

S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.03.2017	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, CAMP COURT SWAT</u></p> <p>1. Appeal No. 1504/2013, Mubarak Khan, 2. Appeal No. 1505/2013, Ali Rahman Khan, 3. Appeal No. 1506/2013, Bahar-ud-Din Khan, 4. Appeal No. 1507/2013, Ali Rahmat Khan, 5. Appeal No. 1508/2013, Bakhtzada, and 6. Appeal No. 1509/2013, Riaz Ahmad Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. This judgment shall dispose of the instant service appeal No. 1504/2013 titled "Mubarak Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another" as well as service appeals No. 1505/2013 titled "Ali Rahman Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another", No. 1506/2013 titled "Bahar-ud-Din Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another", No. 1507/2013 titled "Ali Rahmat Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another", No. 1508/2013 titled "Bakhtzada Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others" and No. 1509/2013 titled "Riaz Ahmad Versus the Government of Khyber Pakhtunkhwa through Chief Secretary,</p>

08.03.17

Peshawar and others" as identical questions of facts and law are involved therein.

3. Brief facts of the instant service appeals are that the appellants were initially appointed as ASIs and, after successful completion of period of probation, enlisted as confirmed ASIs. They were not given the benefits of probation period as the same was not counted as active service or regular service by the respondents.

4. Learned counsels for the appellant argued that after successful completion of probationary period the services of the appellants were regularized but the probationary period was illegally discounted from their service. Places reliance on judgment of this Tribunal passed in service appeal No. 1361/2011 titled "Younis Javed Mirza Versus Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and another" as well as judgments of the august Supreme Court of Pakistan reported as 1996-SCMR-1185, 2005-SCMR-499 and 2009-SCMR-1.

5. Learned Senior Government Pleader has argued that the services of the appellants were confirmed and regularized after completion of probationary period which period was not counted as active and regular service in view of Police Rules. That the appeal is not maintainable.


6. We have heard arguments of learned counsel for the parties and perused the record.

7. A careful perusal of the judgment of this Tribunal referred to above as well as judgments of the august Supreme Court of Pakistan referred to above would suggest that the appellants as well as all similarly placed employees would be entitled to the benefits of service on probation if the same is found satisfactory and when the officers, on the basis of such service, are regularized

08.03.17

as confirmed civil servant. Since the appellants were regularized in service on the basis of the said service on probation as such the said period is countable as active/regular service of the appellants. It is added that all similarly placed employees are entitled to similar treatment and that such benefits are to be extended to them at departmental level keeping in view the directions contained in this judgment.

8. In view of the above we are constrained to accept the present appeals and direct that the appellants as well as similarly placed other employees shall be extended the benefits of service on probation by counting the said period on probation as regular service of such civil servants. Parties are left to bear their own cost. File be consigned to the record room.


(Ahmad Hassan)
Member


(Muhammad Azim Khan Afridi)
Chairman

08.03.17
Camp Court, Swat

ANNOUNCED

08.03.2017

Reader Note:

29.12.2014

No one is present on behalf of the appellant. Since the

Tribunal is incomplete, therefore, case is adjourned to 25.02.2015

for the same.

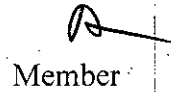


Reader

10.

25.02.2015

No one is present on behalf of the appellant. Asst: AG for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 16.04.2015.

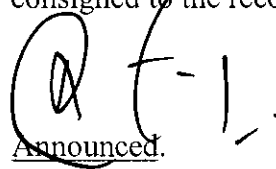


Member

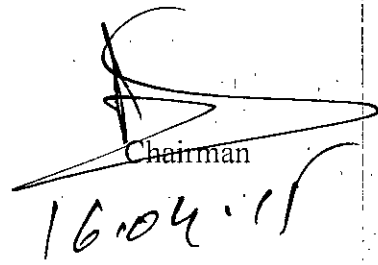
11.

16.04.2015

None present for appellant despite repeated calls. Asstt: AG for the respondents present. The Court time is about to over but none appeared on behalf of the appellant despite notice through registered post. Dismissed for want of prosecution. File be consigned to the record.



Announced.
16.04.2015




Chairman

16.04.15

7.

01.9.2014

Clerk of counsel for the appellant and Mr. Muhammad Zubair, Sr.G.P for the respondents present. Replies to applications for condonation of delay and interim relief have not been received, and request for further time made on behalf of the respondents. To come up for replies to both the applications, preliminary hearing and arguments on application for interim relief at camp court Swat on 6.11.2014.




Chairman
Camp Court Swat

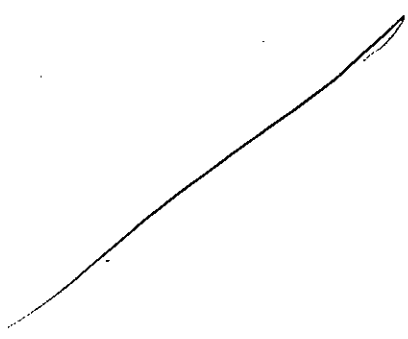
8.

6.11.2014

Counsel for the appellant (Mr. Imdadullah, Advocate) and Mr. Muhammad Zubair, Sr.GP for the respondents present. Replies to both the applications for condonation of delay and interim relief have not been received, and learned Sr.GP stated that he has not yet received any instructions from the respondents who are Peshawar based. Notices be issued to both the respondents for replies at Peshawar on 29.12.2014.



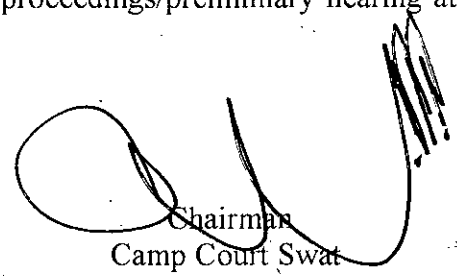
Chairman
Camp Court Swat



4.

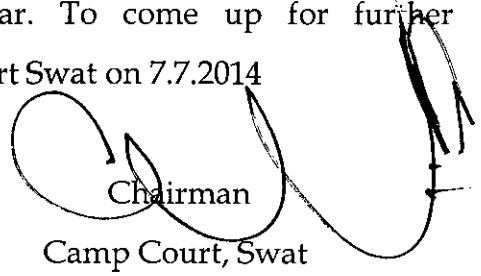
3.3.2014

Clerk of counsel for the appellant present and requested for adjournment due to non-availability of learned counsel for the appellant (Mr. Aziz-ur-Rehman, Advocate) owing to the death of his mother. To come up for further proceedings/preliminary hearing at camp court Swat on 5.5.2014.


Chairman
Camp Court Swat

5.

5.5.2014 , Clerk of Counsel for the appellant present, and requested for adjournment due to strike of the Bar. To come up for further proceedings/preliminary hearing at camp court Swat on 7.7.2014

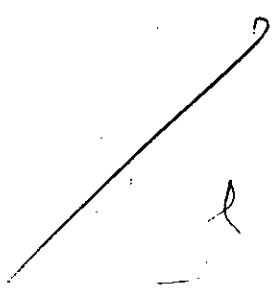

Chairman
Camp Court, Swat

6.

7.7.2014

Counsel for the appellant present and moved applications for condonation of delay as well as interim relief, copies thereof are handed over to the learned Court Officer (Miss Niaz Akhtar) for copies to both the applications, preliminary hearing and arguments on application for interim relief at camp court Swat on 01.9.2014.


