

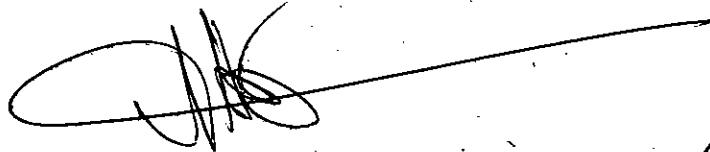
869/16

08.04.2019

None for the appellant present. Addl: AG for respondents present. Called for several times but no one appeared on behalf of the appellant, therefore, the appeal in hand is hereby dismissed in default. File be consigned to the record room.

Announced:

08.04.2019



(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member

1/11

16.11.2018

The Hon'able Chairman has not yet been assumed the charge, therefore, the case is adjourned for the same on 04.01.2019 before D.B.

  
Reader

04.01.2019


Clerk to counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment on the ground that learned counsel for the appellant is not available. Adjourn. To come up for arguments on 04.03.2019 before D.B

  
Member

  
Member

04.03.2019


Appellant absent. Learned counsel for the appellant is also absent. However, junior counsel for the appellant present and requested for adjournment on the ground that learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Adjourn. To come up for arguments on 08.04.2019 before D.B.

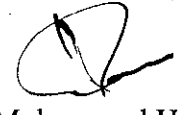
  
(M. HAMID MUGHAL)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

06.06.2018

Junior to counsel for the appellant and Mr. Muhammad Jan, Learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available. Adjourned. To come up for arguments on 08.08.2018 before D.B

  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

08.08.2018

Neither the appellant nor his counsel present. Mr. Ziaullah, DDA for respondents present. Case to come up for arguments on 03.10.2018 before D.B.

~~03.10.2018~~

~~appellant absent. Learned counsel also absent. Adjourned.  
To come up for preliminary hearing on 17.07.2018 before S.B~~

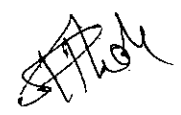
  
Member

  
Chairman

Member

03.10.2018

Junior to counsel for appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for appellant seeks adjournment as senior counsel for appellant is not in attendance. Adjourn. To come up for arguments on 16.11.2018 before D.B


  
(Hussain Shah)  
Member


  
(Muhammad Hamid Mughal)  
Member

Service Appeal No. 869/2016

11.08.2017


Clerk of the counsel for appellant present. Mr. Fayaz, Head Constable alongwith Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for rejoinder and arguments on 04.12.2017 before D.B.


  
(Muhammad Amin Khan Kundi)  
Member (J)

  
(Muhammad Hamid Mughal)  
Member (J)

04.12.2017

Clerk to counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Clerk to counsel for the appellant seeks time to file rejoinder. Granted. To come up for rejoinder and arguments on 05.02.2018 before D.B.

  
Member  
(Executive)

  
Member  
(Judicial)


05.02.2018


Since 5<sup>th</sup> February has been declared as public holiday. Therefore, the case is adjourned. To come up for arguments on 30.03.2018 Before D.B.

  
Reader

30.03.2018

None for the appellant present. Addl; AG for respondents present. Adjourned. Last opportunity granted. To come up for arguments on 20.06.2018 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member


14.02.2017

Counsel for the appellant and Mr. Muhammad Fayaz, H.C alongwith Addl. AG for the respondents present. Written reply not submitted. Requested for further time adjournment. To come up for written reply/comments on 21.03.2017 before S.B.

  
(AHMAD HASSAN)  
MEMBER

21.03.2017

- None present for appellant. Mr. Muhammad Fayaz, H.C alongwith Assistant AG for respondents present. Written reply by respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 08.05.2017.

  
Chairman

08.05.2017

Clerk of the counsel for appellant present. Mr. Ziaullah, Government Pleader for the respondents also present. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned for rejoinder and arguments to 11.08.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDE)  
MEMBER

869/16

29.11.2016

Learned counsel for the appellant argued that the appellant was serving as Head Constable when deputed to Motor Way Police in the year 2008. That he was repatriated to his parent department. That similarly placed colleagues of appellant including juniors were promoted as ASI in the year 2014 while appellant was promoted in the year 2015 without giving him retrospective promotion despite his entitlement constraining him to prefer departmental appeal which was rejected on 29.04.2016 and hence the instant service appeal on 23.08.2016.

