

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1658 /ST

Dated 30-9- /2019

To,

The Registrar,
Supreme Court of Pakistan,
Islamabad.

Subject:- CIVIL APPEAL NO. 1548 OF 2019

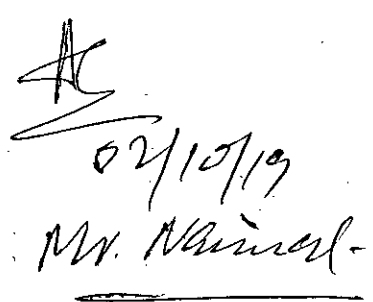
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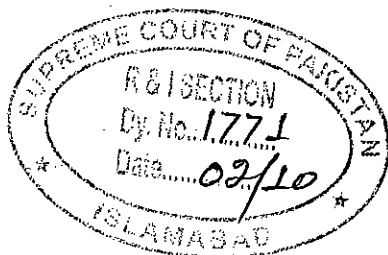
CIVIL PETITION NO. 305-P OF 2018

Dear Sir,

Reference your letter No. C.A.1548-P/2019-SCJ dated 23/9/2019, I am directed to forward herewith the original appeal No. 736 of 2016. The same may be returned when no longer required.

Encl. As above.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.



Ph: 9220581
Fax:9220406

REGISTERED
No. C.A. 1548/2019 - SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 13-12-2023, 2023.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

Khyber Pakhtunkhwa
Service Tribunal

To

The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Diary No. 10019

Dated 21-12-2023

Subject: CIVIL APPEAL NO. 1548 OF 2019.

Government of Khyber Pakhtunkhwa through Secretary Home
& Tribal Affairs, Peshawar and others.

Versus

Amjad Ali (decd.) through his L.Rs. & others.

On appeal from the Order/Judgment of the Khyber
Pakhtunkhwa, Service Tribunal, Peshawar dated
21.02.2018, in Appeal No. 736 of 2016.

Dear Sir,

In continuation of this Court's letter of even number dated
23.09.2019 and in accordance with the provisions contained in Order X,
rule 9, Supreme Court Rules, 1980, a certified copy of the
Order/Judgment of this Court dated **22.11.2022**, dismissing the above
cited civil appeal, in the terms stated therein, is enclosed for further
necessary action.

The original records of the **High Court** received vide your
letter No. **1658**: dated **30.09.2019**, is returned herewith.

Please acknowledge receipt of this letter along with its
enclosure immediately.

Encl: Order:
2. O/Record:

Yours faithfully



(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench

Mr. Justice Jamal Khan Mandokhail
Mr. Justice Muhammad Ali Mazhar

Civil Appeal No. 1548/2019 & CP No. 277-P/2018

(Against the judgment dated 21.02.2018 of the Khyber Pakhtunkhwa Service Tribunal Abbottabad Bench passed in SA No. 736/2016)

Government of Khyber Pakhtunkhwa thr.
Secretary Home & Tribal Affairs, Peshawar and
others

...Appellant(s)

Provincial Police Officer Khyber Pakhtunkhwa
Peshawar

Versus

Amjad Ali (decd) thr. LRs and others
Zahid ur Rehman

...Respondent(s)

For the Appellant(s): Mr. Zahid Yousaf Qurshi, AOR

For the Respondent(s): Matloob Khan, DSP
Sajjad Khan, DSP
Jehanzeb Khan
Yousaf Khan
M. Tanveer

Date of Hearing: 22.11.2023

ORDER

Jamal Khan Mandokhail, J.

Civil Appeal No. 1548/2019: Precisely facts of the case are that the predecessor of respondent No. 1 (Amjad Khan) filed an appeal before the Service Tribunal, Khyber Pakhtunkhwa, Peshawar ("Tribunal") with the following prayers:

"On acceptance of the instant Service Appeal, respondents may be directed to confirm the appellant as SI w.e.f. 10/10/2012 i.e. the date of deferment instead of 27/08/2015 and seniority of the appellant may be fixed w.e.f. the date of confirmation of his juniors."

The appeal was allowed in the terms mentioned in the judgment of the Tribunal dated 21.02.2018. Hence, this petition.

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

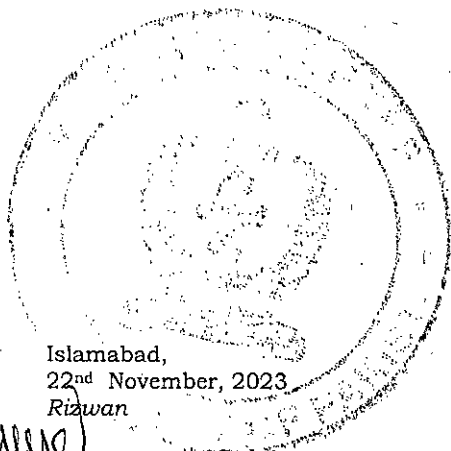
CA No. 1548 of 2019 etc

2. The learned AOR for the appellants states that the Tribunal passed the impugned judgment, pursuant to which, Amjad Khan was promoted. He points out that Amjad Khan has passed away, therefore, the seniority of the serving respondents will not be affected. Under such circumstances, because of death of Amjad Khan, this petition has become infructuous, which is accordingly dismissed.

CP No. 277-P/2018

3. Learned AOR states that for promotion to the post of Inspector, the official must possess upper school training and remained as SHO at least for one year. Learned AOR states that the respondent did not qualify for the reason that he lacks the requisite qualification, but the Tribunal has ignored this aspect of the case and has come to a wrong conclusion.

4. The contentions raised require consideration. Issue notice to the respondent.



[Handwritten signature]
Certified to be True Copy

[Handwritten signature]
Said Associate
Supreme Court of Pakistan
Islamabad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 736/2016

Date of Institution...07.06.2016

Date of decision... 21.02.2018

Amjad Ali son of Mir Alam Khan, Inspector Law Instructor Police Training
College, Hangu. ... (Appellant)

Versus

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal
Affairs Department, Peshawar and others. ... (Respondents)

Mr. Muhammad Arshad Tanoli,
Advocate

... For appellant.

Mr. Ziaullah,
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD HAMID MUGHAL,

... CHAIRMAN
... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was promoted on officiating basis as Sub Inspector on
16.2.2002. Thereafter he was sent on deputation to Motorway Police in the year,
2002. During his deputation his juniors were promoted and the appellant could not

be promoted for the reason that under Rule 13.10(2) of the Police Rules, 1934 the appellant did not perform duties as SHO for one year out of his District. The appellant in the first round of litigation approached this Tribunal and this Tribunal vide order dated 13.10.2015 remitted the appeal of the appellant to the departmental appellate authority for decision. The departmental authority then decided the departmental appeal on 10.05.2016 by rejecting the prayer of the appellant.

ARGUMENTS

3. The learned counsel for the appellant argued that since the appellant was on deputation he could not be appointed as SHO for one year outside his district. That non-posting of the appellant as such was not fault of the appellant. The learned counsel for the appellant relied upon a judgment of this Tribunal in service appeal No. 811/2008 entitled "*Munir Hussain Vs. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others*" decided on 21.12.2011. He further argued that non-posting as SHO could not damage the appellant and that according to judgment of this Tribunal in Service appeal No. 537/2016 entitled "*Badshah Hazrat Vs. Government of Khyber Pakhtunkhwa and two others*" decided on 07.02.2017 and appeal No. 182/2017 entitled "*Zahidur Rahman Vs. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and another*" decided on 19.02.2018, the confirmation would be from the date of officiating promotion. That the appellant was confirmed on 27.08.2015 and under the rules and

judgments referred to above, the appellant was entitled to be confirmed from the date of his officiating promotion.

4. On the other hand learned DDA argued that the appellant did not implead those officers/officials who would be declared junior to him through anticipated judgments. That the departmental authority rightly ordered the confirmation of the appellant from 27.08.2015 because he was to undergo certain pre conditions like testing for one year and passing certain courses. He next contended that the present appeal was time barred. He further argued that the appellant was repatriated in the year, 2010 from Motorway Police and thereafter he was posted as SHO and he would be confirmed thereafter.


CONCLUSION.

5. The appeal is not time barred as in the first round this Tribunal remitted the appeal to departmental appellate authority. There was no need to implead other officials as this is a case of confirmation and not seniority simplicitor. This Tribunal in the above mentioned judgments have already decided this issue by holding that the confirmation of officiating police officials shall be from the date of officiating promotion. This Tribunal also in the judgment of *Munir Hussain's* case discussed a similar case wherein the appellant was sent on deputation to Motorway Police and granted relief to him for not posting him as SHO for one year under Rule 13.10(2) of Police Rules, 1934. This Tribunal therefore, is to treat the case of the appellant at par with the similarly placed officials whose appeals

have been decided by this Tribunal and accepts the appeal of the appellant. The department is directed to take into consideration, the cases of all those similarly placed persons who have not been confirmed from the date of their officiating promotion in the light of the judgments reported as 1996-SCMR-1 and 1996-SCMR-1185 so as to safeguard the interest of senior Sub Inspectors to the appellant. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)
Member



(Niaz Muhammad Khan)
Chairman
Camp Court, A/Abad

ANNOUNCED
21.02.2018

18.12.2017

Counsel for the appellant present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Abdul Waheed, SI (legal) for the respondents present. Learned counsel for the appellant submitted application for placing of additional documents on court file. Application alongwith ^{document} record is placed on file. Learned Deputy District Attorney requested for adjournment. Adjourned. To come up for arguments on 15.01.2018 before the D.B at Camp Court, Abbottabad.

(Gul Zeb Khan)

(Muhammad Amin Khan Kundi)

15.1.2018

Member (Executive) Appellant in person and Mr. Muhammad Bilal, Deputy Camp Court Abbottabad District Attorney alongwith Wajid Ali, S.I(Legal) for the respondents present. Due to general strike of the bar, counsel for the appellant is not in attendance. To come up for arguments on 21.02.2018 before the D.B at camp court, Abbottabad.

Member

Chairman
Camp court, A/Abad.

21.02.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Wajid Ali, S.I(Legal) for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.

Member

Chairman
Camp Court, A/Abad

ANNOUNCED
21.02.2018

21.07.2017

Appellant alongwith counsel and Mr. Muhammad Bilal, DDA alongwith Abdul Waheed, SI (Legal) for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder, if any, and arguments for 20.09.2017 at camp court, Abbottabad. Private respondents are not present despite proper service, hence proceeded ex-parte.

[Signature]
Chairman
Camp Court, A/Abad
Camp Court, A/Abad

20.09.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Rejoinder received. Learned Deputy District Attorney seeks adjournment. Adjourned. To come up for final hearing on 17.10.2017 before D.B at Camp Court Abbottabad.

[Signature]
Chairman
Camp Court, A/Abad
Chairman
Camp court, A/Abad.

[Signature]

Member

17.10.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 18.12.2017 before the D.B at camp court, Abbottabad.


[Signature]
Member

[Signature]
Chairman
Camp court, A/Abad.

