

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 1726/2023

Nasir Khan..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc.....(Respondents)

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DEPONENT



**DSP/ Legal,  
CPO, Peshawar**

①  
**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Service Appeal No. 1726/2023

Nasir Khan..... (Appellant)  
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc.....(Respondents)

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 9880

Dated 13-12-2023

**PARA-WISE COMMENTS BY RESPONDENT NO. 1 TO 4**

RESPECTFULLY SHEWETH:

That the respondents are submitted as under:-

**PRELIMINARY OBJECTIONS:-**

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

**FACTS**

1. Pertains to personal information of the appellant hence, needs no comments.
2. Incorrect, the appellant was enlisted as Constable in FRP Headquarter, Peshawar on **02.05.1991** vide OB No. 268 dated 02.05.1991, qualified recruit course for the term ending 20.03.1992 vide RTC Kohat Memo: No. 72/ C dated **09.05.1992**. He qualified A-1 and B-1 exams vide Commandant FRP Peshawar OB No. 221 dated **26.03.1995** and No. 225 dated **15.03.1997** respectively thereafter qualifying **Lower School Course for the term ending 10.10.1997** at PTC Hangu vide Notification.No. 10220/S/RESULT dated 28.10.1997 and Commandant FRP Peshawar OB No. 877 dated 10.11.1997. He was promoted as Officiating Head Constable vide Commandant FRP Peshawar Order No. 1624-28/ OSI dated **14.04.1998**, qualified **Intermediate College Course for the term ending 10.10.1998** vide PTC Hangu No. 6013/ S/RESULT dated 27.10.1998 and Commandant FRP Peshawar OB No. 1003 dated 24.11.1998 and was brought on List 'D' vide Notification No. 2829/ EC dated **25.05.1999**. Then, he was confirmed Head Constable vide Commandant FRP Peshawar Order Endst: No. 998-91/ EC dated **17.02.2000**. Subsequently, he was promoted as officiating ASI in the existing vacancy of FRP Peshawar vide Endst: No. 2081-86/ EC dated **04.04.2000** and confirmed as ASI on 25.05.2005. He was again confirmed as ASI on 20.02.2002 and his name brought on List 'E' on 25.04.2008. He qualified **Upper College Course** for the term ending **20.09.2000** vide Commandant FRP Peshawar Order No. 9200/ FRP/SRC dated 15.11.2000. He was promoted to the rank of officiating SI vide Notification No. 3717/ EC-1 dated **21.04.2008**. He was brought on List 'F' and promoted to the rank of officiating

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②

Inspector vide PPO Notification No. 18419-29/ E-II dated 30.07.2010. He was promoted to the rank of DSP vide PPO Notification No. 115/ SE-1 dated 30.01.2018. Thus, perusal of record would reveal that the appellant's case is hit by the judgments of the august apex court as his career progression is full of gross irregularities and flagrant violations of Police Rules. Moreover, the appellant was recruited in Khyber Pakhtunkhwa Frontier Reserve Police, a branch of KP Police establishment and while remain posted in the unit, he gained benefits of accelerated promotions and out of turn selection to promotional courses. DIGs/Heads of such establishments started exercising the administrative powers of the Range DIGs. However, all the establishments, other than the executive police establishments, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion. It has been clearly provided in the Chapter XIII of Police Rules, 1934 that there should be common seniority of Police Personnel serving in all establishments to be maintained by the District Police/ Range DIG and Central Police offices, which is also provided in the Standing Order No. 02/2016 (copy attached as Annexure-A). Being the custodian of the service record etc. of the Police personnel, the District police/Range DIG, shall make selection for Police personnel for police trainings and practical trainings, and no other establishment shall be authorized to make such selection. The petitioner, on the other hand, was appellant selected to various out of turn promotion trainings by virtue of his posting in the Frontier Reserve Police. Various Standing Orders granting incentives of accelerated promotion to the officials of FRP were issued erroneously and inconsistent with the Police Rules, 1934 wherein Rule 1.3, under which different establishments were made in the Police Force to facilitate the smooth working, was misconstrued. By flawed assumption of the powers under the Standing Orders or otherwise, the DIGs, who were heading the establishments construed the establishments as Ranges. Additionally, all the administrative powers conferred on the Range DIG, i.e who heads the Executive Police Range, were encroached on by the heads of these establishments created under the Rule 1.4. The said DIGs of the establishments also started maintaining seniority and making recruitments to these establishments, in negation of the clear language of the Police Rules and this fact has been deprecated by the Hon'ble Supreme Court of Pakistan its judgments reported in 2016 SCMR 1254, relevant para of which is reproduced below;