That the appellant is entitled to promotion with effect from the date when his other colleagues including his juniors were promoted.

Appellant Deposited  
Security & Process Fee

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days notices be issued to the respondents. To come up for written reply/comments on 10.01.2017 before S.B.

  
Chairman

10.01.2017


Agent to counsel for the appellant and Mr. Muhammad Fayaz, H.C alongwith Additional AG for the respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 14.02.2017 before S.B.

  
Chairman

05.10.2016

Counsel for the appellant present. Preliminary arguments partly heard. Since the matter required further elucidation, therefore pre-admission notice be issued to the learned AAG to assist the Tribunal. To come up for further preliminary hearing on 03.11.2016.

  
(PIR BAKHASH SHAH)  
MEMBER

  
3.11.2016

Counsel for the appellant seeks adjournment.  
Adjourned for preliminary hearing to 29.11.2016  
before S.B.





  
Chairman



Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 869/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	26/08/2016	<p>The appeal of Mr. Israr Muhammad resubmitted today by Mr. Muhammad Arif Jan Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	29-08-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>31-08-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	31.08.2016	<p>Counsel for the appellant present and requested for adjournment. Request accepted. Adjourned for preliminary hearing to 27.09.2016 before S.B.</p> <p style="text-align: right;"> Member</p>
	27.09.2016	<p>Clerk to counsel for the appellant present. Clerk to counsel for the appellant requested for adjournment. To come up for preliminary hearing on 5.10.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>




The appeal of Mr. Israr Muhammad ASI Motorway Police received today i.e. on 23.08.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Annexure-B of the appeal is illegible which may be replaced by legible/better one.

No. 1383 /S.T.

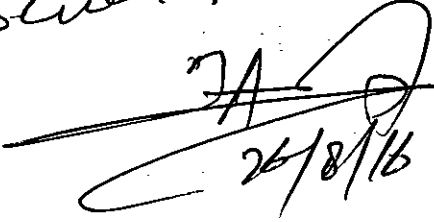
Dt. 24/8 /2016

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. M.Arif Jan Adv. Pesh.

Respected Sir,

The impugned order is on Page-10 of the appeal, moreover the objection no-2 may graciously be represented from the receipts as the appellant tried his best but could not find it legible. Hence the appeal be placed before the Honble Bench.

  
24/8/16

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal no- 869/2016

Israr Muhammad ASI.....Appellant

VERSUS

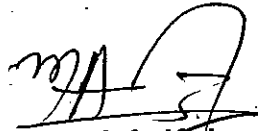
DPO. Nowshera and others.....Respondents

INDEX

S.No.	Description of Documents	Annex	Pages
1.	Memo of Appeal and Affidavit		1-5
2.	Application for condonation of delay		6
3.	Addresses of Parties		7
4.	Copies of appeal & order dated 29-04-2016	A & A/1	8-10
5.	Copy of Promotion	B	11-12
6.	Wakalat Nama		13

Appellant

Through



**Muhammad Arif Jan**

Advocate, Peshawar

Office:

Office No.210 Al-Mumtaz Hotel

G.T. Road Peshawar.

Cell:

0333-2212213

Dated:23/08/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 869 /2016

Diary No. 871

Dated 23-8-2016

Israr Muhammad ASI Motorway Police R/o Yousaf Khan Talab Tehsil and  
District Charsadda.....Appellant

VERSUS

1. District Police Officer District Nowshera.
2. Deputy Inspector General of Police Mardan Region-1, Mardan.
3. Inspector General of Police Khyber Pakhtunkhwa Central  
Police Office Peshawar.....Respondents

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED  
29-04-2016 PASSED BY RESPONDENT NO-3 VIDE WHICH THE  
APPEAL OF THE APPELLANT WAS TURN DOWN.

