

fSr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
---------	----------------------------	--

1

2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 216/2016

Date of Institution ... 26.02.2016
 Date of Decision ... 17.01.2018

Mujahid Karim HC Driver No. 154-D
 District Hangu.

Appellant

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar & 04 others.

Respondents



Mr. Hadiyatullah,
 Advocate

--- For appellant.

Mr. Usman Ghani,
 District Attorney

--- For respondents.

MR. GUL ZEB KHAN

--- MEMBER

MR. MUHAMMAD HAMID MUGHAL

--- MEMBER

17.01.2018

JUDGMENT

GUL ZEB KHAN, MEMBER: Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

2. Appellant Mujahid Karim has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 07.01.2016 passed by Respondent No.2 vide

which Respondent No.5 was promoted to the rank of ASI Driver in M.T Branch, on the basis of decision of DPC meeting held on 31.12.2015.

3. Learned counsel for the appellant argued that the appellant was recruited as Constable in Police Department in the year 1987. That being an experienced driver, the appellant submitted written application before Respondent No.3 for transfer to M.T Staff/Branch, which was accepted, vide order bearing No. 106 dated 29.12.2001. That the appellant was promoted to the rank of Head Constable in the year 2009. That since seniority of Driver Head Constables was controversial therefore a committee comprising DSP (Legal) Kohat & PSO to DIG was formed, which submitted a report dated 09.12.2015 in which the appellant was shown senior to Respondent No. 5. That later on a committee comprising Respondents No. 3 & 4 held a meeting on 30.12.2015 which made the appellant junior to the Private Respondent No.5 on wrong assumption of date of entry into M.T Staff. Further argued that the committee did not consider the break in the service of Private Respondent No. 5 who was convicted in a murder case, due to which he was dismissed from service vide order dated 31.12.1992. That the Private Respondent remained out of service with effect from 31.12.1992 till 13.04.1999 and was reinstated in service on his acquittal from murder charges on the basis of compromise. Further argued that appellant is in possession of RTV driving license and

has also qualified SSC examination, whereas Private Respondent No. 5 is in possession of LTV license and is under metric and the committee did not take into account the seniority accrued to the appellant against the Private Respondent No.5 on the basis of higher qualification. That Respondent No.2 while relying on the decision of committee comprising Respondent No. 3 & 4 issued promotion order of Private Respondent No.5 to the rank of ASI Driver vide impugned order dated 07.01.2016. That the appellant preferred departmental appeal on 15.01.2016 which was not submitted to the high ups by the Respondent No. 2. Further argued that these orders, being illegal, may be set aside and respondents be directed to promote the appellant accordingly as he is senior to respondents No.5.

4. On the other side the Learned District Attorney argued that the appellant was promoted to the rank of HC in MT Staff on adhoc basis w.e.from 08.10.2009 and was adjusted as Driver IIC on 15.01.2015. Furthermore, due to controversy in the seniority list of MT Staff, a DPC was constituted comprising of DSP Legal Kohat and PSO to DIG Kohat to examine the seniority dispute in detail. Further argued that the relevant record revealed that appellant was enlisted as regular Constable and joined MT Staff on 05.08.2003 whereas Private Respondent No. 5 being entrusted as regular constable had joined MT Staff on 27.06.2002. That seniority of the appellant and Respondent No. 5 has been determined from the date

was prior to his joining the M.T Staff. That due to this reason the appellant is junior to Respondent No.5. That the break in service of Private Respondent, was prior to his joining the MT Staff. Further argued that the qualification of driving license or SSC is not the criteria of determining the seniority of the officials of the MT Staff. Further that the promotion orders has been passed by the competent authority in accordance with law & rules. That the appellant was initially transferred as driver in MT Staff on 29.12.2001, but he was transferred back to Police Lines on 07.01.2003. That seniority list has been prepared in accordance with law & rules. Further argued that the order of promotion of Respondent No. 5 was passed by the authority according to seniority, which is sustainable. Hence the instant service appeal may kindly be dismissed.

5. We have heard arguments of the learned counsel for the appellant and learned District Attorney for the respondents and have gone through the record available on file.

6. It is an admitted fact that promotion is always made on the basis of seniority cum-fitness. Though the appellant was earlier transferred as driver of M.T Staff on 29.12.2001, but subsequently he was transferred back and had re-joined the M.T Branch again on 05.08.2003 and hence his seniority starts afresh in the MT Branch w.e.f 05.08.2003. As against this, the seniority of respondent No.5 in the M.T Branch starts from 27.06.2002.

7. As sequence to above, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

fSr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	17.01.2018	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Appeal No. 216/2016</p> <p style="text-align: center;">Date of Institution ... 26.02.2016 Date of Decision ... 17.01.2018</p> <p>Mujahid Karim HC Driver No. 154-D District Hangu.</p> <p style="text-align: right;">Appellant</p> <p style="text-align: center;">VERSUS</p> <p>Inspector General of Police, Khyber Pakhtunkhwa Peshawar & 04 others.</p> <p style="text-align: right;">Respondents</p> <p>Mr. Hadiyatullah, Advocate --- For appellant.</p> <p>Mr. Usman Ghani, District Attorney --- For respondents.</p> <p>MR. GUL ZEB KHAN --- MEMBER MR. MUHAMMAD HAMID MUGHAL --- MEMBER</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>GUL ZEB KHAN, MEMBER:</u> Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.</p> <p>2. Appellant Mujahid Karim has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 07.01.2016 passed by Respondent No.2 vide</p>

which Respondent No.5 was promoted to the rank of ASI Driver in M.T Branch, on the basis of decision of DPC meeting held on 31.12.2015.