*62. We are disturbed in the manner the powers were being exercised by the DIGs heading different establishments under the nose of the government, which was not only against the Police Rules but such practice has actually divided the Police Force. The establishments were created to facilitate the smooth working of the Police. There is no concept of cadre within the Police, which is one indivisible force. However, as referred to hereinabove the Police Rules prescribe three modes in recruiting the Police personnel. The first recruitment mode is appointment of the Executive Police, the second recruitment mode, which has a different set of Rules refers to appointment of technical District Police and the third mode brings the recruitment of the Inspectors / Sub-Inspectors Prosecution (Legal). There can be employees in the Police Department, which are non-uniformed like ministerial staff and / or I.T. Department but they are recruited and regulated by the Sindh Civil Servants Act, 1973 and the Rules framed thereunder.*

Thus the petitioners' case fall in the definition of out of turn promotion declared illegal and unconstitutional by the august Apex Court in its landmark judgments reported in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions.

- 3. Pertains to the Hon'ble Tribunal judgment. However, the august Apex Court has in its judgment reported as 2018 SCMR 1218 has held that judgments of the Hon'ble Services Tribunal, High Court and even the Supreme Court of Pakistan granting out of turn promotion are declared null and void ab initio in the following terms;

Keeping in view the above we hold as under:-

*76. The exception, created in para No.111 of the ShahidPervaiz's Case (Supra) read with para No.143 thereof, wherein the protection was extended to the category of cases "wherein 'out of turn promotion' was granted to individuals, pursuant to the judgments of the High Court, Service Tribunal and the Supreme Court", is hereby withdrawn by exercising Suo Moto Review Jurisdiction;*

Furthermore, it is worth mentioning here that the appellant belonged to Khyber Pakhtunkhwa Frontier Reserve Police (FRP) which is a separate establishment of KP Police Force. Previously, DIGs of such establishments started exercising the administrative powers of the Range DIGs. However, all the establishments, other than the executive police establishment, i.e., in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion. It has been clearly provided in the Chapter XIII of Police Rules, 1934 and also highlighted in the august Apex Court judgment reported as 2016 SCMR 1254 that there should be common seniority of Police Personnel serving in all establishments to be maintained by the District Police, the Range DIG and Central Police Office. Being the custodian of the service record etc. of the Police personnel, the District police/Range DIG, shall make selection for Police personnel for police training and practical training, and no other establishment shall be authorized to make such selection. The appellant on the other hand has been selected to various out of turn promotion trainings by virtue of being officials of the Reserve Police and this fact has been deprecated by the Hon'ble Supreme Court of Pakistan its judgments reported in 2016 SCMR 1254. Thus the petitioners' case fall in the definition of out of turn promotion declared illegal and unconstitutional by the august apex court in its landmark judgments reported in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions.

CF

- 4. Pertains to the Hon'ble Tribunal judgment, and as explained vide the preceding Para.
- 5. Correct to the extent of the appellant's revised confirmation as ASI pursuant to the judgments of the Hon'ble courts but the same is rebutted as explained above.
- 6. Denied as incorrect as already explained above. Furthermore, In compliance with Order Sheet of Hon'ble Supreme Court of Pakistan dated 26.01.2023 in Suo Moto

(M)

Contempt proceedings vide Crl.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide this office Letter No. CPO/CPB/75, dated 14.02.2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been refixed along with their Batchmates who were promoted during their intervening period by maintaining original inter-se-seniority.

7. Incorrect, there were certain anomalies in the seniority lists of Police Officers as in many cases the police personnel had completed their statutory period of probation as per Rule 13.18 of Police Rules, 1934 (amended 2017) but were not confirmed for want of notification in violation of rule *ibid*. As a result of such delayed confirmations, a number of police personnel were affected in terms of promotions and seniority which created serious anomalies in the seniority lists of Police personnel and resulted in endless litigation as well as demoralization of the Police force. This serious issue was addressed and discussed in the apex Court of Pakistan, in the case reported as 2016 SCMR 1254 case titled Gul Hassan Jatoi etc Vs Faqir Muhammad Jatoi etc. The relevant Para of the judgment is reproduced as under:-

