

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 609/023

Muhammad Haroon S/o Akbar Said, Belt No.2111, R/o Dattal Kalkot,
Tehsil Sheriangle, District Dir Upper.....(Appellant).

VERSUS.


Khyber Pakhtunkhwa
Service Tribunal

- 4) Chief Secretary, Khyber Pakhtunkhwa Peshawar.
5) Deputy Inspector General of Police, Malakand Region.
6) Provincial Police Officer, Khyber Pakhtunkhwa
Peshawar.....(Respondents).

Diary No. 6889
Dated 13/12/2023

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4	Copy of enlistment order	A	5-7
5	Copy of Act and notification	B & C	


Gul Zamin Khan,
Inspector Legal,
Dir Upper.

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

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.....(Appellant).

VERSUS.

- 1) Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Inspector General of Police, Malakand Region.
- 3) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.

.....(Respondents).

PARA WISE REPLY ON BEHALF OF RESPONDENT NO. 02 AND 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

1. That the present service appeal is not maintainable in its present forum.
2. That the appellant has not come to this august Tribunal with clean hands.
3. That the present service appeal is badly barred by law & limitation.
4. That the appeal is bad for misjoinder & non Joinder of proper and necessary parties..
5. That the appellant has suppressed and concealed the material facts from this Honorable Tribunal.

ON FACTS:

1. Incorrect, the appellant was enlisted as special police officer on certain terms and conditions purely on contract basis on fixed pay of Rs. 10000/- vide OB No.483 dated 23-08-2009 (copy of enlistment order annexed as A).
2. Incorrect, the case of appellant is on different footing, however the appellant was dealt strictly in accordance with Khyber Pakhtunkhwa special Police Officers regularization of service Act 2019.
3. Correct to the extent of regularization of appellant w.e.f. 01-03-2020, however such regularization was made in Section-3 of Khyber Pakhtunkhwa Special Police Officers (Regularization of Service) Act 2019, such Notification was issued with immediate effect not retrospective effect (copy of Act and notification are enclosed as B & C).
4. Incorrect as already discussed vide Para's above the appellant was recruited on contract basis and his service was regularized in light of

Khyber Pakhtunkhwa Special Police Officers (Regularization of Service) Act 2019 and application of appellant is not traceable.

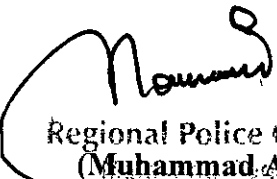
5. Reply already given vides paras above.

GROUNDS

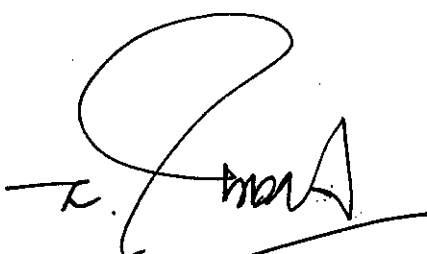
- A. Incorrect, the appellant has been treated in accordance with law and no violation of the rights of the appellant whatsoever has been committed by the answering respondents.
- B. Incorrect, the appellant services has been regularized in accordance with law.
- C. Correct to the extent that the appellant was remained in contract service under the Khyber Pakhtunkhwa Special Police (Regularization of Service) Act 2019.
- D. Incorrect, the appellant service was regularized as per Khyber Pakhtunkhwa Special Police Officers (Regularization of Service) Act 2019.
- E. Incorrect, appellant has been treated as per law, and no violation of the law/rules has been committed by the respondents.
- F. The respondents may also be allowed to adduce further grounds at the time of arguments after leave of this Honorable Service Tribunal.


PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply, the service appeal may graciously be dismissed with cost.


Regional Police Officer,
(Muhammad Ali Khan)
Regional Police Officer,
Malakand at Saidu Sharif Swat.

Respond - No 3


(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG LEGAL, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.


R-NO-4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal 609/023

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District Dir Upper.....(Appellant).


VERSUS.

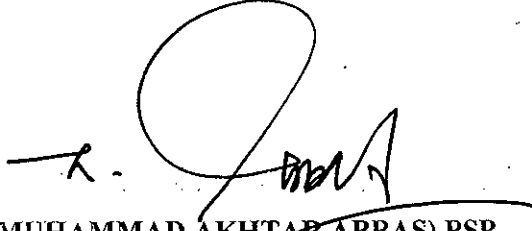
- 1) Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Inspector General of Police, Malakand Region.
- 3) Provincial Police Officer, Khyber Pakhtunkhwa
Peshawar.....(Respondents).

