EP 48/16

16.03.2017

Petitioner in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Arguments on execution petition heard and record perused.

According to minutes of the meeting of Departmental Promotion Committee representation of the appellant has been dismissed on 13.4.2016. Thus the directions of this Tribunal complied with.

In view of the above the instant petition is disposed of by placing the petitioner at liberty to re-agitate his grievances against the said order in the manners prescribed by law if so advised. File be consigned to the record room.

Chairman
Camp Court, A/Abad

ANNOUNCED
16.03.2017

16.03.17

**29.07.2016** Counsel for the petitioner present. Implementation report not submitted. Petition pertains to territorial limits of Hazara Division as such the same is to be heard at camp court, Abbottabad. Let a final notice be issued to the respondents for submission of implementation report on 20.10.2016 before S.B at camp court, Abbottabad.

Chairman

20.10.2016 None present for the petitioner and Mr. Janas Khan, DSP (Legal) alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment as implementation process is in the office. To come up for implementation report on 22.12.2016 at camp court, Abbottabad.

Chairman
Camp Court, A/Abad

22.12.2016 Attorney for the petitioner and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for respondents present. Power of attorney submitted on behalf of the petitioner while compliance report submitted by representative of the respondents. To come up for further proceedings on 16.03.2017 before S.B at camp court, Abbottabad.

Chairman
Camp court, A/Abad

FORM OF ORDER SHEET

Court of _____

Execution Petition No. **48/2016**

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate |
|---|---|---|
| 1 | 2 | 3 |
| 1 | 25.03.2016 | The Execution Petition submitted by Mr. Muhammad Aurangzeb through Mr. Muhammad Asif Yousafzai Advocate may be entered in the relevant Register and put up to the Court for proper order please.<br><br>REGISTRAR |
| 2- | 28.3.16 | This Execution Petition be put up before S. Bench on 31-3-16<br><br>CHAIRMAN |
| | 31.03.2016 | None present for petitioner. Notices be issued to the parties. To come up for implementation report on 24.5.2016 before S.B.<br><br>Chairman |
| | 24.05.2016 | Agent of counsel for the appellant and Addl. AG for the respondents present. Learned Addl. AG is directed to ensure submission of implementation of the judgment without fail upto 29.07.2016.<br><br>Chairman |

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

Execution Petition No. 48 /2016
In Service Appeal No.500/2013

K.W.F Provincial Service Tribunal
Diary No. 232
Dated 25-3-16

Muhammad Aurangzeb, S.I No.204/11,
Presently Motor way Police,
M-2 (N), Charkri.

(PETITIONER)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The DIG, Hazara Region, Abbottabad.

(RESPONDENTS)

**EXECUTION PETITION FOR DIRECTING THE RESPONDENTS TO IMPLEMENT THE JUDGMENT DATED 13.10.2015 OF THIS HONOURABLE TRIBUNAL IN LETTER AND SPIRIT.**

**RESPECTFULLY SHEWETH:**

1. That the petitioner filed an appeal bearing No.500/2013 for considering the petitioner/appellant for confirmation in the rank of S.I w.e. from April 2010.

2. That the said appeal was finally heard by the Honouarble Tribunal on 13.10.2015 and the Honourable Tribunal was kind enough to partially accept the appeal and remit the case of the petitioner/appellant to the appellate authority with direction to examine case of the petitioner/ appellant and to decide his appeal within a period of three months of the receipt of this judgment. (Copy of judgment is attached as Annexure-A)

3. That in compliance of the direction of the august Service Tribunal, Registrar of KPK Service Tribunal send a copy of judgment to the respondents.

4. That since the communication of the judgment to the respondents, the petitioner waited for more than three Months to decide the appeal of the petitioner/appellant by the appellate authority within three months according to the judgment dated 13.10.2015 of this Honourable Tribunal, but the appellate authority has not decided the appeal of the petitioner/appellant within three Months.

5. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.

6. That the petitioner has having no other remedy to file this execution petition.

It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 13.10.2015 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

PETITIONER
Muhammad Aurangzeb

THROUGH:

( M. ASIF YOUSAFZAI)

&

(TAIMUR ALI KHAN)
ADVOCATES,PESHAWAR

**AFFIDAVIT:**

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

DEPONENT

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 500 /2013.

Mohammad Aurangzeb,
S.I .NO.204/11,
Presently Motor way Police,
M-2 (N), Chakri.....

*VERSUS*

1. The Provincial Police Officer, KPK Peshawar.
2. The D.I.G, Hazara Region, Abbottabad.
3. Farhad Ali, S.I No.4/H, Special Branch Peshawar.
4. Azam Ali Shah S.I No.12/H, Operational Wing Abbottabad.
5. Arshad Hussain S.I No.66/H, PTC Hangu.
6. Matloob Khan S.I No.101/H, Investigation Wing Abbottabad.
7. Shah nawaz S.I No.104/H, Operational Wing Mansehra.
8. Shad Mohammad S.I No.58/H, Torghar Distt: Police.
9. Fazal wahab S.No. 150/H, Special Branch Peshawar.
10. Jehanzeb Khan S.I No. 169/H, Investigation Wing Mansehra.
11. Mohammad Amin S.I No.170/H, Traffic Branch KPK Peshawar.
12. Ehsan Shah S.I No.223/H, Investigation Wing Abbottabad.
13. Mohammad Yousaf S.I No. 175/H, Operational Wing Haripur.
14. Mohammad Sajjad, S.I No.229/H, Investigation Wing Mansehra.
15. Fida Mohammad S.I No. 230/H, Operational Wing Abbottabad.

.....Respondents.