*74. It has been observed that in many cases the Police personnel have completed their statutory period of probation but they were not confirmed for want of notification, and as result of which such officials have suffered in terms of delayed promotion or loss of seniority, which is a sheer negligence and abuse of power on the part of competent authorities concerned. Hence, we are of the view that this practices must be brought to an effective end so that injustice may not be perpetrated against such officials. Therefore, in future those police personnel who have completed their statutory period of probation, whether it is three years or two years, they shall be confirmed whether or not a notification to that effect is issued.*

Therefore, in order to streamline the seniority issues in accordance with the apex Court judgments quoted above, the competent authority through Letter No. CPO/CPB/68, dated 28.02.2022 (copy attached as Annexure-B) directed that all Regional Police Officers/ Capital City Police Officer should strictly follow Rule 13:18 *ibid* for confirmation in the substantive rank of SI and revise it accordingly, if there exists any anomaly. Consequent upon the directions of competent authority, all RPOs/ CCPO revised the seniority of their regions by applying rule *ibid* and lists of revised seniorities were sent to CPO for revision of list 'F'. Thus, list 'F' was revised and issued on 02.09.2022 and subsequently DSsP seniority list was revised and issued on 28.06.2022. Those who were confirmed late in violation of Rule 13.18 were brought to equal treatment in accordance with august Apex

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Court's above quoted judgment and were given revised confirmation in the rank of Sub-Inspector in light of apex Court judgment, applying Police Rules, 13.18 uniformly throughout KP Police by virtue of which certain officials got their due and just seniority. The appellant's seniority was also corrected through the mentioned legal/ lawful procedure and was thus, not considered in the DSB to the rank of SP due to his lower seniority position in the wake of such revision. Further that correct to extent that appellant's Service Appeal No. 242/2023 is sub-judice before this Hon'ble Tribunal, both may kindly be clubbed together for common adjudication and decision.

8. Correct to the extent of the judgments of the Hon'ble Supreme Court of Pakistan pertaining to out of turn promotions of Police officers in Sindh and Punjab. However, the august Apex Court vide its judgment reported as 2013 SCMR 1752 has directed to all the Chief Secretaries of the provinces for implementation in this regard and to streamline the service structure of the Civil Servants in line with the principles laid down in the judgment. The operating Para of the judgment is reproduced below;

*183. "A copy of this judgment be sent to the Chief Justice, Sindh High Court through Registrar for circulating it amongst the learned Judges. A copy of this judgment be also sent to all the Chief Secretaries of the Provinces as well as the Secretary, Establishment Division, Government of Pakistan, Islamabad, with the direction to streamline the service structure of civil servants in line with the principles laid down in this judgment. The Chief Secretary and Secretary, Services, Sindh, are further required to comply with this judgment in letter and spirit and report compliance within three weeks".*

Similarly, the august Apex Court in its judgment reported as 2015 SCMR 456 has also conveyed the same directions, relevant para of which is reproduced below;-

*254. This judgment shall also be sent to the Chief Justices of all the High Courts through Registrars for their information, perusal and circulation amongst all the Hon'ble Judges. This judgment shall also be sent to the Chief Secretaries of all the Provinces as well as the Secretary, Establishment Division, Government of Pakistan, Islamabad, with the direction that they shall streamline the civil service structure in light of the principles laid down in this judgment. In addition, the office shall also send copies of this judgment to the Chairmen of the Federal Service Tribunal, Islamabad and the Sindh Service Tribunal, Karachi, through their Registrars, for information and compliance.*

Moreover, it is a settled law as enunciated in the Article 189 of the Constitution that any decision of Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan. Similarly, as provided in the Article 190 of the Constitution of Islamic Republic of Pakistan, 1973, all executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court.

9. Incorrect and misleading, It is worth mentioning here that as per service record of the appellant, the appellant got out of turn promotion to List 'B' and List 'C' in the same year which is a sheer violation of Police Rules and got benefits of accelerated promotional courses in the same year from FRP Unit. Similarly, he was promoted to the rank of HC on 14.04.1998 but again confirmed on 17.02.2000 in violation of Rule 13:18 extending out of turn confirmation. Moreover, appellant also undergone his Lower College Course and Intermediate College Courses in successive years meaning thereby getting benefit of out of turn promotion courses. The appellant

revised his confirmation as ASI, list 'F' and confirmation as SI in pursuance of Service Tribunal judgments as admitted by the appellant in his Appeal at Para No. 4 & 5 of Facts in flagrant violation of Police Rules amounting to out of turn promotion as well. As per details provided by CCP Peshawar vide its letter No. 4649/EC-1 dated 12.03.2023 (copy attached as Annexure-C), the appellant's case is hit by the judgments of the august apex court as his career progression is full of gross irregularities and flagrant violations of Police Rules. Also, the appellant cannot seek shelter of his case being as matter of past and closed transaction. The august apex court has in its judgment reported as 2018 SCMR 1218 has also highlighted the fact, relevant paras of the judgment are reproduced below;