Filed to-day

Registrar  
PRAYER IN APPEAL:

On acceptance of the instant appeal, the impugned order dated 29-04-  
2016 may graciously be set-aside and the promotion/seniority of the  
appellant to the rank of ASI may kindly be considered/treated and  
order from the year, 2014 instead of year, and 2015 along with all back  
benefits which is the due and protected right of the appellant.

Any other relief which deems fit and not specifically asked for may  
also be allowed in favor of appellant against respondents

Re-submitted to-day  
and filed.

Registrar  
23/8/16

2

**Respectfully Sheweth:**

1. That the appellant was initially appointed as Constable in the Police Department as regular in District Police Nowshera on 01-07-1990.
2. That the appellant was promoted to the rank of Head Constable in the year 2005-06.
3. That the appellant was then transferred on deputation to Motorway Police in June, 2008.
4. That the appellant remained on lien with CCP Peshawar was sent by the District Police Nowshera for selecting him from Motorway Police to Intermediate College course at PTC Hangu who successfully completed on 20-03-2011.
5. That the appellant was permanently inducted to Motorway Police on 26-03-2011 however the induction order was recalled later on.
6. That again the appellant was inducted vide order dated 17-12-2012 to the Motorway Police but the same was too cancelled on 13-06-2014.
7. That meanwhile the other colleague of the appellant and even junior to him were promoted to the rank of ASI and the appellant was ignored.
8. That the lien of the appellant was remained intact with respondents hence the appellant preferred a departmental appeal before respondent No-2 which was filed by respondent No-3 vide impugned order dated 29-04-2016 and the same has been delivered to the appellant on 04-08-2016. (Copies of appeal & order dated 29-04-2016 is attached as ANNEX-A&A/1).

3

9. That the appellant was promoted to the rank of ASI on 02-07-2015 instead of the year, 2014 after the recommendation of the DPC during pendency of the departmental appeal of appellant. (Copy of promotion order is attached as ANNEX-B).

10. That being aggrieved and having no other efficacious remedy except to file the instant appeal on the following amongst other grounds.

**GROUND:**

A. That the act, commission and omission of the respondents and the office order bearing No bearing No-1719 dated 29-04-2016 passed by respondent No-3 (hereinafter impugned) is patently illegal, unlawful, without lawful authority, of no legal effect, having no value in the eyes of law thus be set-aside and the appellant may kindly be promoted to the rank of ASI since the year, 2014 and the seniority of the appellant may also be maintained since the year, 2014 being his entitlement and due date with all back benefits etc.

B. That the junior to the appellant were promoted through DPC held on 12-11-2014 and the appellant being eligible / entitled was not enlisted without any reason and justification thus this act of the respondents is clear violation of the constitutional rights of the appellant.

C. That the respondent also promoted the other officials/officers who did completed their intermediate courses in the year 2012-13 but the appellant who successfully completed his course in the year, 2011 was deprived from the seniority as well as from the promotion which badly effected his service career and financial losses too, hence this act of the respondents is amount to abuse of law and also violation of natural justice.

4

- D. That the respondents are/were duty bound to abide the law and not to harass or humiliate the appellant by depriving him from his legal and lawful right of promotion/seniority.
- E. That the respondents also badly fail to maintained the seniority of the appellant being remained on transfer/deputation to Motorway Police who serving till date on the strength of respondents but despite all these facts they intentionally ignored and deprived the appellant from his vested rights.
- F. That the respondents also badly fail to give due care to the submission/grievances of the appellant which is also evident from the non-speaking impugned order.
- G. That any other ground which has not been specifically asked for and is fit in the circumstance may also be allowed in favor of the appellant against the respondents.

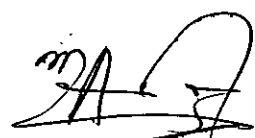
**It is, therefore, most humbly prayed that on acceptance of the instant appeal, the impugned order dated 29-04-2016 may graciously be set-aside and the promotion/seniority of the appellant to the rank of ASI may kindly be considered/treated and order from the year, 2014 instead of year, and 2015 along with all back benefits which is the due and protected right of the appellant.**

**Any other relief which deems fit and not specifically asked for may also be allowed in favor of appellant against respondents.**

Dated; 23-08-2016

Appellant

Through



Muhammad Arif Jan

Advocate, Peshawar.