736/16

25.11.2016

Clerk of counsel for the appellant and Mr. Mir Afzal, S.I (Legal) alongwith Mst. Bushra Bibi, Government Pleader for official respondents No. 1 to 5 present. Requested for adjournment. Fresh notices be issued to respondents No. 6^{to}21 through registered post. To come up for written reply/comments on 16.02.2017 at camp court, Abbottabad.


Chairman
Camp Court, A/Abad

16.02.2017

Clerk of counsel for the appellant and Mr. Abdul Waheed, SI (Legal) alongwith Mr. Muhammad Siddique Sr.GP for the official respondents present. Written reply submitted by official respondents. Fresh notices be issued to private respondents through registered post. To come up for written reply of private respondents before S.B on 18.05.2017 at camp court, Abbottabad.


MEMBER
Camp Court, A/Abad

25.05.2017

Since tour programme to camp court, Abbottabad for the month of May, 2017 has been cancelled by the Worthy Chairman, therefore, case to come up for the same on 21.07.2017 at camp court, Abbottabad. Notices be issued to the parties for the date fixed accordingly


Registrar


18.08.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Offtg. Sub Inspector and was entitled to confirmation as Sub Inspector in the substantive rank but deprived of the same for not serving as SHO for a period of 2 years constraining the appellant to prefer Service Appeal No. 568/2013 which was decided vide judgment dated 13.10.2015 with the directions to the respondents to treat the same as departmental appeal which was rejected vide impugned order dated 10.5.2016 communicated to the appellant on 27.5.2016 and hence the instant service appeal on 07.06.2016.

That the appellant was not posted as SHO at any Police Station by the authority and as such no fault could be attributed to the appellant. That the appellant remained as SHO for more than one year and was confirmed as S.I w.e.f. 27.08.2015. That the appellant was entitled to confirmation w.e.f. 14.09.2012 i.e. the date on which similarly placed employees were confirmed.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 25.11.2016 before S.B, *at camp court A/Abad*



Appellant Deposited
Security Process Fee


Chairman
Camp court, A/Abad.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 736/2016


S.No:	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/07/2016	<p>The appeal of Mr. Amjid Ali resubmitted today by post through Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20-7-16	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on. <u>18-8-2016</u></p> <p style="text-align: right;"> MEMBER</p>

The appeal of Mr. Amjid Ali son of Mir Alam Khan Inspector Law Instructor Police Training College Hangu received to-day i.e. on 07.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 6 to 21, are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexure-C of the appeal is missing.
- 3- Copy of confirmation letter mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Annexures-A and E of the appeal are illegible which may be replaced by legible/better one.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.
- 7- 23 more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 969 /S.T;

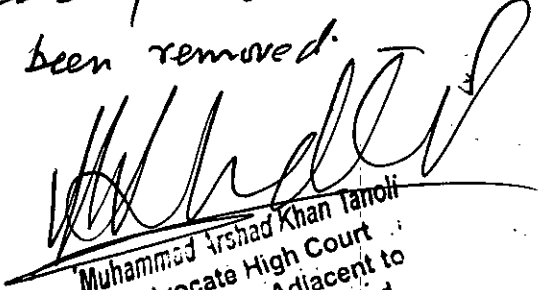
DL 7-6 /2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Arshad Khan Tanoli
Adv. High Court Abbottabad

Sir,

The appeal duly rectified
is re-submitted for your
further necessary action as all the
objections have been removed.


Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Hall Bar Abbottabad

Date 17/6/2016

Sir, the case was submitted on 21/6/2016

through TCS NO 5063253934 dt 21.6.2016
but the same has been received & undelivered
on 14/7/2016 due to the reasons that security persons P.T.C

did not permit the TCS staff
to deliver the appeal to service
tribunal. Therefore, the appeal is
re-submitted to day.

M. Ashraf Khan

M. Ashraf Khan
Candi Adv.

14/7/2016

11

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

Service Appeal No. 736 /2016

Amjad Ali son of Mir Alam Khan, Inspector Law Instructor Police, Training College, Hangu.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, KPK, Peshawar. & others.

....RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 10	
2.	Copy of promotion order	11-11-A	"A"
3.	Copy of repatriation order dated 16/04/2014	12	"B"
4.	Copy of Rule 13.10 (2) of Police Rule, 1934	13	"C"
5.	Copy of order dated 14/09/2012	14-15	"D"
6.	Copy of posting/ transfer order of the appellant as SHO in Police Station Dharbani District, Torghar	16-18	"E"
7.	Copy of judgment of this Honourable Tribunal dated 13/10/2015	19-21	"F"
8.	Copy of rejection letter	22-24	"G"
9.	Wakalatnama	25	

mal
....APPELLANT

Through

Dated: _____/2016

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

1

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 736 /2016

Amjad Ali son of Mir Alam Khan, Inspector Law Instructor Police, Training College, Hangu.

....APPELLANT

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 577

Dated 07-6-2016

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, KPK, Peshawar.
2. IGP, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Hazara-Range, Abbottabad.
4. Commandant Police Training College, Hangu.
5. DPO Torghar.
6. Habib ur Rehman, presently Inspector ^{Police} at Battagram.
7. Aurangzeb, presently Inspector ^{Police} at Mansehra.
8. Mohammad Iqrar, S.I No. 188/H, Law Instructor PTC, Hangu.
9. Farhad Ali, S.I No. 4/H, Special Branch, Peshawar.
10. Azam Ali Shah, S.I No. 12/H, Operational Wing, Abbottabad.
11. Arshad Hussain, S.I No. 66/H, PTC Hangu.
12. Matloob Khan, S.I No. 101/H, Investigation Wing, Abbottabad.
13. Shah Nawaz, S.I No. 104/H, Operational Wing, Mansehra.
14. Shah Mohammad, S.I No. 58/H, Torghar District Police.

Private
Respondents
No. 6 to 21
ex-parte
vide order
dt: 21/7/16

Filed to-day

[Signature]
Registrar

7/6/2016

Re-submitted to -day
and filed.

[Signature]
Registrar

19/7/16

- Ex - Parte
15. Fazal Wahab, S.No. 150/H, Special Branch, Peshwar.
 16. Jehanzeb Khan, S.I NO. 169/H, Investigation Wing, Mansehra.
 17. Mohammad Amin, S.I No. 170/H, Traffic Branch, KPK, Peshawar.
 18. Ehsan Shah S.I No. 223/H, Investigation Wing, Abbottabad.
 19. Mohammad Yousaf S.I No. 175/H, Operational Wing, Haripur.
 20. Mohammad Sajjad, S.I No. 229/H, Investigational Wing, Mansehra.
 21. Fida Mohammad, S.I No.230/H, Operational Wing, Abbottabad, through Central Police Office, Peshawar.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974, FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS DEFERRED FROM CONFIRMATION OF SUB-INSPECTOR ON 10/10/2012 DELETED. DUE TO THE REASON THAT THE APPELLANT DID NOT REMAIN SHO IN POLICE STATION FOR ONE YEAR AS PER RULE 13.10 (2) OF POLICE RULES, 1934. HOWEVER, THE APPELLANT COMPLETED ONE YEAR PERIOD OF SHO SHIP W.E.F AUGUST 2014 TO NOVEMBER,

2015. THEREAFTER, THE APPELLANT WAS CONFIRMED AS SUB-INSPECTOR ON 27/08/2015 WHEREAS CONFIRMATION OF THE APPELLANT AS S.I SHOULD HAVE BEEN W.E.F 14/09/2012 INSTEAD OF 22/08/2015 AND THE APPELLANT IS TO BE PLACED SENIOR FROM THOSE JUNIORS TO THE APPELLANT WERE CONFIRMED ON 10/10/2012 BUT THE RESPONDENTS DEPARTMENT IS NOT ALLOWING SENIORITY TO THE APPELLANT W.E.F THE DATE OF HIS JUNIORS WERE CONFIRMED AS S.I WHICH IS DISCRIMINATORY, PERVERSE, AGAINST THE LAW AND NATURAL JUSTICE.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, RESPONDENTS MAY BE DIRECTED TO CONFIRM THE APPELLANT AS S.I W.E.F 10/10/2012 I.E THE DATE OF DEFERMENT INSTEAD OF 27/08/2015 AND SENIORITY OF THE APPELLANT MAY BE FIXED W.E.F THE DATE OF CONFIRMATION OF HIS JUNIORS.

Respectfully Sheweth: -

1. That the appellant was promoted as Sub-Inspector on 16/02/2002 vide order dated 15/12/2009. Copy of promotion order is attached as Annexure "A".
2. That the appellant remained on deputation in Traffic Police, Islamabad NHA&MP till April 2014 vide repatriation order dated 16/04/2014. Copy of repatriation order dated 16/04/2014 is attached as Annexure "B".
3. That the appellant was not confirmed as S.I by the respondents' department alongwith his junior counter parts on 10/10/2012. On the ground that the appellant did not remained SHO for 1 years which is Sine Qua Non for confirmation as per Rule 13.10 (2) of Police Rule 1934. Copy of Rule 13.10 (2) of Police Rule, 1934 is attached as Annexure "C".

4. That, thereafter, the appellant was deferred and not confirmed due to the deficiency of 1 year period of SHO ship and respondent No. 6 to 21 who were juniors were confirmed vide order dated 14/09/2012. Copy of order dated 14/09/2012 is attached as Annexure "D".
5. That the appellant was posted as SHO in Police Station Dharbani District Torghar in August 2014. Hence, the appellant completed satisfactory SHO period w.e.f August 2014 to November, 2015. Copy of posting/ transfer order of the appellant as SHO in Police Station Dharbani District, Torghar is attached as Annexure "E".
6. That after completion of one year mandatory period of SHO ship his services were confirmed as Sub-Inspector w.e.f 27/08/2015 which should have been w.e.f 14/09/2012 i.e the date of initial deferment.
7. That the appellant filed service appeal No. 568/2013 almost on the same subject before

this Honourable Tribunal. The Honourable Tribunal converted the said service appeal into departmental representation on 13/10/2015 and "*directed to the appellate authority to examining the case of the appellant to decide his appeal within a period of 03 months of the receipt of this judgment*". Copy of judgment of this Honourable Tribunal dated 13/10/2015 is attached as Annexure "F".

8. That on receipt of representation/ judgment of the Honourable Tribunal in service appeal No. 568/13 dated 13/10/2015, and AIG establishment rejected the same with the remarks that the appellant was ignored from confirmation as Sub-Inspector due to not fulfilling the laid down criteria according to Rule 13.10 (2) of Police Rules, 1934 and further stated that the appellant himself admitted at the time his colleagues were confirmed. He had not fulfilled the criteria for confirmation i.e Rules 13.10(2) of Police Rules, 1934 vide rejection letter No. 1246 dated 10/05/2016 which was received by the

appellant on 27/05/2016. Copy of rejection letter is attached as Annexure "G".