70. *With respect, we do not agree with the learned counsel for the appellants/ petitioners that the exception created in Para 111 read with Para 143 in the judgment of Shahid Pervaiz's case (supra), is an absolute one. It was observed that "the cases wherein 'out of turn promotion' was granted to individuals, pursuant to the judgments of the High Court, Service Tribunal and the Supreme Court. They shall remain intact unless reviewed." The Court in judgment dated 29.03.2017 has taken the word "Review" in its general meaning, whereby the Department/ IGP could also re-examine the individual cases. Seen from another angle if we take it to mean that the review was to take place by the judicial authorities then this itself would be contrary to the judgment itself. In Para 119, it was observed that the employees who are still in service cannot seek refuge in the doctrine of past and closed transaction. It was held that:-*

*"119. ....the case of an employee who had enjoyed an out of turn promotion pursuant to a law found to be ultra vires the Fundamental Rights, who now stands retired and or died, it would constitute a past and closed transaction inasmuch as it would be a futile exercise to re-open the case of such an employee. On the other hand, employees who were so promoted under such a statute and who continue to remain in service, would be liable to be restored to the position that existed prior to the benefit conferred under the statute found inconsistent with Fundamental Rights. Indeed, once a statute has been declared as being unconstitutional for any reason, all direct benefits continuing to flow from the same are to be stopped.*

*Reference in this behalf may be made to the case of Dr.*

*Mobashir Hassan v. Federation of Pakistan (PLD 2010 SC 265)....."*

71. *When the very concept of out of turn promotion was declared to be unconstitutional then the exception created in Para 111 could not be said to be extended to the in service employees whether they had any judicial verdict in their favour or not. They were not protected under the doctrine of past and closed transaction as observed above. Moreover, no such protection was provided in the cases of Contempt Proceedings against the Chief Secretary Sindh (Supra) and Ali Azhar Khan Baloch (Supra), which were required to be followed by all the provinces to streamline the civil service structure. It would not be justified if any such benefit were to be extended to the employees of the Punjab Police. "118. The contention of the learned Counsel that the effect of the aforesaid judgments which declares the concept of out of turn promotion unconstitutional cannot be extended to apply retrospectively on the cases where law granting out of turn promotions was omitted, is without force..... Thus, there is neither any reason in principle nor any precedent which bars the Courts from examining the provisions of a repealed statute in a case pending before it on the touchstone of its inconsistency with the provisions of the Constitution or the Fundamental Rights, as enumerated in the Constitution."*

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Further that the august Apex Court has in its judgment reported as 2018 SCMR 1218 has held that judgments of the Hon'ble Services Tribunal, High Court and even the Supreme Court of Pakistan granting out of turn promotion are declared null and void ab-initio in the following terms;

Keeping in view the above we hold as under:-

*76. The exception, created in para No.111 of the Shahid Pervaiz's Case (Supra) read with para No.143 thereof, wherein the protection was extended to the category of cases "wherein 'out of turn promotion' was granted to individuals, pursuant to the judgments of the High Court, Service Tribunal and the Supreme Court", is hereby withdrawn by exercising Suo Moto Review Jurisdiction;*