8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Israr Muhammad ASI.....Appellant

**VERSUS**

DPO Nowshera and others.....Respondents

**AFFIDAVIT**

I, Israr Muhammad ASI Motorway Police R/o Yousaf Khan Talab Tehsil and District Charsadda do hereby solemnly affirm and declare on oath that the contents of the **appeal** are true and correct to the best of my knowledge and belief and nothing have been concealed from this Hon'ble Tribunal.

  
**DEPONENT**

6

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Israr Muhammad ASI.....Petitioner / Appellant

**VERSUS**

DPO Nowshera and others.....Respondents

**APPLICATION FOR CONDONATION OF DELAY IF ANY.**

**Respectfully Sheweht,**

1. That the appellant filed the accompanying appeal before this Hon'ble Tribunal wherein no date has yet been fixed.
2. That the impugned order dated 29-04-2016 was further delivered to the concerned authorities and finally received to the appellant on 4-8-2016 thus the delay if any is not intentionally but due to the above stated reason.
3. That this Hon'ble Tribunal has the ample power to condoned the delay if any to save the valuable rights of the appellant.

**It is, therefore, most humbly prayed that the delay if any in the titled appeal may graciously be condoned in the best interest of Justice.**

Through

Date: / /2016

Appellant

  
**Muhammad Arif Jan**  
Advocate, Peshawar.

**AFFIDAVIT**

I, Israr Muhammad ASI Motorway Police R/o Yousaf Khan Talab Tehsil and District Charsadda do hereby solemnly affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing have been concealed from this Hon'ble Tribunal.

  
DEPONENT



(6) (7)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Israr Muhammad ASI.....Appellant

**VERSUS**

DPO Nowshera and others.....Respondents

**ADDRESSES OF PARTIES**

**APPELLANT:**

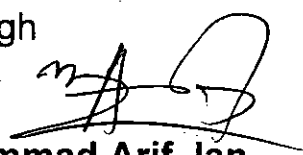
Israr Muhammad ASI Motorway Police R/o Yousaf Khan Talab Tehsil and  
District Charsadda

**RESPONDENTS**

1. District Police Officer District Nowshera.
2. Deputy Inspector General of Police Mardan Region-1, Mardan.
3. Inspector General of Police Khyber Pakhtunkhwa Central Police  
Office Peshawar.

Appellant

Through



**Muhammad Arif Jan**  
Advocate, Peshawar.

Date: / /2016

To:

The Deputy Inspector General of Police,

Mardan Region-I Mardan.

Through: -

Proper Channel.

Subject:

PROMOTION AS ASI

Respected Sir,

With profound respect and humble submission I beg to

submit that:-

1. While Serving in NSR District Police, I was transferred to Motorway Police Islamabad on deputation basis in 6/2008.

2. My Iien was with CCP Peshawar and I was selected for Intermediate college course at PTC Hangu and I have qualified the said course during the term ending 20/3/2011.

3. Later on, I was inducted in Motorway Police on 26/3/2011, however, it was cancelled later on 17/12/2012, I was inducted in Motorway Police but it was also cancelled on 13/6/2014.

4. During these ups and down I was suffered a lot because not only my colleagues were promoted to the rank of ASIs but those who are junior to me have also been promoted as ASI.

5. My Iien has since been transferred from CCP Peshawar to Mardan Region vide IGP KPK Peshawar office order issued over Endst. No.922-25/E-IV dated 21/1/2015 (photocopy attached), but my case for promotion as ASI is still pending.

6. I am still holding the rank of HC and due to non-consideration of my case for promotion as ASI I am facing great loss.

7. Therefore, I approach your good self to kindly consider my case favorably and sympathetically and I may kindly be granted promotion/seniority in the rank of ASI from due date, so that my service career may not be damaged.

Thanking you in anticipation.