3. Learned counsel for the appellant argued that the appellant was recruited as Constable in Police Department in the year 1987. That being an experienced driver, the appellant submitted written application before Respondent No.3 for transfer to M.T Staff/Branch, which was accepted, vide order bearing No. 106 dated 29.12.2001. That the appellant was promoted to the rank of Head Constable in the year 2009. That since seniority of Driver Head Constables was controversial therefore a committee comprising DSP (Legal) Kohat & PSO to DIG was formed, which submitted a report dated 09.12.2015 in which the appellant was shown senior to Respondent No. 5. That later on a committee comprising Respondents No. 3 &4 held a meeting on 30.12.2015 which made the appellant junior to the Private Respondent No.5 on wrong assumption of date of entry into M.T Staff. Further argued that the committee did not consider the break in the service of Private Respondent No. 5 who was convicted in a murder case, due to which he was dismissed from service vide order dated 31.12.1992. That the Private Respondent remained out of service with effect from 31.12.1992 till 13.04.1999 and was reinstated in service on his acquittal from murder charges on the basis of compromise. Further argued that appellant is in possession of HTV driving license and

has also qualified SSC examination, whereas Private Respondent No. 5 is in possession of LTV license and is under metric and the committee did not take into account the seniority accrued to the appellant against the Private Respondent No.5 on the basis of higher qualification: That Respondent No.2 while relying on the decision of committee comprising Respondent No. 3 & 4 issued promotion order of Private Respondent No.5 to the rank of ASI Driver vide impugned order dated 07.01.2016. That the appellant preferred departmental appeal on 15.01.2016 which was not submitted to the high ups by the Respondent No. 2. Further argued that these orders, being illegal, may be set aside and respondents be directed to promote the appellant accordingly as he is senior to respondents No.5.

M/S 4. On the other side the Learned District Attorney argued that the appellant was promoted to the rank of HC in MT Staff on adhoc basis w.e.from 08.10.2009 and was adjusted as Driver HC on 15.01.2015. Furthermore, due to controversy in the seniority list of MT Staff, a DPC was constituted comprising of DSP Legal Kohat and PSO to DIG Kohat to examine the seniority dispute in detail. Further argued that the relevant record revealed that appellant was enlisted as regular Constable and joined MT Staff on 05.08.2003 whereas Private Respondent No. 5 being entrusted as regular constable had joined MT Staff on 27.06.2002. That seniority of the appellant and Respondent No. 5 has been determined from the date

was prior to his joining the M.T Staff. That due to this reason the appellant is junior to Respondent No.5. That the break in service of Private Respondent, was prior to his joining the MT Staff. Further argued that the qualification of driving license or SSC is not the criteria of determining the seniority of the officials of the MT Staff. Further that the promotion orders has been passed by the competent authority in accordance with law & rules. That the appellant was initially transferred as driver in MT Staff on 29.12.2001, but he was transferred back to Police Lines on 07.01.2003. That seniority list has been prepared in accordance with law & rules. Further argued that the order of promotion of Respondent No. 5 was passed by the authority according to seniority, which is sustainable. Hence the instant service appeal may kindly be dismissed.

5. We have heard arguments of the learned counsel for the appellant and learned District Attorney for the respondents and have gone through the record available on file.

6. It is an admitted fact that promotion is always made on the basis of seniority cum-fitness. Though the appellant was earlier transferred as driver of M.T Staff on 29.12.2001, but subsequently he was transferred back and had re-joined the M.T Branch again on 05.08.2003 and hence his seniority starts afresh in the MT Branch w.e.f 05.08.2003. As against this, the seniority of respondent No.5 in the M.T Branch starts from 27.06.2002.

7. As sequence to above, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



(MUHAMMAD HAMID MUGHAL)
MEMBER



(GUL ZEIS KHAN)
MEMBER

ANNOUNCED
17.01.2018

17.01.2017

Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Vide separate judgment of today of this Tribunal placed on file, the present appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

17.01.2018




(Muhammad Hamid Mughal)
Member(J)



(Gul Zeb Khan)
Member(E)

21.11.2017

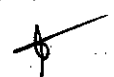
Counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 07.12.2017 before D.B.



(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

07.12.2017

Appellant in person present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Due to non-availability of concerned D.B order could not be announced. Adjourned. To come up for order on 14.12.2017 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

14.12.2017


Lawyers community on strike. Adjourned. To come up for the same on 09.01.2018 Before D.B.

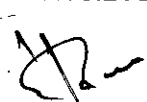

(Gul Zeb Khan)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

09.01.2018

Appellant in person and Asst: AG for respondents present. Order could not be announced due to non-availability of proper D.B. Adjourned. To come up for order on 17.01.2018.



(Ahmad Hassan)
Member(E)


(M. Hamid Mughal)
Member (J)

10. 25.07.2017

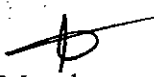
Counsel for the appellant and Mr. Kabir Ullah Khattak, Assistant AG alongwith Mr. Zahid-ur-Rahman, Inspector Legal for the respondent present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 27.09.2017 before D.B.



(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

27.09.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. The learned DDA submitted that the respondents has sent a written request for adjournment. Adjourned. To come up for arguments on 21.11.2017 before the D.B.


Member


Chairman

21.11.2017


Counsel for the appellant present. Mr. Zia Ullah, Deputy District Attorney for the respondents present. Arguments heard. To come up for order on 07.12.2017 before D.B.

(Gul Zeb Khan)
Member

(Muhammad Hamid Mughal)
Member

31.08.2016

Appellant in person, Mr. Abdur Rehman, Inspector alongwith Mr. Ziaullah, GP for official respondents No. 1 to 4 and counsel for private respondent No. 5 present. Written reply on behalf of official respondents No. 1 to 4 submitted. Cost of Rs. 500/- also paid and receipt thereof obtained from the appellant. Counsel for private respondent No. 5 stated that the case pertains to official record and he relies on the written reply submitted by official respondents No. 1 to 4 on behalf of private respondent No. 5. The appeal may be placed before D.B for rejoinder and final hearing for 21.12.2016. The Chairman may assign the appeal to appropriate D.B.


