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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

SERVICE APPEAL No.382/2023

Ghalib Shah IHC Special Branch, Peshawar.....Appellant.

VERSUS.

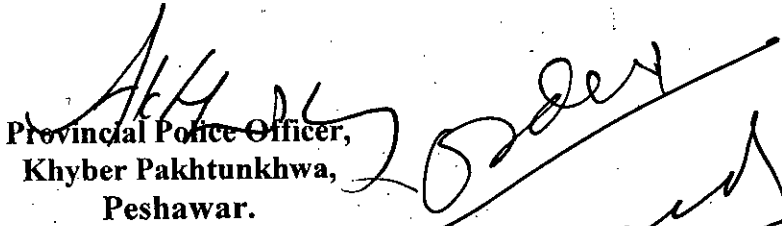
1. Provincial Police Officer Peshawar. etc.....Respondents.

APPLICATION FOR EARLY HEARING AND RELEASE OF SALARY.


Respectfully shewth:

1. That the above captioned Service Appeal is pending adjudication before this Hon'ble Service Tribunal which is fixed for 12.06.2023.
2. That the respondents were neither served nor communicated the proceedings of the subject appeal and for the first time came to know when the salaries of respondents No. 02, 03, 04 and 05 had been attached by this Hon'ble Tribunal vide order dated 16.02.2023.
3. That the requisite record has been annexed with the instant application and the order dated 16.02.2023 passed by the Hon'ble Tribunal has been complied with in letter and spirit.
4. That it would be in the interest of Justice if the date of hearing is rescheduled at an early date and the salaries of respondents are graciously detached/released.

It is therefore, requested that the instant application may be allowed, the date may be rescheduled to an early date and the salaries of respondents may please be released.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

Salary released

29/5/23

16th Feb, 2023

Learned counsel for the appellant present.
Muhammad Riaz Khan Painsdakhel, Asst: AG for respondents
present.

On the previous date the respondents were directed to
produce requisite record ² properly mentioned in objection No.4
of the appeal but today neither the record has been produced nor
representative of the respondents ^{have} ~~the~~ put appearance. Therefore,
salaries of the respondents No. 2, 3,4 and 5 are attached in
manner as prescribed under section 60(1)(i) of the Code of Civil
Procedure, 1908 till further orders or until complete compliance
of the order of the Tribunal. The Accountant General Khyber
Pakhtunkhwa, Peshawar and District Accounts Officer, Mardan
are directed to attach salaries of respondents No.2,3,4 and 5 till
further orders of this Tribunal. To come up on 16.03.2023
before S.B. of ~~the Tribunal~~.



(Kalim Arshad Khan)
Chairman

16th March, 2023 Appellant in person present and sought adjournment
on the ground that his learned counsel was not available
today. Mr. Asad Ali Khan, Assistant Advocate General
for the respondents present who also sought time to
contact the respondents for compliance of orders dated
13.02.2023 and 16.02.2023. Adjourned. To come up for
requisite record and preliminary hearing on 10.05.2023
before the S.B. Parcha Peshi given to parties.

(Signature)
Chairman

RECORDED
POST
Peshawar

Checked in the file copy
[Signature]

**BEFORE THE HONBLE SERVICE TRIBUNAL
PESHAWAR**

Appeal no. 382/2023

Ghalib Shah Head Constable No. (220/650) s/o Shah Baz Khan
R/o Qasim District Nowshera.

.....Petitioner

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary KPK
2. Inspector General of Police Peshawar Khyber Pakhtunkhwa
Peshawar.
3. Deputy Inspector General of Police Peshawar Region
Peshawar
4. Deputy Inspector General of Police Mardan Regic ..
5. Deputy Inspector General of Police special branch Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA TRIBUNAL
ACT 1974 AGAINST THE ORDER WITH
REGARD TO DEPARTMENTAL
PROMOTION COMMITTEE HELD BY
RESPONDENT NO.2 IN THE YEAR 2020,
PESHAWAR AND DEPARTMENTAL
PROMOTION COMMITTEE HELD BY
RESPONDENT NO.4 MARDAN IN THE
YEAR 2014 WHEREBY IN BOTH OF THE
DPC THE APPELLANT HAS BEEN
IGNORED AND OTHER COLLEAGUE
WHO GOT COMPLETED THEIR INTER
COURSE IN THE YEAR 2013 HAS BEEN
PROMOTED TO THE POST OF ASI.

PRAYER:

ON ACCEPTANCE OF THIS APPEAL THE
APPELLANT MAY BE PROMOTED / TREATED AT
PARAS WITH OTHER COLLEAGUES AND HIS SENIORITY
MAY BE COUNTED / GRANTED SINCE 2020 ON
THE STRENGTH OF PESHAWAR FOR THE SAKE
OF JUSTICE ALONG WITH ALL BACK BENEFITS.

RESPECTFULLY SHEWETH

That the appellant humbly submits as under:

1. That appellant No. 220/650 was initially appointed as Constable on 12.03.1991 at District Nowshera, since then performing his official duty to the best of his ability and to the entire satisfaction of the superior without any complaint.
2. That the appellant was deputed for Intermediate College Course to Hangu Training School in the year 2013 and after qualifying the same the appellant was sent back to District Mardan on 20.09.2013 as a qualified recruit and his name was brought on list D for further promotion as per Notification No. 1743/Es dated 31.03.2014, according to the order of Seniority w.e.f 20.09.2013 with his other colleagues (Copy of order is attached as annexure "A").
3. That in the year 2014, a meeting of departmental promotion committee held in

Mardan in which other colleagues belonged to District Mardan, Nowshera, Swabi and Charsadda who completed his inter training in 20/09/2013 has been promoted to the post of ASI whereas the appellant was ignored and not been promoted to the post of ASI like other colleagues. (Copy of Nowshera list is attached as annexure "B").