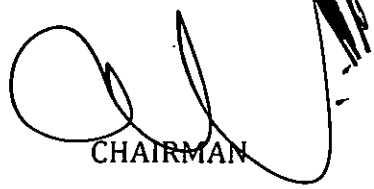
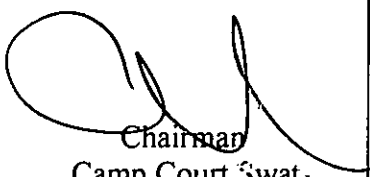

Chairman
Camp Court Swat



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1504/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/11/2013	<p>The appeal of Mr. Mubarak Khan resubmitted today by Mr. Aziz-ur-Rehman Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-11-13	<p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up there on <u>07-01-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3	07.01.2014	<p>The case Counsel for the appellant (Mr. Imdadullah, Advocate) present, and requested for time to file application for condonation of delay on the ground that delay of a single day is involved in filing the appeal. To come up for further proceedings/preliminary hearing at camp court Swat on <u>3.3.2014</u></p> <p style="text-align: right;"> Chairman Camp Court Swat.</p>

The appeal of Mr. Mubarak Khan Deputy Superintendent of Police received today i.e. on 05.11.2013 is incomplete on the following scores which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Appeal may be got signed by the appellants.
- 2- Copy of departmental appeal mentioned in para-7 of the appeal is not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 requires that every civil servant to whom the relief claimed may affect, shall also be shown as respondent.
- 5- Three spare copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 1590 /S.T,

Dt. 5/11 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Aziz-ur-Rehman Adv. Swat.

Sir,

Resubmitted after doing the needful.

with regards objection at serial no.4 it is stated that no one is to be affected by this service appeal rather the appellants have suffered.

The file may please be placed before the Honorable Tribunal.


11/11/2013 Adv

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR

Service Appeal No. 1504 of 2013

Mubarak Khan Deputy Superintendent of Police, Elite Force, Swat.

...Appellant

VERSUS

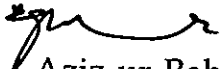
1. The Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar.
2. The Provincial Police Office Khyber Pakhtunkhwa, Peshawar.

...Respondents

INDEX

S	Description of documents	Annexure	Pages
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4.	Copy of the Appeal	B	14-15
5.	Vakalat Nama	16

Appellant Through


Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0300 907 0671

①

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1504 of 2013

Mubarak Khan Deputy Superintendent of Police,
Elite Force, Swat.

~~1504~~
~~5/11/13~~

...Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar.
2. The Provincial Police Office Khyber Pakhtunkhwa, Peshawar.

...Respondents

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the final seniority list of the appellant issued on 07-06-2013 (received to the appellant on 10-06-2013) against which the appellant preferred a departmental appeal which is still pending disposal despite the lapse of mandatory period of time.

Prayer:

That on acceptance of this appeal the appellant may be placed at his appropriate place in the seniority list.

~~1504~~
~~5/11/13~~

re-submitted to ~~423~~
and filed.

~~1504~~
12/11/13

Respectfully Sheweth:

1. That the appellant is a regular employee in the police force and is performing his duties with vigor, zeal and punctuality without any complaints, whatsoever, by the authorities till date.

2. That forced litigation has always been not appreciated and encouraged by the August Supreme Court and the Honourable High Courts particularly in those cases where the benefit of a decision on a particular law point is not extended to the other similarly placed persons who might have not litigated the same case and dragging them into forced litigation.
3. That in the Khyber Pakhtunkhwa Civil Servant Act, 1973 and the Appointment, Promotion and Transfer Rules 1989 made there under has an absolutely clear principle for determination of the seniority of all the Civil Servants, which is that it shall be reckoned from the date of regular appointment/promotion to a particular cadre.
4. That the seniority of the appellant in cadre of Inspector has been reckoned from the date of his promotion as Sub-Inspector whereas the same in the case of Deputy Superintendent of Police has been reckoned from the date of their appointment/promotion as Assistant Sub-Inspector. A copy of seniority list of the appellant is enclosed as Annexure "A". ~~That of the~~ Deputy Superintendent of Police is Annexure "B".
5. That the reason assigned to the reckoning of the seniority of the Deputy Superintendent of Police from the date of their appointment / promotion as Assistant Sub-Inspector is the decision of the Khyber Pakhtunkhwa Service Tribunal in the case

of certain Police Officers mentioned in the seniority list.

6. That once it was decided by the Khyber Pakhtunkhwa Service Tribunal that the reckoning date for the determination of the seniority is the one on which the officer has been appointed or promoted as Assistant Sub-Inspector, then there was no reason for not giving the seniority to the appellant from the date of his appointment/promotion as Assistant Sub-Inspector. The same time it is illegal and illogical that the seniority of the appellant has been reckoned/determined from his promotion as Sub-Inspector. It should have also been from the date of promotion/appointment as Assistant Sub-Inspector.
7. That to get the discrimination undone the appellant submitted his representation to the Provincial Police Officer, respondent No. 2, but the same has not been taken up for consideration as yet. Copy is enclosed as Annexure "B".
8. That the appellant has two fold grievance; one when he was not treated alike and the other when his representation was not taken up for consideration. This amounts to wrong exercise of powers in the earlier case and non-exercise of powers in the latter one, both of which are manifestly against the commands of the Constitution and the law emanating therefrom.

It is, therefore, very respectfully prayed that on acceptance of this appeal the respondents may very


4

kindly be directed to treat the appellant with equality and in accordance with the law so that the appellant is not dragged/compelled into forced litigation.

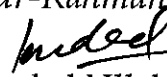
Any other relief deemed appropriate may also very kindly be granted.


Appellant

Through Counsels,



Aziz-ur-Rahman



Imdad Ullah

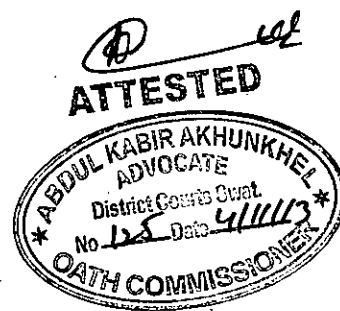
Advocates Swat

Affidavit:

It is stated on Oath that all the contents of this appeal are true and correct to the best of my knowledge.

Deponent


Mubarak Khan



5

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2013

Mubarak Khan Deputy Superintendent of Police,
Elite Force, Swat.

...Petitioners

VERSUS

The Government of Khyber Pakhtunkhwa, through
Chief Secretary at Peshawar and Others.

...Respondents

ADDRESSES OF THE PARTIES

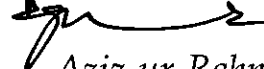
Appellant:

Mubarak Khan Deputy Superintendent of Police,
Elite Force, Swat.

Respondents:

1. The Government of Khyber Pakhtunkhwa through
Chief Secretary at Peshawar.
2. The Provincial Police Office Khyber Pakhtunkhwa,
Peshawar.