Yours Obediently

Israr Muhammad

HC No.468

Motorway Police

8

Annex-A

TR

9

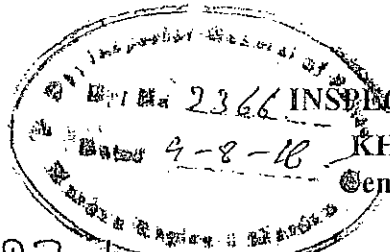
Amex-A/1

ASG

1



gr. 8



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

No. 2701 /E-III Dated Peshawar, the 28/07/2016.

To: The Regional Police Officer,  
Mardan Region, Mardan.

Subject: MERCY PETITION FOR ASSIGNING PROMOTION AND DUE SENIORITY IN THE RANK OF ASI.

Memo:- Please refer to your office Memo: No. 2265/ES, dated 17.03.2016 on the subject noted above.

Original/complete Service Book in r/o ASI Israr Muhammad of Nowshera District is sent herewith for your office record.

Please acknowledge receipt.

(Encls: Service Book)

(PERVEZ ILLAHI)  
Registrar  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

27/7

Copy is forwarded for information to the:-

- 1. Incharge Central Registry Branch CPO Peshawar.

~~1/DPO Nowshera~~  
~~ASG~~  
29/7

NO. 6930/ES  
dt: 04/8

Allestac  
ASG

Handwritten text, possibly a signature or initials, located at the bottom center of the page.



10

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

48

No. 1719 /E-III, Dated Peshawar, the 29/04/2016.

To The Regional Police Officer,  
Mardan Region, Mardan.

Subject: MERCY PETITION FOR ASSIGNING PROMOTION AND DUE SENIORITY IN THE RANK OF ASI.

Memo:-

Please refer to your office Memo: No. 3289/ES, dated 20.04.2016 on the subject noted above.

The case has been filed by the competent authority.

(PERVEZ ILLAHI)  
Registrar

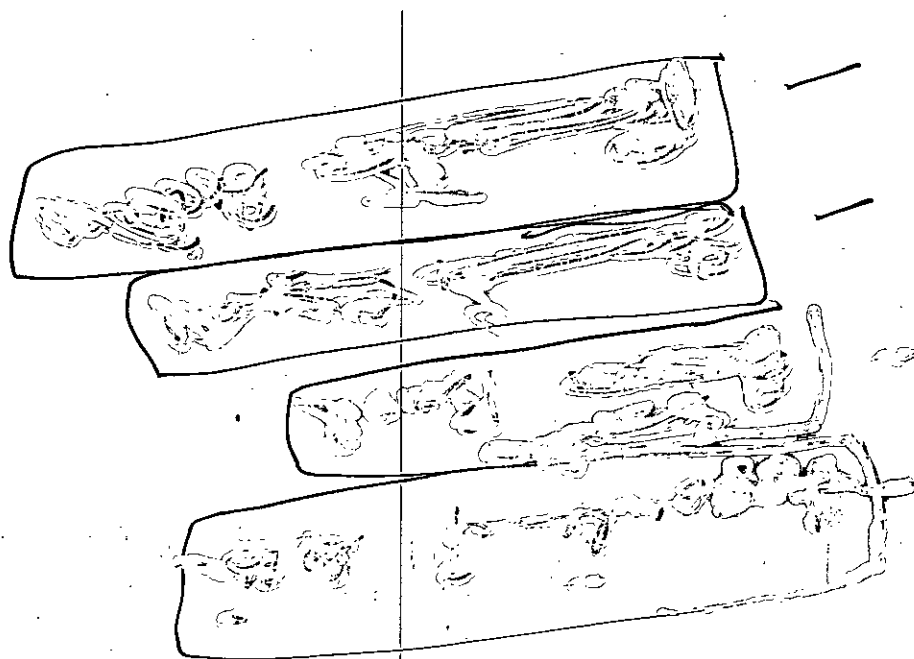
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

28/4/2016

Copy is forwarded for information to the:-

1. Incharge Central Registry Branch CPO Peshawar.

Attest  
[Signature]



POLICE DEPARTMENT.

MARDAN REGION.

