


FORM OF ORDER SHEET

Court of _____

Appeal No. 2474/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/11/2023	<p>The appeal of Mr. Said Rehman resubmitted today by Mr. Faqir Hussain Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

This is an appeal filed by Mr. Said Rehman today on 05.10.2023 against the order dated 16.08.2023 against which he made/preferred departmental appeal/representation on 01.09.2023 the period of ninety days is not yet lapsed as per section 7 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiency.

Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file covers.

No. 3359/ST,

Dt. 6/10 /2023.

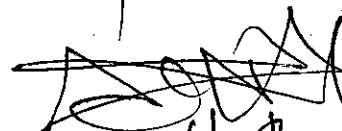


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Faqir Hussain Adv.
High Court Peshawar.

Re-submission
06/10/2023

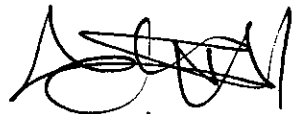
re submitted after
necessary completion as per duration
of this honorable tribunal but so
far as concerned with period of
maturity, this appeal is mature as
the verbal order dated 09/09/2023
have been passed, which created
right of the submission of the
instead of appeal as in detailed
of verbal departmental order
dated 09/09/2023 is mentioned
in the affidavit available at
page no. 15. Please consider



06/10/2023

27/11/23

Resubmitted as the current
appeal is mature as per order
dated 16/8/23



27/11/23

Before The Khyber Pukhtunkhwa Service

Tribunal Peshawar

Service appeal No _____ 2023.

Saeed Ur Rehman **Versus** *IGP/PPO & others*

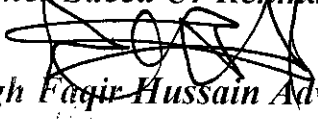
**Application for the fixation of the accompany
appeal before the principal set at Peshawar due
to the reasons of convenience to the appellant
and his Counsel**

Respectfully Sheweth,

1. That the Petitioner has instituted the instant case for which no date of hearing has been fixed for adjudication.
2. That the principal set at Peshawar is accessible and near to the Petitioner/appellant as compare to other bench.
3. That the Counsel for the appellant is the permanent practicing lawyer in Peshawar High court which is too excessive to the parties.
4. That the grounds of the main appeal may kindly be considered as integral part of this application for injunction.
5. That any other grounds will be raised at the time of arguments with the prior permission of this honorable Court.

It is therefore most humbly prayed that on the acceptance of this Petition the instant appeal may kindly be fixed in the principal set at Peshawar just for the convenience of the parties and their counsels as prayed for in the heading of the appeal

Petitioner Saeed Ur Rehman


*Through Faqir Hussain Advocate
High Court Peshawar*

Before The Khyber Pukhtunkhwa Service

Tribunal Peshawar

Service appeal No 2474/2023.

Saeed Ur Rehman

Versus

IGP/PPO & other

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Petitioner Saeed Ur Rehman

Through Faqir Husain

Advocate High Court

05/10/23

Subsystem: IMAGE
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1

Before The Khyber Pukhtunkhwa Service

Tribunal Peshawar

Service appeal No 2474 of 2023

Saeed Ur Rehman SI, No-161-H District Kollai Pallas posting in CTD
DI Khan Region-I....."Appellant"

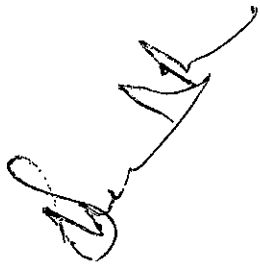
Versus

1. IGP/PPO Khyber Pukhtunkhwa Peshawar.
2. AIG CTD Khyber Pukhtunkhwa Peshawar....."Respondents"

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PUKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 R/W POLICE RULES 1975
WITH 2014 AMENDMENTS AGAINST THE
IMPUGNED ORIGINAL ILLEGAL AND
UNLWAFULL PRE MATURE
POSTING/TRANSFER ORDER VIDE OB NO-
13986-90 DATED 16/08/2023 PASSED BY THE
RESPONDENT NO-2 AS WELL AS AGAINST
THE APPELLAT VERBAL ORDER VIDE OB NO-
8770-74 DATED 09/09/2023 PASSED BY THE
RESPONDENT NO-1**