Member


21.12.2016


Appellant in person, Mr. Abdur Rehman, Inspector alongwith Additional AG for official respondents No. 1 to 4 and private respondent No. 5 with counsel present. Rejoinder not submitted. Appellant seeks adjournment due to non-availability of his counsel. Adjourned. To come up for rejoinder and arguments on 21.04.2017 before D.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

21.04.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional AG for official respondents No. 1 to 4 and counsel for private respondent No. 5 also present. Learned counsel for the appellant submitted Wakalatnama alongwith rejoinder and requested for adjournment. Adjourned. To come up for arguments on 25.07.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

31.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that that the appellant is serving as Driver in the M.T ^{by} *Section* of police department and was senior to his colleagues Yaqoob Nawaz, ASI, private respondent No. 5 but ignored from promotion despite his seniority and suitability and the said private respondent promoted where again the appellant preferred departmental appeal on 18.1.2016 which was rejected on 03.2.2016 communicated to the appellant on 16.2.2016 where-after the instant appeal was preferred on 26.2.2016.

That the appellant is entitled to promotion as M.T Driver ASI w.e.f the date when private respondent No. 5 was promoted.

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 24.5.2016 before S.B.

Appellant Deposited
Security & Process Fee

24.05.2016

Agent of counsel for the appellant, ^{Chairman} *Chairman* Abdur Rahman, Inspector alongwith Addl. AG for the official respondents and counsel for private respondent No. 5 present. Wakalatnama submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 26.07.2016 before S.B.

Chairman
Chairman

26.07.2016




Clerk of counsel for the appellant and Mr. Abdur Rahman, Inspector (Legal) alongwith Addl. AG for the respondents present. Written reply not submitted despite last opportunity. Last opportunity is further extended subject to payment of cost of Rs. 500/- which shall be borne by the respondents from their own pockets. To come up for written reply and cost on 31.08.2016 before S.B.

Chairman
Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 216/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09.03.2016	<p>The appeal of Mr. Mujahid Karim resubmitted today by Mr. Hidayatullah Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2	24.03.2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24-3-16</u></p> <p> CHAIRMAN</p> <p>Appellant in person present. Seeks adjournment as his counsel is not in attendance. Adjourned for preliminary hearing before S.B to 31.3.2016.</p> <p> Chairman</p>

The appeal of Mr. Mujahid Karim HC Driver No. 154-D Distt. Hango received to-day i.e. on 26.02.2016 by post is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

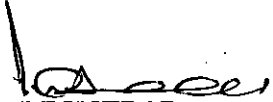
- 1- Copy of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 319 /S.T,

Dt. 29/2/2016

Mr. Hidayatullah Khattak Adv. Pesh.

P.T.O.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Re-submitted after annexing/attaching the
copy of representation of the appellant
dated 15/07/2016

As per

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEASHAWAR

Service Appeal No 216 /2016

Mujahid Karim HC Driver No. 154-D district Hangu.....(Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Kohat.
3. District Police Officer Hangu.
4. Superintendent of Police, Investigation Hangu.
5. Yaqoob Nawaz ASI Driver district Hangu.

..... (Respondents).

INDEX

S.No.	Description of Documents	Annex	Pages
1.	Memo of Appeal	-	1 to 4
2.	Affidavit	-	5
3.	Impugned order dated 07.01.2016 passed by Respondent No.2	A	6
4.	Impugned order dated 03.02.2016 passed in representation of appellant <i>with Representation</i>	B	7
5.	Application for transfer to M.T Staff	C	8
6.	Order of transfer to M.T Staff	D	9
7.	Recommendations of committee constituted by Respondent No. 2 for fixation of seniority.	E	10 to 11
8.	Recommendations of DPC comprising Respondent No. 3 & 4.	F	12
9.	"Waqalat Nama"	-	13

Mujahid Karim
Appellant

Through

Counsel *H. P. Khan*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 2/16/2016

Mujahid Karim HC Driver No. 154-D district Hangu.....(Appellant)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Kohat.
3. District Police Officer Hangu.
4. Superintendent of Police, Investigation Hangu.
5. Yaqoob Nawaz ASI Driver district Hangu.

**N.W.F. Province
Service Tribunal**
 Diary No. 145
 Dated 26-2-2016

(Respondents).

Subject:-

AN APPEAL UNDER SECTION 4 OF THE NWFP (KPK) SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 07.01.2016 PASSED BY RESPONDENT No.2 VIDE WHICH RESPONDENT No. 5 WAS PROMOTED TO THE RANK OF ASI DRIVER ON THE BASIS OF DECISION OF DPC DATED 31.12.2015 WHEREIN THE SENIORITY OF DRIVER HEAD CONSTABLES WAS WROGLY FIXED AND RESPONDENT No. 2 ALSO WITH HELD THE DEPARTMENTAL REPRESENTATION OF APPELLANT ADRESSED TO RESPONDENT No.1 VIDE ORDER DATED 03.02.2016. COPIES OF THE IMPUGNED ORDER ARE ENCLOSED AS ANNEXURE-A & B.

Prayer:-

On acceptance of the Service Appeal the impugned orders based on wrong fixation of seniority may be set aside and appellant being senior to private Respondent No.5 may be promoted to the rank of ASI driver.

Handwritten notes:
 Filed to-day
 26/2/16
 Registered

FACTS:-

Facts forming the background of appeal are as follows:-

1. That appellant was recruited as constable in Police department in the year 1987. Appellant was experienced driver therefore, in the year 2001, appellant submitted written application before Respondent No. 3 for transfer to M.T staff which was accepted and appellant was transferred to M.T staff vide order bearing OB No. 106 dated 29.12.2001.

Handwritten notes:
 Re-submitted to-day and filed.
 Registered
 9/3/2016

Copies of the application and order are enclosed as Annexure-C & D respectively.