11 Annex-B

3 7 1

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II, ORDERS BY THE DEPUTY INSPECTOR GENERAL OF POLICE, MARDAN REGION.

NOTIFICATION.

Dated: /2015.

No. 4132 /ES. PROMOTION IN THE RANK OF OFFIC: ASSISTANT SUB INSPECTOR.

In pursuance of the Departmental Promotion Committee held on 02.07.2015, the following "D" list Head Constables are hereby promoted to the rank of Offic: ASI, subject to the completion of probation period as per Police Rules 13.18.

S. NO.	NAME RANK & NO.	PLACE OF POSTING	REMARKS
1	H/C [Name] No. [No.]	Mardan	Promoted conditionally subject to production of satisfactory ACRs for year 2014 within 30 days & subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
2	H/C [Name] No. [No.]	Mardan	Promoted conditionally subject to production of satisfactory ACRs for year 2014 within 30 days & subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
3	H/C Ghulam Shabbir No. 417/1025	Mardan	Promoted conditionally subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
4	H/C Niaz Ali No. 37	On deputation to CFC Peshawar from Swabi District	Promoted conditionally subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
5	H/C Israt Muhammad No. [No.]	On deputation to Mardan from [Location]	Promoted conditionally subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
6	H/C [Name] No. [No.]	Mardan	Promoted conditionally subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.

3.1

Attested  
[Signature]

12

388  
12

7.	IHC Sartaj No. 478	Nowshera	Promoted conditionally subject to production of satisfactory ACRs for the period from 01.10.2011 to 31.12.2011, for the year 2014 within 30 days and subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
			Promoted conditionally subject to production of satisfactory ACR for the year 2012 within 30 days and subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
9.	IHC Shahid Khan No. 10	Nowshera	Promoted conditionally subject to production of satisfactory ACR for the year 2012 within 30 days and subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.
10.	IHC Murad Ali No. 640	Nowshera	Promoted conditionally subject to production of satisfactory ACR for the year 2014 within 30 days and subject to completion of Elite Tactical Training Course vide standing order No. 10/2014, letter No. 697-767/GB, dated 25.09.2014.

MUHAMMAD SAIED PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.

No. 4133-44/ES, Dated Mardan the, /2015.

Copies forwarded for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar for favour of Information please.
2. Capital City Police Officer, Peshawar.
3. Deputy Inspector General of Police N-5 North Zone, National Highways & Motorway Police Islamabad.
4. All District Police Officers, in Mardan Region.
5. All Superintendents of Police Investigation in Mardan Region.
6. PA Region office, Mardan.

Attested  
MA

MUHAMMAD SAIED PSP  
Deputy Inspector General of Police,  
Mardan Region-I, Mardan.



WAKALATNAMA

IN The Khyber Pakhtunkhwa Service Tribunal

Israr Muhammad Asif

(Petitioner)  
(Plaintiff)  
(Applicant)  
(Complainant)  
(Decree Holder)

VERSUS

DPO & others

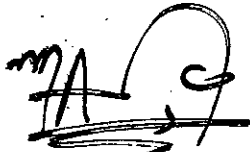
(Respondent)  
(Defendant)  
(Accused)  
(Judgment Debtor)

Case \_\_\_\_\_

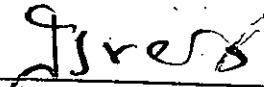
I/We, ISRAR MUHAMMAD ASIF do hereby appoint and constitute Muhammad Arif Jan Advocate High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



Muhammad Arif Jan  
Advocate, High Court, Peshawar.  
Office No. 6, 1<sup>st</sup> Floor  
Pabbi Medical Centre, G.T. Road  
Peshawar.  
Mobile: 0333-2212213



Israr Muhammad

Arshad Ali Newshamri  
17/8/2016  
Advocate

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

Service Appeal No. 869/2016

Israr Muhammad ASI,  
Motorway Police, r/o Yousaf Khan Talab,  
Tehsil and District Nowshera.