9. That feeling aggrieved, the instant appeal is filed by the appellant, inter-alia, on the following grounds:-

GROUND:-

- (a) That the respondents department send the appellant on deputation from Hazara Range to Traffic Police, Islamabad on deputation. Therefore, respondents department was supposed to detail the appellant as SHO, for one year to protect his service carries of the appellant.
- (b) That, the deficiency of one year SHO ship prior to 14/09/2012 was not due to the fault of appellant but the department should have repatriated him from Traffic Police, Islamabad for completion of 1 year SHO ship in any Police Station of Hazara Division

for the purposes of evaluating his worth and ability.

(c) That the appellant, in the DPC, held on 14/09/2012 was deferred due to the deficiency mentioned above and respondent No. 6 to 21 were confirmed as Sub-Inspector who were juniors to the appellant.

(d) That as per law when an-employee is deferred and he is subsequently confirmed or promoted, seniority is to allowed w.e.f the date of confirmation/ promotion of his juniors but the appellant was confirmed w.e.f 27/08/2015 instead of 14/09/2012 w.e.f the date of confirmation of his junior counter parts.

(e) That there is no other prompt remedy available to the appellant except the invocation of jurisdiction of this Honourable Tribunal.

- (f) That other legal and factual points involved in this case shall be agitated before the Honourable Tribunal at the time of arguments.

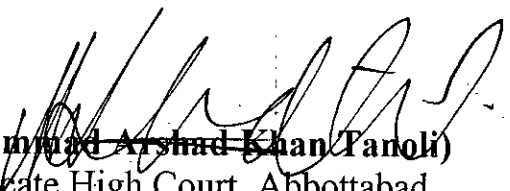
It is, therefore, humbly prayed that on acceptance of the instant service appeal, respondents may be directed to confirm the appellant as S.I w.e.f 14/09/2012 instead of 27/08/2015 and the seniority of the appellant may be fixed w.e.f his confirmation of his juniors.



...APPELLANT

Through

Dated: _____/2016



(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION: -

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

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

Service Appeal No. _____/2016

Amjad Ali son of Mir Alam Khan, Inspector Law Instructor Police, Training College, Hangu.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, KPK, Peshawar. & others.

....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

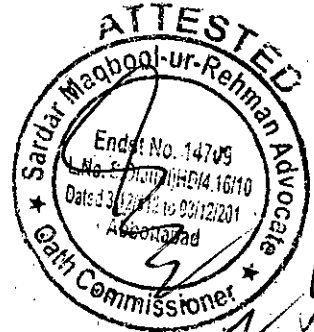
I, Amjad Ali son of Mir Alam Khan, Inspector Law Instructor Police, Training College, Hangu, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Amjad Ali

DEPONENT

Identified by;

Muhammad Asghar Khan Tanoli
(Muhammad Asghar Khan Tanoli)
Advocate High Court, Abbottabad



21-10

ORDER

21-1-10-1506

20-1-10

As per CPO, NWFP Ref. No. 14377/E-I dated 10-06-2009, Commandant.
RP NWFP Endst. No. 773/EC dated 17-10-2009 and Endst. No. 9011-13/EC dated 15-12-2009.
The promotion/seniority of following upper subordinates are hereby regularized as noted

Annex
A
11

Sr	Name of official	Present posting	Date of confirmation/promotion
1	Aamir Ali	Islamabad	1. Offg: ASI from 16-01-1998 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Offg: SI w. e. from 16-02-2002
2	Imdadullah	Kohistan	1. Offg: ASI from 02-12-1999 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Offg: SI w. e. from 20-02-2003
3	Khanwaiz	Haripur	1. Offg: ASI from 20-04-2000 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Confirmed in the Rank of SI w. e. from 20-07-2007
4	Aurangzeb	Manshera	1. Offg: ASI from 20-04-2000 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Offg: SI w. e. from 04-12-2004
5	Imdad	CHD, Peshawar	1. Offg: ASI from 04-12-2000 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Offg: SI w. e. from 20-05-2005
6	Haseeb Ali	Haripur	1. Offg: ASI from 04-12-2000 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Offg: SI w. e. from 20-05-2005
7	Qasim Haider	Kohistan	1. Offg: ASI from 20-04-2000 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 01-07-2003 3. Offg: SI w. e. from 04-12-2004
8	Chiragh	Abbottabad	1. Offg: ASI from 24-11-2005 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 24-11-2007
9	Muhammad Hanif	Abbottabad	1. Offg: ASI from 24-11-2005 2. Confirmed in the Rank of ASI and promoted to List "B" w. e. from 24-11-2007

17
1/13/10
2/11
20/11

[Signature]
Deputy Inspector General of Police,
Manshera (Abbottabad)
7/15/10 2009

No. 800-09 /E, Dated: Abbottabad the

Copy of above is forwarded for information and necessary action to the:-

1. Provincial Police Officer, NWFP, Peshawar.
2. Inspector General of Police, Islamabad with reference to PPO NWFP, Peshawar Endst. No. 8866-98/E-I dated 02-04-2009. P-3/C
3. Commandant, FKP, NWFP, Peshawar with reference to his Endst. No. 7737/EC dated 17-10-2009 & Endst. No. 9011-13/EC, dated 15-12-2009.
4. Deputy Inspector General of Police, Special Branch, NWFP, Peshawar.
5. District Police Officer, Abbottabad.
6. District Police Officer, Haripur.
7. District Police Officer, Manshera.
8. District Police Officer, Kohistan.
9. OS/AS Reg'n Office Abbottabad.

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No. 4
facts

[Handwritten notes]

[Signature]
Muhammad Arshad Khan Qanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

Inspection
as office
Service

22. SI Muhammad Nazir No. 129/H
23. SI Abdul Rasheed No. 134/H

Operational Wing Manshera

SRC

Better copy.

Annex

(11-A)

ORDER

As per CPO NWFP Peshawar direction vide letter No. 14377/E-I dated 10.06.2009 and letter No. 7737/EC dated Peshawar the 17.10.2009 Commandant FRP NWFP Peshawar promotion order of the following literate official of FRP now transferred to regular Police is hereby regularized according to Police Rules 13-18.

Name of official	Previous order dated	Now Regularized
Amjid Ali	1. ASI/PC on 16.01.1998 2. SI/PC on 16.10.1999	1. Offg: ASI from 16.01.1998 2. Confirmed in the rank of ASI and promoted to list "E" w.e.f 01.07.2003 3. Offg: SI w.e.f 16.02.2002
Habib ur Rehman	1. SI/PC on 02.11.2002	1. Offg: ASI from 02.12.1999 2. Confirmed in rank of ASI and promoted to List "E" w.e.f 01.07.2003 3. Offg: SI w.e.f 20.02.2003
Khanwaiz	1. SI/PC on 22.07.2003	1. Offg: ASI from 20.04.2003 2. Confirmed in the rank of ASI and promoted to list "E" w.e.f 01.07.2003 3. Offg: SI w.e.f 04.12.2004
Aurangzeb	1. SI/PC on 22.07.2003	1. Offg: ASI from 20.04.2000 2. Confirmed in the rank of ASI and promoted to list "E" w.e.f 01.07.2003 3. Offg: SI w.e.f 04.12.2004
Imtiaz	1. SI/PC on 22.07.2003	1. Offg: ASI from 04.12.2000 2. Confirmed in the rank of ASI and promoted to list "E" w.e.f 01.07.2003 3. Offg: SI w.e.f 20.05.2005
Liaqat Ali	1. SI/PC on 22.07.2003	1. Offg: ASI from 04.12.2000 2. Confirmed in the rank of ASI and promoted to list "E" w.e.f 01.07.2003 3. Offg: SI w.e.f 20.05.2005

Attested

Muhammad Arshad Khan Janoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Abbottabad

-Sd-

Deputy Inspector General of Police
Hazara Region Abbottabad

No. 800-09 /EC, dated Abbottabad the 16-01-2009

256-H
31
ANNEX
B

P-12

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
ISLAMABAD

No. 3602-08/E-I

Dated: 16/04/2014

ORDER

On completion of maximum deputation period with Capital Territory Police, Islamabad, Sub-Inspector Amjad Khan No. 256/H of Khyber Pakhtunkhwa Police is hereby repatriated to his parent department with immediate effect.

2. This issues with the approval of the DIG/Headquarters, Islamabad.

252
17/4/14

Asr

(ASHRAF ZUBAIR SIDDIQUI) PSP
AIG/Establishment,
for Inspector General of Police,
Islamabad.

OB/OSI

Copy to:-

1. The Inspector General of Police, Khyber Pakhtunkhwa Police, Peshawar.
2. AGPR, Islamabad.
3. SSP/Logistics and SSP/Islamabad with request to relieve the above named Sub-Inspector of his duties from ICT Police immediately with directions to report to his parent department under intimation to this office.
4. Accountant, o/o the SSP/Logistics, Islamabad.
5. Incharge, Admin Branch, o/o the SSP/Logistics, Islamabad.
6. Officer concerned.

Attested
Munir Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad
اورنگیل شامل فوجی مشن کریں
اورنگیل

o

By fax

Ph: 0992-9310021
Fax: 0992-9310023

ORDER.

P-14

(1)

Annex
D

A DPC was held in this office on 31-08-2012 under the chairmanship of undersigned for confirmation of SIs. The cases of 24 Offg: SIs were considered strictly on merits, competency, integrity and reputation.

Consequent upon the recommendation of DPC, the following Offg: SIs who have completed their two years officiating/probation period and fulfilled the laid down criteria for substantive rank under PR.13-1, 13-10 (2), 13-18 are hereby confirmed with effect from 31-08-2012:-

S.NO.	NAME & NO.	PRESENT POSTING	NEW REGION NO.
01	SI Muhammad Iqrar No.188/H	Law Instructor PTC Hangu	H/29
02	SI Farhad Ali No.4/H	Special Branch	H/30
03	SI Azam Ali Shah No.12/H	Operational Wing Abbottabad	H/32
04	SI Arshad Hussain No.66/H	PTC Hangu	H/33
05	SI Matloob Khan No.101/H	Investigation Wing Abbottabad	H/34
06	SI Shah Nawaz No.104/H	Operational Wing Mansehra	H/35
07	SI Shad Muhammad No.58/H	Torghar District	H/36
08	SI Fazal Wahab No. 150/H	Special Branch	H/37
09	SI Jehan Zeb Khan No.169/H	Investigation Wing Manshra	H/39
10	SI Muhammad Amin No.170/H	Traffic Khyber Pakhtunkhwa	H/42
11	SI Ehsan Shah No.223/H	Investigation Wing Abbottabad	H/44
12	SI Muhammad Yousaf No.175/H	Operational Wing Haripur	H/46
13	SI Muhammad Sajjad No.129/H	Investigation Wing Mansehra	H/47
14	SI Fida Muhammad No.230/H	Operational Wing Abbottabad	H/48

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

Sheer
Deputy Inspector General of Police
Hazara (Abbottabad)
(CO Syed Sheewar H. Shah)

No. 13958-7/EC, Dated Abbottabad the 14 / 09 / 2012.