10. Incorrect as per details provided by CCP Peshawar vide its letter No. 4649/EC-1 dated 12.03.2023, gross irregularities and flagrant violations of Police Rules were observed in the appellant's case as explained above in Paras No. 2 and 9 in detail.
11. Incorrect, the letter dated 08.12.2021 was in conflict with the Police Rules, 1934 which envisage that all the establishments, other than the executive police establishment, i.e, in-charge District police and Range DIG, are barred from making direct or indirect recruitment or promotion. This fact has been further clarified in the august Apex Court judgment reported in 2016 SCMR 1254 already discussed above.
12. Incorrect, CCP Peshawar vide its letter No. 4649/EC-1 dated 12.03.2023 has highlighted gross irregularities and flagrant violations of Police Rules in the career progression of the appellant. Furthermore, appellant has undergone his promotional courses in accelerated manner getting benefit from FRP Unit and later on got rectified his confirmations, lists 'E' and 'F' under compulsion of judicial verdicts in his favor. But, the same promotions and confirmations amounted to out of turn promotion infringing upon the rights of other Police officers by depriving them of their due seniority. Therefore, in compliance of Apex Court order dated 26.01.2023 in CrI.O. Petition No. 38/2021 in CP NO. 381/2020 and Apex Court judgments reported as 2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 206 & 2018 SCMR 1218 on the issue of out of turn promotions, appellant's out of turn promotion was withdrawn and his seniority was re-fixed with his batchmates.
13. Incorrect, CCP Peshawar after examination of complete service record of the appellant conveyed its subsequent information vide letter dated 12.03.2023. resultantly, appellant's out of turn promotion was withdrawn and his seniority was re-fixed with his batchmates as per compliance of Apex Court order dated 26.01.2023 in CrI.O. Petition No. 38/2021 in CP NO. 381/2020 and Apex Court judgments reported as 2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 206 & 2018 SCMR 1218 on the issue of out of turn promotions.
14. Incorrect, the appellant was beneficiary of out of turn promotion deprecated by the august apex court. Moreover, the august apex court vide its Order dated 26.01.2023 in CrI.O. Petition No. 38/2021 had granted one-month time for implementation of its judgments pertaining to out of turn promotions of police officers. Thus, in compliance with Order ibid of the Hon'ble Supreme Court of Pakistan and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan in 2013



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SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30.06.2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide CPO Peshawar office Letter No. CPO/CPB/75, dated 14.02.2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their Batchmates who were promoted during their intervening period by maintaining original inter-se-seniority. Therefore, out of turn promotion of the appellant was also withdrawn in order to avoid contempt proceedings of the august apex court against the respondent department.

15. Incorrect and misleading as explained in above Paras No. 2,9,12 and 13 above. Furthermore, the appellant was provided due opportunity of personal hearing vide CPO Peshawar letter bearing No. 991/ Legal dated 11.03.2023(copy attached as Annexure-D) before passing his demotion Order No. 586/Legal/E-I dated 15.03.2023.
16. Incorrect, the appellant is concealing real facts from this hon'ble Tribunal and as per available record, the appellant failed to exhaust opportunity of departmental representation provided to him under the law before he filed writ petition No. 1289-P/2023 by virtue of which he got interim relief in the shape of suspension order from the Hon'ble Peshawar High Court. The Hon'ble court vide judgment dated 29.08.2023 transmitted the appellant's case to this Hon'ble Tribunal.
17. Incorrect. The appellant is beneficiary of out of turn promotions and has been proceeded in compliance with Order dated 26.01.2023 of the Hon'ble Supreme Court of Pakistan in Suo Moto Contempt proceedings vide CrI.O. Petition No. 38/2021 and in pursuance of Judgments passed by Hon'ble Supreme Court of Pakistan mentioned above. All Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide this office Letter No. CPO/CPB/75, dated 14.02.2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their Batchmates who were promoted during their intervening period by maintaining original inter-se-seniority. Therefore, the appellant also has been proceeded in accordance with law/ rules as well as in the spirit of judgments of Hon'ble Supreme Court of Pakistan pertaining to Out of Turn Promotions and to avoid contempt proceedings initiated in CrI.O.P No. 38/2021. Therefore, the instant Service Appeal is not maintainable in law and is liable to be dismissed on following Grounds;