2. That appellant was promoted to the rank of head constable in the year 2009 and seniority of driver head constables were controversial therefore, Respondent No. 2 constituted a committee comprising DSP/Legal Kohat and PSO to DIG Kohat. The committee submitted written report dated 09.12.2015 wherein appellant was declared senior to Yaqoob Nawaz private Respondent No. 5. Copy of the decision of committee is enclosed as Annexure-E.
3. That later on a committee comprising of Respondents No. 3 & 4 held a meeting dated 31.12.2015 and appellant was made junior to private Respondent No.5 on wrong assumption of date of entry into M.T staff and appointment as constable. Copy enclosed as Annexure-F.
4. That the committee did not consider the break in service of private Respondent No. 5 who was convicted in murder case and was dismissed from service vide order dated 31.12.1992. He remained out of service with effect from 31.12.1992 till 13.04.1999. He was reinstated in service on his acquittal from murder charges on the basis of compromise.
5. That appellant is in possession of heavy driving license and has also qualified SSC examination, while private Respondent No. 5 is in possession of LTV and he is under metric and committee did not take into account the seniority accrued to appellant against the private Respondent No. 5 on the basis of higher qualifications
6. That Respondent No. 2 while relying on the decision of committee comprising Respondent No. 3 & 4 issued promotion order of private Respondent No.5 to the rank of ASI Driver vide impugned order dated 07.01.2016.
7. That appellant submitted representation before Respondent No.1 through proper channel against the


above decision but the representation was withheld by Respondent No.2 vide impugned order dated 03.02.2016 and did not forward it to Respondent No.1. Hence the appellant submits the service appeal on the following grounds for restoration of seniority and promotion to the rank of ASI driver.

GROUNDS:-

- A. That the impugned orders have wrongly been based on decision of committee comprising Respondent No. 3 & 4 as the said committee did not bother to examine the record. Appellant was enlisted in M.T staff in the year 2001 while private Respondent No. 2 was enlisted in M.T staff in the year 2002. The entire service of appellant was regular and continuous while private Respondent No. 5 remained out of service for long period and the committee did not take into account the break in service of private Respondent No. 5. In the same vein the committee also ignored the higher qualifications of appellant as compare to private Respondent No.5. Therefore, the impugned order based on wrong decision of the committee is worth set aside.
- B. That appellant is senior to private Respondent No. 5 as evident from the decision of the committee dated 09.12.2015 which was constituted for fixation of the controversial seniority of driver head constables. Furthermore, appellant was promoted to rank of head constable in the year 2009 while private Respondent No. 5 was promoted to the rank of head constable in the year 2010. Therefore, appellant rank senior to private Respondent No. 5 in all respects.
- C. That Respondent No. 2, 3 & 4 without taking into consideration the proved seniority of appellant, wrongly showed private respondent No. 5 senior to appellant and promoted him to the rank of ASI driver vide impugned order. Therefore, the impugned orders are worth set aside.

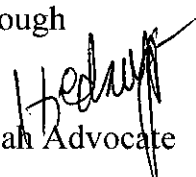
- D. That in view of the option of appellant for transfer to M.T staff prior to private Respondent No. 5, appellant rank senior to him.
- E. That appellant was promoted to the rank of head constable earlier than private Respondent No. 5, therefore, appellant rank senior to him.
- F. That the decision of committee comprising DSP/Legal Kohat and PSO to DIG Kohat was denied without any reasons and grounds. Therefore, the impugned orders were wrongly passed.

It is therefore prayed that the impugned orders may be set aside and seniority of appellant may be restored and appellant may be promoted to the rank of ASI driver vice private Respondent No. 5.


Appellant

Mujahid Karim
HC Driver No. 154-D

Through


Hidayat Ullah Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PEASHAWAR

Service Appeal No _____/2016

Mujahid Karim HC Driver No. 154-D district Hangu.....(Appellant)

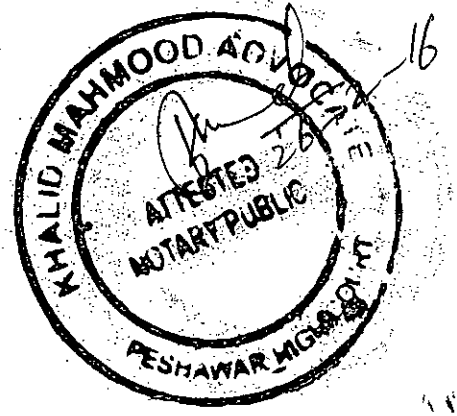
Versus

Inspector General of Police, Khyber Pakhtunkhwa Peshawar and
others (Respondents).

AFFIDAVIT

I, Mujahid Karim HC Driver, District Hangu do here by solemnly
affirm on oath that the contents of accompanying appeal are correct to the
best my knowledge and belief. Nothing has been concealed from this
Honorable Tribunal.

DEPONENT



[Handwritten Signature]
Mujahid Karim HC
Driver No. 154-D
District Hangu

036-92-45436
0372-9672431

6 Annexure: "A"

POLICE DEPARTMENT


KOHAT REGION

ORDER.

Driver Head Constable Yaqoob Nawaz No. 203-D of Hangu district Police is hereby approved for promotion in Departmental Promotion Committee Meeting held Region Police Office Kohat on 30.12.2015 to the next higher rank of Assistant Sub-Inspector (BPS-09) of MT Staff on the existing one vacancy of Driver / MT cadre allotted to Hangu district by the Government of Khyber Pakhtunkhwa vide CPO Peshawar Letter No. 7117-7165/A-3, dated 28.08.2014 with immediate effect.

His promotion will take effect from the date he actually assumes charge of higher responsibility.

Necessary gazette notification may be issued accordingly.



(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region.

OFFICE OF THE REGIONAL POLICE OFFICER, KOHAT REGION, KOHAT

No. 263-70 /EC, dated Kohat the 07-01-2016.

Copy of above is submitted to the Inspector General of Police, Khyber Pakhtunkhwa for favour of information w/r to this office order Endst: No. 8068-74/EC, dated 11.11.2015 please.

1. District Police Officer, Kohat
2. District Police Officer, Karak
3. District Police Officer, Hangu
4. All Heads of Investigation, Kohat Region
5. Confidential Clerk Region Police Office, Kohat


(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region.