13.10.2015

Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Ziaullah) for the official respondents present. Arguments heard and record perused. Vide our detailed judgment of to-day in connected appeal No. 568/2013, tiled "Amjad Ali Versus the Provincial Police Officer, KPK, Peshawar and others", this appeal is also disposed off as per detailed judgment. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
13.10.2015

Member

Member

Certified to be ture copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

| Sr. No. | Date of order/ proceedings | Order or other proceedings with signature of Judge/ Magistrate |
|---|---|---|
| 1 | 2 | 3 |
| 1. | | KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.<br><br>Service Appeal No. 568/2013<br><br>Amjad Ali Versus the Provincial Police Officer, KPK, Peshawar etc.<br><br>JUDGMENT |
| | 13.10.2015 | PIR BAKHSH SHAH, MEMBER.- Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Ziaullah) for the official respondents present.<br><br>2. The appellant is aggrieved with order dated 14.09.2012 vide which as many as 14 Sub Inspectors of the Police Department were confirmed under Police Rules-13.1, 13.10.(2) and 13.18 . According to the appellant he was ignored despite the fact that he was senior to them and that he also performed as Offtg. S.I w.e.f. 16.2.2002. Since his departmental appeal was also not replied, hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.<br><br>3. Arguments heard and record perused.<br><br>4. It appears from the reply of the respondent department that the appellant was on deputation. According to the said reply the S.Is who were confirmed vide impugned order dated 14.9.2012had fulfilled the laid |

ATTESTED
Ex-Examiner
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

down criteria according to the rules but the appellant was found deficient, hence he was not confirmed.

5. While arguing for the appellant, the learned counsel for the appellant submitted that though service as SHO may be required for such confirmation but the respondent department did not provide any such opportunity to the appellant, therefore, he was wrongly penalized for no fault on his part. Conversely, it was submitted on behalf of the respondent department that for confirmation as Sub Inspector, display of performance as SHO is pre-requisite according to the Police Rules.

6. On the record, there is no cogent evidence that departmental appeal dated 10.10.2012 of the appellant has been examined by the respondent department as on record there is no order of the appellate authority. There is nothing on record like PER's of the appellant to show that the appellant was otherwise also deficient per laid down criteria beside performance as SHO, hence the matter of his suitability or non-suitability for confirmation cannot be examined by the Tribunal on the available record. In the sated circumstances, the Tribunal is of the considered view to remit the case of the appellant to the appellate authority with the direction to examine case of the appellant and to decide his appeal within a period of three months of the receipt of this judgment. The appeal is disposed off

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

accordingly. Parties are left to bear their own costs. File be consigned to the record.

7. This judgment will also dispose of 2 other connected appeals bearing No. 499/2013 Umer Rehman and No. 500/2013 Muhammad Aurangzeb, involving common question of facts and law, in the same manner.

ANNOUNCED
13.10.2015.

Salah Ud Din Kakakhel Khattak, Member
Salah Ud Din Kakakhel Khattak, Member

27.10.2015
120
8
2
10
27.10.2015
27.10.2015

# VAKALAT NAMA

NO._____/20

IN THE COURT OF Service Tribunal Peshawar

Muhammad Aurang Zeb. _____(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt. _____(Respondent)
(Defendant)

I/We Muhammad Aurang Zeb _____

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

TAIMUR ALI KHAN
Advocate

**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 HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.**

Execution Petition No. 48/**2016.**

Muhammad Aurangzeb SI No. 204/H Presently posted at motor way police, M-2(n), Charkri.

(Appellant)

**VERSUS**

1. Inspector General of Police, KPK, Peshawar
2. Deputy Inspector General of Police Hazara Region, Abbottabad.

(Respondents)

**Compliance report on behalf of Respondents.**

**Respectfully Sheweth.**

It is submitted that under the chairmanship of worthy Addl: Inspector General of Police, Head quarters Khyber Pakhtunkhwa, a Departmental Promotion Committee comprising of high rank senior officers was constituted to discuss the representations of Police officers including appeal No. 500/2013 titled SI Muhammad Aurangzeb VS Inspector General of Police, Khyber Pakhtunkhwa and others, meeting whereof held on 13.04.2016 at 11.00 Hours in the CPO Conference Room-II. The committee discussed the representation/ case of the petitioner SI Aurangzeb at serial No. II and found the representation of the petitioner not maintainable. (Copy of minutes of the said meeting is enclosed for kind perusal). The respondent department has made compliance of the judgment / order dated 13.10.2015 passed by the honourable Service Tribunal KPK in its true spirits whereby the appeal of the petitioner was remitted for treatment as representation.

It is therefore, requested that the Execution Petition mentioned above may kindly be ordered to be filed.

Submitted please.

Deputy Superintendent of Police,
Legal, Abbottabad.

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 13.04.2016 IN THE CONFERENCE ROOM-II, CPO, PESHAWAR**

A meeting of Departmental Promotion Committee was held on 13.04.2016 at 1100 hours in the CPO Conference Room-II, under the Chairmanship of Mian Muhammad Asif, Addl: IGP/Headquarters Khyber Pakhtunkhwa to discuss the representations of Police Officers and other cases.