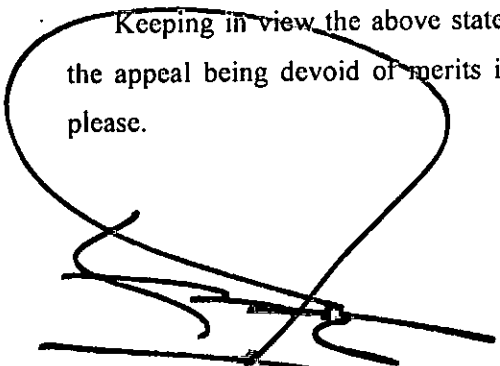
GROUNDS

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- a. Incorrect, misleading and misconceived. The respondent department has complied with the judgments of the august apex court. Therefore, the order passed by the respondent department in legal and according to law.
- b. Incorrect and misleading as the appellant has been provided due opportunity of personal hearing vide CPO Peshawar letter bearing No. 991/ Legal dated 11.03.2023(copy already attached as Annexure-B).
- c. Incorrect, demotion order of the appellant has been passed in compliance of the judgments of the august apex court pertaining to out of turn promotions.
- d. Incorrect, as already explained in preceding Paras and no malafide has been done to the appellant.
- e. Denied as incorrect and as already explained vide above Paras.
- f. Incorrect, the demotion order of the appellant has been passed in the wayall out of turn promotions across province have been withdrawnin compliance of the august apex court judgments.
- g. Incorrect, already explained vide above Paras, the appellant has not been deprived of his due rights.
- h. Denied as incorrect as already explained vide above Paras.
- i. Denied as incorrect as the appellant's seniority has been adjusted with his original colleagues as per law/ rules in the spirit of the directions contained in the judgments of the august apex court.
- j. Incorrect, already explained vide above Paras, judgments of the august apex court are prevailing over all the administrative orders and opinions.
- k. Incorrect, the orders are in accordance of the august apex court judgments and no constitutional provision has violated by the respondent department.
- l. Denied as incorrect as already explained vide above Paras.
- m. Denied as incorrect as the appellant had filed writ petition No. 1289-P/2023 by virtue of which he got interim relief in the shape of suspension order by the Hon'ble Peshawar High Court. The Hon'ble court vide judgment dated 29.08.2023 transmitted the appellant's case to this Hon'ble Tribunal
- n. The respondent department may also be allowed to adduce additional grounds at time of hearing of instant Service Appeal.

**PRAYER:-**

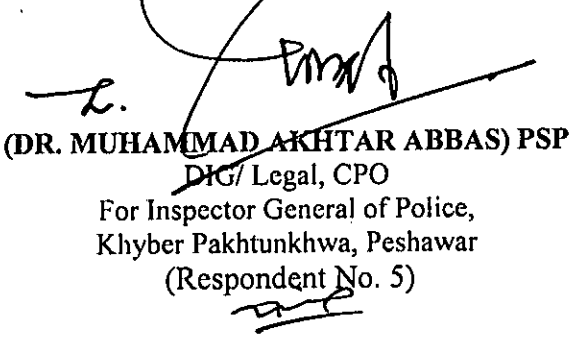
Keeping in view the above stated facts and circumstances, it is therefore humbly prayed that the appeal being devoid of merits is not maintainable and may kindly be dismissed with costs, please.



~~(SYED ASHFAQ ANWAR) PSP~~  
Capital City Police Officer,  
Peshawar  
(Respondent No. 3)



~~(TAHIR AYUB) PSP~~  
Commandant,  
FRP, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 4)



~~(DR. MUHAMMAD AKHTAR ABBAS) PSP~~  
DIG/ Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 5)



~~(NADEEM ASLAM CHAUDHRY)~~  
for Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 1)

11

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 1726/2023

Nasir Khan..... (Appellant)


VERSUS


Inspector General of Police, Khyber Pakhtunkhwa etc.....(Respondents)

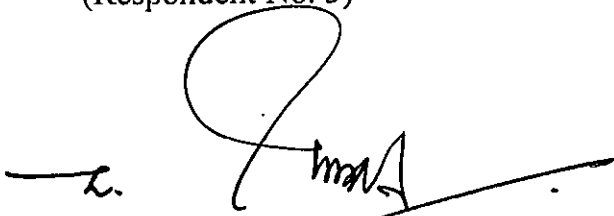
**AFFIDAVIT**


We, Respondents No. 1 to 4 do hereby solemnly affirm on oath that the contents of accompanying Reply to the Service Appeal are correct to the best of our knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

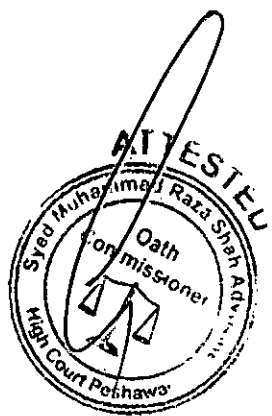
It is further stated on oath that in this Service Appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off.

  
**(SYED ASHFAQ ANWAR) PSP**  
Capital City Police Officer,  
Peshawar  
(Respondent No. 3)

  
**(TAHIR AYUB) PSP**  
Commandant,  
FRP, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 4)

  
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**  
DIG/ Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 5)

  
**NADEEM ASLAM CHAUDHRY**  
for Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 1)



13/11

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal No. 1726/2023


Nasir Khan..... (Appellant)

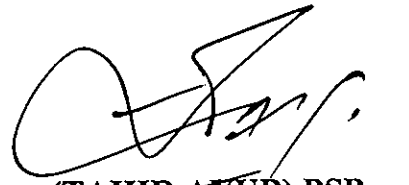
VERSUS

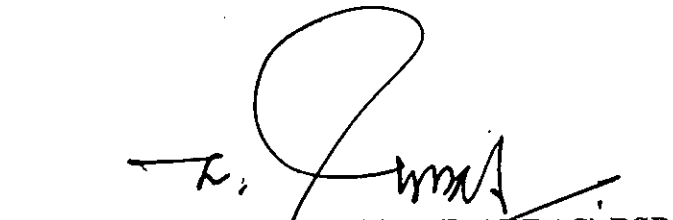
Inspector General of Police, Khyber Pakhtunkhwa etc.....(Respondents)


**AUTHORITY LETTER**

Mr. Faheem Khan DSP/ Legal, CPO, Peshawar is authorized to submit Para-wise comments/ reply in the instant Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant case on behalf of respondents No. 1 to 4.