7 Annexure: "B"



OFFICE OF THE
REGIONAL POLICE OFFICER
KOHAT REGION

No. 1260 /EC

Dated 3-2- /2016

To:- The District Police Officer, Hangu

Subject:- APPLICATION / APPEAL


MEMORANDUM

Refer to your office letter No. 401/GC dated 20.01.2016 on the subject cited above.

As per procedure i.e seniority cum-fitness, the promotion was made on the recommendation of DPC. The earlier report of DSP Legal / Inspector Legal found unjustified as the relevant record was not consulted, hence being contrary to record. turned down and Establishment Branch of this office with the consultation of OASI concerned were directed to prepare a fresh list of seniority driver HCs.

On the basis of the said seniority list the promotion was made purely on merit, therefore, the application / appeal being unjustified / contrary to record is examined and not recommended for onward submission to high-ups please.

Attested


~~_____~~ District Police Officer
Hangu
SAC DPO, Office Hangu

16/2/16


(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region

Handwritten text at the top of the page, possibly a title or header.



Faint, illegible text or markings in the upper middle section of the page.

Small, illegible text or markings on the right side of the page.

Handwritten text or markings in the lower right quadrant of the page.

Small, illegible text or markings on the right side of the page.



(7-A)

بھنور جناب انسپکٹر جنرل آف پولیس، خیبر پختونخواہ پشاور
 پر درخواست اہل برائے پروموشن ہیڈ کانسٹیبل سے اسٹنٹ سب انسپکٹر

جناب عالی!

گزارش ہے کہ سائل مورخہ 26.03.1987 کو محکمہ پولیس میں بحیثیت کانسٹیبل بھرتی ہوا۔ مورخہ 20.09.1987 کو ٹریگ پاس کی۔ مورخہ 06.08.2003 ایم۔ ٹی ہنگو کو بطور ڈرائیور ٹرانسفر ہوا اور مورخہ 13.01.2015 سائل کو ہیڈ کانسٹیبل عہدے پر پروموشن کیا گیا ہے تو اسی طرح ڈرائیور یعقوب نواز HC 203 بھی مورخہ 11.04.1985 کو کانسٹیبل بھرتی ہو کر مورخہ 20.03.1986 کو ٹریگ پاس کی ہے۔ اب حال ہی میں بسلسلہ سب انسپکٹر ڈی۔ پی۔ سی میں ہمارے دونوں مندرجہ بالا کے مابین مقابلہ تھا تو لیگل کمیٹس میں مجھے سینئر اور حق دار ٹھہرایا گیا ہے جسکی کاپی لف ہذا ہے۔ اور مورخہ 30.12.2015 کو دفتر جناب ڈپٹی انسپکٹر جنرل آف پولیس، کوہاٹ ڈی۔ پی۔ سی میں مجھے چھوڑ کے ڈرائیور یعقوب نواز 203 کو سب انسپکٹر کے عہدے پر پروموشن کیا گیا ہے۔

عالیجا!

لیگل کمیٹس میں مجھے سینئر اور حق دار قرار دیا گیا وہ اس لیے کہ ڈرائیور یعقوب نواز جرم 302 تپ تھانہ ٹی کوہاٹ میں براہ راست چارج ہوا ہے جو سات، آٹھ سال جیل میں قید بھی گزار چکا ہے اور پھر بعد میں بروئے راضی نامہ بری ہو چکا ہے۔ تو جیل کا جو عرصہ ہے وہ سروس میں شمار نہیں ہو سکتا ہے اور راضی نامہ بھی ایک سزا ہے۔ ہر لحاظ سے وہ مجھ سے جونیئر ہے مثلاً لیگل کمیٹس میں وہ مجھ سے جونیئر ہے دوسرا وہ قتل مقدمہ میں سزا یافتہ ہے۔ تو مورخہ 30.12.2015 ڈی۔ پی۔ سی میں مجھے چھوڑ کر یعقوب نواز ڈرائیور کو اسٹنٹ سب انسپکٹر پر جو ترقی دی ہے وہ بالکل ناجائز اور غیر قانونی ہے۔ آخر کار میں یہی کہوں گا کہ محکمہ پولیس میں انصاف بالکل نہیں ہے۔ حقدار کو اپنا حق نہیں ملتا ہے ہم تو غریب لوگ ہیں بس اللہ تعالیٰ سے مدد مانگیں گے۔

استدعا ہے کہ سائل کو سب انسپکٹر کے عہدے پر پروموشن کرنے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل تاحیات دعا گو رہے گا۔