1. Copy of above is forwarded for information and necessary action to the:-
1. AIG Special Branch Khyber Pakhtunkhwa Peshawar.
2. All District Police Officers, in Hazara Region.
3. All Senior Superintendent of Police, Investigation in Hazara Region.
4. Commandant Police Training College Hangu.
5. Superintendent of Police, Traffic Peshawar.
6. OS/AS Region Office Abbottabad.

ORDER

P-15

D

A Promotion Board to considered the cases of Offg: SIs for substantive promotion/confirmation under P.R 13.18 was held on 16-06-2010 in the Office of the undersigned which was attended by the following Officers:-

- | | | | |
|----|--|---|----------|
| 1. | Muhammad Suleman, DIG. Hazara (Abbottabad) | = | Chairman |
| 2. | Mr. Imran Shahid, DPO, Abbottabad | = | Member |
| 3. | Dr. Waqar-ud-Din Syed, DPO Mansehra | = | Member |

Each candidate was considered strictly on merit. The board has decided that their 2 years Offg: service is counted towards their probation period under P.R 13-18 in the light of their integrity and reputation. They are confirmed in their substantive Rank of SIs with effect from 16-06-2010.

S #	Name & No.	Present posting	New Region No	Remarks
1.	Habib-ur-Rehman	Kohistan	H/257	
2.	Aurangzeb	Mansehra	H/253	Conditionally confirmed subject to the availability of ACR for the years 2005, 2006 & 2007 being satisfactory.
3.	Sajjad Haider	Kohistan	H261	Conditionally confirmed subject to the availability of ACR for the year 2007 being satisfactory.
4.	Muhammad Altaf	Mansehra	H/155	--
5.	Shah Nawaz	CCP, Peshawar	H/191	--
6.	Muhammad Khurshid	Kohistan	H/201	--
7.	Ghulam Mustafa	Kohistan	H/202	--
8.	Hazarat Nabi	Inv: Haripur	H/205	--
9.	Muhammad Iqbal	EAC Peshawar	H/21	--
10.	Altaf	Inv: Haripur	H/31	--

Muhammad Arshad Khan Qazi
Advocate High Court
Office No. 33 Adjacent to
District Office Abbottabad

(MUHAMMAD SULEMAN)
Deputy Inspector General of Police
Hazara (Abbottabad)

No. 7810-16 /E, dated Abbottabad the 23/6/2010.

Copy of above is forwarded for information and necessary action, to the:-

1. DG. Anti Corruption, K.P.K, Peshawar.
2. District Police Officers, Haripur, Abbottabad, Mansehra and Kohistan.
3. Senior Superintendent of Police, Investigation, Haripur.
4. OS/ AS Region Office Abbottabad.

FROM : DIG POLICE HAZARA

FAX NO. : 0992 992 9310023

10 Nov. 2015 19:07 P4
Phone No. 0992-9310021
Fax No. 0992-9310023

9

P-16
Annex
E

By Fax

ORDER

Following transfers/postings amongst the upper subordinates are hereby ordered with immediate effect:-

S #	NAME & NO	FROM	TO
01	Inspector Raja Mehboob Khan No.H/18	Operational Wing Abbottabad	Operational Wing Lower Kohistan
02	SI Ghulam Murtaza No.240/H	Operational Wing Abbottabad	Operational Wing Torghar
03	SI Sheryar No.289/H	Operational Wing Lower Kohistan	Operational Wing Abbottabad
04	SI Amjad Khan No.H/02	Operational Wing Torghar	Operational Wing Abbottabad

Serial No.01 will draw his pay as usual from Operational Wing Abbottabad.

[Signature]
Regional Police Officer,
Hazara Region Abbottabad
(AEC Dilawar)

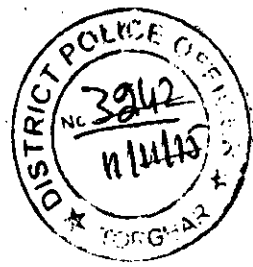
No. 18255-58/E, dated Abbottabad the 10-11 /2015.

Copy of above is forwarded for information and necessary action to the:-

1. District Police Officer, Abbottabad.
2. District Police Officer Lower Kohistan.
3. District Police Officer Upper Kohistan.
4. District Police Officer Torghar.

[Signature]
Muhammad Arshad Khan Jaffer
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

SRC/PO
for n/ce/fin.



Annex
E

MEMO

Attention to
Insp: Amjad Khan

Kindly refer to your office Memo: No. 115/E-II, dated 11-01-2016.

P-17

It is being info your Kind notice that the said Inspector was posted National Highway & Motorway Police Islamabad and not fulfilling the Criteria as laid down in Police Rule Chapter No. 13, as he was neither posted as SHO (or investigation wing) or in any other unit in which he was considered fit for Confirmation as SI. He remained posted in the branches like Motorway/ National Highway Police Islamabad which are not falling to fulfill the criteria, later on he was posted in District where he remained posted as SHO Police Station Darbani for a period of one year.

After that he has fulfill the criteria and Confirmed in rank of SI in this office Q. No. 34493-516/E dated 08-09-2015 and recommended for promotion into list "F". He was accordingly admitted into list "F" and promoted as offg. Inspector by the CPO Mds Nomination No 3844-55/E-III dated 15-12-2015 His conduct & his application is absolutely beseeches.

Attested -

Muhammad Arshad Khan Tandon
Muhammad Arshad Khan Tandon
Advocate High Court
Office No 33 Adjacent to
Bleat Bar Abbottabad

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P-18

Annex
E

Memo:-

Kindly refer to your office Memo No. 115/E-II dated 11.01.2016.

It is bring info your kind notice that the said Inspector was posted Nation Highways and Motorway Police Islamabad and not fulfilling the Criteria as laid down in Police Rule Chapter No. 13 as he was neither posted as SHO / OII (investigation wing) or any other unit in which he was considered fit for confirmation as SI. He remained posted in the branches like Motorway, National Highway Police Islamabad which are not falling to fulfill the criteria, later on he was posted to Torghar District where he remained post as SHO Police Station Darbani for a period of one year.

After that he has fulfill the criteria and Confirmed in the rank of SI vide this office Order no. 14499-516/E, dated 08.09.2015 and recommended for promotion into list "F". He was accordingly admitted into list "F" and promoted as offg: Inspector by the CPO Vide notification No. 3844-55/E-III dated 15.12.2015. His contain in his application is absolutely baselēss.

-Sd-

Deputy Inspector General of Police
Hazara Region Abbottabad

A. Uska

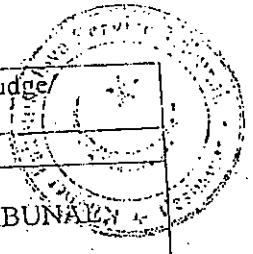
Muhammad Asghar Khan Tanch
Muhammad Asghar Khan Tanch
Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

Annex
F

P-19

1

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	13.10.2015	<p style="text-align: center;">KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.</p> <p style="text-align: center;">Service Appeal No. 568/2013</p> <p style="text-align: center;">Amjad Ali Versus the Provincial Police Officer, KPK, Peshawar etc.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH MEMBER.</u> - Appellant with counsel (Mr. Muhammad Asif Yousafzai, Advocate) and Government Pleader (Mr. Ziaullah) for the official respondents present.</p> <p>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 Offg. 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.</p> <p>3. Arguments heard and record perused.</p> <p>4. It appears from the reply of the respondent department that the appellant was on deputation. According to the said reply the S:ls who were confirmed vide impugned order dated 14.9.2012 had fulfilled the laid</p>



Attested

ATTESTED

Muhammad Arshad Khan Jalloo
Advocate High Court
Office No: 33 Adjacent to
Dist. Bar Association

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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
F.N.A.A.
Sd/-
Registrar

Attested

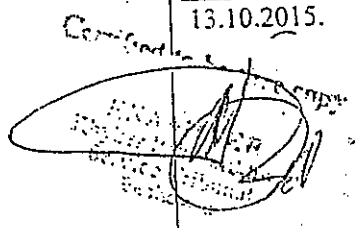
Muhammad Shad Khan Jirani
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

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.

*By Mr. Asghar Ghani,
Member
Mr. Abdul Latif,
Member*



27.10.2015
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27.10.2015
27.10.2015

Asghar

Muhammad Asghar Ghani
Advocate High Court
Office No 33 Adjacent
Distt. For Abbottabad



P 22
Annex
G

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
No. 1246 /E-II, dt: 10/05/2016.

To : The Regional Police Officer,
Hazara Region.

Subject: APPEAL NO. 568/2013 "TITLED SI AMJID ALI VS
IGP KHYBER PAKHTUNKHWA AND OTHERS".

Memo:

Please refer to DSP Legal Abbottabad Endst: No. 1143/L,
dated 30.10.2015.

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. He may be informed accordingly.

Najeeb
(NAJEEB UR REHMAN BUGVI)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

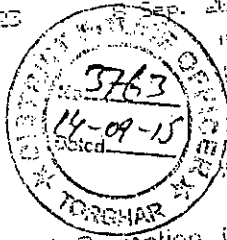
No. 1247-48 /E-II,

Copy of above is forwarded for information and necessary action to the:-

1. Office Supdt: Secret Branch, CPO.
2. Incharge Central Registry Cell, CPO.

Arshad Khan
Muhammad Arshad Khan, Barrister
Advocate High Court
Office No 33 Adjacent to
Court for Abbottabad

(18)



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ORDER

As approved by the Departmental Promotion Committee held on 27-08-2015 in the office of the undersigned the following officiating Sub Inspectors who have completed their two years officiating / probation period and fulfilled the laid down criteria for substantive rank under Police Rules. 13-1, 13-10 (2) and 13-18 and standing order No.21/2014 are hereby confirmed as Sub Inspectors with effect from 27-08-2015

They are allotted new Region numbers as noted against each their

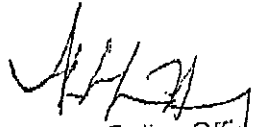
names:-

S #	NAME AND NO.	PRESENT POSTING	REGION NUMBER
01	SI Amjad Ali No.256/H	Operational Wing Torgnar	H/02
02	SI Muhammad Iqbal No.90/H	CTD Hazara	H/04
03	SI Muhammad Ishfaq No.149/H	Operational Wing Haripur	H/45
04	SI Abdul Waheed No.155/H	Investigation Wing Har.pur	H/119
05	SI Muhammad Afzal No.165/H	Investigation Wing Haripur	H/117
06	SI Rafi-uz-Zaman No.166/H	Operational Wing Har.pur	H/112
07	SI Gulzar Khan No.168/H	Operational Wing Abbottabad	H/118
08	SI Khalid Perver No.178/H	CTD Hazara	H/114
09	SI Sardar Muhammad Ajmal No.180/H	Investigation Wing Haripur	H/115
10	SI Ali Akbar No.181/H	Investigation Wing Abbottabad	H/113
11	SI Fazal Dad No.182/H	Operational Wing Abbottabad	H/116
12	SI Muhammad Afzal No.208/H	Operational Wing Abbottabad	H/110
13	SI Renam Nawaz No.9/H	CTD Hazara	H/121
14	SI Chohan Khan No.10/H	Operational Wing Manshera	H/120
15	SI Jehan Zab No.15/H	CTD Hazara	H/122
16	SI Muhammad Rowan No.19/H	Investigation Wing Abbottabad	H/123
17	SI Muhammad Arif No.26/H	CTD Hazara	H/124
18	SI Muhammad Javed No.43/H	Investigation Wing Manshera	H/125
19	SI Khazim-ur-Rahman No.49/H	Police School of Intelligence Abbottabad	H/126
20	SI Haider Zaman No.54/H	Investigation Wing Baitagram	H/127
21	SI Khawaj Muhammad No.71/H	Operational Wing Haripur	H/128
22	SI Muhammad Nazir No.129/H	CTD Hazara	H/129
23	SI Abdul Karim No.134/H	Operational Wing Manshera	H/130