  
**SYED ASHFAQ ANWAR) PSP**  
Capital City Police Officer,  
Peshawar  
(Respondent No. 3)

  
**(TAHIR AYUB) PSP**  
Commandant,  
FRP, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 4)

  
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**  
DIG/ Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 5)

  
~~**NADEEM ASLAM CHAUDHRY**~~  
for Chief Secretary,  
Government of Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 1)



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

STANDING ORDER NO. 02/2016  
Quotas of Districts in Central Units

This Standing Order is issued under Article 10(3) of Police Order 2002 and in pursuance of the Police Policy Board decision taken in its 20th meeting held on 15<sup>th</sup> December 2015.

2. **Aim:** - This Standing Order aims at fixing the contributory quota of District and Regions in the executive strength of the Central Units.

3. **Existing Sanctioned Strength in Rank as determining Factor:** - (1) The executive strength from Constable to Sub-Inspector of all Central Units including Frontier Reserve Police, Elite force, Central Police Office, Special Branch, Traffic Khyber Pakhtunkhwa, CPO Investigation, Central Police Office, PQR and Training Schools and College will be provided by the Police Districts/Regions of the Province in accordance with the ratio of their existing sanctioned strength in overall sanctioned strength for each rank as detailed in attached Annexures.

(2) CTD Strength will be determined as per their requirement and deployment plan which has already been approved and issued vide CPO letter No. 3229-80/E-II dated 31.01.2014.

4. **Recruitment, Promotions in Central Units:-** Recruitment and promotion in the ranks from constable to Sub-Inspector will be carried out and be regulate in concerned Districts and Regions only. Central Units will neither recruit nor promote any officer unless it is specifically provided and allowed. All personnel serving in the central Units will be on deputation from concerned Districts and Regions and their lien will be in their parent District/Region. If in the past any recruitment has been carried out directly in the central units and lien of such recruits has not been fixed so far; it will be fixed in District of domicile of the concerned recruit. Furthermore for retirement purposes personnel will be posted back in their parent Districts.

5. **Tenure:-** The period in the central unit will be considered on deputation in the meaning of Police Rules and shall not exceed 03 years.

6. **Application:-** This Standing Order will come into force with immediate effect and transition to this scheme of things will not be at once but be in phased manner subject to occurrence of vacancies in central units and capacity of the contributing Districts to contribute as per quota in due course of time.

7. **Power to remove difficulties:-** If any difficulty arises in giving effect to this order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.

8. **Amendment:** - All previous Standing Orders on the subject, to the extent of the provisions of this order, shall stand amended.

*Mehar*

(NASIR KHAN DURRANI)  
Provincial Police Officer  
Khyber Pakhtunkhwa  
Peshawar

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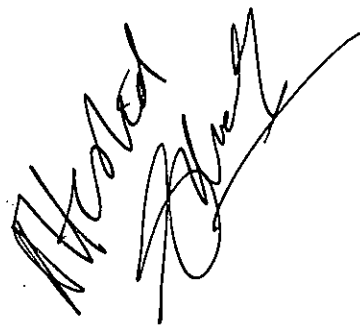
No:- 225-300/GB, dated Peshawar the 25<sup>th</sup> January 2016

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

1. All Heads of Police Offices in Khyber Pakhtunkhwa;
2. PRO to PPO;
3. Registrar CPO.



(Muhammad Alam Shinwari) PSP  
DIG Headquarters  
Khyber Pakhtunkhwa  
Peshawar



Annexure 'B'

(5)

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

No. CPO/CPB/ 68 Dated Peshawar 28 Feb: 2022

To : The Capital City Police Officer,  
Peshawar.

All Regional Police Officers,  
Khyber Pakhtunkhwa.

Subject: ANOMALIES RELATED TO CONFIRMATION STATUS AWARDED TO SUB  
INSPECTORS.