ڈی۔ پی۔ سی و پروموشن آرڈر اور لیگل کمیٹس وغیرہ کے نقولات لف ہذا ہے۔

Forwarded

تحریر:- 15.01.2016

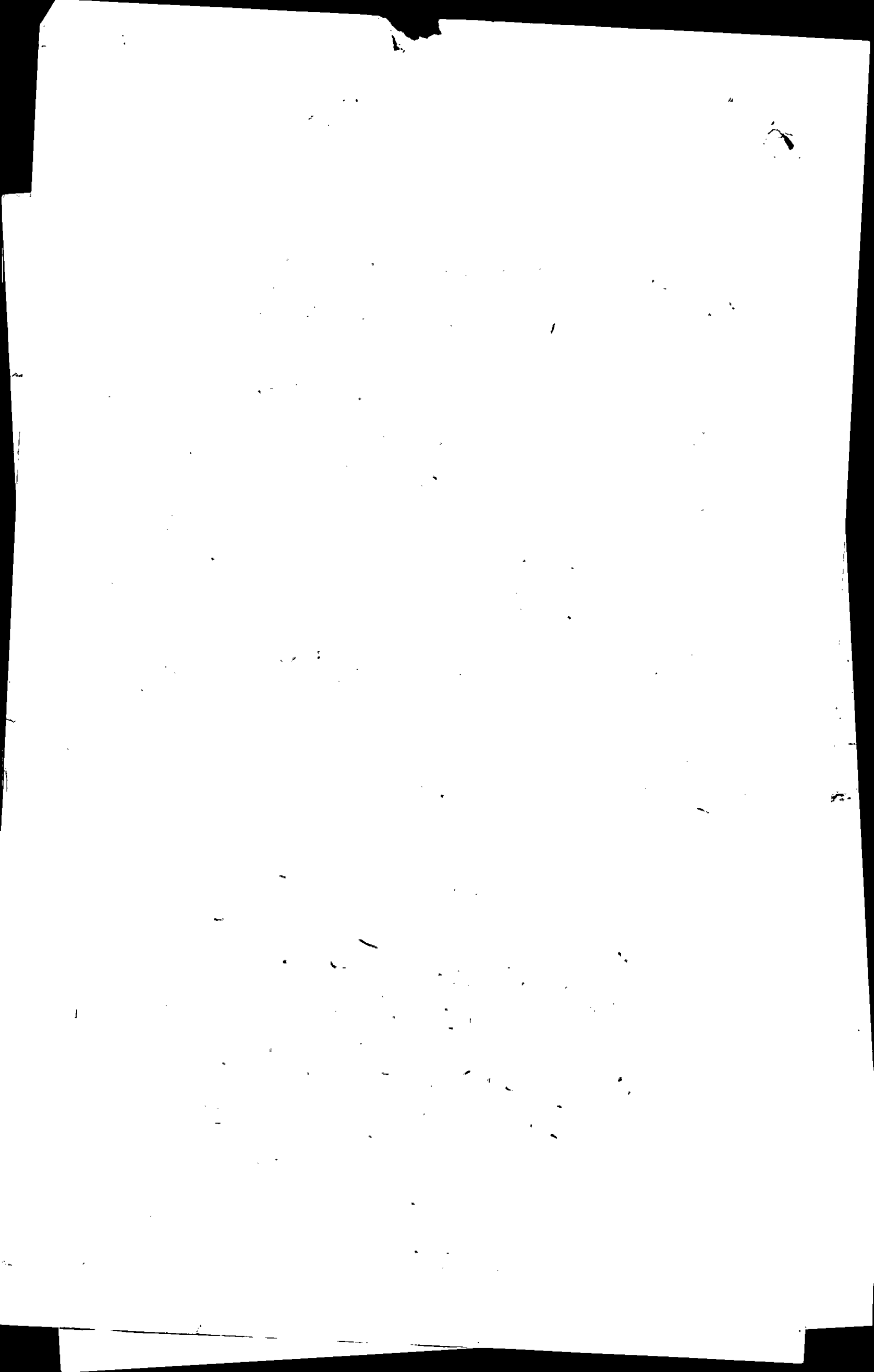
Sub-Divisional Police Officer
Thal.

12-01-2016

سائل مجاہد کریم 154/HC ڈرائیور متعینہ چونکی مامون خورشید ضلع ہنگو

RECEIVED

Sub-Divisional Police Officer
Thal.DABA
1-2-2016



جانبی -

کندیش کوئٹہ مسائل فنانس میں جنرل ڈپٹی

سے رہا ہے۔ مسائل ایک حایر اور

کندیش کارڈ ریورس۔ مسائل تقریباً

میں ڈریورز کی کمانڈو کے آئندہ

کندیش ریورس ڈریورز دیتا رہے

کندیش ڈریورز کے مسائل کے لئے

ایسٹ کا کمانڈو مسائل کا پہلی ڈریور اور

یہاں ہے

put his name
in the driver
list. Where
he is needed
he will be
posted.

Attested

DPD Office Hangu
District Police Officer
Hangu.

القاضی

کندیش ریورس 154 فنانس

Read of sp
27/10

27/10

دفعہ 154 کے تحت ہمارے نو ڈریورز کے بارے

میں خاصا ڈریور ہے

ya.

اگر آٹو میں بیٹا ڈریور ہے تو

Mukhi sp
11/12

کندیش کے لئے بہتر ہے۔ سارے کمانڈو

Forwarded P.L.

Encl

26.10.2001

26.10.2001

9

Annexure: "D"

ORDER

Constable Mujahid Kareem No.154 is hereby posted as Driver with the Supdt:of Police,Hangu with immediate effect.

OB NO. 106
DATE 29/12/16

[Signature]
Superintendent of Police,Hangu.

SRC/CHC FOR NECESSARY ACTION.

Attested

[Signature]

[Signature]
District Police Officer
Hangu.

16/2/2016

[Handwritten marks]

[Handwritten mark]

REFERENCE ATTACHED

CONTROVERSY IN THE SENIORITY, APPOINTMENT AND PROMOTION TO THE RANK OF SENIOR MOST DRIVER HCs OF DISTRICT HANGU.

Sir,

Kindly refer to the office of Regional Police Officer Kohat Endst. No. 3019-23/EC dated 30.11.2015 regarding minutes of meeting of Departmental Promotion Committee dated 04.10.2015.

It is submitted that relevant record of Driver Head Constable Atta Muhammad No. 5-D, Driver HC Yaqoob Nawaz No. 203-D and Mujahid Kareem No. 154-D thoroughly perused.

- Driver HC Atta Muhammad No. 5-D enlisted as constable on 11.10.1993, as per report of MTO Hangu dated 23.11.2015 transferred to MT Staff vide OB No. 343 dated 21.07.1996 and was promoted to the rank of Head Constable on existing vacancy in MT Staff vide OB No. 86 dated 02.03.2008.
- Driver HC Yaqoob Nawaz No. 203-D was enlisted as constable on 11.04.1985, he was promoted to the rank of Head Constable vide OB No. 30 dated 15.01.2015 and adjusted as Driver Head Constable. No prior entry to MT Staff as per report of MTO Hangu.
- Driver HC Mujahid Kareem No. 154-D was enlisted as constable on 26.03.1987, transferred to MT Staff vide OB No. 457 dated 06.08.2003 as reported by MTO Hangu and was promoted to the rank of Driver Head Constable vide OB No. 30 dated 15.01.2015 and adjusted as driver Head Constable.