2. The following officers attended the meeting:-

| | | |
|---|---|---|
| I. | Mian Muhammad Asif, Addl: IGP/HQrs: Khyber Pakhtunkhwa. | Chairman |
| II. | Mr. Muhammad Alam Shinwari, DIG/HQrs: Khyber Pakhtunkhwa. | Member |
| III. | Mr. Abdul Ghafoor Afridi, DIG/Enquiry & Inspection, Khyber Pakhtunkhwa. | Member |
| IV. | Mr. Najeeb ur Rahman Bugvi, AIG/Establishment, Khyber Pakhtunkhwa. | Member |
| V. | Qazi Sajid ud Din, AIG/Legal, Khyber Pakhtunkhwa. | Member |

3. The Committee discussed the following representation cases in detail and took decision noted below in each case:-

**I. Appeal No. 568/2013 "titled SI Amjid Ali vs IGP Khyber Pakhtunkhwa and others"**

According to Legal Branch CPO report, Sub-Inspector Amjid Ali of Hazara Region filed Service Appeal No. 568/2013 for restoration of his seniority. He contended that RPO/Hazara issued confirmation order of private Respondents cited in the appeal vide order 14.09.2012, while he was ignored from confirmation as he was not allegedly fulfilling the prescribed criteria. The appeal was contested by Abbottabad Police and Service Tribunal remitted the case to respondent for decision of the departmental appeal of the appellant.

**Decision**

As per record, Sub-Inspector (now Inspector) Amjid Ali of Hazara Region was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to the Rule 13.10(2) of Police Rules 1934. Sub-Inspector (now Inspector) Amjid Ali himself admitted at the time his colleagues were confirmed he had not fulfilled the criteria for confirmation i.e Rule 13.10(2) of Police Rules 1934. Therefore, his representation is not maintainable.

**II. Appeal No. 500/2013 "titled SI Muhammad Aurangzeb vs IGP Khyber Pakhtunkhwa and others"**

According to Legal Branch CPO report, Sub-Inspector Muhammad Aurangzeb of Hazara Region filed Service Appeal No. 500/2013 for restoration of his seniority. He contended that RPO/Hazara issued confirmation order of private Respondents cited in the appeal vide order 14.09.2012, while he was ignored from confirmation as he was not allegedly fulfilling the prescribed criteria. The appeal was contested by Abbottabad Police and Service Tribunal remitted the case to respondent for decision of the departmental appeal of the appellant.

**Decision**

As per record, Sub-Inspector Aurangzeb of Hazara Region was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to the Rule 13.10(2) of Police Rules 1934. Sub-Inspector Aurangzeb himself admitted at the time his colleagues were confirmed he had not fulfilled the criteria for confirmation i.e Rule 13.10(2) of Police Rules 1934. Therefore, his representation is not maintainable.

**III. Appeal No. 499/2013 "titled SI Umer Rehman vs IGP Khyber Pakhtunkhwa and others"**

According to Legal Branch CPO report, Sub-Inspector Umer Rehman of Hazara Region filed Service Appeal No. 499/2013 for restoration of his seniority. He contended that RPO Hazara issued confirmation order of private Respondents cited in the appeal vide order dated 14.09.2012, while he was ignored from confirmation as he was not allegedly fulfilling the prescribed criteria. The appeal was contested by Abbottabad Police and Service Tribunal remitted the case to respondent for decision of the departmental appeal of the appellant.

**Decision**

As per record, Sub-Inspector Umer Rehman of Hazara Region was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to the Rule 13.10(2) of Police

Rules 1934. Sub-Inspector Umer Rehman himself admitted at the time his colleagues were confirmed he had not fulfilled the criteria for confirmation i.e Rule 13.10(2) of Police Rules 1934. Therefore, his representation is not maintainable.

**IV. Appeal No. 485/2012 "titled Inspector Shah Mumtaz vs Police"**

Shah Mumtaz acting DSP Swabi was promoted as Sub-Inspector in Malakand Region on 27.05.2006. He was transferred to Mardan Region vide order of CPO bearing Endst: No. 27320/E-II, dated 03.12.2007. He was recommended for confirmation on account to his good performance by the then DPO Mardan which was forwarded/recommended to CPO by Range Office. His case was examined by accelerated promotion committee at CPO in its meeting held on 27/28.04.2009 but did not agree with the recommendation vide CPO Memo: No. 15441/E-II, dated 22.06.2009. As per order of CPO issued vide Endst: No. 186-88/E-II, dated 04.01.2011, his lien was detached from Malakand Region and attached with Mardan Region. He was confirmed as Sub-Inspector in Mardan Region vide order No. 3561/ES, dated 30.09.2011 on the recommendation of Committee and promoted as Inspector on 20.12.2011. He preferred a departmental representation claiming confirmation with effect from 24-11-2008. His departmental representation was examined by CPO and filed as intimated vide Memo: No. 6018/E-II, dated 28.03.2012. He approached Service Tribunal by filing Service Appeal praying therein for his confirmation as Sub-Inspector with effect from 27.05.2006. Service Appeal was contested by department by the respondents. The Service Tribunal vide judgment dated 19.10.2015 remanded the case to the appellate authority with the direction to examine case of appellant and to decide the same strictly on merits.

**Decision**

He claims seniority for the period when he was employ of Malakand Region. His lien was detached from Malakand Region and attached with Mardan Region. According to record, he was confirmed in the rank of Sub-Inspector on 28.09.2011 after completing mandatory period for confirmation as per Rule 13.10(2) Police Rules 1934.

His case was deferred. The committee directed that RPO/Malakand be asked that why he was not confirmed during his posting in Malakand Region.

**V. Representation of Inspector Badshah Hazrat No. M/303**

He stated that as per rules, his Offg: period as Sub-Inspector of two years completed on 27.10.2009. His posting as SHO for one year continues period also completed on 23.06.2010 with "A" reports ACRs. His ACRs reports as Offg: Sub-Inspector recorded "A" in the mentioned period. Despite the aforementioned facts, his confirmation without any cogent reason.

RPO Malakand comments were sought. According to RPO/Malakand reply, as per previous policy in Malakand Region, Sub-Inspector on List-"E" on the availability of confirmed posts of Sub-Inspectors were promoted substantively on two year probation and subsequently confirmed on 10.08.2012 in the rank of Sub-Inspectors by counting their period of Offg: towards probation period as provided in Police Rule 13.18.