Prayers,

On the acceptance of this appeal the impugned original illegal pre mature posting/transfer order dated of the respondent No-02 and the appellate verbal order dated 09/09/2023 of the respondent No-1 may kindly be set aside and the appellate may kindly be back to Hazara Region.



Respectfully Sheweth,

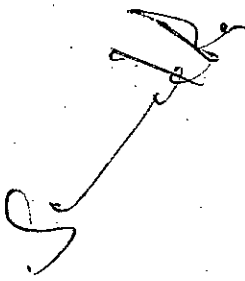
1. *That the appellant is honestly and efficiently serving in the police department from the last 25 years and there is no adverse remarks or bad entry in the whole service record of the appellant, furthermore*

the appellant was recruited as a constable in the police department from the parent District Kollai Pallas and after obtaining necessary Courses and training become a Sub Inspector, while the appellant was posted in the Counter Terrorism department of Hazara Region working under the immediate control of the respondent No-2 during that period on 13/09/2021 the appellant was transferred from Hazara Region to DI Khan Region which was communicated to the appellant on 23/09/2021, accordingly the appellant relinquished the charge of is duty.

2. That after departmental proceeding in that case the appellant was aggrieved from the decision have file departmental appeal and review petition before the appellate forum and during pendency of the appeal appellant filed so many application for early decision but instead of the decision respondent no2 handed the appellant the impugned pre mature posting transfer order dated 16/08/2023s.(copy of the impugned pre mature posting transfer order is attached)
3. That thereafter the appellant file departmental appeal before the respondent No-1 being the head of the department but in vain as the appeal was orally rejected vide hearing date 09/09/2023 but no written order is provided to the appellant yet.(Copy of the departmental appeal is attached wit affidavit)
4. That feeling aggrieved from the competent authority/respondent No-1 the appellant filed a departmental appeal/representation before this honorable tribunal under compelling circumstances and state of emergency.
5. That now the appellant approaches this honorable tribunal on the following grounds amongst the others.

GROUNDS,

- A. That impugned order of the respondents against the appellant are not maintainable at any cost on the grounds that the appellant was not absent and was present in official Course as per selection of superior officers.
- B. That as per the police rules and enquiry rules when the appellant relinquished charge at Hazara Region then official of Hazara Region was not competent to charge sheeted the appellant and conducted enquiry and awarded him punishment for the offence which is not committed with in their authority and domain.
- C. That respondent No-2 in case of any professional misconduct of the appellant was having the only option to send the enquiry to the concerned official of the department at DI Khan.
- D. That the appellant have completed his out station period in the DI Khan more than the prescribed period and spent 21 Months there.
- E. That the appellant times in again approaches the respondents for the needful but in vain due to the lack of interest of the respondents, the appellant was being sending to each other's for the needful.
- F. That both the impugned order passed by the respondents are totally illegal



unlawful, void ab initio perverse fanciful hence not maintainable at any cost.

G. That in the present situation and circumstances the appellant has no other remedy except to file the instant service appeal.

H. That under the constitution of the Islamic republic of Pakistan courts is the guardian and custodian of the fundamental rights of the citizen protected under the constitution.

It is therefore most humbly prayed that on the acceptance of this appeal the impugned original illegal pre mature posting/transfer order dated of the respondent No-02 and the appellate verbal order dated 09/09/2023 of the respondent No-1 may kindly be set aside and the appellate may kindly be back to Hazara Region.