Power of Attorney

We, the undersigned do hereby authorized Gul Zamin Khan,
Inspector Legal to appear on our behalf before the honorable Service Tribunal in
the cited above case on each and every date.

He is also authorized to file Para-wise comments/ reply, prefer
appeal and to submit the relevant documents before the Tribunal.


Regional Police Officer
(Muhammad Ali Khan)
Regional Police Officer,
Malakand at Saidu Sharif Swat.


(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG LEGAL, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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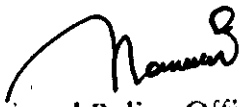
VERSUS.

- 1) Chief Secretary, Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Inspector General of Police, Malakand Region.
- 3) Provincial Police Officer, Khyber Pakhtunkhwa
Peshawar.....(Respondents).


Affidavit

We, the undersigned do hereby solemnly affirm and declared that the contents of parawise reply are true and correct to the best of our knowledge and belief and nothing has been concealed from this honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte their defense has been struck off.


Regional Police Officer,
(Muhammad Ali Khan)
Regional Police Officer,
Malakand at Saidu Sharif Swat.

(DR. MUHAMMAD AKHTAR ABBAS) PSP
DIG LEGAL, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.


ATTESTED
Halim Khan Bangash
(Oath Commissioner)
Judicial Complex
Peshawar

13-12-023

OFFICE ORDER

Annex A

Annex A

Consequent upon their selection by Joint team consisting of Officers, Civil Administration, Special Branch, Police and Army Authority have been pleased to approve the following candidates as Special Police force in Dir Upper District on the following term and condition with effect from 01.08.2009.

S.No	Name	F/ Name	Residence	Union Council	No
1.	Ajmal	Shajamat Khan	Duryal	Akhagram	SPO-1
2.	Tori Rehman	Chul Sherawan	Akhagram	Akhagram	SPO-2
3.	Iqbal	Asfandyar	Akhagram	Akhagram	SPO-3
4.	Bakht Rehman	Gujar	Karkabanj	Akhagram	SPO-4
5.	Usman Ali Shah	Gul Babba	Akhagram	Akhagram	SPO-5
6.	Hamid Gul	Sarzanin	Akhagram	Akhagram	SPO-6
7.	Bacha Rehman	Shad Muhammad	Bagh Manzai	Akhagram	SPO-7
8.	Amjad Khan	Abdur Rehman	Akhagram	Akhagram	SPO-8
9.	Akbar Ali Shah	Haji Qadar	Kumira	Akhagram	SPO-9
10.	Imran	Muzafar	Kumira	Akhagram	SPO-10
11.	Jar Badshah	Khaista Bacha	Shinkarai	Akhagram	SPO-11
12.	Rah Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-12
13.	Zahid Nawaz	Shah Tamaz	Akhagram	Akhagram	SPO-13
14.	Amjad Ali	Muhammd Gran	Akhagram	Akhagram	SPO-14
15.	Farooq	Qadir Khan	Akhagram	Akhagram	SPO-15
16.	Sher Bacha	Asfandyar	Akhagram	Akhagram	SPO-16
17.	Fazal Islam	Khair Muhammad	Durayal	Akhagram	SPO-17
18.	Tahir Zeb	Umar Zeb	Shinkarai	Akhagram	SPO-18
19.	Muhammad Jamil	Salarzay	Akhagram	Akhagram	SPO-19
20.	Muhammad Farooq	Muhbarak Said	Duryal	Akhagram	SPO-20
21.	Muhammad Alam	Muhammad Khan	Kumira	Akhagram	SPO-21
22.	Ijaz Ullah	Gul Bar Zaman	Kumira	Akhagram	SPO-22
23.	Saeed Ullah	Mir Aslam	Khunanu tangay	Akhagram	SPO-23
24.	Muhammad Nazir	Akbar Zada	Khunanu Tangay	Akhagram	SPO-24
25.	Nasib Ullah	Rahim Ullah	Khunanu Tangay	Akhagram	SPO-25
26.	Islam Amir	Mokarria	Zaku	Akhagram	SPO-26
27.	Khan Badshah	Muhammad Yousaf	Kumira	Akhagram	SPO-27
28.	Zakir Ullah	Muhammad Amin	Shinkarai	Akhagram	SPO-28
29.	Noor Zaman	Muht Said Khan	Bagh Pashta	Pashta	SPO-29
30.	Ali Muhammad	Sher Muhammad	Gal	Pashta	SPO-30
31.	Mushtaq Ahmad	Muht: Younas	Gal	Pashta	SPO-31
32.	Asghar Khan	Sultan	Pashta	Pashta	SPO-32
33.	Sultan Zeb	Habib Zar	Pashta	Pashta	SPO-33
34.	Hayat Muhammad	Rozi Muhammad	Gal	Pashta	SPO-34
35.	Hazrat Ullah	Davaish	Pashta	Pashta	SPO-35
36.	Hussain Ahmad	Ali Rehman	Mitrorra	Pashta	SPO-36
37.	Muhammad Ayaz	Ghulam Muhammad	Gal	Pashta	SPO-37
38.	Salar	Pas Muhammad	Maluk Banda	Wari	SPO-38
39.	Farman Ali	Kabir	Dskor	Wari	SPO-39
40.	Gul Wahab	Muhammad Zarin	Wari Payeen	Wari	SPO-40
41.	Wiqar Ahmad	Muhammad Alam	Wari Payeen	Wari	SPO-41
42.	Gul Rehman	Fida Rehman	Tangai	Wari	SPO-42
43.	Hanif ur Rehman	Aziz ur Rehman	Maluk Banda	Wari	SPO-43
44.	Wajid Khan	Gul Dar Khan	Daskur	Wari	SPO-44
45.	Murad	Ghulam Muht:	Daskur	Wari	SPO-45
			Tangai	Wari	SPO-46