**Decision**

He was confirmed as Sub-Inspector on 10.08.2012. According to Rule 12.2(3) Police Rules 1934, seniority reckoned from the date of confirmation. Therefore, his representation is not maintainable.

**VI. Representation of Inspector Zahid Khan No. M/302**

Inspector Zahid Khan in his application stated that he was confirmed as ASI on 13.04.2007 and promoted to the rank of Officiating Sub-Inspector vide RPO Swat Office Memo: No. 4058-65/E, dated 20.10.2007. He passed Upper College Course on 02.08.2007 and completed the mandatory period as SHO. He requested to revise his confirmation from the date of promotion i.e. 20.10.2007.

**Decision**

He was confirmed as Sub-Inspector on 10.08.2012. According to Rule 12.2(3) Police Rules 1934, seniority reckoned from the date of confirmation. Therefore, his representation is not maintainable.

**VII. Representation of Inspector Ajmal Khan No. M/151**

Inspector Ajmal Khan in his application stated that he was confirmed in the rank of ASI on 08-08-2007. He passed Upper College Course on 20-10-2008. He was promoted to the rank of Offg: Sub-Inspector on 20-10-2007. During his posting period as SI/SHO, junior officers were promoted to List-"F" but he was not considered. His confirmation in the rank of Sub-Inspector was ordered on 10-08-2012 but none date has been mentioned as due date was 20-10-2007. His junior were promoted as Offg: Inspector and their names were brought on promotion to List-"F" but his name was brought on promotion List "F" and promoted as Offg: Inspector on 30-01-2013. His date of confirmation is not mentioned. He requested that his confirmation in the rank of Sub-Inspector may be ordered from the date of promotion i.e 20-10-2007 as per Police Rules chapter 13.18 and his name may also be brought to promotion List-"F" with effect from 30-11-2011 instead on 30-01-2013.

**Decision**

He was confirmed as Sub-Inspector on 10.08.2012. According to Rule 12.2(3) Police Rules 1934, seniority reckoned from the date of confirmation. Therefore, his representation is not maintainable.

**VIII. Representation of Inspector Habib-ul-Haq**

Habib-ul-Haq Acting DSP Elite Force Buner in his application stated that he was enlisted as a Constable on 02.07.1976. He passed his Lower Course in 1979, Intermediate Course in 1983 and Upper College Course in 2005/2006. After 13/14 years he was promoted as ASI and he was confirmed after 7 years. While as per Police Rules, confirmation is required after 02 years. He was promoted as Sub-Inspector in the year 2004. But after 08 months he was reverted. Again he was promoted as a Sub-Inspector and after 3 years he was promoted as an Adhoc Inspector. He was confirmed as Sub-Inspector after 4/5 years and he was promoted as a regular Inspector in the year 2011 and confirmed in the year 2014. He further added that due to delay in his promotion, his seniority was affected and requested for seniority.

His case was discussed in the Departmental Promotion Committee meeting held on 19.11.2015 and it was decided that his case was deferred. The committee directed that previous promotion record as ASI of the applicant's colleagues may be requisitioned from the office of RPO/Malakand and produced before the committee to know the causes for which he was ignored from promotion. All record of promotion from the year 1983 to 1986 may be also obtained from the office of RPO/Malakand for further consideration.

As per report of RPO Malakand, he was confirmed as Sub-Inspector amongst his other colleagues as per policy/procedure in Malakand Region on 13.10.2011. His promotion/confirmation was made at his own turn just according to vacancy position and policy in the region and no one junior to him was given promotion/confirmation before the applicant.

**Decision**

According to RPO/Malakand report, he was confirmed as Sub-Inspector with his colleagues. Therefore, his claim for seniority is not maintainable.

**IX. Representation of Inspector Ali Gohar No. K/32 (Now DSP)**

Inspector Ali Gohar No. K/32 (Now DSP) in his application stated that he was promoted to the rank of Offg: Sub-Inspector on 13.01.2003. He qualified Upper School Course and already completed the required period for confirmation as Sub-Inspector in Special Branch, Peshawar i.e. 03 years with effect from 13.01.2003 to 13.01.2006. His confirmation was due on 13.01.2006 but even the DPC held on 03.04.2008 at Kohat Region, he was ignored without assigning any reason simply written (absent). In fact, he was not absent rather abroad on UN-Mission, therefore he has been made junior to the junior most Inspectors of Police. He requested that his seniority may be restored by placing his name at par along with his batch mates mentioned in the seniority list of DSsP 2014.

His case was discussed in the Departmental Promotion Committee meeting held on 19.11.2015. The committee decided that RPO/Kohat Region be asked that whether he would make ex-post facto recommendation in form 13.15(1) for including his name in List "F" from the date of his confirmation or otherwise.

Reply received from RPO Kohat but as per the committee decision, recommendation in Form 13.15(1) for including his name in List "F" from the date of his confirmation was not sent.

**Decision**

His case was deferred. The committee directed that RPO/Kohat Region again be asked that whether he would make ex-post facto recommendation in form 13.15(1) for including his name in List "F" from the date of his confirmation or otherwise.