Appellant Through


Aziz-ur-Rahman

Advocate Swat

ANNEXURE "A"

6

Tele Phone No. 091-9210457
Fax No. 091-9213165/9210927

From : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

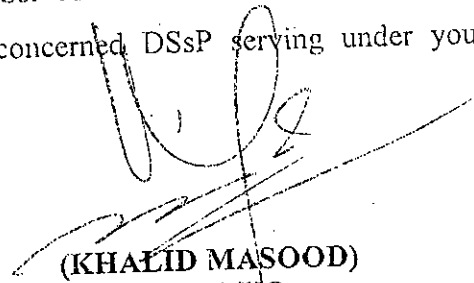
To : All Addl: IsGP in Khyber Pakhtunkhwa.
The CCPO, Peshawar.
All RPOs in Khyber Pakhtunkhwa.
The Commandant, PTC, Hangu.
The DIG/Traffic, KPK, Peshawar.
The Director, ACE, KPK, Peshawar.

No. S/3237-52/13, dated Peshawar, the 07/06/2013.

Subject: **FINAL SENIORITY LIST OF DSsP
AS STOOD ON 05.06.2013.**

Memo:

A copy of Final Seniority List of DSsP as stood on 05.06.2013 (7-pages) is enclosed herewith, for circulation amongst all the concerned DSsP serving under your command, for their information.



(KHALID MASOOD)
Addl: IGP/HQrs:
For Provincial Police Officer
Khyber Pakhtunkhwa,
Peshawar.

Attested

Advocate

FINAL SENIORITY LIST OF DEPUTY SUPERINTENDENTS OF POLICE BPS-17 AS STOOD ON 05.06.2013

No S/ 3236 /2013. As unanimously decided in the in-house meetings held on 27th May & 29th May, 2013 that all DSsP shall be given seniority as per their date of confirmation in the light of Police Rule-12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority list of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.2010 is restored in its original shape by giving seniority to the DSsP Muhammad Idrees and Younas Javed Mirza in light of Courts decision.

Attested
[Signature]
Advocate

S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
1.	Mr. Faridullah	F.A	11.01.1954 DIKhan	27.03.1974	24.08.2006	17	By Promotion	
2.	Mr. Aziz Muhammad	MA/LLB	11.07.1957 Nowshera	19.8.82 as PSI	24.08.2006	17	By Promotion	
3.	Mr. Muhammad Idrees	F.A	04.05.1954 DIKhan	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgement dated 12.01.2012.
4.	Mr. Younas Javed	B.A	21.01.1957 Bannu	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgments dated 12.01.2012 and Peshawar High Court Peshawar dated 21.12.2012.
5.	Mr. Akbar Ali	B.A	14.06.1956 Swat	01.05.1975	07.08.2007	17	By Promotion	Assigned revised seniority vide this office letter No. S/1777-1805/12, dated 13.03.2012.
6.	Mr. Sher Muhammad	F.A	04.01.1954 Mansehra	28.09.1971	24.08.2006	17	By Promotion	
7.	Mr. Riaz Hussain	M.A	03.03.1957 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
8.	Mr. Muhammad Younas Khan	B.A	04.04.1955 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
9.	Mr. Shah Nazar	B.A	01.04.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
10.	Mr. Rasool Shah	B.A	01.10.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
11.	Mr. Ghulam Habib	F.A	01.01.1955 Swabi	28.11.1975	23.02.2009	17	By Promotion	Assigned revised seniority vide Order No. S/21-31/12, dated 02.01.2012.
12.	Syed Imtiaz Ali Shah	B.A	15.04.1954 Peshawar	28.11.1975	23.02.2009	17	By Promotion	Assigned revise seniority vide this office Notification No. S/1312/09, dt. 04.03.2009
13.	Mr. Ihsanullah Khan	F.A	16.09.1956 Peshawar	28.11.1975	07.08.2007	17	By Promotion	
14.	Mr. Rahatullah	10 th	20.04.1958 Peshawar	28.11.1975	07.08.2007	17	By Promotion	
15.	Mr. Muhammad Javed	F.A	04.01.1957 Peshawar	10.04.1977	07.08.2007	17	By Promotion	Assigned revised seniority vide Order No. S/2613-24/12, dated 09.04.2012.
16.	Mr. Asif Jan	F.A	15.08.1953/Bannu	01.12.1976	06.03.2008	17	By Promotion	He has been given revised Seniority vide letter No. S-941-81/10, dated 06.02.2010
17.	Mr. Hashmat Ali Shah	B.A	20.04.1956 DIKhan	01.12.1975	11.05.2010	17	By Promotion	Assigned revised seniority vide this office letter No. S/1777-1803.12, dated 13.03.2012
18.	Mr. Muhammad Irshad	MA/LLB	10.03.1964 Peshawar	12.12.1991 as PSI	15.09.2007	17	By Promotion	
19.	Syed Israr-ud-Din	B.A	01.03.1959 MKD Agy	01.04.1983	07.08.2007	17	By Promotion	
20.	Mr. Malik Muhammad Tariq	MA/LLB	09.11.1961 DIKhan	10.11.1987	07.08.2007	17	By Promotion	
21.	Mr. Sardar Khan	F.A	30.10.1959 Kohistan	25.03.1979	15.09.2007	17	By Promotion	
22.	Mr. Muhammad Riaz	F.A	09.06.1956 Abbottabad	22.04.1980	10.12.2009	17	By Promotion	He has been given revised seniority vide letter No. S/1777/11, dated 16.07.2011