526	Muht: Ikram	Noor Wali	Mina Doag	Doag	SPO-526
527	Gul Zada	Mahabat Khan	Mina Doag	Doag	SPO-527
528	Islam ul Haq	Gul Mul Haq	Mina Doag	Doag	SPO-528
529	Jamilur Rehman	Shah Jehan	Mina Doag	Doag	SPO-529
530	Inamud Din	Abdul Wakil	Mina Doag	Doag	SPO-530
531	Muhammad Raziq	Adam Khan	Mina Doag	Doag	SPO-531
532	Lal Zada	Sherin Zada	Mina Doag	Doag	SPO-532
533	Amin Ullah	Mula Jan	Mina Doag	Doag	SPO-533
534	Bahadar Zeb	Gul Rehman	Daramdaia	Doag	SPO-534
535	Zahurul Haq	Abdul Haq	Patrak	Patrak	SPO-535
536	Sherin Nabi	Muhammad Said	Patrak	Patrak	SPO-536
537	Muhammad Khan	Amin Khan	Patrak	Patrak	SPO-537
538	Shafi	Zamin Khan	Patrak	Patrak	SPO-538
539	Riaz	Said Ghulam	Patrak	Patrak	SPO-539
540	Muhammad Zeb	Muhammad Issa	Patrak	Patrak	SPO-540
541	Abdul Salam	Shamsur Rehman	Patrak	Patrak	SPO-541
542	Bakht Biland	Rasul Shah	Patrak	Patrak	SPO-542
543	Shafa ud Din	Sultan Shah	Patrak	Patrak	SPO-543
544	Ihsan Ullah	Dilaram	Patrak	Patrak	SPO-544
545	Kifayat Ullah	Dilaram	Patrak	Patrak	SPO-545
546	Mukhtyar Ahmad	Sultan Yousaf	Patrak	Patrak	SPO-546
547	Muhammad Ali	Ajdar Khan	Beyar	Barikot	SPO-547
548	Aziz Ullah	Shmsi Khan	Beyar	Barikot	SPO-548
549	Fazal Yousaf	Khan Jan	Beyar	Barikot	SPO-549
550	Sami Ullah	Gul Akbar	Beyar	Barikot	SPO-550
551	Naik Muhammad	Abdul Satar	Beyar	Barikot	SPO-551
552	Muht: Ziaul Haq	Amir Badshah	Beyar	Barikot	SPO-552
553	Mian Dam	Jamal ud Din	Beyar	Barikot	SPO-553
554	Bashir Ahmad	Gul Azim	Beyar	Barikot	SPO-554
555	Nasir ud Din	Said Muhammad	Beyar	Barikot	SPO-555
556	Muhammad Sartaj	Fazal Hadi	Barikot	Barikot	SPO-556
557	Shah Nasim	Noor Muhammad	Barikot	Barikot	SPO-557
558	Riaz	Gulab Khan	Barikot	Barikot	SPO-558
559	Juna Khan	Dilbar Shah	Barikot	Barikot	SPO-559
560	Saiful Islam	Bahadar Khan	Barikot	Barikot	SPO-560
561	Gul Didar	Roshan Khan	Barikot	Barikot	SPO-561
562	Sher Habib	Sultan Zarin	Barikot	Barikot	SPO-562
563	Muhammad Bashir	Muht: Mukhtar	Barikot	Barikot	SPO-563
564	Shakil Ahmad	Muhabat Khan	Barikot	Barikot	SPO-564
565	Miftah ud Din	Muhammad Khalig	Barikot	Barikot	SPO-565
566	Bakht Rawan	Musafar Shah	Kalkot	Barikot	SPO-566
567	Muht: Haroon	Akbar Said	Kalkot	Barikot	SPO-567
568	Islam ud Din	Umar Jan	Kalkot	Barikot	SPO-568
569	Hazrat Bilal	Juna Khan	Kalkot	Barikot	SPO-569
570	Umar Zada	Shamsu Din	Kalkot	Barikot	SPO-570
571	Gul, Sher	Muhammad Noor	Kalkot	Barikot	SPO-571
572	Arbab	Pasham Khan	Kalkot	Barikot	SPO-572
573	Shaukat Hayat	Fazal Bari	Barikot	Barikot	SPO-573
574	Hayat Khan	Kashmir Khan	Kalkot	Kalkot	SPO-574
575	Ali Haidar	Said Faqir	Kalkot	Kalkot	SPO-575
576	Inamul Haq	Abdul Wahid	Kalkot	Kalkot	SPO-576
577	Afzal Khan	Palass Khan	Kalkot	Kalkot	SPO-577
578	Palass Khan	Sadat Khan	Kalkot	Kalkot	SPO-578
579	Fathullah	Ghulam Jilani	Kalkot	Kalkot	SPO-579
580	Sher Bahdar	Misri Khan	Thall	Kalkot	SPO-580
581	Muhammad Zamin	Umar Faqir	Thall	Kalkot	SPO-581
582	Muhammad Faqir	Noor Alam	Thall	Kalkot	SPO-582
583	Muhammad Riaz	Ghulam Muhammad	Thall	Kalkot	SPO-583
584	Awrang Zeb	Ghulam Haidar	Thall	Kalkot	SPO-584