X. **Appeal No. 547/13 titled Asad Mehmood vs Police**

The DIG/CTD, Khyber Pakhtunkhwa Peshawar has intimated that the Honorable Service Tribunal Peshawar announced its order/judgment on 15.05.2015 in Service Appeal 547/2015 titled as Asad Mehmood Versus Provincial Police Officer and others. Brief facts of the case are that Asad Mehmood was enlisted in the Baluchistan Police as Probationer ASI on 23.04.1987. He was transferred from Baluchistan Police to Khyber Pakhtunkhwa Police in 1998 and posted in Frontier Reserve Police, Peshawar. Later on, 07.11.2008 he was transferred to Directorate of Counter Terrorism now CTD on deputation basis. According to his contention his name should have been placed at the bottom of Seniority List of Sub-Inspector with effect from 1998. According to the order/judgment announced on 15.05.2015, the Honorable Tribunal remitted the Service Appeal mentioned above to the department to decide the same in the light of Rule 8 (2) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transferred) Rules 1989 with the direction to give him his due/deserving place in the Seniority List.

**Decision**

His case was deferred. The committee directed that comments be sought from Capital City Police Officer, Peshawar.

Chairman

**(MIAN MUHAMMAD ASIF)**
Addl: IGP/Headquarters,
Khyber Pakhtunkhwa,
Peshawar.

**(MUHAMMAD ALAM SHINWARI)**
DIG/Headquarters,
Khyber Pakhtunkhwa,
Peshawar.

**(ABDUL GHAFOOR AFRIDI)**
DIG/Enquiry & Inspection,
Khyber Pakhtunkhwa,
Peshawar.

**(NAJEEB UR RAHMAN BUGVI)**
AIG/Establishment,
Khyber Pakhtunkhwa,
Peshawar.

**(QAZI SAJID-UD-DIN)**
AIG/Legal,
Khyber Pakhtunkhwa,
Peshawar.

Approved

**(NASIR KHAN DURRANI)**
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

**MINUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 13.04.2016 IN THE CONFERENCE ROOM-II CPO, PESHAWAR**

A meeting of Departmental Promotion Committee was held on 13.04.2016 at 1100 hours in CPO Conference Room-II, under the Chairmanship of Mian Muhammad Asif, Addl: IGP/Headquarters Khyber Pakhtunkhwa to discuss the representations of Police Officers and other

The following officers attended the meeting:-

| | |
|---|---|
| Mian Muhammad Asif, Addl: IGP/HQrs: Khyber Pakhtunkhwa. | Chairman |
| Mr. Muhammad Alam Shinwari, DIG/HQrs: Khyber Pakhtunkhwa. | Member |
| Mr. Abdul Ghafoor Afridi, DIG/Enquiry & Inspection, Khyber Pakhtunkhwa. | Member |
| Mr. Najeeb ur Rahman Bugvi, AIG/Establishment, Khyber Pakhtunkhwa. | Member |
| Qazi Sajid ud Din, AIG/Legal, Khyber Pakhtunkhwa. | Member |

The Committee discussed the following representation cases in detail and took decision as noted below in each case:-

**I. Appeal No. 568/2013 "titled SI Amjid Ali vs IGP Khyber Pakhtunkhwa and others"**

According to Legal Branch CPO report, Sub-Inspector Amjid Ali of Hazara Region filed Service Appeal No. 568/2013 for restoration of his seniority. He contended that RPO Hazara issued confirmation order of private Respondents cited in the appeal vide order 14.09.2012, while he was ignored from confirmation as he was not allegedly fulfilling the prescribed criteria. The appeal was contested by Abbottabad Police and Service Tribunal remitted the case to respondent for decision of the departmental appeal of the appellant.

**Decision**

As per record, Sub-Inspector (now Inspector) Amjid Ali of Hazara Region was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to the Rule 13.10(2) of Police Rules 1934. Sub-Inspector (now Inspector) Amjid Ali himself admitted at the time his colleagues were confirmed he had not fulfilled the criteria for confirmation i.e Rule 13.10(2) of Police Rules 1934. Therefore, his representation is not maintainable.

**II. Appeal No. 500/2013 "titled SI Muhammad Aurangzeb vs IGP Khyber Pakhtunkhwa and others"**

According to Legal Branch CPO report, Sub-Inspector Muhammad Aurangzeb of Hazara Region filed Service Appeal No. 500/2013 for restoration of his seniority. He contended that RPO/Hazara issued confirmation order of private Respondents cited in the appeal vide order 14.09.2012, while he was ignored from confirmation as he was not allegedly fulfilling the prescribed criteria. The appeal was contested by Abbottabad Police and Service Tribunal remitted the case to respondent for decision of the departmental appeal of the appellant.

**Decision**

As per record, Sub-Inspector Aurangzeb of Hazara Region was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to the Rule 13.10(2) of Police Rules 1934. Sub-Inspector Aurangzeb himself admitted at the time his colleagues were confirmed he had not fulfilled the criteria for confirmation i.e Rule 13.10(2) of Police Rules 1934. Therefore, his representation is not maintainable.

**III. Appeal No. 499/2013 "titled SI Umer Rehman vs IGP Khyber Pakhtunkhwa and others"**

According to Legal Branch CPO report, Sub-Inspector Umer Rehman of Hazara Region filed Service Appeal No. 499/2013 for restoration of his seniority. He contended that RPO Hazara issued confirmation order of private Respondents cited in the appeal vide order dated 14.09.2012, while he was ignored from confirmation as he was not allegedly fulfilling the prescribed criteria. The appeal was contested by Abbottabad Police and Service Tribunal remitted the case to respondent for decision of the departmental appeal of the appellant.

**Decision**

As per record, Sub-Inspector Umer Rehman of Hazara Region was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to the Rule 13.10(2) of

Rules 1934. Sub-Inspector Umer Rehman himself admitted at the time his colleagues were confirmed he had not fulfilled the criteria for confirmation i.e Rule 13.10(2) of Police Rules 1934. Therefore, his representation is not maintainable.