Muhammad Arif
Advocate High Court
Office No 33 Adjacent
Dist. Torgnar

SRC

24	SI Muhammad Aslam No 136/H	Operational Wing Upper Kohistan	H/131
25	SI Niaz Muhammad No 148/H	CTD Hazara	H/132
26	SI Muhammad Javed No.216/H	Operational Wing Torghar	H/133
27	SI Abdul Rashid No.220/H	Operational Wing Abbottabad	H/134
28	SI Abdul Hamid No.227/H	Police School of Intelligence Abbottabad	H/135
29	SI Muhammad Hanif No.263/H	Operational Wing Abbottabad	H/136
30	SI Bashir Ahmed No.76/H	Operational Wing Upper Kohistan	H/137
31	SI Tanveer Ahmed No.122/H	CTD Abbottabad	H/139

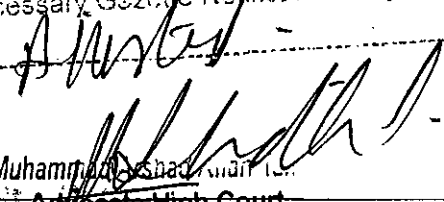

 Regional Police Officer
 Hazara Region Abbottabad
 AS (AEC Dilawar)

No. 14488-06 /E, dated Abbottabad the 08-09 /2015.

Copy of above is forwarded for information and necessary action to the -

1. Addl. Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Training Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police CTD Khyber Pakhtunkhwa Peshawar
4. All District Police Officers in Hazara Region.
5. All Superintendents of Police Investigation in Hazara Region.
6. Superintendent of Police CTD Hazara Abbottabad.
7. Director, Police School of Intelligence Police Lines Abbottabad.
8. OS/AS Region Office Abbottabad.

(Necessary Gazette Notification may be issued accordingly)


 Muhammad Shad Ahmad I.C.
 Advocate High Court
 Office No 33 Adjacent
 Dist. Hazara

بعدالت جناب حیدر حسین سروس ٹراکٹریٹ 1CP4 پشاور

عنوان: الحمد علی بنام حکومت پاکستان

منجانب: ایس ڈی ٹ

نوعیت مقدمہ: سٹریٹو سیر

باعث تحریر آنکہ الحمد علی

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی وجواب دہی کل کاروائی متعلقہ آن مقام

حیدر شہ خان تنوہی ایڈووکیٹ ہائی

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المترجم:

Accepted

بمقام:

(Handwritten Signature)

M. Ashraf Khan

تحریر علی

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRUIBUNAL PESHAWAR

Service Appeal No.736/2016.

Amjad Ali..... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs, department Khyber Pakhtunkhwa, Peshawar and other.....(Respondents)

Subject: - COMMENTS ON BEHALF OF RESPONDENTS.

PRELIMINARY OBJECTIONS:-

- a. That the appellant has no cause of action to the appeal. Hence, appeal is liable to be discussed.
- b. That the appeal has not been based on facts.
- c. That the appeal is not maintainable in its present form.
- d. That the appeal is bad for non-joinder of necessary and mis-joinder of necessary parties.
- e. That the appellant is estopped to file the appeal.
- f. That the appeal is barred by law and limitation.
- g. That the appellant has not come to the Honorable Tribunal with clean hands.
- h. That the appellant has suppressed the original facts from this Honorable tribunal. Hence, not entitled for any relief and appeal is liable to be discussed without any further proceeding.
- i. That the appellant has treated as per law and rule. Hence, appeal is liable to be discussed.
- j. That the authority has passed the order under appeal after fulfillment all the formalities.


FACTS:-

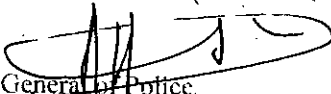
1. Correct to the extent of the appellant was promoted as officiating Sub-Inspector with effect from 16.02.2002.
2. Correct to the extent of the appellant was transferred on deputation basis to Islamabad Traffic Police.
3. Correct to the extent that confirmation in the rank of Sub-Inspector in Police department is governed by Police Rule 13.10(2).
4. Incorrect, appellant was correctly deferred from confirmation in the rank of Sub-Inspector as he was not fulfilling the criteria prescribed for confirmation in the rank of Sub-Inspector.
5. Correct to the extent that on repatriation from Islamabad Police in the Year 2014 appellant was posted as SHO.
6. Correct to the extent that the appellant was confirmed in the rank of Sub-Inspector when he fulfilled the prescribed criteria.
7. Correct the departmental representation of appellant was without any force and substance therefore, the same was correctly rejected.
8. Incorrect, the representation of appellant was rejected vide detailed and speaking order. Copy already enclosed with the original appeal.
9. Incorrect, the appeal is not maintainable in the given grounds.

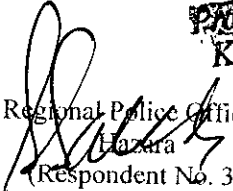
GRUNDS:-


- a. Incorrect, appellant willingly managed his transfer to traffic Police Islamabad therefore the respondents were incompetent to post the appellant as SHO because he was serving the Islamabad Police.
- b. Incorrect, appellant preferred serving Traffic Police Islamabad then his posting as SHO therefore, the inaction of the appellant delayed his confirmation in the rank of Sub-Inspector.
- c. Incorrect, appellant was correctly deferred from confirmation in the rank of Sub-Inspector as he was not fulfilling the prescribed criteria given in the Police Rule 13.10 (2).
- d. Incorrect, Police is disciplinary force and the promotion, of Police Officer of junior ranks is governed by Police Rules, that is special law and an officer is confirmed in the rank of Sub-Inspector when he fulfill the prescribed criteria.
- e. Incorrect, appellant has wrongly approached this Honorable Tribunal. He was confirmed in the rank of Sub-Inspector from due date. Appellant was voluntarily serving Islamabad Traffic Police which delayed his confirmation in the rank of Sub-Inspector.
- f. The respondents may also be allowed to raise other grounds during hearing of the case.

It is therefore, prayed that the appeal of appellant may be dismissed with costs.


Secretary Home & Tribal Affairs,
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)

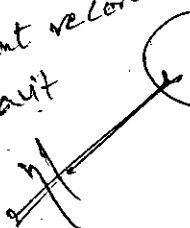

Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Regional Police Officer,
Hazara
(Respondent No. 3)


Commandant
Police Training College
Police Training College
Hang
(Respondent No. 4)


District Police Officer,
Torghar

Velluel
Subject to correction
attachment of all the
relevant record & counter
Affidavit


23/01/2017

Provincial Police Officer
Khyber Pakhtunkhawa

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

Service Appeal No.736/2016

Amjad Ali

...APPELLANT

VERSUS

Govt. of KPK, through Secretary Home & Tribal Affairs Department, KPK,
Peshawar & others.

...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

INDEX

S. No.	Description	Page Nos.	Annexure
1.	Rejoinder alongwith affidavit	1 to 4	
2.	Copy of rule 12.2 (3) of police rule 1934		"A"

...APPELLANT

Through

Dated: 20/09/2017

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

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

Service Appeal No.736/2016

Amjad Ali

...APPELLANT

VERSUS

Govt. of KPK, through Secretary Home & Tribal Affairs Department, KPK,
Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;-

REJOINDER ON PRELIMINARY OBJECTIONS:

- a. That Para "a" is incorrect and denied. In fact, the matter relates to the terms and condition of service. Therefore, the appellant is entitled for promotion with retrospective effect.
- b. That Para "b" is incorrect and denied.

- c. That Para "c" is incorrect and denied.
- d. That Para "f", "g", "h", "i" and "j" are incorrect and denied. Valuable rights of promotion with retrospective effect are involved because the appellant was deferred and is also entitled for seniority w.e.f the date of his juniors who have been promoted at the time of deferment of the appellant. In this regard, rule 12.2 (3) of police rule 1934 is attached as Annexure "A".

REJOINDER ON FACTS:-

1. Para No.1 needs no reply. As para-1 of the appeal has been admitted.
2. Para No.2 needs no reply.
3. Para No.3 is correct to the extent of Police Rule 13.10(2). It is submitted that respondents' department was to check worth of the appellant after his posting as SHO in Police Station.

4. That Para No.4 of the comments is correct to the extent of deferment but rest of the para is incorrect and denied.
5. Para No.5 needs no reply.
6. Para No.6 is correct to the extent of confirmation to rank of Sub-Inspector w.e.f 28/08/2015 which should have been w.e.f 16/02/2002 as admitted by the department in para-1 of their comments.
7. Para No.7 is incorrect and denied. The rejection order is not a speaking order and valuable rights of the appellant have been denied.
8. Para No.8 has been replied in Para-7 above.
9. Para No.9 is incorrect and denied.

REJOINDER ON GROUNDS:-

- a. Para "a" is incorrect and denied. That the appellant was posted by the department/ respondent in Traffic

Police Islamabad at their own deputation.

- b. Para "b" is incorrect and denied. Reply has already been given in para-a above.
- c. Para "c" is incorrect. The department was to follow the law of the deferment at the time of confirmation of the appellant as S.I.

In view of the above, it is prayed that appeal of the appellant may graciously be accepted as prayed for.


...APPELLANT

Through

Dated: 20/9 /2017


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

AFFIDAVIT

I, Amjad Ali, Appellant, do hereby affirm and declare that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal.


DEPONENT

Annex A

Head constables and constables in each district shall be borne on dis-rolls and shall receive constabulary numbers.

12-2. Seniority and probation.—(1) The seniority of Assistant Superintendents of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superintendent of Police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examination.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service: Provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendents of Police are contained in Appendix 12-1.

(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.

Seniority, in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however, be finally settled by dates of confirmation, the seniority *inter se* of several officers confirmed on the same date being that allotted to them on first appointment. Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regular the seniority which he originally held *vis-a-vis* any officers promoted or confirmed before him during his deputation.

The seniority of lower subordinate shall be reckoned from dates of appointment, subject to the conditions of rule 12-24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.

12-3. Direct appointments of inspectors and assistant sub-inspectors.—Except as provided in Rules 12-1 and 12-4, direct appointments shall not be made except in the rank of inspector, prosecuting sub-inspector and assistant sub-inspector. Such appointments in the rank of inspector and assistant sub-inspector may be made up to a maximum of ten per cent and twenty-five per cent of vacancies, respectively.