According to criteria for preparation of sonority list of MT Staff, the seniority of MT staff will be considered from the date of entry to MT staff of regular constables and dated of enlistment of driver constables. In this case all the three officials of MT staff have been enlisted as constable, subsequently joined MT Staff, therefore, their seniority may be considered from the dated of their entry to MT staff.

According to the criteria i.e date of entry to MT Staff, driver HC Atta Muhammad No. 5-D is senior most, Mujahid Kareem No. 154-D at serial No. 2 and Yaqoob Nawaz No. 203-D at serial No. 3. The seniority list of all the MT Staff like other districts of the province, may be prepared on the following proforma if approved. Furthermore, promotion, under the rules is being considered by the relevant departmental promotion committee on seniority-cum-fitness basis.

S #	Name & No.	Date of birth	Date of enlist:	Initial enlist:	Date of passing recruit course	Date of entry in MT staff.	Date of promotion as HC	Remarks
1	Dr. HC Atta Muhammad No. 05/D	20.03.1975	11.10.1993	Const:	20.06.1994	21.07.1996	02.03.2008	
2	Dr. HC Mujahid Kareem No. 154/D	15.04.1967	26.03.1987	Const:	20.09.1987	06.08.2003	13.01.2015	
3	Dr. HC Yaqoob Nawaz No. 203/D	30.03.1967	11.04.1985	Const:	20.03.1986	15.01.2015	13.01.2015	
4								
5								
6								

PSO TO DIG
Kohat Region, Kohat

Dy: Superintendent of Police,
Legal Kohat

Annexure: "F" 12

**MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION
COMMITTEE HELD IN REGION OFFICE, KOHAT ON 30.12.2015**

In continuation to this office Minutes of Meeting of DPC for promotion of Driver Head Constables to the rank of Driver ASI vide No. 8019-23/EC, dated 10.11.2015, a DPC meeting for district Hangu was held on 30.12.2015 at 11:00 hrs chaired by the undersigned and attended the following:-

1. Mr. Shah Nazar District Police Officer, Hangu
2. Zulfiqar Ahmed Tanoli SP Investigation Hangu

In the light of seniority list prepared by Establishment Branch of this office, the cases of the following Driver HCs of MT Staff were discussed for promotion to the rank of Driver ASI (BPS-09) on the existing one vacancy allotted to Hangu district and the below decisions arrived:-

S.No.	Rank & Name	Decision
1	Driver HC Atta Muhammad No. 05-D	Deferred / Not recommended unfit medically for active duty as paralysis patient
2	Driver HC Yaqoob Nawaz No. 203-D	Approved
3	Driver HC Mujahid Karim No. 154-D	Not approved being junior to above as per enlistment as Constable and entry in MT Staff
4	Driver HC Muhammad Nawaz No. 277	Not approved being junior to above as per enlistment as Constable and entry in MT Staff

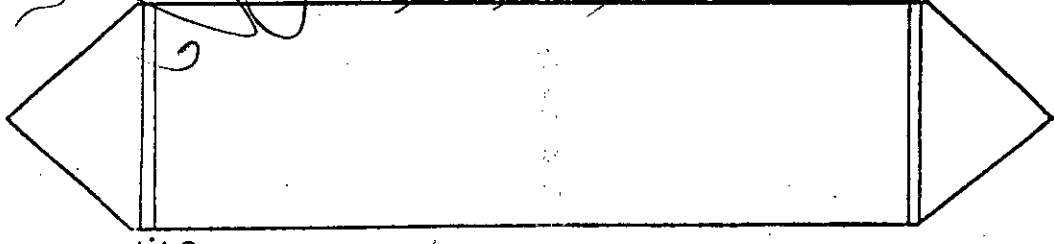
Attested

[Signature]

sec pro off.
District Police Officer
Hangu

16/2/016

بعدالت کرو سروسٹوئل



2ء مخانب

صاحب کرم بنام لجنس و شہرہ

- مورخہ
- مقدمہ
- دعویٰ
- جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
 آن مقام لپٹا سے کیلئے پراسٹوئل اللہ خٹک ایڈووکیٹ
 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 کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضعی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المرقوم _____ ماہ _____ 2016ء

العبد _____ واہ العبد _____

کے لئے منظور ہے۔

بمقام

صاحب کرم بنام لجنس و شہرہ

وکالت نامہ

کورٹ فیس

قیمتی

بعدالت جناب: سروسز ریسٹورنٹس PKK سٹار

جی ایم آر سی - مکسٹر نام: 197 رسمی

منجانب: ریسٹورنٹس دعویٰ یا اجرم سروسز سٹار

NO 246/2016

باعث تحریک آنکہ

مقدمہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا بمقام بیشمار سروسز
 ایڈووکیٹ ہائی کورٹ - سپریم کورٹ - ممبر ڈسٹرکٹ بار ایسوسی ایشن

کیلئے سب ذیل شرائط پر وکیل کیا ہے۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کرونگا۔ اگر پیشی پر مظہر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح پرمذمہ دار نہ ہونگے نیز وکیل صاحب موصوف صدر بمقام پکھری کے علاوہ کسی جگہ سماعت یا ہلکا زلزلہ یا تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے لئے یا مختار نہ کے واپس کرینگے بھی صاحب موصوف ذمہ دار ہونگے۔ مجھ کو کل ساختہ پرواخت صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا صاحب موصوف کو عرض و عوعے یا جواب در خواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے لئے پر ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور اظہار کرنے اور ہر قسم کے بیان دینے کو اس پر ثالثی و راضی نامہ فیصلہ بر حلف کرنے سے قائل و معری دینے کا بھی اختیار ہوگا اور بصورت جانے بیرون جاتے کچھری صدر اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا ہر طرف درخواست حکم امتناعی یا قرقی یا گرفتاری و اجراءے ڈگری بھی صاحب موصوف کو آدائیسی لیجھہ مختار پیروی کا اختیار ہوگا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکور یا اس کے کسی جزو کی کاروائی کے بصورت کیوں کیوں سے وکیل یا پکھری کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ایسے ہی اختیار رکھیں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التوا پڑیگا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے آدائیسی کرونگا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں۔ اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا یکہ سندر ہے مورخہ: 24 مئی 2016ء