**IV. Appeal No. 485/2012 "titled Inspector Shah Mumtaz vs Police"**

Shah Mumtaz acting DSP Swabi was promoted as Sub-Inspector in Malakand Region on 27.05.2006. He was transferred to Mardan Region vide order of CPO bearing Endst: No. 27320/E-II, dated 03.12.2007. He was recommended for confirmation on account to his good performance by the then DPO Mardan which was forwarded/recommended to CPO by Range Office. His case was examined by accelerated promotion committee at CPO in its meeting held on 27/28.04.2009 but did not agree with the recommendation vide CPO Memo: No. 15441/E-II, dated 22.06.2009. As per order of CPO issued vide Endst: No. 186-88/E-II, dated 04.01.2011, his lien was detached from Malakand Region and attached with Mardan Region. He was confirmed as Sub-Inspector in Mardan Region vide order No. 3561/ES, dated 30.09.2011 on the recommendation of Committee and promoted as Inspector on 20.12.2011. He preferred a departmental representation claiming confirmation with effect from 24-11-2008. His departmental representation was examined by CPO and filed as intimated vide Memo: No. 6018/E-II, dated 28.03.2012. He approached Service Tribunal by filing Service Appeal praying therein for his confirmation as Sub-Inspector with effect from 27.05.2006. Service Appeal was contested by department by the respondents. The Service Tribunal vide judgment dated 19.10.2015 remanded the case to the appellate authority with the direction to examine case of appellant and to decide the same strictly on merits.

**Decision**

He claims seniority for the period when he was employ of Malakand Region. His lien was detached from Malakand Region and attached with Mardan Region. According to record, he was confirmed in the rank of Sub-Inspector on 28.09.2011 after completing mandatory period for confirmation as per Rule 13.10(2) Police Rules 1934.

His case was deferred. The committee directed that RPO/Malakand be asked that why he was not confirmed during his posting in Malakand Region.

**V. Representation of Inspector Badshah Hazrat No. M/303**

He stated that as per rules, his Offg: period as Sub-Inspector of two years completed on 27.10.2009. His posting as SHO for one year continues period also completed on 23.06.2010 with "A" reports ACRs. His ACRs reports as Offg: Sub-Inspector recorded "A" in the mentioned period. Despite the aforementioned facts, his confirmation without any cogent reason.

RPO Malakand comments were sought. According to RPO/Malakand reply, as per previous policy in Malakand Region, Sub-Inspector on List-"E" on the availability of confirmed posts of Sub-Inspectors were promoted substantively on two year probation and subsequently confirmed on 10.08.2012 in the rank of Sub-Inspectors by counting their period of Offg: towards probation period as provided in Police Rule 13.18.

**Decision**

He was confirmed as Sub-Inspector on 10.08.2012. According to Rule 12.2(3) Police Rules 1934, seniority reckoned from the date of confirmation. Therefore, his representation is not maintainable.

**VI. Representation of Inspector Zahid Khan No. M/302**

Inspector Zahid Khan in his application stated that he was confirmed as ASI on 13.04.2007 and promoted to the rank of Officiating Sub-Inspector vide RPO Swat Office Memo: No. 4058-65/E, dated 20.10.2007. He passed Upper College Course on 02.08.2007 and completed the mandatory period as SHO. He requested to revise his confirmation from the date of promotion i.e. 20.10.2007.

**Decision**

He was confirmed as Sub-Inspector on 10.08.2012. According to Rule 12.2(3) Police Rules 1934, seniority reckoned from the date of confirmation. Therefore, his representation is not maintainable.

VII. **Representation of Inspector Ajmal Khan No. M/151**

Inspector Ajmal Khan in his application stated that he was confirmed in the rank of ASI on 08-08-2007. He passed Upper College Course on 20-10-2008. He was promoted to the rank of Offg: Sub-Inspector on 20-10-2007. During his posting period as SI/SHO, junior officers were promoted to List-"F" but he was not considered. His confirmation in the rank of Sub-Inspector was ordered on 10-08-2012 but none date has been mentioned as due date was 20-10-2007. His junior were promoted as Offg: Inspector and their names were brought on promotion to List-"F" but his name was brought on promotion List "F" and promoted as Offg: Inspector on 30-01-2013. His date of confirmation is not mentioned. He requested that his confirmation in the rank of Sub-Inspector may be ordered from the date of promotion i.e 20-10-2007 as per Police Rules chapter 13.18 and his name may also be brought to promotion List-"F" with effect from 30-11-2011 instead on 30-01-2013.

**Decision**

He was confirmed as Sub-Inspector on 10.08.2012. According to Rule 12.2(3) Police Rules 1934, seniority reckoned from the date of confirmation. Therefore, his representation is not maintainable.

VIII. **Representation of Inspector Habib-ul-Haq**

Habib-ul-Haq Acting DSP Elite Force Buner in his application stated that he was enlisted as a Constable on 02.07.1976. He passed his Lower Course in 1979, Intermediate Course in 1983 and Upper College Course in 2005/2006. After 13/14 years he was promoted as ASI and he was confirmed after 7 years. While as per Police Rules, confirmation is required after 02 years. He was promoted as Sub-Inspector in the year 2004. But after 08 months he was reverted. Again he was promoted as a Sub-Inspector and after 3 years he was promoted as an Adhoc Inspector. He was confirmed as Sub-Inspector after 4/5 years and he was promoted as a regular Inspector in the year 2011 and confirmed in the year 2014. He further added that due to delay in his promotion, his seniority was affected and requested for seniority.

His case was discussed in the Departmental Promotion Committee meeting held on 19.11.2015 and it was decided that his case was deferred. The committee directed that previous promotion record as ASI of the applicant's colleagues may be requisitioned from the office of RPO/Malakand and produced before the committee to know the causes for which he was ignored from promotion. All record of promotion from the year 1983 to 1986 may be also obtained from the office of RPO/Malakand for further consideration.

