

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 611/023

Abdul Qayum S/o Abdul Hakim, Belt No.2050, R/o Post Office Kalkot, Tehsil Kalkot, District Dir Upper.

.....(Appellant).

VERSUS.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6888

Dated 13/12/2022

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

.....(Respondents).

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Gul Zamin Khan,
Inspector Legal,
Dir Upper.

BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH
DARUL QAZA SWAT.

Service Appeal 611/023

Abdul Qayum S/o Abdul Hakim, Belt No.2050, R/o Post Office Kalkot, Tehsil Kalkot, District Dir Upper.

.....(Appellant).

VERSUS.

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

GROUND

- 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 .

R-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 611/023

Abdul Qayum S/o Abdul Hakim, Belt No.2050, R/o Post Office Kalkot, Tehsil Kalkot, District Dir Upper.

.....(Appellant).

VERSUS.

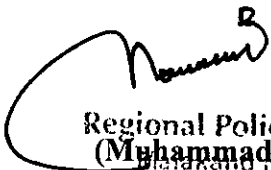
- 7) Chief Secretary, Khyber Pakhtunkhawa Peshawar.
- 8) Deputy Inspector General of Police, Malakand Region.
- 9) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.

.....(Respondents).

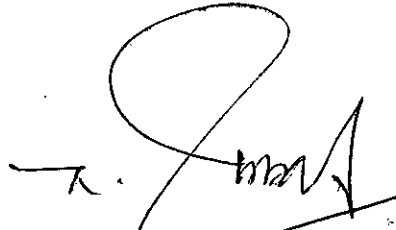
Power of Attorney

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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- 2) Deputy Inspector General of Police, Malakand Region.
- 3) Provincial Police Officer, Khyber Pakhtunkhawa 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 on oath nor their depositions taken off.

Muhammad
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

H
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	Shujamat Khan	Duryal	Akhagram	SPO-1
2.	Tori Rehman	Gul Sherawan	Akhagram	Akhagram	SPO-2
3.	Iqram	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.	Jan Badshah	Khaista Bacha	Shinkarai	Akhagram	SPO-11
12.	Ras 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	Muhd Said Khan	Bagh Pashta	Pashta	SPO-29
30.	Ali Muhammad	Sher Muhammad	Gal	Pashta	SPO-30
31.	Mushtaq Ahmad	Muhd: Younas	Gal	Pashta	SPO-31
32.	Asghar Khan	Sultan	Pashta	Pashta	SPO-32
33.	Sultan Zeb	Habib Zar	Pashta	Pashta	SPO-33
34.	Jayar 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.	Waqar 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 Bonda	Wari	SPO-43
44.	Wajid Khan	Gul Dar Khan	Daskur	Wari	SPO-44
45.	Murad	Ghulam Muhd:	Daskur	Wari	SPO-45
			Tangai	Wari	SPO-46

526	Muhd: 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	Mubarrad 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	Muhd: 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	Juma 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	Muhd: Mukhtar	Barikot	Barikot	SPO-563
564	Shakil Ahmad	Muhabat Khan	Barikot	Barikot	SPO-564
565	Miftah ud Din	Muhammad Khaliq	Barikot	Barikot	SPO-565
566	Bakht Rawan	Musafar Shah	Kalkot	Barikot	SPO-566
567	Muhd: 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	Muhammad Nawab	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 Muhammad	Faza Khan	Lamotai	Kalkot	SP
596	Habib Khan	Ajib Khan	Lamotai	Kalkot	SP
597	Muhammad Afzal	Teor 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 mark 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 matter of duty.

OB No 483
Dt: 23-8-2009.

District Police Officer,
Dir Upper.

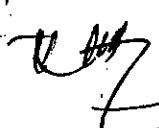
2009.


No

1/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


Attested


District Police Officer,
Dir Upper

Register 5

Annex B

10-12



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

(10)

NOTIFICATION

No. SO (Budget)/ED/15-29/2016 Vol-1: In pursuance 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 DA4016- 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	Asfandiyar 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 Khan	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

Attested

[Handwritten signatures]

12

566	Mati Ullah	Sami Ur Rahman	627
567	Khan Zamin	Gul Zamin	628
568	Badshah Zada	Mohammad Nazim Khan	629
569	Inayat ul Haq	Sher Afzal Khan	630
570	Said Mohd Zeb	Aurang Zeb	631
571	Layan Zada	Fazal Haleem	632
572	Saeed Ullah	Fazal Rahman	633
573	Khesro	Muhammad Zahir Shah	634
574	Ubaid Ali Khan	Tali Mand Khan	635
575	Farid Khan	Bakht Jehan Khan	636
576	Syafi Ullah	Roz Khan	637
577	Muhd; Rahman	Abdur Rahim	638
578	Muhd; Umar	Barkat Jan	639
579	Ali Rahman	Mohammad Maza Khan	640
580	Sahib Zada	Akbar Zada	641
581	Zia Ullah	Abdul Hamid	642
582	Said Roshdi	Bahadar Khan	644
583	Insan ul Haq	Gul Azim Khan	646
584	Khyal Muhammad	Mazaz Ullah Khan	647
585	Amjad Khan	Aziz Jan	648
586	Irshad Ahmad	Sherin Zada	649
587	Arshad Iqbal	Bashir	650
588	Kamran Hasan	Zahir Shah	145
589	Dilawar Khan	Fazal Qayum	254
590	Abdul Kabir	Bashir Ahmad	483
591	Imad Akbar	Missal Khan	564

Secretary to Govt. of Khyber Pakhtunkhwa
Home & Tribal Affairs, Department

Enclosure & date given

Copy forwarded for information to:

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Khyber Pakhtunkhwa.
4. The Regional Police Officer, Malakand.
5. The District Police Officer, Dir Upper.
6. The District Accounts Officer, Dir Upper.
7. PS to Home Secretary, Khyber Pakhtunkhwa.

O.B. No. 328
2009-04-20/21

[Signature]
SECTION OFFICER (BUDGET)

Attested
[Signature]