.....Appellant

**V E R S U S**

1. District Police Officer, Nowshera.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office, Peshawar.

.....Respondents

**REPLY ON BEHALF OF RESPONDENTS No. 1,2&3**

**Respectfully Sheweth: -**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action.
2. That the appeal is badly time-barred.
3. That the appellant has been estopped by his own conduct to file the appeal.
4. That the appeal is not maintainable in its present form.
5. That the appellant has not come to the Honourable Tribunal with clean hands.
6. That this Honourable Tribunal has got no jurisdiction to entertain the instant appeal as the appellant is serving in the Federal subject.


**On Facts**

1. Para not related as the same pertains to appointment of appellant in Police Department.
2. Para pertains to record, hence, no comments.
3. Para pertains to record needs no comments
4. Correct to the extent that the appellant has qualified his Intermediate College Course is correct as per service record while rest of the para is denied.
5. Correct to the extent that the appellant was permanently inducted in Motorway Police.



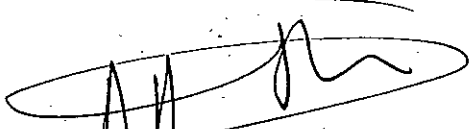
6. Para not related hence, no comments.
7. Incorrect. That during the time when the colleagues of the appellant were promoted, the appellant was permanently inducted in Motorway Police hence, he was not considered because if a person is permanently inducted in other Department, he will no more remain an employee of the parent department.
8. Incorrect. As long as an employee remains with the borrowing department on deputation, his lien remains intact. But when the employee is permanently inducted in the borrowing, his lien no more remains intact with the parent/lending department. Moreover, in order to avoid the issue of limitation, the appellant took the plea of delivering the order dated 29-04-2016 to him which is not plausible.
9. That when the appellant became entitled for promotion, he was promoted to the rank of ASI accordingly.
10. That appeal of the appellant is liable to be dismissed on the following grounds: -

Grounds


- A. That the order passed by the competent authority vide No. 1719, dated 29-04-2016 is legal, lawful and without any discrimination as the respondent department has no grudges against the appellant, hence, plea of the appellant is not tenable in the eye of law.
  - B. Incorrect. As discussed earlier, the appellant was permanently inducted in Motorway Police during the time of promotion, so the matter regarding the promotees being junior or senior to the appellant is out of question.
  - C. Para already explained needs no comments.
  - D. Incorrect. The respondents are abiding the law and no harassment or humiliations have been made to the appellant. Moreover, when the right of promotion of appellant accrued/became due he was promoted accordingly.
  - E. Incorrect. The appellant when became eligible for promotion, the same was given to him and no right of the appellant has been violated by the respondent Department.
  - F. Para already explained, needs no comments.
- 

G. That the respondents also seek permission of this Honourable tribunal to raise additional grounds at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of above submissions the appeal of the appellant may very kindly be dismissed with cost.



Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.  
Central Police Office,  
Respondent No.3



Deputy Inspector General of Police,  
Mardan Region-I, Mardan  
Respondent No. 2



District Police Officer,  
Nowshera.  
Respondent No. 1

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

Service Appeal No. 869/2016

Israr Muhammad ASI,  
Motorway Police, r/o Yousaf Khan Talab,  
Tehsil and District Nowshera.

.....Appellant

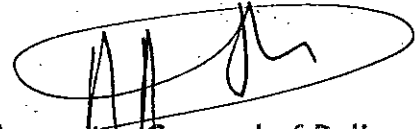
**V E R S U S**

1. District Police Officer, Nowshera.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
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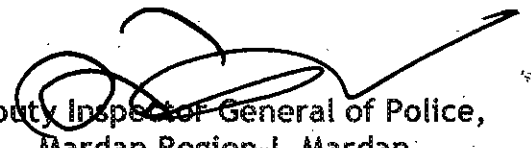
.....Respondents

**AFFIDAVIT**

We the respondents No. 1,2,&3 do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of our knowledge and belief and nothing has been concealed from the Honourable tribunal.



Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.  
Central Police Office,  
Respondent No.3



Deputy Inspector General of Police,  
Mardan Region-I, Mardan  
Respondent No. 2



District Police Officer,  
Nowshera.  
Respondent No. 1