As per report of RPO Malakand, he was confirmed as Sub-Inspector amongst his other colleagues as per policy/procedure in Malakand Region on 13.10.2011. His promotion/confirmation was made at his own turn just according to vacancy position and policy in the region and no one junior to him was given promotion/confirmation before the applicant.

**Decision**

According to RPO/Malakand report, he was confirmed as Sub-Inspector with his colleagues. Therefore, his claim for seniority is not maintainable.

IX. **Representation of Inspector Ali Gohar No. K/32 (Now DSP)**

Inspector Ali Gohar No. K/32 (Now DSP) in his application stated that he was promoted to the rank of Offg: Sub-Inspector on 13.01.2003. He qualified Upper School Course and already completed the required period for confirmation as Sub-Inspector in Special Branch, Peshawar i.e. 03 years with effect from 13.01.2003 to 13.01.2006. His confirmation was due on 13.01.2006 but even the DPC held on 03.04.2008 at Kohat Region, he was ignored without assigning any reason simply written (absent). In fact, he was not absent rather abroad on UN-Mission, therefore he has been made junior to the junior most Inspectors of Police. He requested that his seniority may be restored by placing his name at par along with his batch mates mentioned in the seniority list of DSsP 2014.

His case was discussed in the Departmental Promotion Committee meeting held on 19.11.2015. The committee decided that RPO/Kohat Region be asked that whether he would make ex-post facto recommendation in form 13.15(1) for including his name in List "F" from the date of his confirmation or otherwise.

Reply received from RPO Kohat but as per the committee decision, recommendation in Form 13.15(1) for including his name in List "F" from the date of his confirmation was not sent.

**Decision**

...se was deferred. The committee di... PO/Kohat Region again... would make ex-post facto recommend... form 13.15(... including his ... date of ... confirmation or otherw...

X

...547/13 titled Asad Mehm...d vs Police ... Khyber Pakhtunkh... Peshawar has intimated that ...e Honorable ... and its order/judgment on 15.05.2015 in Service Appeal 547/2015 title... case are that Asad ...dehmood ... Provincial Police Officer and other... was enlisted in the Baluchistan Police as Prob... 3.04.1987. He was ... Baluchistan Police to Khyber Pakhtunkhwa Police in 1998 and posted in ... ...ter on, 07.11.2008 he was transferred to Dera... of Police ... deputation basis. According to his contention ... should be ... the bottom of Seniority List of Sub-Inspector with effect ... According ... judgment ... anced on 15.05.2015, the Honorable Tribunal ... Service Appeal ... ed ... department to decide the same in the light of ... the Khyber ... Appointment, Promotion and Transferred) Rules ... the appellant ... to ... ...g place in the Seniority List.

Decision

His case was deferred. The committee directed that comments be ... Police Officer, Peshawar.

Chairman

(MIAN MUHAMMAD ASIF)
Addl: IGP/Headquarters,
Khyber Pakhtunkhwa,
Peshawar.

(MUHAMMAD ALAM SHINWARI)
DIG/Headquarters,
Khyber Pakhtunkhwa,
Peshawar.

(ABDUL GHAFOOR AFRIDI)
DIG/Enquiry & Inspection,
Khyber Pakhtunkhwa,
Peshawar.

(NAJEEB UR RAHMAN BUGVI)
AIG/Establishment,
Khyber Pakhtunkhwa,
Peshawar.

(QAZI SAJID-UD-DIN)
AIG/Legal,
Khyber Pakhtunkhwa,
Peshawar.

Approved

(NASIR KHAN DURRANI)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

A758221

200 Rupees

۲۰۰ روپیہ

# مختار نامہ خاص

منکہ مسمی محمد اورنگ زیب ولد گل زمان ساکن اپر مانگلی تحصیل بالاکوٹ ضلع مانسہرہ کا ہوں اور من مظہر بیرون رہائش پذیر ہے یہ کہ من مظہر کا مقدمہ اپیل نمبر 500/2013 سروس ٹریبونل ضلع ایبٹ آباد میں زیر سماعت ہے جو کہ پشاور سے ٹرانسفر ہو گیا ہے یہ کہ من مظہر مسمی محمد عباس ولد گلاب دین شناختی کارڈ نمبر 13501-2905008-7 کو مختار خاص کر رہا ہے کیونکہ من مظہر بوجہ ptc ضلع ہنگو ملازمت کی وجہ سے مقدمہ ہذا کے کی پیروی کرنے سے قاصر ہے لہذا من مظہر مسمی مختار مذکور کو وہ تمام اختیارات دیتا ہے جو کہ من مظہران کو حاصل ہو سکتے ہیں نیز کیس ہذا عدالت ابتدائی تا عدالت عظمی سپریم کورٹ پیروی کرے، لیبر ٹریبونل کورٹ، ایپلا نٹ لیبر ٹر بیونل کورٹ ،، قانونی کارروائی ہر قسم سر انجام دیوے ،درخواست ہر قسم دیوے ،بیان و بیان حلفی دیوے، دعوی و جواب دعوی داخل کرے و کاغذات کی نقول حاصل کرے، مختار خاص مذکور بابت مذکورہ بالا جملہ ضروری امور ہر قسم سر انجام دیوے، جہاں جہاں میرے دستخطوں کی ضرورت ہو مختار خاص مذکورہ اپنے دستخط کرے۔اس طرح مختار خاص مذکور کی جملہ کاروائی مظہر کو منظور و قبول ہو گی۔

لہذا مختار نامہ خاص ہذا بقائمی ہوش و حواس خمسہ و بر ضا و رغبت سند الکھ دیا ہے۔المرقوم 15-10-2016