S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
23.	Mr. Mehmood Hussain	BA/LLB	25.04.1956 Haripur	01.12.1980	07.08.2007	17	By Promotion	
24.	Mr. Abdul Rashid	F.A	02.05.1956 Bannu	02.04.1977	31.10.2007	17	By Promotion	
25.	Mr. Khalid Naseem	B.A	30.07.1956 Mardan	12.04.1978	31.10.2007	17	By Promotion	
26.	Mr. Muhammad Ajmal	F.A	18.12.1955/Swabi	16.07.1974	23.02.2009	17	By Promotion	Assigned revise seniority vide Notification No. 10299/E-II dt: 16.04.2010
27.	Mr. Sardar Muhammad	B.A	22.10.1956 Mardan	12.04.1978	06.03.2008	17	By Promotion	Assigned revise seniority vide Notification No. 1361/E-II dt: 21.1.2008
28.	Mr. Qamar Zaman	F.A	11.02.1958 Peshawar	15.11.1978	31.10.2007	17	By Promotion	
29.	Mr. Muhammad Sadique	B.A	20.05.1956 Swat	01.07.1977	06.03.2008	17	By Promotion	Assigned revised seniority vide this office letter No S/1777-1803/12, dated 13.03.2012.
30.	Mr. Zafar Hayat	10 th	11.04.1958 Karachi	18.05.1985	31.10.2007	17	By Promotion	
31.	Mr. Shams ur Rehman	B.A	06.11.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion	
32.	Mr. Muhammad Ayaz	B.A	14.05.1959 Abbottabad	07.05.1981	23.02.2009	17	By Promotion	Assigned revised seniority vide Order No. S/7187-7200/11, dated 28.12.2011.
33.	Mr. Abdul Aziz Afridi	B.A	02.09.1960 Abbottabad	07.05.1981	31.10.2007	17	By Promotion	
34.	Mr. Javed Iqbal	B.A	09.04.1961 Haripur	07.05.1981	31.10.2007	17	By Promotion	
35.	Mr. Habibullah	F.A	10.06.1957 Battagram	07.05.1981	31.10.2007	17	By Promotion	
36.	Mr. Sajid Khan	B.A	15.06.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion	
37.	Mr. Abdul Saboor	F.A	10.03.1960 Abbottabad	05.04.1984	31.10.2007	17	By Promotion	
38.	Mr. Gul Zarin	F.A	01.10.1960 Kohistan	05.04.1984	31.10.2007	17	By Promotion	
39.	Mr. Ifikhar Ahmad	FA	10.05.1962 Mansehra	05.04.1984	23.02.2009	17	By Promotion	Assigned revised Seniority vide DSC held on 20.05.2009
40.	Mr. Adam Khan	F.A	17.09.1953 Peshawar	28.11.1975	31.10.2007	17	By Promotion	
41.	Mr. Haroon ur Rashid	B.A	15.03.1955 Nowshera	10.04.1977	31.10.2007	17	By Promotion	
42.	Mr. Sanullah	10 th	01.01.1959 Bannu	01.01.1971	31.10.2007	17	By Promotion	
43.	Mr. Mushtaq Ahmed	B.A	30.03.1954 DIKhan	12.02.1976	31.10.2007	17	By Promotion	
44.	Mr. Muhammad Pervaz	B.A	10.09.1958 Mardan	10.11.1977	23.02.2009	17	By Promotion	
45.	Mr. Izhar Ahmad	B.A	30.10.1957 Mardan	10.04.1977	23.02.2009	17	By Promotion	
46.	Mr. Inayatullah Shah	B.A/LLB	28.05.1956 Peshawar	10.04.1977	23.02.2009	17	By Promotion	
47.	Mr. Hidayatullah	B.A	15.12.53 Peshawar	27.06.1975	23.02.2009	17	By Promotion	
48.	Mr. Faridullah	10 th	08.10.1954 Bannu	03.05.1973	23.02.2009	17	By Promotion	
49.	Mr. Muhammad Iqbal	M.A/Pol: Sc:	02.06.1955 Bannu	10.11.1987	20.01.2011	17	By Promotion	Assigned revised seniority vide this office letter No S/1777-1803/12, dated 13.05.2012.
50.	Mr. Kifayatullah	M.A (Pol: SC)	01.12.1962 Bannu	10.11.1987	23.02.2009	17	By Promotion	

Attested

Advocate

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S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
51.	Mr. Iftikhar ud din	F.A	20.04.1961 Nowshera	08.04.1984	23.02.2009	17	By Promotion	
52.	Mr. Riaz Ahmad	F.A	15.05.1962 Nowshera	05.04.1984	23.02.2009	17	By Promotion	
53.	Haji Imtiaz Ahmed	FA	18.04.1956 Charsadda	10.04.1977	10.12.2009	17	By Promotion	
54.	Mr. Bashir Ahmed	Matric	20.01.1957 L/Marwat	20.12.1975	10.12.2009	17	By Promotion	
55.	Mr. Abdul Hayee	MA (Pol. Sc) B.Ed:	01.04.1965/DIKhan	20.04.1991	10.12.2009	17	By Promotion	
✓ 56.	Mr. Ali Rehmat	FA	18.06.1956 Swat	01.04.1980	10.12.2009	17	By Promotion	
57.	Mr. Shahnez Khan	FA	13.02.1955 Abbottabad	06.04.1977	10.12.2009	17	By Promotion	
58.	Mr. Abdul Malik	FA	28.09.1955 Abbottabad	09.12.1976 as JC 14.04.80 as ASI	10.12.2009	17	By Promotion	
59.	Mr. Zulfiqar Ahmad Tanoli	BSc	15.05.1968 Haripur	03.01.1987	10.12.2009	17	By Promotion	
60.	Mian Naseeb Jan	MA (Pushto)	04.10.1961 Charsadda	28.04.1983	10.12.2009	17	By Promotion	
61.	Mr. Ihsan Ullah	FA	10.01.1962 Bannu	01.06.1982	10.12.2009	17	By Promotion	
62.	Mr. Muhammad Iqbal	F.A	02.05.1955 Peshawar	28.11.1975	10.12.2009	17	By Promotion	
63.	Mr. Sardar Bahadar	BA	10.05.1962 Mardan	05.04.1984	10.12.2009	17	By Promotion	
64.	Mr. Shakir Ullah	BA	04.08.1956 Kohat	10.11.1977	10.12.2009	17	By Promotion	
65.	Mr. Muhammad Nawaz	BA/LLB	08.05.1959 Mardan	12.04.1978	10.12.2009	17	By Promotion	
66.	Mr. Iftikhar Ali	FA	01.06.1961 Charsadda	09.04.1980	10.12.2009	17	By Promotion	
67.	Mr. Rahim Shah	FA	22.02.1962 Peshawar	01.04.1983	10.12.2009	17	By Promotion	
68.	Mr. Muhammad Arif	FA	03.12.1956 Mardan	14.05.1984	10.12.2009	17	By Promotion	
69.	Pir Shahab Ali Shah	MA/LLB	12.08.1960 Mardan	10.04.1980	10.12.2009	17	By Promotion	
70.	Mr. Khushdil Khan	BA	20.11.1959 Nowshera	05.04.1984	10.12.2009	17	By Promotion	
71.	Mr. Bakhtiar Ahmed	B.A	04.04.1957 Abbottabad	13.04.1980	11.05.2010	17	By Promotion	
72.	Mr. Riaz Ahmed	B.A	10.04.1965 Swabi	05.04.1984	11.05.2010	17	By Promotion	
73.	Mr. Imtiaz Ali	B.A	05.06.1960 Nowshera	05.04.1984	11.05.2010	17	By Promotion	
74.	Mr. Shahid Ahmed	F.A	01.01.1961 Mardan	08.04.1984	20.01.2011	17	By Promotion	He has given revised Seniority in accordance with letter No. SOR-V-1/E&AD/1-14/2005, dated 09.05.2008 due to UN MISSION
75.	Mr. Nowsher Khan	M.A	14.05.1961 Peshawar	07.04.1984	11.05.2010	17	By Promotion	Assigned ante date seniority vide Notification No. S/5898-5942/12, dated 13.05.2012.
76.	Mr. Sajjad Ali	F.A	05.05.1958 Peshawar	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority.
77.	Mr. Tariq Sehail	B.A	15.04.1963 Bannu	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority
78.	Mr. Jehanzeb Khan Burki	MA/LLB	15.07.1963 Peshawar	05.04.1984	20.01.2011	17	By Promotion	