586	Muhammad Nabi	Hazrat Umar	Thall	Kalkot	SP
587	Abdul Shakur	Said Faqir	Thall	Kalkot	SP
588	Aziz Ullah	Aman Ullah	Lamotai	Kalkot	SP
589	Jamshid	Sajad Khan	Lamotai	Kalkot	SP
590	Muhd: Nawaf	Mirza Khan	Lamotai	Kalkot	SP
591	Noor Rehman	Abdul Qayum	Lamotai	Kalkot	SP
592	Rahim Ullah	Mahib Ullah	Lamotai	Kalkot	SP
593	Izzat Faqir	Umar Faqir	Lamotai	Kalkot	SP
594	Saif ur Rehman	Muhammad Ayub	Lamotai	Kalkot	SP
595	Wazir Muhd:	Taza Khan	Lamotai	Kalkot	SP
596	Habib Khan	Ajim Khan	Lamotai	Kalkot	SP
597	Muhammad Atzal	Toor Bacha	Lamotai	Kalkot	SPO
598	Aman Ullah	Mahabat Khan	Thall	Kalkot	SPO
599	Sami Ullah	Abdullah	Lamotai	Kalkot	SPO
600	Sultan Zarin	Juna Faqir	Thall	Kalkot	SPO

TERM AND CONDITION

- The appointees will be on contract for 2 years in service and on adhoc Basis for not more than 2 year in a stretch with no pension gratuity benefits and that the competent Authority may terminate from service as Special Police Officer with out showing any reason and notice.
- The appointees shall not demand or make and excuse for only emolument of Rs, 10,000 rupees per month.
- The appointees shall wear the uniform issued by the department and responsible for maintenance and safety of weapon issued by the department.
- The appointees shall be responsible before any senior Police Officer for any act of cowardice or irregularity, indiscipline or misconduct.
- The appointees shall not leave the job with out a prior notice of 2 month as per rule.
- The appointees shall not involve in any political or criminal activities.
- The appointees shall undergo the basic training fixed by the superior Officer.
- The appointees shall not try to change or convert the nature of duty.

OB No 483
Dt: 23-8-2009.

District Police Officer,
Dir Upper.

2009.