Appellant Saeed UR Rahman
Through Faqir Hussain
& Jamroz Khan Advocates
High Court Peshawar

Certificate

Certified no such like service appeal has earlier been

Filed or pending before this honorable Court.

Lists of Books:

1. Police Rules 1934.
2. Police disciplinary proceeding Rules 1975.
3. Police Act 2017.
4. Civil Servant E & D rules 1973.

Advocate

5

Before The Khyber Pukhtunkhwa Service
Tribunal Peshawar

Service appeal No _____ 2023.

Saeed Ur Rehman **Versus** **IGP/PPO & others**

Affidavit

I Saeed Ur Rehman SI, No-161-H District Kollai Pallas posting in CTD DI Khan Region-I do hereby solemnly affirm and declare on Oath that the contents of the accompany Service appeal, the grounds of the application for interim relief as well as the grounds of the verbal/oral decision dated 09/09/2023 passed by the respondent No-1 are true and correct to the of my knowledge and belief and nothing have been kept concealed from this Honorable Tribunal/Court.

Deponent

Saeed Ur Rehman

CNIC No:

Appellant Saeed Ur Rehman

05 OCT 2023

Through

Faqir Hussain Advocate



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Before The Khyber Pukhtunkhwa Service
Tribunal Peshawar

Service appeal No _____ 2023.

Saeed Ur Rehman **Versus** *IGP/PPO & others*

Addressees of the parties

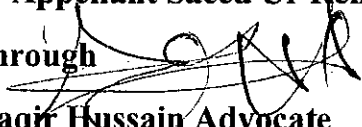
PETITIONER ADDRESS,

*Saeed Ur Rehman SI, No-161-H District Kollai Pallas posting in CTD
DI Khan Region-I*

RESPONDENTS ADDRESSES,

1. IGP/PPO Khyber Pukhtunkhwa Peshawar, office at fort Road
Central Police office Peshawar.
2. AIG CTD Khyber Pukhtunkhwa Peshawar, office at fort Road
Central Police office Peshawar.

SUR

Appellant Saeed Ur Rehman
Through 
Faqir Hussain Advocate
High Court Peshawar

7

Before The Khyber Pukhtunkhwa Service
Tribunal Peshawar

Service appeal No _____ 2023.

Saeed Ur Rehman **Versus** *IGP/PPO & others*

APPLICATION FOR THE SUSPENSION OF
OPERATION OF THE IMPUGNED PRE MATURE
TRANSFER ORDER DATED 16/08/2023 OF THE
RESPONDENT NO-2 OF THE TILL THE
DISPOSAL OF THE INSTANT APPEAL

Respectfully Sheweth,

1. *That the Petitioner has instituted the instant case for which no date of hearing has been fixed for adjudication.*
2. *That the Petitioner/appellant has the prima facie strong case against the Respondents and there is much hope of the Success of the case in hand in favor of the Petitioner.*
3. *That balance of convenience is also lies in favor of the Petitioner which is apparently looking from the tentative assessment of the record.*
4. *That if the injunctive order for the restraining of Respondents from the execution and enforcement is not passed in favor of the Petitioner against the Respondents, the Petitioner will cause irreparable loss.*

3

5. That the grounds of the main appeal may kindly be considered as integral part of this application for injunction.

6. That any other grounds will be raised at the time of arguments with the prior permission of this honorable Court.

It is therefore most humbly prayed that on the acceptance of this Petition stay order may kindly be passed in favor of the petitioner against the Respondents as prayed for

Petitioner Saeed Ur Rehman



Through Faqir Hussain Advocate

High Court Peshawar



No: 13986-90 /EC/CTD
Date: 16/08/2023

(25) (9)

'A'
annexure

Office of the
Addl: Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa Peshawar.
☎ 091-9212518-19; 091-9212530
Email: addligctd@kppolice.gov.pk

ORDER

The following transfer/ posting of officer of CTD KP is hereby ordered with immediate effect till further orders.