Attested

Advocate

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S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
79.	Mr. Khan Akbar	F.A	01.06.1965 Peshawar	05.04.1984	20.01.2011	17	By Promotion	
80.	Mr. Shah Jehan	F.A	05.01.1969 Charsadda	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority vide letter No S/3435/11, dated 13.06.2011.
81.	Mian Muhammad Riaz	M.A	10.02.1958 Charsadda	31.12.1980	20.01.2011	17	By Promotion	
82.	Mr. Muhammad Javed Khan	F.A	15.04.1960 Peshawar	10.11.1987	20.01.2011	17	By Promotion	
83.	Mr. Fazal Ahmed Jan	M.A/LLB	02.04.1962 Peshawar	10.11.1987	20.01.2011	17	By Promotion	
84.	Mr. Saleem Riaz	F.A	25.06.1965 Peshawar	18.11.1987	20.01.2011	17	By Promotion	
85.	Mr. Sarfaraz Ali Shah	B.A	29.08.1960 Peshawar	16.04.1991	20.01.2011	17	By Promotion	
86.	Mr. Waseem Ahmed Khalil	B.A	22.04.1962 Peshawar	16.04.1991	20.01.2011	17	By Promotion	
87.	Mr. Muhammad Ashfaq	B.A	01.04.1971 Charsadda	16.04.1991	20.01.2011	17	By Promotion	
88.	Mr. Muhammad Zahir Shah	F.A	09.03.1955 Peshawar	08.01.1975	20.01.2011	17	By Promotion	
89.	Mr. Lal Farid	F.A	15.11.1957 Karak	15.11.1975	20.01.2011	17	By Promotion	
90.	Mr. Mushtaq Hussain	F.A	19.09.1953 Kohat	22.04.1978	20.01.2011	17	By Promotion	
91.	Mr. Zair Khan	M.A/LLB	01.04.1960 Mardan	06.02.1990	20.01.2011	17	By Promotion	
92.	Mr. Shahzada Kokab Farooq	M.A	13.12.1969 DIKhan	20.04.1991	20.01.2011	17	By Promotion	
93.	Mr. Baz Mir	10 th	01.10.1957 Kohistan	07.05.1981	20.01.2011	17	By Promotion	
94.	Mr. Arif Javed	B.A	08.02.1964 Haripur	10.11.1987	20.01.2011	17	By Promotion	
95.	Mr. Akhtar Ali	B.A	04.02.1955 Nowshera	20.06.1977	20.01.2011	17	By Promotion	
96.	Mr. Aman Ullah	B.A	09.07.1964 Bannu	20.04.1991	20.01.2011	17	By Promotion	
97.	Mr. Ahmed Nawaz	F.A	09.09.1954 Haripur	19.04.1980	20.01.2011	17	By Promotion	
98.	Mr. Tariq Mehmood	B.A	28.04.1965 Abbottabad	25.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority.
99.	Mr. Ijaz Ahmed	B.A	15.06.1966 Abbottabad	28.04.1991	20.01.2011	17	By Promotion	
100.	Mr. Janas Khan	B.A	10.02.1965 Haripur	25.09.1987	20.01.2011	17	By Promotion	
101.	Mr. Mukhtiar Ahmad	F.A	04.02.1969 Abbottabad	28.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority.
102.	Mr. Muhammad Suleman	B.Sc	28.07.1970 Mansehra	28.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority
103.	Mr. Saeed Ahmed	F.A	06.04.1966 Haripur	26.04.1991	20.01.2011	17	By Promotion	
104.	Mr. Asif Gohar	10 th	07.08.1964 Mansehra	28.12.1985	20.01.2011	17	By Promotion	
105.	Mr. Hafeez Ur Rahman	F.A	01.07.1957 Abbottabad	26.09.1975	20.01.2011	17	By Promotion	
106.	Mr. Muhammad Shaukat	10 th	10.02.1956 Abbottabad	25.04.1974	13.06.2011	17	By Promotion	He has been given revised Seniority
107.	Mr. Khaista Rehman	F.A	30.03.1956 Dir Upper	20.08.1970	20.01.2011	17	By Promotion	
108.	Mr. Riaz ud Din	F.A	16.05.1955 Karak	22.04.1978	30.06.2011	17	By Promotion	

Attested
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S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
109.	Mr. Shams ur Rahman	B.A	01.09.1954 Chitral	01.04.1978	30.06.2011	17	By Promotion	
110.	Mr. Fazal Haleem Jan	F.A	27.03.1954 Mkd: Agency	05.11.1973	30.06.2011	17	By Promotion	
111.	Mr. Muhammad Saleem	F.A	05.02.1954 Mkd: Agency	01.04.1980	30.06.2011	17	By Promotion	
112.	Mr. Aamir Shahzad	M.A	09.08.1968 Peshawar	16.04.1991	30.06.2011	17	By Promotion	
113.	Mr. Amir Muhammad	B.A	07.01.1970 Mkd:	25.04.1991	19.03.2012	17	By Promotion	Assigned revised seniority vide this office Notification No. S/5898-5942/12, dated 13.08.2012.
114.	Mr. Jehanzeb Khan	B.A/LLB	21.02.1959 Dir	30.03.1980	30.06.2011	17	By Promotion	
115.	Mr. Naveed Iqbal	F.A	14.03.1954 Swat	01.04.1980	30.06.2011	17	By Promotion	
116.	Mr. Muhammad Idrees	10th	18.12.1957 Peshawar	04.12.1976	30.06.2011	17	By Promotion	
117.	Mr. Fazal Rabbi	B.Sc	01.05.1954 Swat	01.04.1980	30.06.2011	17	By Promotion	
118.	Mr. Ali Muhammad Bogra	B.A	01.02.1956 Mkd: Agency	01.04.1980	30.06.2011	17	By Promotion	
119.	Mr. Nisar Ahmad	BA/LLB	25.03.1960 Mardan	27.04.1987	30.06.2011	17	By Promotion	
120.	Mr. Zar Wali	10th	04.12.1957 Bannu	15.04.1976	30.06.2011	17	By Promotion	
121.	Mr. Hameedullah	9 th	01.05.1957 DIKhan	06.11.1975	19.03.2012	17	By Promotion	
122.	Mr. Bashir Khan	B.A	05.05.1954 Bannu	24.11.1974	19.03.2012	17	By Promotion	
123.	Mr. Gul Naseeb	F.Sc	09.11.1968 Bannu	24.04.1991	19.03.2012	17	By Promotion	
124.	Mr. Waqar Ahmad	B.A	03.01.1968 Nowshera	02.10.1988	19.03.2012	17	By Promotion	
125.	Mr. Muhammad Shafiq	B.A	13.01.1963 Bannu	29.04.1991	19.03.2012	17	By Promotion	
126.	Mr. Hamidullah Khan	10 th	01.01.1957 Mardan	21.01.1969	19.03.2012	17	By Promotion	
127.	Mr. Muhammad Arif	MA	10.03.1969 Peshawar	16.04.1991	19.03.2012	17	By Promotion	
128.	Mr. Rafiullah	10 th	19.04.1960 Kohat	20.01.1980	19.03.2012	17	By Promotion	
129.	Mr. Tahir ur Rahman	B.A	28.02.1969 Haripur	18.04.1991	19.03.2012	17	By Promotion	
130.	Mr. Abdul Ghafoor	Matric	24.05.1957 DIKhan	14.10.1975	31.03.2012	17	By Promotion	Assigned ante date seniority vide Notification No. S/5898-5942/12, dated 13.08.2012.
131.	Mr. Darvaish Ali	B.A/LLB	14.06.1962 Mardan	08.04.1984	19.03.2012	17	By Promotion	
132.	Mr. Tauheed Khan	B.A	20.10.1963 DIKhan	17.05.1983	19.03.2012	17	By Promotion	
133.	Mr. Salah-ud-Din	MA	15.01.1970 Tank	01.02.1995	16.10.2012	17	By Promotion	
134.	Mr. Gul Nawaz	MA	02.12.1959 Swabi	27.04.1991	31.03.2012	17	By Promotion	
135.	Mr. Noor Jamal	MA	10.01.1966 Mardan	27.04.1991	31.03.2012	17	By Promotion	
136.	Mr. Muhammad Arif	BA	22.04.1964 Bannu	25.04.1991	16.10.2012	17	By Promotion	
137.	Mr. Tariq Habib	MA	05.09.1968 Peshawar	21.12.1994	31.03.2012	17	By Promotion	
138.	Mr. Nisar Ahmad	F.Sc	02.11.1973 Charsadda	21.12.1994	31.03.2012	17	By Promotion	
139.	Mr. Aslam Nawaz	MA/LLB	01.03.1972 Bannu	11.01.1995	31.03.2012	17	By Promotion	