No

7/EB, Dated Dir Upper, the

Copy of above is submitted for information to the:-

1. Provincial Police Officer N.W.F.P., Peshawar.
2. Deputy Inspector General of Police Region III Saidu Sharif Swat.

Attested
[Signature]

Attested
[Signature]

District Police Officer,
Dir Upper

Resubmit 5

Annex B

10-12



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department
Dated: Peshawar the April 8th, 2020

NOTIFICATION

No. SO (Budget)/FD/15-29/2015 Vol. I is pursuant of the provisions contained in Section 5 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officers (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in District Dir Upper under DDO Code DA.1015- Law & Order Dir Upper as Constables (BPS-07) with effect from 01-03-2020:

S.No	Name	Father Name	Belt No.
1	Mohammad Rahim Khan	Toti Rahman	1
2	Toti Rahman	Gul Sher Rahman	2
3	Saba Gul LSPF	Shamsher	3
4	Habib Ullah	Abdul Latif Khan	4
5	Badshah Rahman	Shad Mohammad Khan	7
6	Akber Ali Shah	Haji Bahadar	9
7	Saz Bahadar	Mohammad	10
8	Ibrar Hussain	Gul Nawaz Khan	11
9	Rasool Wali	Sard Hazrat	13
10	Ali Akbar	Bazir Khan	14
11	Anwar Zada	Anwar Khan	15
12	Sher Badshah	Asfandyar Khan	16
13	Badshah Rawan	Sher Zada	18
14	Darvish Khan	Pinda Mand Khan	19
15	Sadam Hussain	Itbar Said	20
16	Muzafar Khan	Mohammad Khalig	21
17	Gulab Gul	Amir Khan (Husband)	22
18	Khalid Khan	Mohammad Kuan	23
19	Mohd Nazir	Akbar Zada	24
20	Nasib Ullah Khan	Rahim Ullah Jan	25
21	Khan Bacha	Mohammad Yousaf	27
22	Zakir Ullah	Mohammad Amin Khan	28
23	Abdur Rahman	Jehan Badshah	29
24	Ali Muhd Khan	Sher Mohammad Khan	30
25	Zarshed Khan	Jansheed Khan	31
26	Asghar Khan	Sultan	32
27	Aziz ur Rahman	Aman Ullah	33
28	Hazrat Ali	Wazif Ullah	34

Attest
[Signature]

Attest
[Signature]

(11)

478	Fatma Bibi	LSPF	Sher Nazir (Husband)	530
479	Muhtd; Raziq		Alram Jan	531
480	Salman Khan		Anwar Zeb Khan	532
481	Istar Ahmad		Fazal Khan	533
482	Ghulam Ishaq		Jamsheed Khan	534
483	Mutibbur Rehman		Khaista Rahiman	535
484	Sherin Nabil		Mohammed Said Khan	536
485	Muhtd Khan		Amito Khan	537
486	Shafi Ullah		Zamin Khan	538
487	Kiaz		Said Ghulam	539
488	Muhtd Zaid		Mohammed Issa Khan	540
489	Abdul Islam		Shams ur Rahman	541
490	Bakht Bilal		Kasool Shah	542
491	Shafa uddin		Sultan Shah	543
492	Insan Ullah		Dilaram Khan	544
493	Kefayat Ullah Khan		Dilaram Khan	545
494	Muhtdyar Ahmad		Sultan Yousaf	546
495	Muhtd Ali		Ajdar Khan	547
496	Aziz Ullah		Shamshi Khan	548
497	Fazal Yousaf Khan		Khan Jan	549
498	Muhtd Nader Jan		Sadig Jan	550
499	Naik Muhtd		Abdul Sattar	551
500	Sardar Hussain		Mohammad Rahman	552
501	Basher Ahmad		Gul Azim Khan	554
502	Nasru Din		Said Mohammad	555
503	Muhtd Sarwat		Fazal Hadi	556
504	Shah Nadeem Khan		Nasir Mohammad	557
505	Zarwar Khan		Sulamat Khan	558
506	Fama Khan		Dilbar Shan	559
507	Saif ul Islam		Bahadar Khan	560
508	Gul Didar		Roshan Khan	561
509	Sher Habib		Sultan Zarin	562
510	Muhtd; Nader		Mohammad Muhtdyar	563
511	Muhttab ur Din		Mohammad Khaliq	565
512	Bakht Rawan		Musafar Shah	566
513	Muhtd Hanson		Akbar Said	567
514	Islam ud Din		Umar Jan	568
515	Hazrat Bilal		Tuma Khan	569
516	Umar Zaid		Shams Uddin	570
517	Gul Sher		Mohammad Nasir	571
518	Sher Zamir		Saif ul Muhtd	572
519	Shaukat Hayat		Fazal Hadi	573
520	Kaisoom	LSPF	Lali Khan	574
521	Ali Haidar		Said Faqir	575
522	Sher Zamir		Gul Rahman	576
523	Afzal Khan		Palas Khan	577

Accepted
 M. H. S.
 A. H. S.
 A. H. S.