گواہ شد مبارک حسین
37405-8971028-3

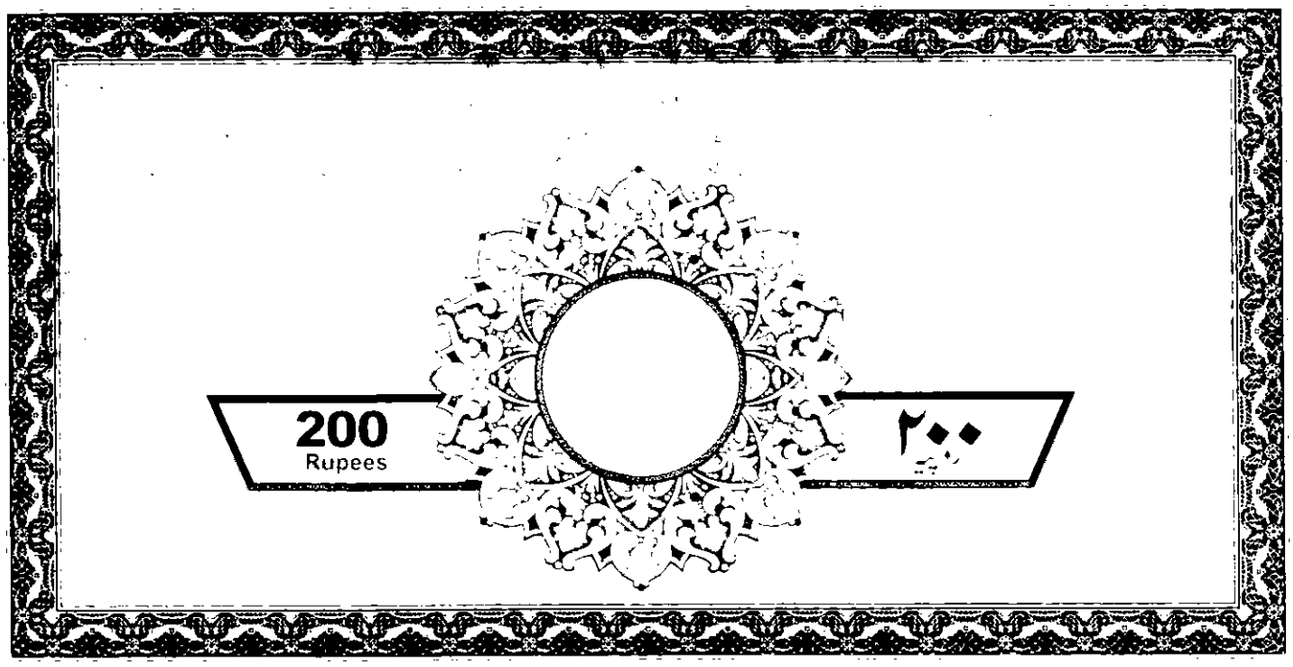
العبد
محمد اورنگ زیب
15301-1295174-3

گواہ شد منہم الدین
37405-0938408-1

مختار خاص محمد عباس
13501-2905008-7

ATTESTED
ADVOCATE HIGH COURT
Raja Khalid Iqbal
Notary Public
DISTT. COURTS RAWALPINDI

A758222



1849

200/-

M. Hammad Ashraf
Stam Vendor Lic No 318

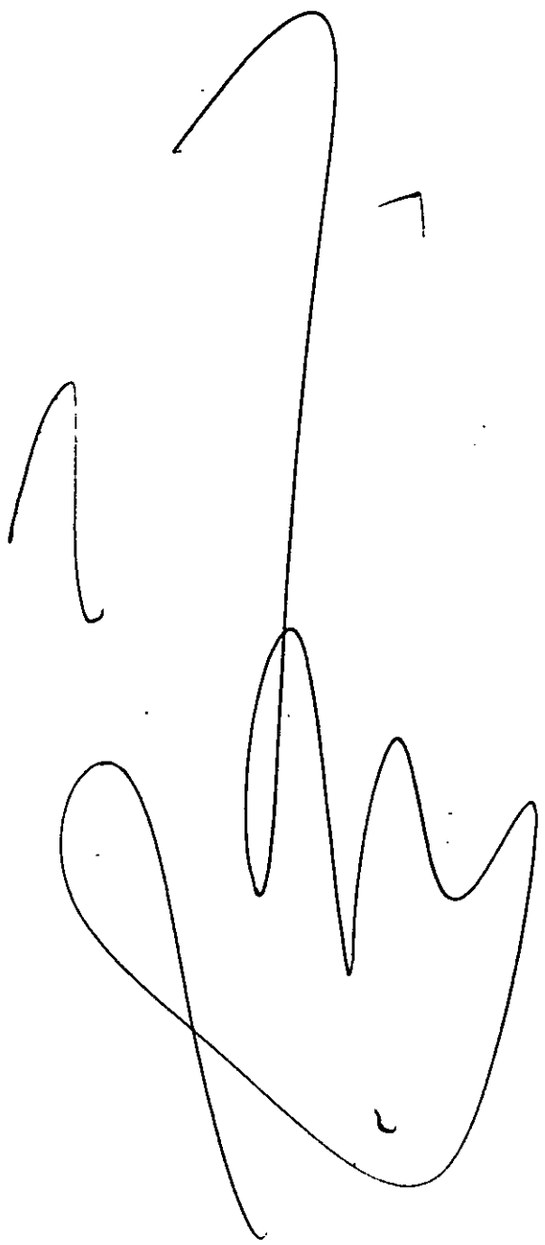
Distri ndi.

15 10 2016

A-758223

200
Rupees

۲۰۰
روپیہ



1849