Attested

Advocate

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S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
140	Mr. Tariq Iqbal	M.Sc/LLB	13.04.1974 Peshawar	21.12.1994	31.03.2012	17	By Promotion	
141	Mr. Sanauallah	BA	10.01.1969 Lakki	29.04.1991	31.03.2012	17	By Promotion	
142	Mr. Bahruddin	BA	31.08.1954 Swat	30.11.1971	31.03.2012	17	By Promotion	
143	Mr. Ali Rehman	BA/LLB	15.04.1955 Swat	01.04.1983	16.10.2012	17	By Promotion	
144	Mr. Sher Hussain	FA	08.05.1956 Dir (L)	01.04.1983	16.10.2012	17	By Promotion	
145	Mr. Mubarak Khan	FA	04.03.1957 Swat	01.04.1983	16.10.2012	17	By Promotion	
146	Mr. Riaz Ahmad	BA	01.01.1960 Mkd: Agy	01.04.1983	16.10.2012	17	By Promotion	
147	Mr. Bakht Zada	BA	15.02.1962 Bunir	01.04.1983	16.10.2012	17	By Promotion	
148	Mr. Quid Kamal	BA	01.01.1963 Charsadda	14.05.1984	16.10.2012	17	By Promotion	
149	Mr. Banaras Khan	BA	05.01.1962 Nowshera	12.01.1980	16.10.2012	17	By Promotion	
150	Mr. Shafiullah	MA	01.04.1971 DIKhan	01.02.1995	16.10.2012	17	By Promotion	
151	Mr. Abdul Waheed Khan	F.A	10.07.1967 Mansehra	23.02.1987	07.05.2013	17	By Promotion	
152	Mr. Munir Hussain	BA	30.05.1966 Mansehra	28.04.1991	16.10.2012	17	By Promotion	Assigned revised seniority vide Notification No. 1535-50/E-II, dated 18.01.2013.
153	Mr. Qamar Hayat	BA	18.04.1971 Haripur	13.12.1994	16.10.2012	17	By Promotion	
154	Mr. Zulfiqar Khan Jadoon	10 th	15.06.1963 Abbottabad	13.03.1982	25.05.2013	17	By Promotion	
155	Mr. Shaukat Zaman	10 th	04.05.1955 Haripur	04.09.1973	16.10.2012	17	By Promotion	
156	Mr. Arshad Maseod	10 th	26.04.1955 Abbottabad	04.09.1973	16.10.2012	17	By Promotion	
157	Mr. Nazir Ahmad	MA/B.Ed	02.02.1970 Abbottabad	29.07.1998	16.10.2012	17	By Promotion	
158	Mr. Saeed Akhtar	M.Sc	02.02.1971 Haripur	29.07.1998	16.10.2012	17	By Promotion	
159	Mr. Muhammad Ayaz	B.Sc	03.03.1975 Abbottabad	29.07.1998	16.10.2012	17	By Promotion	
160	Mr. Muhammad Jamil Akhtar	F.Sc	22.02.1977 Haripur	29.07.1998	16.10.2012	17	By Promotion	
161	Mr. Muhammad Azeem	8 th	06.01.1958 Abbottabad	04.11.1970	16.10.2012	17	By Promotion	
162	Mr. Khurshid Ahmad	B.A	05.07.1958 Mansehra	10.09.1998	25.03.2013	17	By Promotion	
163	Mr. Abdul Aziz	FA	04.06.1957 Haripur	21.10.1975	16.10.2012	17	By Promotion	
164	Mr. Falak Niaz	MA	01.04.1965 Swabi	27.04.1991	16.10.2012	17	By Promotion	
165	Mr. Ishtiaq Ahmad	BA	01.11.1971 Lakki	09.01.1995	16.10.2012	17	By Promotion	
166	Mr. Hidayatullah	10 th	14.05.1961 DIKhan	08.08.1979	16.10.2012	17	By Promotion	
167	Mr. Arbab Khan	10 th	03.12.1956 Lakki	24.11.1976	16.10.2012	17	By Promotion	
168	Mr. Riaz-ul-Islam	10 th	03.04.1961 Bannu	08.09.1979	16.10.2012	17	By Promotion	
169	Mr. Shaukat Ali	B.Sc	05.03.1971 Swabi	23.01.1995	16.10.2012	17	By Promotion	
170	Mr. Abdul Samad	M.A	14.04.1969 Swabi	27.11.1994	25.03.2013	17	By Promotion	
171	Mr. Mushtaq Ahmad	M.A	15.03.1970 Swabi	27.11.1994	25.03.2013	17	By Promotion	
172	Mr. Sajjad Ahmad	M.A	01.04.1968 Swabi	27.11.1994	25.03.2013	17	By Promotion	

Attested

Advocate

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S.NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 ST ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
173.	Mr. Tahir Iqbal	M.A (Pol: Sc)	20.01.1969 Abbottabad	27.11.1994	25.03.2013	17	By Promotion	
174.	Mr. Muhammad Javed	10 th	15.03.1956 Abbottabad	19.06.1991	25.03.2013	17	By Promotion	
175.	Mr. Muhammad Saleem	8 th	01.01.1958 Abbottabad	24.08.1995	25.03.2013	17	By Promotion	
176.	Mr. Muhammad Saddique	10 th	20.02.1957 Mansehra	30.09.1975	25.03.2013	17	By Promotion	
177.	Mr. Aurangzeb	10 th	05.02.1954 Mansehra	01.04.1972	25.03.2013	17	By Promotion	
178.	Mr. Abdur Rashid Marwat	10 th	30.03.1963 Lakki	15.02.1982	25.03.2013	17	By Promotion	
179.	Mr. Muzamil Shah	M.A	08.03.1972 Swabi	27.11.1994	25.03.2013	17	By Promotion	
180.	Mr. Niaz Muhammad	M.A/LLB	11.02.1971 Swabi	27.11.1994	25.03.2013	17	By Promotion	
181.	Mr. Shah Hassan	M.A	01.05.1968 Mardan	27.11.1994	08.04.2013	17	By Promotion	
182.	Mr. Sahibzada Sajjad Ahmad	B.A	02.02.1971 Swabi	27.11.1994	08.04.2013	17	By Promotion	


(IHSAN GHANI)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

Attested

Advocate

(14)

ANNEXURE "B"

To

Chief Secretary,

Khyber Pakhtunkhwa, Peshawar.

Through: Proper Channel

Subject: Appeal against the final seniority list of the appellant issued on 07-06-2013 (received to the appellant on 10-06-2013) and Placement of the appellant at the appropriate place in the seniority list by reckoning it from the date of the initial appointment/promotion in the cadre of ASI.

