPL: pay w.e.f 1-12-96.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.

Pr as const: at @ Rs: 1928/-PM + 246/20 SPL: Pay w.e.f 1-12-97.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.

Transfer of Lien

The Lien of Constable Hamayun Khan No. 107 is hereby transfered to Distt: Mardan vide IGP/NWFP Peshawar Endst: No. 2378-92/ET. dt: 19-2-98. However he will remained on deputation to Crimes Branch till further Orders.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.

Pr as Const: at @ Rs: 1994/-PM + 246/20 SPL: Pay w.e.f 1-12-98.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.
1/5783.

Pr as const: at @ Rs: 2060/-PM + 246/20 SPL: Pay w.e. from 1-12-98.

Dy: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.

B. I Examination

Pass B-I Examination held on 2001 Date 10/2001

OB No-141

Dt:- 25/2/2001

Deputy Inspector General
Criminal Investigation Branch
N.W.F.P. Peshawar.

Name 2201 Nature of employ. — District S.V.C.

OFFICE OF THE ACCOUNTANT GENERAL N.W.F.P. PESHAWAR
Relationship
PAY FIXED IN THE REVISED BASIC PAY SCALES 2001
Rs. 2220-122-5220 (7)
AT Rs. 3320
W.E.F. 1-12-2000
ON 1-12-2000

Service verified from 2-7-91 to 31-12-94 from the Pay Bills and Acquittance Rolls kept in this Office.

Deputy Inspector-General of Police, C.I.D. N.W.F.P. Peshawar

NAME, RESIDENCE AND OTHER PARTICULARES OF HEIRS.

Wife.

Pl'as Constl- CRs- 1280/pm + 256/- SPL Pay w.e.f. on 1-12-1993

Dy: Supdt. of Police Crime Branch N.W.F.P. Peshawar.

Revised Entries

Father.

~~Pay on 2-7-91 Rs. 700/- + Rs 140/- SPL Pay &m~~

Pay on 2-7-91 Rs. 1035/- + Rs 207/- " " "

Mother.

Pay on 1-12-92 Rs. 1084/- + Rs. 216/80 " " "

Pay on 1-12-93 Rs. 1133/- + Rs 296/60 " "

Pay on 1-6-94 Rs. 1532/- + Rs 296/60 " "

Brother.

Sister.

Dy: Supdt. of Police Crime Branch N.W.F.P. Peshawar.

Pl'as Constl- CRs. 1598/pm + 226/60 SPL Pay w.e.f. on 1-12-94.

Dy: Supdt. of Police Crime Branch N.W.F.P. Peshawar

Passed A-I Examination held on 5-1-99

OB No. 31/CB

27/2/99

By: Supdt. of Police Crime Branch N.W.F.P. Peshawar.

Note.—Under line in red ink their nominated (with not more than two alternatives) and fill in name and particulars necessary to trace.

EJAZURREHMANQAZI
JUDICIAL MAGISTRATE-II, PESHAWAR

ORDER
18/09/2017

1. SPP for State present. Accused absent. DFC also absent. Process issued against accused not returned.

2. Through my this brief order, I intend to dispose of the instant case FIR No. 283dated 06/04/2018 under Section 216 PPC registered at police station Daudzai, Peshawar; under Section 249-A Cr. P. C; on the following grounds.

3. Pithily stated facts of the present case are these that in pursuant to prior tip of regarding presence of accused Muhammad Umar; wanted in case FIR No.167, dated 06/03/2018, u/s 302/324/34 PPC Police Station Daudzai; in the house of accused Nabi Noor, the SHO of Police Station Daudzai along with other police contengents including lady constable; raided the house of accused Nabi Noor; but the said Muhammad Umar; the accused of FIR No.167 had fled away due to abatement of the accused Nabi Noor. The

ORDER

The following Offg:Head Constables of Computer Centre Crimes Branch,NWFP,Peshawar are hereby promoted as Offg:ASIs against the existing Vacancies with immediate effect:-

1. H/Constable Shabir Ahmed No.116
2. " Sadid Ullah No.38
3. " Arif Hussain Shah No.121

On promotion they are remain posted to the Computer Centre Crimes Branch,NWFP,Peshawar.

(SHAUKAT ALI KHAN)
Dy:Inspector General of Police,
Crimes Branch,N.W.F.P,Peshawar.
(F.A)

OB No. 358 /Crimes.

Dated 19-11- /1995

No. 3498-3502/Crimes,dt:Peshawar,the 19.11./1996.

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

1. Incharge Computer Centre Crimes Branch,NWFP,Peshawar
2. Accountant Crimes Branch,Peshawar.
3. Reader to DIG/Crimes Branch,Peshawar
4. Lines Officer,Crimes Branch,Peshawar.
5. S.R.C/Crimes Branch,Peshawar.