12-3-A. Appointment of Urdu Stenographers.—Appointment to the special posts of Urdu Stenographers is made in the rank of assistant sub-inspector by the Deputy Inspector-General of Police, Criminal Investigation Department, Punjab. These appointments are governed by the rules contained in Appendix 12-3-A.

12-3-B. Recruitment to the Technical District.—(1) Direct appointment to the rank of Assistant Sub-Inspector in the Technical District shall be made on

Annex 'A'

Head constables and constables in each district shall be borne on district rolls and shall receive constabulary numbers.

12-2. Seniority and probation.—(1) The seniority of Assistant Superintendents of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superintendent of Police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examination.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service: Provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendents of Police are contained in Appendix 12-I.

(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.

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12-3-A. Appointment of Urdu Stenographers.—Appoint to the special posts of Urdu Stenographers is made in the rank of assistant sub-inspector by the Deputy Inspector-General of Police, Criminal Investigation Department, Punjab. These appointments are governed by the rules contained in Appendix 12-3-A.

12-3-B. Recruitment to the Technical District.—(1) Direct appointment to the rank of Assistant Sub-Inspector in the Technical District shall be made on

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 417 /ST

Dated 28 /02/2018

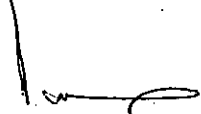
To

The Inspector General of Police,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 736/2016, MR. AMJID ALI.**

I am directed to forward herewith a certified copy of Judgment/Order dated 21/02/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


**REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.**

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No.736/2016

Amjad Ali

...APPELLANT

VERSUS

Govt. of KPK through Secretary Home etc.

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR PLACING OF ADDITIONAL
DOCUMENTS ON COURT FILE.

Respectfully Sheweth;-

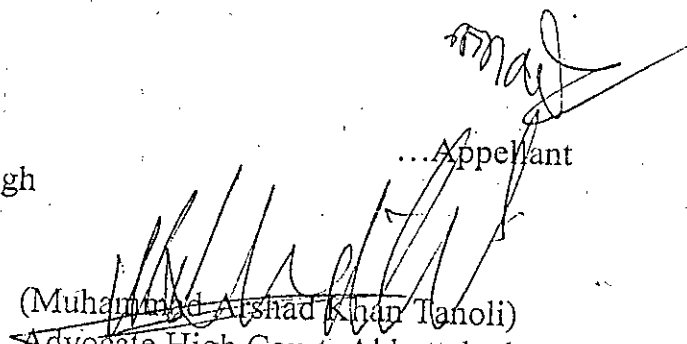
1. That the captioned appeal is pending adjudication and next date of hearing is fixed on 18/12/2017.
2. That some additional documents are to be placed on court file.

In view of the above, it is prayed that documents attached with the instant petition may be ordered to be placed on the court file.

Dated: _____/2017

Through

...Appellant


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

ORDER

As per CPO NWFP Peshawar direction vide letter No. 14377/E-1 dated 10.06.2009, Promotion orders of the following literate official of FRP now transferred to Regular Police is hereby regularized according to Police Rules 13, 18:

Name of official	Previous order/date	Now Regularized
Amjad Ali	1. ASI/PC on 16.01.1998 2. SI/PC on 16.10.1999	1. Offg. ASI from 16.01.1998 2. Confirmed in the rank of ASI and promoted to list "I" effect from 1.7.2003 3. Offg. SI w.e.f. 02.02.2003
Habib ur Rehman	1. SI/PC on 2.11.2002	1. Offg. ASI from 2.12.1999 2. Confirmed in the rank of ASI and promoted to list "F" effect from 1.7.2003 3. Offg. SI w.e.f. 20.02.2003
Khan Waiz	1. SI/PC 22.07.2003	1. Offg. ASI from 20.04.2000 2. Confirmed in the rank of ASI and promoted to list "E" effect from 1.07.2003 3. Offg. SI w.e.f. 04.12.2004 4. Confirmed in the rank of SI w.e.f. 30.06.2007
Aurangzeb	1. SI/PC 22.07.2003	1. Offg. ASI from 20.04.2000 2. Confirmed in the rank of ASI and promoted to list "F" with effect from 1.07.2003 3. Offg. SI w.e.f. 04.12.2004
Imtiaz	1. SI/PC 22.07.2003	1. Offg. ASI from 04.12.2000 2. Confirmed in the rank of ASI and promoted to list "E" effect from 1.07.2003 3. Offg. SI w.e.f. 20.05.2005
Liaqat Ali	1. SI/PC 22.07.2003	1. Offg. ASI from 04.12.2000 2. Confirmed in the rank of ASI and promoted to list "F" effect from 1.07.2003 3. Offg. SI w.e.f. 20.05.2005

(Signature)
COMMANDANT
FRONTIER RESERVE POLICE
NWFP PESHAWAR

No. 7737 /EC dated Peshawar the 16-10-17-10 /09

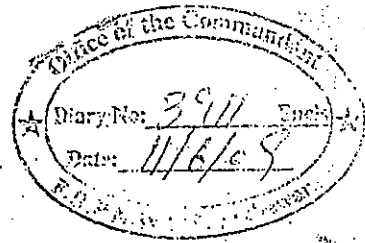
Copy of above is forwarded to the Deputy Inspector General of Police Hazara Region-II for information and necessary.

(Signature)

Muhammad Arshad Khan Janc.
Advocate High Court
Office No 33 Adjacent to
D.I. Chhattab

From : The Provincial Police Officer,
NWFP, Peshawar.

To : The Commandant
Frontier Reserve Police,
NWFP Peshawar.



No. 14377 /E-I dated Peshawar the 10/16 /2009.

Subject: TRANSFER OF LITERATE OFFICIAL OF FRP NWFP TO DOMICILE DISTRICT.

Memo.

Please refer to your Memo No. 1789/EC dated 08.04.2009.

The promotion case of FRP Personnel has been examined in DSC meeting held on 07.05.2009 and agreed to the recommendations submitted by Committee constituted for the purpose which is reproduced below:

~~The Committee after due deliberation and in order to give effect to the orders of the honourable High Court recommend that earlier decision on the DPC should not be applied retrospectively and all officials of the FRP be given permanent status and may be confirmed in their rank with their colleagues after completing their probation period as per PR 13.18.~~

Benefit received by the officials in the FRP till decision of DPC and their repatriation to the Districts of their domicile be kept in tact so that they should ~~not be deprived of any right as per decision of the Court.~~

All these officials may be dealt strictly according to standing order No. 3/99. Literate officials may be treated as per Police Rules whereas cases of illiterate officials may be treated as per criteria in the Standing Orders. Seniority of literate ~~officials be fixed in each list of the basis of course undergone and criteria fixed under~~ Police Rules Chapter 13.

No. 14377 /E-I

Attested

(ABDUL MAJEED KHAN MARWAT)
PSP

Addl. IGP/Headquarters,
For Provincial Police Officer,
NWFP Peshawar.

Copy to all DJSs and Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. for Abbottabad

(ABDUL MAJEED KHAN MARWAT)
PSP

Addl. IGP/Headquarters,
For Provincial Police Officer,
NWFP Peshawar.

By Fax

ORDER

As approved by the Departmental Promotion Committee held on 27-08-2015 in the office of the undersigned the following officiating Sub Inspectors who have completed their two years officiating / probation period and fulfilled the laid down criteria for substantive rank under Police Rules, 13-1, 13-10 (2) and 13-18 and standing order No.21/2014 are hereby confirmed as Sub Inspectors with effect from 27-08-2015.

They are allotted new Region numbers as noted against each their

names:-

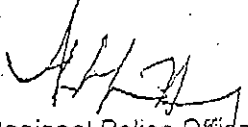
S #	NAME AND NO.	PRESENT POSTING	REGION NUMBER
01	SI Anjad Ali No. 256/H	Operational Wing Torgchar	H/02
02	SI Muhammad Iqbal No. 90/H	CTD Hazara	H/04
03	SI Muhammad Ishaq No. 149/H	Operational Wing Haripur	H/45
04	SI Abdul Waheed No. 155/H	Investigation Wing Haripur	H/113
05	SI Muhammad Afzal No. 165/H	Investigation Wing Haripur	H/114
06	SI Rafi-uz-Zaman No. 166/H	Operational Wing Haripur	H/113
07	SI Gulzar Khan No. 168/H	Operational Wing Abbottabad	H/117
08	SI Khalid Pervez No. 176/H	CTD Hazara	H/114
09	SI Sardar Muhammad Ajmal No. 180/H	Investigation Wing Haripur	H/115
10	SI Ali Akbar No. 181/H	Investigation Wing Abbottabad	H/116
11	SI Fazal Dad No. 182/H	Operational Wing Abbottabad	H/117
12	SI Muhammad Afzal No. 209/H	Operational Wing Abbottabad	H/118
13	SI Rehan Nawaz No. 9/H	CTD Hazara	H/120
14	SI Chohan Khan No. 10/H	Operational Wing Manshera	H/121
15	SI Jehan Zeb No. 15/H	CTD Hazara	H/122
16	SI Muhammad Rawail No. 19/H	Investigation Wing Abbottabad	H/123
17	SI Muhammad Arif No. 26/H	CTD Hazara	H/124
18	SI Muhammad Javed No. 43/H	Investigation Wing Manshera	H/125
19	SI Khalil-ur-Renman No. 49/H	Police School of Intelligence Abbottabad	H/125
20	SI Haider Zaman No. 54/H	Investigation Wing Abbottabad	H/127
21	SI Khawaj Muhammad No. 71/H	Operational Wing Torgchar	H/125
22	SI Muhammad Nazir No. 129/H	CTD Hazara	H/129
23	SI Abdul Rashid No. 134/H	Operational Wing Manshera	H/130

POLICE O.

SRC

Page 1 of 2

24	SI Muhammad Aslam No.136/H	Operational Wing Upper Kohistan	H/131
25	SI Niaz Muhammad No.148/H	CTD Hazara	H/132
26	SI Muhammad Javed No.216/H	Operational Wing Torghar	H/133
27	SI Abdul Rashid No.220/H	Operational Wing Abbottabad	H/134
28	SI Abdul Hamid No.227/H	Police School of Intelligence Abbottabad	H/135
29	SI Muhammad Hanif No.263/H	Operational Wing Abbottabad	H/136
30	SI Bashir Ahmed No.76/H	Operational Wing Upper Kohistan	H/137
31	SI Tanveer Ahmed No.122/H	CTD Abbottabad	H/139

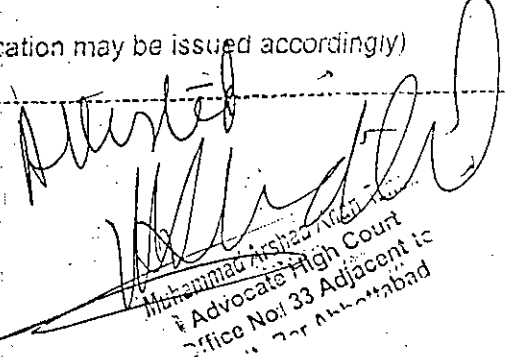

 Regional Police Officer
 Hazara Region Abbottabad
 AS (AEC Dilawar)

No. 14489-56 /E, dated Abbottabad the 08-09 /2015.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Training Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police CTD Khyber Pakhtunkhwa Peshawar.
4. All District Police Officers in Hazara Region.
5. All Superintendents of Police Investigation in Hazara Region.
6. Superintendent of Police CTD Hazara Abbottabad.
7. Director, Police School of Intelligence Police Lines Abbottabad.
8. CS/AS Region Office Abbottabad.