Respected Sir,

The appellant submits as under:

1. That the appellant was properly appointed/promoted to the rank of ASI on 01-04-1983.
2. That the appellant got the information that final seniority list of the DSPs has been issued on 07-06-2013 received to him on 10-06-2013, which shows discrimination with regards the seniority of the appellants has been depicted wrongly.
3. That the first seniority lists of the DSPs reveals that their seniority has been reckoned from the date of their appointment / promotion (as the case may be) as ASI. Whereas that in case of final seniority list the same has been neglected in complete

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contradiction to the various judgments of the Khyber Pakhtunkhwa Service Tribunal, of the PPO has no authority at all.

4. That the reasons assigned to the earlier seniority list was two decisions, one in the case of Shafiullah Khan VS the PPO and Others and the second in case of Younas Javid Mirza, SP FRP, Peshawar VS PPO and Others.
5. That there is no scope left for not reckoning the seniority from the date of their promotion as ASI.
6. That by now it is a settled law that once a question of law stands decided by a Tribunal or a Court the benefit of that decision has to be extended to all others similarly placed persons.

It is, therefore, very respectfully prayed that on acceptance of this application the seniority of the appellant may very kindly be determined and reckoned from date afore said i.e. the date of promotion/appointment as ASI and consequently to place the name of the appellant in the seniority list in the proper place.

Yours Obediently ²²
Mubarak Khan

4.7.13

Attested
Adv

کورت فیس قیمت ایک روپیہ

مورخہ ۳ نومبر ۲۰۱۳ء منجانب اپلائٹ
مقدمہ مبارک خان بنام حکومت خیر بخشوا ونسہ
دعویٰ

باعث تحریر آنک

جرم

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لیمپ کورٹ گلی کرہ ^{سٹریٹ} عزیز الرحمن و لم مدد اللہ اریڈ کیس مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زرا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا ایے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند رہے

المرقوم ۳ ماہ نومبر ۲۰۱۳

العبد گ واہ شدہ العبد

Accepted and Accepted by

کے لئے منظور ہے

بمقام محل کہ

Agreed

Indeud

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Mubarak Khan

Appellant

Versus

The Govt. of K.P. through Chief Secretary and others

Respondents

Application for condonation of delay

Respectfully Sheweth:

1. That the above titled appeal is fixed before this Hon'ble Tribunal for today.
2. That the counsel for the appellant was undergoing medical check up at the Hayatabad Medical complex and undergone the procedure of angiography.
3. That the counsel being admitted to the hospital could not hand over the appeal before time. However the same was handed over two days before the period of limitation i.e. 120 days. When the appellant reached on the last day of limitation to Peshawar, due to heavy traffic and numerous police post erected for security measures, caused the appellant to reach the Hon'ble Tribunal beyond duty hours.
4. That the appellant filed the appeal on the very next day without any further delay.
5. That the delay in filing of the appeal is inadvertent and unintentional and beyond the control of both the counsel and the appellant. Moreover, the delay is of a single day, which if condoned, the appellant will not be left non-suited.

It is, therefore, very respectfully prayed that on acceptance of this application, the inadvertent delay in filing of the instant appeal may very kindly be condoned in the interest of justice.

Appellant through counsel



Imdad Ullah
Advocate Swat

1 25
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1504/2013

Mubarak Khan.....(Appellant)

Versus

Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar and others.....(Respondents)

Subject:- REPLY ON BEHALF OF RESPONDENTS

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is barred by law and limitation as he is seeking seniority from the date of appointment as ASI in the year 1983 after lapse of about 29 years long period.
- c) The appeal of appellant is not maintainable in the present form as District Police Officer and Regional Police Officer competent authorities for confirmation in the rank of ASI and SI have not been cited as respondent in the appeal.
- d) The appellant has not come to the Honorable Tribunal with clean hands as he has not made respondent the DSSP against whom he claims seniority. He is seeking decree at the back of necessary parties.
- e) The appellant has got no cause of action to file the appeal at this belated stage for fixation of seniority from the date of entry into the service in the year 1983.

FACTS:-

1. Correct to the extent that appellant was enlisted in Police department and he earned promotion to the rank of Deputy Superintendent of Police on his own turn.
2. Incorrect, respondents have never forced the appellant for litigation and have treated him in accordance with law and rules. The respondents follow the statutory rules and verdicts of Superior Courts while disposing matters concerning terms and conditions of service of subordinate officers.
3. Incorrect, the seniority and promotion of the junior ranks Police officers (Constable to Inspector) is regulated and governed by Special Law i.e. Police Rules and Police Order. The Civil Servant laws are not applicable to the junior ranks Police officers. The

appellant is seeking antedated seniority in the junior ranks therefore, his case is governed by Police rules.

4. Incorrect, seniority of Police officers of junior rank is regulated by Police Rules. Seniority and promotion of junior ranks Police officers is subject to qualification of promotion courses and acquiring the prescribed experience. According to Police Rule 12.2(3) seniority shall, however be finally settled by dates of confirmation in the rank. The impugned seniority list of Deputy Superintendent of Police was prepared in accordance with dates of confirmation in the rank of Sub-Inspector.

5. Incorrect, appellant was inducted in Police department as ASI in year 1983 and he earned promotion to the rank of Deputy Superintendent of Police in the year 2012. He availed promotion in rank of Sub-Inspector and Inspector and did not raise any objection against the seniority lists which are being issued annually. Therefore, he is wrongly contending antedated seniority from the date of appointment as ASI at this belated stage after about 29 years.

6. Incorrect, the appointment of probationer ASIs are confirmed from the date of appointment, however, confirmation in the rank of Sub-Inspector is subject to fulfillment of requirements of Police Rules 13.10(2) which mandated that no Assistant Sub-Inspector shall be confirmed in a substantive vacancy of Sub-Inspector unless he has been tested for at least a year as an officiating Sub-Inspector in independent charge of a Police Station in a district other than that in which his home is situated. The competent authority has further relaxed this rules wherein services in Special Branch and Investigation Wing etc is counted as period of SHO.

7. Incorrect, as evident from the impugned seniority list enclosed with the original appeal that the same was prepared in pursuance of unanimous decision arrived during house meeting held on 27 and 29 May 2013 under the Chairmanship of Respondent No. 2. Therefore, the representation of appellant was carrying

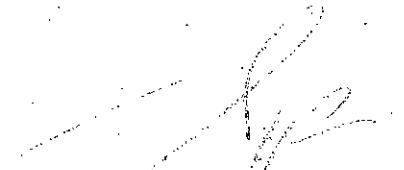
no force as unanimous decision was already made in connection with fixation of seniority of the DSsP. Copy of the minutes of the meeting is enclosed as Annexure-A.

Incorrect, the prayer of appellant is not clear and he has not cited the DSsP as respondent against whom he claims seniority and he has not pointed out the serial number in the seniority list where his name is required to be placed. Furthermore, qualification of promotion courses and acquiring prescribed experience is pre-condition for seniority and promotion of junior ranks Police officer. Therefore, the appeal of appellant is not sustainable. This is also worth mentioning that a provisional seniority list DSsP was issued by the department and numerous representations against the provisional seniority list were received therefore, common decision was made during meeting held on 27 and 29 May 2013. Copy already enclosed.