4. That in the year 2014 at Peshawar, the DPC was held in that DPC also other colleagues of the appellant were promoted/ upgraded to the post of ASI, but again the applicant is not promoted.

5. That again in the year 2020 another DPC was held in Peshawar, but in that very DPC also other colleagues who has got completed their inter course along with appellant in the year 2013 were promoted, but the appellant again was not treated on the same footing as other colleagues and a discriminative attitude was adopted by the concern authority towards the appellant. (Copy of Peshawar list attached as annexure "C").

6. That as most of the junior to the appellant have been promoted on the strength of Mardan belonging to different districts in the DPC 2014 and also on the strength of Peshawar since 2014 to 2020 but the appellant has been malafidely ignored without any reason which is discrimination on the part of respondents.

4
That again DPC held in 2020 at Peshawar the
Appellant submitted an application on the next
day to CCPO Peshawar on 15.07.2020 by
citing the grounds that the appellant is
neither promoted on the strength of Mardan
and neither over the strength of Peshawar
which is discrimination on the part of
respondent No.4 and 2 but in vain. (Copy of
application is attached as annexure "D").

4 That then after the appellant was informed
that the name of appellant No.220/650
qualified Head Constable placed on promotion
list-D of Mardan Region inadvertently vide his
office notification No. 2053/E dated 08.04.2014
was transferred from Mardan Region to Chief
Capital Police Peshawar and his name hereby
remove from promotion list-D. (Copy of
removal order is attached as annexure "E").

9. That the Additional IGP Headquarter for
provincial police officer KPK Peshawar issue in
order in which IHC's and ASI's was promoted
and deputed to different places in which the
petitioner on serial No. 23 of Nowshera List
has been deputed to special branch and now
the petitioner performing his duty in special
branch under respondent No.5 (Copy order
attached as annexure "E").

10. Now the appellant is aggrieved from both of


(3)
approached this Hon'ble Tribunal by the
following ground inter alia:-

GROUNDS:

- A. That by not promoting the appellant to the post of ASI by the respondent No.2 and 4 in DPC held in 2020 at Peshawar and also by the respondent No.4 in the DPC held at Mardan Region is against the fact law and rules.
- B. That not treated the appellant on the same footing as other colleagues by the respondent N.2 and 4 is also against the natural justice.
- C. That the attitude of Respondent is also against the norms of maxim, that every one is equal before law.
- D. That the appellant has been condemned unheard and not been treated according to law and rules.
- E. That the discriminative attitude of respondents towards the appellant is also against the law and rules.
- F. That omission & commission of respondents is against law and rules.
- G. That the other relevant grounds will be discussed with prior permission of this August

58.	IHC Zahoor Ahmad No. 11	CCP, Peshawar	Recommended for promotion to the rank of offg: ASI subject to qualifying Elite Tactical course.
59.	IHC Muhammad Riaz No. 2709	CCP, Peshawar	Deferred due to under enquiry and ACRs 2014, 2015, 2016, 2017 & 2018.
60.	IHC Musharaf Khan No. 2974	CCP, Peshawar	Recommended for promotion to the rank of offg: ASI subject to ACR 2018 within 01 month and qualifying Elite Tactical course.
61.	IHC Mushtaq Ahmad No. 1325	CCP, Peshawar	Recommended for promotion to the rank of offg: ASI subject to qualifying Elite Tactical course.
62.	IHC Inayat ur Rehman No. 4148	CCP, Peshawar	Recommended for promotion to the rank of offg: ASI subject to ACRs 2014, 2015, 2016, 2017 & 2018 within 01 month and qualifying Elite Tactical course.
63.	IHC Muqarab Khan No. 71	CPC, Peshawar	Recommended for promotion to the rank of offg: ASI subject to qualifying Elite Tactical course.

Member


DSP/Legal, Peshawar.

Member


SP/H.Qrs: Peshawar.

Member


SSP/Investigation, Peshawar.

Member


SSP/Coordination, Peshawar.

Member


SSP/Operations, Peshawar.

APPROVED


Capital City Police Officer,
Peshawar.

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POLICE DEPARTMENT

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE

MARDAN REGION

ORDER BY THE REGIONAL POLICE OFFICER, MARDAN.

NOTIFICATION.

No. 3335 /ES. REMOVAL FROM PROMOTION LIST D. The name of Intermediate College Course qualified Head Constable Ghaleh Shah No. 220550 placed on promotion list 'D' of Mardan Region inadvertently vide his office notification No. 2053-S4/ES dated 08.04.2014 as his Ilen was transferred from Mardan Region to Capital City Police, Peshawar on his own sweet will prior to the issuance of notification Ibid. Is hereby removed from promotion list 'D'

Dated 28-6-2021

[Signature]
Regional Police Officer,
Mardan.

CC

- 1) Capital City Police Officer, Peshawar vide his office letter No. 2050/EC-I, dated 03.12.2020 followed by reminder No. 1116/EC-I dated 15.01.2021 for necessary action as mentioned vide your above quoted reference.
- 2) District Police Officer, Nowshera.
- 3) AOR Clerk Region Office, Mardan.

[Handwritten initials]