ORDER

without condt promotion

Constable Shuaib Khan No.71 of Accounts Branch, CPO, Peshawar is hereby promoted as officiating Head Constable with immediate effect and until further orders.

(DR.MASOOD SALEEM)PSP
Deputy Inspector General of Police
HQrs: CPO, Peshawar.

No. 5237-38/E-IV dated Peshawar the 26/4/2017

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

1. SP Admn: & Security CPO, Peshawar.
2. Accountant CPO, Peshawar.

Sir,

1. Kindly refer to the enclosed application jointly submitted by the following Head Constables of this unit for the grant of promotion as Offg: ASI.

   1. HC Nizar Muhammad No. 141
   2. HC Muhammad Ejaz No. 127
   3. HC Muhammad Tariq No. 128
   4. HC Humayun Khan No. 171
   5. HC Fazle Rehman No. 167

2. The above officials were enlisted in Crimes Branch (Inv: Unit).
3. **At present 10-vacancies** of ASIs are lying vacant in this unit.

   Submitted for f/o orders please.

28/3
EC/INV

OS/INV: 29/3

W/DIG/Inv:-III

It is recommended that 10 vacancies of ASIs lying vacant in this Unit may be filled by promoting the suitable HCs [as per seniority]

W/Addl:IGP/Inv:

29/03

What is the laid down procedure

DIG/III — Addl:IGs 2/4/2012

Officiating Promotion

I- Sir,

a- Police Rules 21.25 (Annex-B) is clear on the subject. The police officers deputed to Crime Branch are eligible for officiating promotion.

b- There is shortage of 10- vacancies of ASI's and 05- HCs are recommended by DIG-Inv: II.

c- The recommendations are submitted for favour of approval please.

PSO
DSP-Legal
12/4/12

II- w/Addl:IGP Investigation:

Approved.
Addl:IGP
16/4/2012

P.S.O

III- Superintendent/Investigation.

A-I Examiner

Passed A-I Examination held on 5

CS No. 31/CB

Dt 27/11/99

By: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar,
11/1/2001

PI constable @ Rs. 2126/- PM w.e.f.

P.I as Const at Rs. 2192 /P.M
w.e from 1. 12. 2001.

For DIG/Police CB,
NWFP Peshawar.

By: Supdt: of Police
Crime Branch N.W.F.P.
Peshawar.

2001
Pay fixed provisionally in the revised basic pay scale No. 5 of Rs. (2100-100-5100) at Rs. 3300/P.M w.e.f. 1.12.2001

For DIG/Police, CB,
NWFP, Peshawar.

ORDER

Promoted as Offg: Head Constable BPS-7 (2220-120-5820) w.e.f. 30-4-2002 vide His Office Order No. 1934-38/CB dt. 2-7-02 (Copy attached).

Pay fixed as HC BPS-7 Rs 3420/PM

P.I as HC at Rs. 3540/-P.M
w.e from 1. 12. 2002

For DIG/Police CB,
NWFP Peshawar.

Chief Supdt of Police
Crime Branch N.W.F.P.
Peshawar.

2005 SEC/CB 3/5
Pay fixed provisionally in the revised basic pay scale No. 7 Rs. 2555-140-6755 at Rs. 4375/PM w.e.f. 1.07.2005

P. I. as HC at Rs 3660/-PM
w.e.f. from 1 12 2003

For Addl: I G Invest:
NWFP Peshawar.

For Addl: I G Invest:
NWFP Peshawar.

P. I. as HC at Rs 4515/-PM
w.e.f. from 1 12 2005.

P. I. as HC at Rs 3780/-PM
w.e.f. from 1 12 2004

For Addl: I G Invest:
NWFP Peshawar.

For Addl: I G Invest:

(7)

B-I Examination

Pass B-I Examination held on 2001 Date 10/1/2001

OB No. 141
Dt: 25/2/2001

Deputy Inspector General
Of Police Training Branch
N.W.F.P. Peshawar.

ORDER

Constable Hungyar Khan has Proceeded to Photography Section on 19-06-2018 Letter No. 692/SRC dtd 19/6/2018

Photography Certificate

DIRECTOR
Drawing & Disbursing Officer
Police Khyber Pakhtunkhwa
Peshawar.

Constable Hungyar Khan has Successfully completed Photography & Practical Training Course completed 01/07/2018 to 31/07/2018 has qualified ALL Exams 31/7/2018
OB. No. 7 dtd. 16/8/18.

DIRECTOR
Police Khyber Pakhtunkhwa
Peshawar.

(5)

Office of the Deputy Inspector General
2/00 - 160 - 5/2
3305/
Accounts Office
Police Lines N.W.F.P. Peshawar

92/14/m