Memo:-

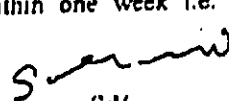
The Competent Authority has directed to streamline the seniority issues of DSsP, Inspectors and confirmed Sub Inspectors already on List "F". It has been observed that due to following reasons the problems arise in the seniority lists.

- i. In majority of the cases received to CPO for admission to the centralized seniority list, it has been observed that the confirmation in the rank of Sub Inspectors is considered from the date of DPC instead of completion of mandatory period of two years for confirmation as per Police Rules 13.18.
- ii. Similarly, Police Rules 13.10(2) provides for two years mandatory period as SHO/other Units.

In order to streamline the seniority issues, the Competent Authority has directed that all RPOs/CCPO should strictly follow Police Rules 13.18 for confirmation in the substantive rank and revise it accordingly, if there exists any anomaly. The requisite rules are quoted below for ready reference:-

- a. Police Rules 13.18. All Police Officers promoted in rank shall be on probation for two years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the officer or revert him. In no case shall the period of probation be extended beyond two years and the confirming authority must arrive at a definite decision within that period whether officer should be confirmed or reverted.
- b. Police Rules 13.10(2) No Sub Inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating Sub Inspector in independent charge of a Police Station, a notified Police Post or as in-charge Investigation of a Police Station or in Counter Terrorism Department. According amendment Police Rules 2017, provided further that he shall also have to spend one year in any other Unit excluding the period spent on long leave, deputation or promotional training courses i.e. Upper College Course'.

The report may be communicated to this office within one week i.e. 08.03.2022 positively.

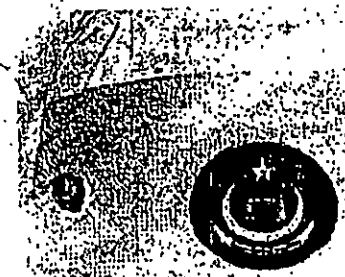
  
Sd/-  
(SABIR AHMED) PSP  
Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa,  
Peshawar.



Amman (C)

2-9

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OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

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

No. 4649 /EC-I, dated Peshawar the

12 / 03 / 2023.

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

Subject: OUT OF TURN PROMOTION / IMPLEMENTATION OF  
JUDGMENT OF APEX COURT.

Memo: Please refer to your office Memo No. CPO/CPB/45, dated  
27.01.2023 on the subject cited above.

It is submitted that the requisite information on the prescribed  
proforma is attached herewith as desired, please.

Encls: (24 Pages)

For CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

Amman D

17



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar.

No. 991 / Legal

dated the 11 / 03 / 2023.

To: All Regional Police Officers/ CCPO, Peshawar.  
Khyber Pakhtunkhwa.

All Head of Units/ DIG Operations  
Khyber Pakhtunkhwa.

Subject: PERSONAL HEARING OF POLICE OFFICIALS/ OFFICERS FALLING UNDER THE  
AMBIT OF OUT OF TURN PROMOTIONS

Memo:

Giving personal hearing to address the grievances of Police officials/ officers is part and parcel of Police Department for their redressal, in most impartial and transparent manner.

2. Keeping in view the above, it is being requested to give personal hearing to all those Police officials/ officers who availed out of turn promotions in their respective regions positively for tomorrow i.e. on 12<sup>th</sup> March, 2023. In this regard Police officials/ officers who availed out of turn promotions and are borne at lists A, B & C will be heard by respective District Police Officers whereas officers enlisted to lists 'D' & 'E' will be heard by concerned Regional Police Officers. Rest of officers on list 'F' and above will be heard at CPO who shall be informed by the concerned RPOs/ DPOs offices. Therefore, necessary arrangements may be made for tomorrow on 12<sup>th</sup> March, 2023 regarding compliance on urgent basis.

3. Furthermore, all officers borne on 'F' list and other officers from the rank of Inspector and above will be heard by Deputy Inspector General of Police, Operations, Khyber Pakhtunkhwa who will be assisted by DSP/ Legal, CPO, Peshawar.

4. All officers being heard shall be bound to sign the attendance sheets and proceedings of such hearings should be shared with office of AIG/ Legal, CPO Peshawar by 13<sup>th</sup> March, 2023.

The matter should be treated as Most Immediate, please.

(RIZWAN MANZOOR) DSP  
Deputy Inspector General of Police, NO. 1  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

C.C

- Additional Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
- PSO to W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- DSP/ Operations, CPO, Peshawar with direction to circulate to all concerned.
- DSP/ Legal, CPO, Peshawar.