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



Chief Secretary
Civil Secretariat
Peshawar
(Respondent No.1)



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

PLD 1998 Supreme Court 159
Musad Muhammad Haleem, C.I. Muhammad Afzal Zullah, Shafiqur Rahman and
Mian Buranuddin Khan, Inspector General of Police, Punjab, Lahore and others-
Appellants.

Criterion for determining seniority of subordinate ranks of Police force: held, would be provided by R. 12.2. Police rules, 1934 as from dates of their confirmation and not from date of continuous appointment in the grade as laid down in Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, r. 8 (1) (6) read with S. 7 (2), Punjab Civil Servants Act, 1974—Special Law, viz. Police Act, 1861 and Rules framed there under having not been repealed expressly or by implication, held further, would prevail over later law of general application i.e Punjab Civil Servants Act, 1974 and Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974— {Interpretation of statutes—Civil services}

{p.173}J

The Civil Servant Act is an Act of general application and it has no constitutional status. Accordingly, it is as much a law as the Police Act of 1861 with the added distinction that it is of general application while the Police Act is of special application to the officers of the subordinate ranks of the Police force. The same is true with the rules. In this view of the matter, the question as to which would prevail over the other in case of inconsistency is of no difficulty. It should not be forgotten that the Police Act and the rules framed there-under are such as would be applicable to a disciplined force only while the Civil Servants Act cannot serve this purpose. {p.173}K.

The house discussed the case threadbare in light of the above rules/orders and decided that:

The decision of the Honourable High Court dated 24.04.2013 is required to be agitated in the Apex Court and directed the AIG/Legal CPO to move for a CPLA through Law Department Govt. of Khyber Pakhtunkhwa.

- a) A Sub-Committee consisting of Addl: IGP/HQrs., Addl: IGP/Ops, Addl: IGI/S.B, DIG/HQrs, AIG/Estab and a representative from Legal Branch was constituted to look-into the affairs of Legal Branch, prepare Service Structure and submit recommendation to the PPO / Khyber Pakhtunkhwa by 10.06.2013.
- b) A case be prepared immediately for promotion of Legal officers to the next higher ranks on their available vacancies by 10.06.2013.

2. SENIORITY DISPUTE OF DSP (Executive)

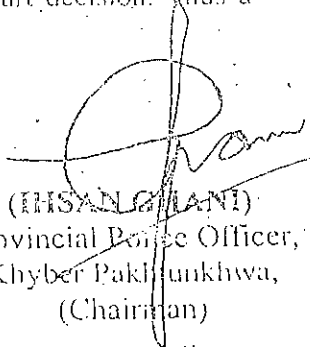
The house deliberately discussed the seniority case of DSP in light of court decision and Police Rules chapter 12.13.

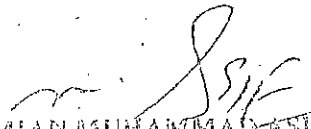
Police Rule 12.2 (3) is reproduced below:-

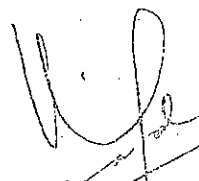
(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.


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.

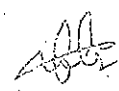
The house unanimously decided that all the DSsP shall be given seniority as per their date of confirmation in light of Police Rule 12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority List of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.04.2012 is restored in its original shape by giving seniority to the DSP/Muhammad Idrees and Younas Javed Mirza as per court decision. Thus a final seniority list of DSP be framed according to Police Rules.


 (IHSAN GILANI)
 Provincial Police Officer,
 Khyber Pakhtunkhwa,
 (Chairman)

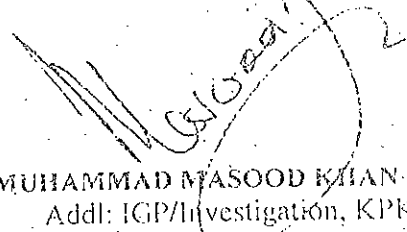

 (MIAN MUHAMMAD ASIF)
 Addl: IGP/Ops & Trg: KPK
 Member

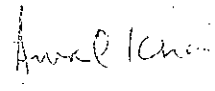

 (KHALID MASOOD)
 Addl: IGP/HQrs: KPK
 Member


 (SYED ASHTAR ALI SHAH)
 PPM/QPM
 Addl: IGP/Special Branch, KPK
 Member

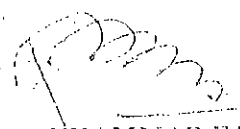

 (LIAQAT ALI KHAN)
 CCPO, Peshawar
 Member


 (AMIR HAMZA MASOOD)
 Addl: IGP/Commandant, IRRP, KPK
 Member


 (MUHAMMAD MASOOD KHAN AFRIDI)
 Addl: IGP/Investigation, KPK
 Member


 (AWAL KHAN)
 DIG/HQrs:
 Member


 (SYED FIDA HASSAN SHAH)
 AIG/Establishment
 Member


 (MUHAMMAD FAYYAZ)
 AIG/Legal
 Member

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service appeal No. 1504/2013

Mubarak Khan (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa, through
Chief Secretary and others (Respondents)

AFFIDAVIT

I Mr. Khawas Khan Sub Inspector Legal Swat do hereby solemnly and declare on oath that the contents of the accompanying Para wise comments submitted by the respondents are correct to the best of my knowledge/belief and nothing has been kept secret from this August Tribunal.

Khawas Khan
Deponent

ATTESTED
Muzammil Ali Khan
Deputy Commissioner
Swat
No. 1504/2013
3/7/16

MINUTES OF IN-HOUSE MEETING

In house meetings were held in two phases, 1st on 27th May, 2013 and the 2nd on 29th May, 2013 at Conference Room CPO Peshawar under the Chairmanship of Mr. Ihsan Ghani Provincial Police Officer Khyber Pakhtunkhwa. Representatives from Executive and Legal branches also participated. The following cases were discussed in detail:-

1. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.
2. Determination of Seniority of DSsP in the light of Courts Judgments.
3. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.

The Honourable High Court Peshawar in its Judgement dated 24.04.2013 in Writ Petition No. 1680-P/2012 filed by Mian Mustafa Gul DSP Legal/Asstt. Director, ACE, Peshawar directed the respondent Department (Police Department) to issue combined Seniority List of two Branches of the Police Department i.e Legal and Executive and thereafter make promotions on the basis of seniority cum fitness in accordance with law in terms of Article 8 (2) (p) of the Police order, 2002.

Abstracts from the Police Rules and Court judgments were put before the house, which are reproduced below:-

Police Rule 12.6 (3) (c)

After recruitment, no Inspector Legal shall be allowed change of cadre from Inspector Legal to the Executive or any other branch in the Police Department.

Article 8 (2) P of Police Order-2002.

Article 8. Police to be organized on functional basis:-

(1) The Police establishment constituted under Article 7 shall, as far as practicable, be organized on functional basis in to branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in clause (1) may include- (a) Investigation; (b) Intelligence; (c) Watch and Ward; (d) Reserve Police; (e) Police Accountability; (f) Personnel Management; (g) Education and Training; (h) Finance and Internal Audit; (i) Crime Prevention; (j) Crime against women; (k) Traffic Planning and Management; (l) Criminal Identification; (m) Information Technology; (n) Transport; (o) Research and Development; (p) Legal Affairs; (q) Welfare; (r) Estate management;

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 597 /ST Dated 28 / 3 / 2017


To

The Provincial Police Officer,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: - JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 8.3.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.