S.No	Name, Rank & No.	From	To
01	SI Said Ur Rehman No. 161-H	CTD Hazara Region-I	SP CTD DI Khan Region-I

-s/d-
(SHAIKAT ABBAS)PSP

Addl: Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

Copy for information to the:

1. Deputy Inspector General of Police, Operations, CTD Khyber Pakhtunkhwa.
2. SP CTD Hazara Region-I
3. SP CTD DI Khan Region-I
4. PSO to Addl: Inspector General of Police, CTD Khyber Pakhtunkhwa, Peshawar.
5. All concerned.

(JANAS KHAN)
(SP Admn)

For: Addl: Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

16.5.2023
IGP

Att
~~Signature~~

بخدمت جناب انسٹر جنرل صاحب صیبر ضلع خواہ پور

کلام اہل رفاق حکم 90/EC/CTD - 13986
موضوعہ 16/8/2023 جناب CTD، صیبر ضلع خواہ پور
رو سے سائل پر premature posting transfer
کے تحت نزارہ رحین I سے ادیان رحین I کو
کرنے کا حکم جاری ہے۔

صاحب عالی

1۔ اہل رفاق جو اس کے ذیل اہل دستہ کرتے ہیں
سائل نے 12/5/23 یعنی نوے ہجرت
- یہ سائل نے قبل ازیں موضوعہ 13/9/21
میں اپنے رحین سے باہر ادیان رحین سے انجام دی ہے اور
موضوعہ 12/5/23 کو نزارہ رحین I سے ادیان رحین I سے شروع کر کے
اپنی ڈیوٹی کو ختم کیا اور جانفشانی کے ساتھ اسے انجام دے رہے ہیں۔
وہیں شکایت یا غفلت سائل کو ایک بار حکم زبردستی کے ذریعے
ادیان رحین I سے شروع کر کے سائل کو خالصتاً ہی ہونے سائل
قبل ازیں اپنا پیرڈیکل کر چکا ہے۔

1

2۔ یہ سائل نے جوڑے میں اور والدین اکثر بیمار رہے ہیں ان کے دکھنا اور
بچوں پر نظر رکھنے کیلئے کوئی دوسرا قصدار بندہ نہ رہا، دوسری طرف نزارہ
رحین اور ادیان کے پاس خاصا بھی 700 کلو مشین سائل کافی مشکل
میں لگا ہوا ہے۔ میری فرمائش ہے کہ نزارہ رحین صاحب اور CTD
صیبر ضلع خواہ پور کو مطلع کیا جائے اور اس نزارہ رحین کو
جا کر تاہمات و علاوہ دیگر سائل کو اور اس نزارہ رحین کو
01/09/2023
آپ کا اہل رفاق صاحبت سعید الرحمن SI H-161

2

Attended

قیمت
50 روپے

14298

پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈوکیٹ: 



بار کونسل ایسوسی ایشن نمبر: 1-265-09-03

رابطہ نمبر: 0308-9014729

بعدالت جناب: خیبر پختونخواہ سروس ٹریڈنگ پشاور

مخانب: <i>Petitioner</i>	دعویٰ: <i>Service Appeal</i>
سعید الرحمان	علت نمبر: _____
بنام	مورخہ: _____
16P/PO & others	جرم: _____
	تھانہ: _____

باعت تحریر آگہ

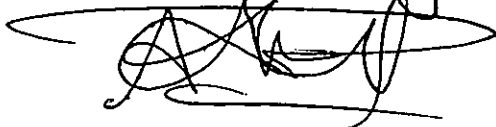
مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام پشاور سید فقیر حسین انور کوٹیل کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساخشیہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائز التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب باہندانہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

PESHAWAR BAR ASSOCIATION
KHYBER PAKHTOON

المرقوم: 05/10/2023

المقام پشاور واہ شد الع بد کے لیے منظور ہے۔

Attested by Adv



05/10/2023

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