(Necessary Gazette Notification may be issued accordingly)


 Muhammad Arshad Azeem
 Advocate High Court
 Office No. 33 Adjacent to
 Court for Abbottabad

10	11	12	13	14	15	
Name and rank of the officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Signature of the head of the office or other attesting officer	Reference to any record of punishment or reward or transfer of the Government servants
				Granted 15 days E/leave 10.2.99 vide No. 119/99 14/9/99 dt. 15.11.99.		
				Granted 100 days E/leave vide No. 119/99 dt. 15.11.99.		
				Transferred from P.O. 1600 to P.O. 1601 vide No. 119/99 dt. 10-3-2000		
				P. Use From 1.1.99 to 30-3-2000 has been recorded from this office.		

Sd/- F.R.P Kohli

115303/Pm

115303/Pm

3192/Pm

115303/Pm

Advocate High Court
Office No. 33 Adjunct

10	11	12	13	14	15	
Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other Attesting Officer	Reference to any recorded punishment or censure, or reward or praise of the Government servants
				Period	Government to which debitable	
				Transferred to		Hazara Range
				Abdullah		This office order
				N-1199-2002		dt-15-7-2002
				S-V		
				Service from 1/5-7		3/1/02
				has been verified from		his office record
				Service from		
				to		
				the Pay Bills, Acc. Rolls and other		Records kept in this office
				Subdt. of Police		
				Hazara Range		Abbottabad
				Transfer to		National Highway
				Police		Islamabad
				order		dt-15-7-2002
				dt-15-7-2002		

Signature of the Head of the office or other Attesting Officer

PROCEEDING OF PROMOTION BOARD

16

A Departmental Promotion Board was convened in the office of undersigned on 06-04-2006 for confirmation of SIs of this Region on two years probation.

The Departmental Promotion Board consisted of the following officers:-

1. Mr. Attaullah Wazir, Deputy Inspector General of Police, Hazara = Chairman.
2. Mr. Iftikhar Khan District Police Officer, Abbottabad = Member
3. Raja Naseer Ahmed, Superintendent of Police, Investigation Abbottabad = Member

Each candidate was considered strictly on merit. Keeping in view the latest policy of the Government giving proper weight-age of integrity and reputation of the officers at the time of making their substantive promotion/ confirmation on 02 years probation.

S#	NAME & NUMBER	DECISION OF THE DEPARTMENTAL PROMOTION BOARD.
1	SI Muhammad Nasir 17/H	Deferred, not eligible for confirmation as he has neither qualified upper class course nor remained on any independent charge of Police Station.
2	SI Khabir Muhammad No. 30/H	Deferred, not eligible for confirmation as he has neither qualified upper class course nor remained on any independent charge of Police Station.
3	SI Zahid-ur-Rehman No. 31/H	Found suitable but substantive confirmation will be considered authenticated or qualifying running upper class course.
4	SI Muhammad Saddique No. 34/H	Found suitable for substantive confirmation in the Rank of SI.
5	SI Muhammad Nawaz No. 35/H	Deferred, he has not served as independent charge of Police Station for one year.
6	SI Ijaz Ahmed No. 37/H	Found suitable for substantive confirmation in the Rank of SI.
7	SI Arshid Mehmood No. 38/H	Found suitable for substantive confirmation in the Rank of SI.
8	SI Javid Khan No. 39/H	Deferred, due to the ill reputation in public.
9	SI Babar Khan No. 40/H	Deferred, not eligible for confirmation as he has neither qualified upper class course nor remained on any independent charge of Police Station.
10	SI Mukhtiar Hussain Shah No. 47/H	Found suitable for substantive confirmation in the Rank of SI.
11	SI. Niaz Gul No. 50/H	Found suitable for substantive confirmation in the Rank of SI.
12	SI Muhammad Ishtiaq No. 51/H	Found suitable for substantive confirmation in the Rank of SI.
13	SI Muhammad Mehroof No. 52/H	Deferred, he has not served as independent charge of Police Station for one year.
14	SI Jchanzeb Khan No. 44/H	Deferred, he has not served as independent charge of Police Station for one year.
15	SI Muhammad Salcem Jadoon No. 45/H	Found suitable for substantive confirmation in the Rank of SI.
16	SI Muhammad Islam No. 100/H	Found suitable for substantive confirmation in the Rank of SI.

(MR. IFTIKHAR KHAN)
District Police Officer
Abbottabad.

(MR. ATTAULLAH WAZIR)
Deputy Inspector General of Police
Hazara (Abbottabad)

(RAJA NASEER AHMED)
Superintendent of Police, Investigation
Abbottabad

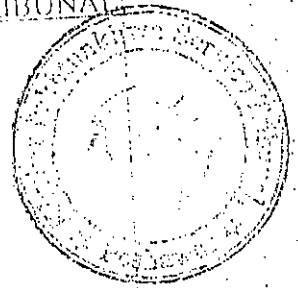
no 3600-01/12, dt 2/5/06

Muhammad Arshad
Advocate High Court
Office No 33 Adjacent
Dist. Court Abbottabad

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT ABBOTTABAD

AMENDED APPEAL NO. 811/2008

Date of institution ... 07.06.2008
Date of judgment ... 21.12.2011



Munir Hussain S/o Muhammad Roshan,
Inspector 11-61 Investigation, Mansehra. ... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Hazara Division, Abbottabad.
3. Janis Khan No.11-52 and 72 others ... (Respondents)

AMENDED APPEAL ACCORDING TO THE FRESH PROMOTION LIST OF 2010 AGAINST THE ORDER OF RESPONDENTS NO.1 & 2 VIDE WHICH THE APPELLANT WAS NOT CONFIRMED ON THE GROUND OF HAVING NOT REMAINED SHO FOR ONE YEAR IN THE LIGHT OF POLICE RULES 13/10/2.

Mr. Muhammad Arshad Tanoli,
Advocate.
Mr. Fahir Iqbal, AGP
Mr. Muhammad Zubair Khan,
Advocate.

For appellant
For official respondents No.1 & 2
For private respondents No.59 to 62 & 73

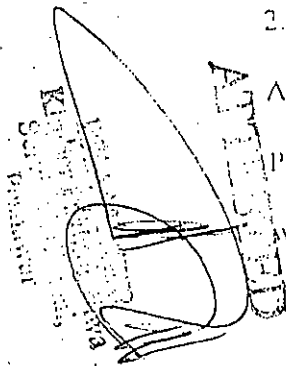
Mr. Qalandar Ali Khan
Mr. Sultan Mahmood Khattak,

Chairman
Member

JUDGMENT

QALANDAR ALI KHAN, CHAIRMAN:- Munir Hussain, appellant, has, in his appeal, impugned orders of Inspector General of Police, KPK, Peshawar (Respondent No.1) and Deputy Inspector General of Police, Hazara Division, Abbottabad (Respondent No.2) whereby he was not confirmed as Sub-Inspector (S.I).

2. In his appeal, the appellant averred that having joined Police Department as Assistant Sub-Inspector (ASI) vide order dated 24.4.1991, he was sent to Motor Way Police where he served as Inspector in BPS-16 for a period of three years. The appellant was promoted as Sub-Inspector alongwith other colleagues in the region. His case alongwith other colleagues was placed before Departmental Promotion Board, which confirmed his colleagues as S.Is on 8.10.2001 but he was not considered eligible for



Mr. Muhammad Arshad Khan
Advocate High Court
Office No. 33 Adjacent to
Dist Bar

confirmation on the ground that he had not remained SHO for one year in accordance with the provision of Police Rules 13.10.(2), and he was, therefore, deprived of his rightful position in the seniority list of Inspectors and Sub-Inspectors prepared subsequently, and, as such, the officers junior to him were placed senior to him in the subsequent seniority lists. Consequently, colleagues of the appellant were promoted as Inspectors in the year 2005 while he was promoted as Inspector in the year 2006. The appellant submitted appeal to the D.I.G of Police, Hazara Range, Abbottabad which was turned down/iled and conveyed to the appellant vide memo. dated 25.4.2008 and further through endorsement dated 5.5.2008, against which he lodged this appeal on 7.6.2008, inter-alia, on the grounds that order of respondents was against law as he was transferred to Motor Way Police not on his choice, rather he was forced to make his arrival; and that it was the discretion of respondent No.2 to post him as SHO in District, therefore, he could not be made to suffer for the acts of others having no fault on his part.

3. The appeal was initially filed against the Inspector General of Police NWFP (KPK) and D.I.G Hazara Division, Abbottabad, and private respondents No.3 to 75 were added subsequently through amendment in the appeal. The official respondents, as well as some of the private respondents contested the appeal, mainly, on the ground that the appellant was not recommended for confirmation as S.I alongwith his colleagues as he had not remained SHO for one year. The official respondents, however, admitted that the appellant was transferred to Motor Way Police not on his own choice and that he was otherwise entitled for promotion/confirmation as S.I as he stood at S.No.193 of the seniority list. They also admitted that colleagues of the appellant were promoted to the rank of Inspectors in the year 2005 whereas he was promoted in the year 2006. The private respondents, who contested the appeal i.e. respondents No. 59,60,61, 62 and 73 showed their no concern with the case as seniority list upto the rank of S.I was maintained at the regional level. They, however, contended that the appellant went to Motor Way Police on one step promotion and after enjoying benefits of being Inspector in Motor Way Police, he returned to his region as S.I.

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 Advocate High Court
 Area 15 33 Adjacent to

4. Arguments of the learned counsel for the appellant, learned AGP and learned counsel for private respondents heard and record perused.

5. The main issue which falls for determination in the present appeal is that whether the respondent-department rightly ignored the appellant from confirmation/promotion as S.I on the ground of his not fulfilling the requirements of Police Rule 13.10.(2) whereby an ASI was required to serve as SHO for a period of at least one year outside his home district before he is confirmed as S.I. In the case of the appellant, he was appointed as Assistant Sub-Inspector vide order dated 24.4.1991 and was otherwise eligible for confirmation in the rank of Sub-Inspector, according to admission of official respondents in their written reply/comments, but was not confirmed by the Departmental Promotion Board as he had not remained SHO for one year as laid down in P.R. 13.10(2), on 8.10.2001. He preferred departmental appeal for seniority on 30.10.2007, which was rejected/tilted on merits by the D.I.G of Police, Hazara Range, Abbottabad (Respondent No.2). The appellant has filed this appeal on the ground that he was not sent to the Motor Way Police on his own choice, rather he was forced to join Motor Way, and that it was the prerogative/discretion of the D.I.G to post him as SHO, for which he cannot be held responsible or at fault. Regarding the first contention of the appellant, the official respondents have themselves admitted in their written reply that the appellant was transferred to Motor Way Police not at his own choice. Therefore, he is right when he says that he should not be made to suffer for the acts of others. Like-wise, he is correct when he says that it was not his prerogative to be posted as SHO, rather the authority vested in the D.I.G to post him as SHO in order to qualify for confirmation as S.I in accordance with the provision of P.R. 13.10(2). In any case, case of the appellant was deferred for want of fulfillment of the requirements of the said provision of Police Rules, and he was not only confirmed as S.I by the Departmental Promotion Board in its meeting held on 11.5.2004 but also promoted as Inspector in the year 2006. In such a situation, when the appellant was not superseded and deferred only for some deficiency in his eligibility, and he is promoted subsequently, his promotion will be considered

Accepted
Abdullah Khan
Advocate
Office No-33-A
District Court
Abbottabad

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from the date of promotion of his other colleagues. This principle was also reiterated in the judgment of this Tribunal in the case reported as P.L.J. 1992 Tr.C(Services) 53 (Service Tribunal, NWFP, Peshawar).

6. Consequently, the appeal is accepted and by setting aside the impugned order of respondent No.2, the official respondents are directed to ante-date/confirm the appellant from the date his other colleagues were confirmed as S.Is. There shall, however, be no order as to costs.

ANNOUNCED
21.12.2011 (SULTAN MEHMOOD KHATTAK)
MEMBER

(QALANIDAR ALI KHAN)
CHAIRMAN

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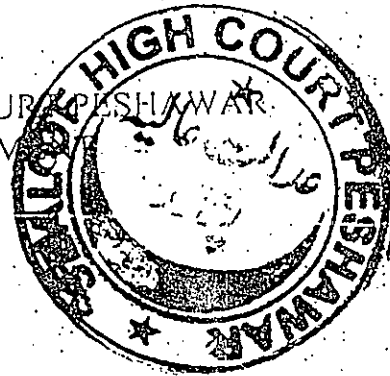
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Muhammad Arshad Khan
Advocate High Court
Office No. 33 Adjacent to
1st Bar Abbotabad

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT PESHAWAR
JUDICIAL DEPARTMENT



JUDGMENT

..WP No 1615-07 of.2007.

Date of hearing 20.3.2008.

Ali Hassan petitioner No.1 and Tayyeb Jan petitioner No.4
are present in person.

Mr.Muhammad Saeed Khan, Addl. A.G. alongwith Mr.Saadat Mehdi,
DSP for the respondents.

MUHAMMAD RAZA KHAN, C. J.- This order shall also be

deemed to be an order in the connected Writ Petitions No.1616 and
1617 of 2007 as the identical questions are involved in all these cases.

Through these Constitutional Petitions the petitioners have challenged
the letter dated 16.2.2007, whereby the suggestion relating to the
promotion order of Frontier Reserve Police (FRP) literate officials,

moved by the Commandant FRP, was considered by the DPC and it
was held that under Chapter 13 of the Police Rules no constable/head

constable can be admitted to list 'D' unless he is thoroughly efficient in
all the branches of duties of the Constable/Head Constable.

reasons advanced in the impugned letter for declining the promotion
that FRP is a transit force and the officials are transferred to their

Districts of domicile after five years.

In the comments the respondents No.1, 2 and 3 have
admitted that some of the employees of FRP were erroneously

the matter came to the notice of the concerned

Muhammad Arshad Khan Tando
Advocate High Court
Office No. 23 Adjacent to
the High Court

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OWNER
Signature

passed which is in accordance with the police rules applicable to the police establishment.

3. The petitioners contend that they had been appointed in the reserve police and they had been serving for a period ranging between 15 to 20 years and that their colleagues have been upgraded and promoted to senior positions, but the refusal to place them in the District and to promote them, shall adversely affect their service interest amounting to discrimination. It was claimed that their colleagues in FRP have been given accelerated promotion and most of them are presently working as ASIs and SIs despite the fact that they were recruited alongwith the petitioners.

4. We feel that apparently the FRP is now a regular establishment and no more a transit force and there is no proof that the personnel working therein was temporarily posted for five years, therefore, the discriminatory treatment, meted out to them, is violative of the fundamental rights, particularly when, they will be placed at an extra-ordinary junior position if transferred to the Districts and enlisted there on the basis of their length of service and experience in all branches of police force. In any case, since the petitioners have not been transferred out of the Frontier Reserve Police within the prescribed period of five years, as stated in the impugned order, therefore, a mistake on the part of the concerned authorities cannot put the petitioners in an adverse situation and they cannot be penalised for the fault of the others. Moreover the decision to rectify a wrong practice shall definitely operate prospectively and it cannot be applied to the

Arshad Khan Tano
Muhammad Arshad Khan Tano
Advocate High Court
Office No. 33 Adjacent to

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petitioners retrospectively who had been recruited in FRP and had been continuously serving the department for over fifteen years.

We, therefore, direct that the case of the regularization, promotions and opportunities for enlistment in the intermediate course etc., shall be re-examined at a higher level under the supervision of the Provincial Police Officer and the decision dated 16.2.2007 may be re-considered by the concerned DPC so that nobody should be discriminatively deprived of his legal rights and that no decision be made operative retrospectively damaging the members of the discipline force who have to perform extra-ordinary duties and who deserve to be adequately compensated and encouraged. The re-consideration process be finalized within a period of two months and the result thereof be communicated to the petitioners and a report may be forwarded to the Registrar of this Court. With these observations these petitions are disposed of.

Sd/- Muhammad Raza
Sd/- M. Raza

Announced:
Dated 20.3.2008.

CERTIFIED TO BE TRUE COPY
Muhammad Irfan
Examiner Advocate High Court
Poshwar High Court Peshawar
Not 33 Adjacent to
The Allahabad

5409
Date of Presentation of Application 20/3/08
No of Pages 6
Serving Fee 6
Court Fee 6

Delivery of Copy 31/3/08
Delivery of Copy 31/3/08
M. Raza

The gist of adverse reports shall be communicated in writing to the officers concerned subject to the conditions specified in paragraph 7 of Punjab Government Consolidated Circular No. 1 and their acknowledgment shall be taken and attached to their personal files.

(4) The names and designation of the officers writing reports shall invariably be typed or written in block letters below their signatures.

(5) Reporting Officers shall comment generally on the way in which the officer has carried out his various duties during the year and shall give an estimate of his personality, character and abilities, including detective powers and ability to conduct prosecutions. The report shall contain an opinion on any point specially required at any particular time, e.g., fitness to pass an efficiency bar. Particular mention shall be made of the officer's relations with his fellow officers and the general public and of his honesty.

13-18. Probationary period of promotion.—All Police Officers promoted in rank shall be on probation for two years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the officer or revert him. In no case shall the period of probation be extended beyond two years and the confirming authority must arrive at a definite decision within that period whether the officer should be confirmed or reverted. While on probation officers may be reverted without departmental proceedings. Such reversion shall not be considered reduction for the purpose of rule 16-4.

This rule shall not apply to constables and Sub-Inspectors promoted to the selection grade, whose case is governed by rules 13-14.

13-19. Special promotion to recipients of the King's Police and Fire Service Medal and the Indian Police Medal.—(1) A constable receiving the award of the King's Police and Fire Service Medal shall be promoted in the first substantive vacancy of head constable within occurs in the district in which he is serving subsequent to the award of the medal being gazetted.

(2) A constable awarded the Indian Police Medal shall, if not already in the selection grade, be promoted to that grade on probation as prescribed in rule 14-5 (7).

Muhammad Iqbal Khan Tanc.
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Association

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

Service Appeal No.736/2016

Amjad Ali

...APPELLANT

VERSUS

Govt. of KPK, through Secretary Home & Tribal Affairs Department, KPK,
Peshawar & others.

...RESPONDENTS

REJOINDER ON BEHALF OF APPELLANT

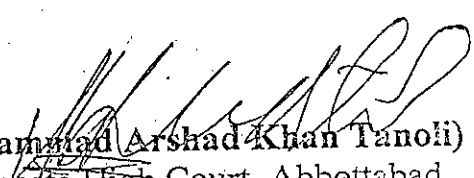
INDEX

S. No.	Description	Page Nos.	Annexure
1.	Rejoinder alongwith affidavit	1 to 4	
2.	Copy of rule 12.2 (3) of police rule 1934		"A"


...APPELLANT

Through

Dated: 20/9/2017


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No.736/2016

Amjad Ali

...APPELLANT

VERSUS

Govt. of KPK, through Secretary Home & Tribal Affairs Department, KPK,
Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;-

REJOINDER ON PRELIMINARY OBJECTIONS:

- a. That Para "a" is incorrect and denied. In fact, the matter relates to the terms and condition of service. Therefore, the appellant is entitled for promotion with retrospective effect.
- b. That Para "b" is incorrect and denied.

- c. That Para "c" is incorrect and denied.
- d. That Para "f", "g", "h", "i" and "j" are incorrect and denied. Valuable rights of promotion with retrospective effect are involved because the appellant was deferred and is also entitled for seniority w.e.f the date of his juniors who have been promoted at the time of deferment of the appellant. In this regard, rule 12.2 (3) of police rule 1934 is attached as Annexure "A".

REJOINDER ON FACTS:-

1. Para No.1 needs no reply. As para-1 of the appeal has been admitted.
2. Para No.2 needs no reply.
3. Para No.3 is correct to the extent of Police Rule 13.10(2). It is submitted that respondents' department was to check worth of the appellant after his posting as SHO in Police Station.

4. That Para No.4 of the comments is correct to the extent of deferment but rest of the para is incorrect and denied.
5. Para No.5 needs no reply.
6. Para No.6 is correct to the extent of confirmation to rank of Sub-Inspector w.e.f 28/08/2015 which should have been w.e.f 16/02/2002 as admitted by the department in para-1 of their comments.
7. Para No.7 is incorrect and denied. The rejection order is not a speaking order and valuable rights of the appellant have been denied.
8. Para No.8 has been replied in Para-7 above.
9. Para No.9 is incorrect and denied.

REJOINDER ON GROUNDS:-

- a. Para "a" is incorrect and denied. That the appellant was posted by the department/ respondent in Traffic

Police Islamabad at their own deputation.

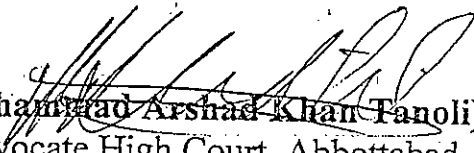
- b. Para "b" is incorrect and denied. Reply has already been given in para a above.
- c. Para "c" is incorrect. The department was to follow the law of the deferment at the time of confirmation of the appellant as S.I.

In view of the above, it is prayed that appeal of the appellant may graciously be accepted as prayed for.


...APPELLANT


Through

Dated: 20/9 /2017


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

AFFIDAVIT

I, Amjad Ali, Appellant, do hereby affirm and declare that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal.


DEPONENT