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

اشفاق ڈائمنٹ سروس سیشن کورٹ کرک فون نمبر: 0334-9290874
 0331-8786805

رسپانڈنٹ
 اشفاق ڈائمنٹ سروس سیشن کورٹ کرک
 لفٹون ڈائمنٹ سروس سیشن کورٹ کرک

**KHYBER PAKHTUNKHWA
BAR COUNCIL**

SALAMAT SHAH
Advocate High Court
No-10-4595
Date of Issue: 18-07-2014
Valid upto: 18-07-2017



KHYBER PAKHTUNKHWA
BAR COUNCIL

Secretary
KP Bar Council

In the event of joining or carrying on any other profession, service or business, the holder
will not be entitled to use this Card and shall forthwith surrender it to the KP Bar Council

Father's Name: Muhammad Khalil
Address: Mill: P.O Takht-e-Nasrati The
Takht-e-Nasrati Distt. Karak
Office Tel. Cell: 0314-4029145
Enrolment Date: L.C.24-04-1999
Enrolment Date: H.C.0405-2002
Place of Practice: PHC Banno Bench
Date of Birth: 01-12-1965
Blood Group: A+ve
N.I.C No. 14205-2060392-7

KHYBER PAKHTUNKHWA BAR COUNCIL
1st Floor G-Block, Khyber Road, Peshawar, Ph.091-9211172 Fax:091-9211591
www.kpbarcouncil.com

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

Service Appeal No. 216/2016

Mujahid Kareem HC Drier No. 154-D

..... Appellant.

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary objections:-

1. That the appeal is not maintainable in the present form.
2. That the appellant has got no cause of action and locus standi to file the appeal.
3. That the appellant has not come to this Hon: Tribunal with clean hands.
4. That the appeal is badly time barred.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.

Reply on Facts:-

1. Pertains to record.
2. Incorrect. Infact appellant was promoted to the rank of HC in MT Staff on adhoc basis w.e.from 08.10.2009 and was adjusted as driver HC on 15.01.2015. Furthermore, due to controversy in the seniority list of MT staff observed by the Departmental Promotion Committee held on 04.10.2015 the DPC constituted committee comprising of DSP Legal Kohat and PSO to DIG Kohat to examine the seniority of MT staff. According to criteria for preparation of seniority list of MT staff, the seniority of MT staff will be determine from the date of entry to MT staff of regular constable and date of enlistment of driver constables. The perusal of relevant record revealed that appellant was enlisted as regular constable and joined MT staff on 05.08.2003 whereas private respondent No. 5 being entrusted as regular constable and joined MT staff on 27.06.2002. Therefore according to the criteria the appellant was junior to respondent No. 5.
3. Correct to the extent that committee meeting was held on 31.12.2015 the remaining portion of the para is incorrect because senior most official was considered for promotion whereas appellant was joiner according to criteria mentioned in the previous para.
4. Incorrect. Infact the seniority of the appellant and respondent No. 5 was determined from the date of their joining to MT staff. The appellant is junior to respondent No. 5. Furthermore, the break in service of private respondent as mentioned by the appellant in this para was prior to their joining to MT staff of the district.

31/8


5. Incorrect. The qualifications or driving license is not the criteria of determining the seniority of the officials of the MT staff.
6. Pertains to record.
7. Pertains to record. However, reply on the grounds are as under:-

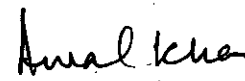
Grounds:-

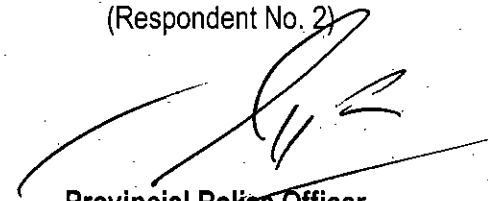
- A. Incorrect. The orders were passed by the Authority in accordance with law & rules. Furthermore, the appellant initially transferred as driver in MT staff on 29.12.2001 but he was transferred back to Police Lines on 07.01.2003. After that he was posted to MT staff on 05.08.2003. According to record has regular period in MT staff was considered from 15.08.2003, whereas respondent No. 5 junior to MT staff on 27.06.2002, therefore, the appellant is junior to respondent No. 5.
- B. Incorrect. The appellant is junior to Respondent No.5 according to seniority list prepared in accordance with law & rules and purely on merits. Furthermore, both appellant and respondent No. 5 were adjusted as driver HC w.e.from 13.01.2015. Copy of order vide OB No. 30 dated 15.01.2015 enclosed as annexure "A".
- C. Incorrect. The order of promotion of respondent No. 5 was passed by Authority according to seniority. The appellant was junior to respondent No. 2 therefore, orders are sustainable.
- D. Incorrect. According to criteria of determining the seniority of MT staff, the appellant is junior to Respondent No. 5.
- E. Incorrect. Infact appellant & respondent No. 5 were promoted as HCs purely on adhoc basis respective w.e.from 08.10.2009 and 03.12.2010 but both of them were adjusted as driver HC to MT staff w.e.from 13.01.2015 vide OB No. 30 dated 15.01.2015. copy of the order has already been enclosed as annexure "A".
- F. Incorrect. Infact the committee submitted its report regarding criteria of determining the seniority of MT staff. According to criteria and relevant record appellant was junior to respondent No.5. therefore, the order of the Authority or sustainable.

In view of the above, it is prayed that on acceptance of this reply, the instant appeal may kindly be dismissed with cost.


District Police Officer,
Hangu
(Respondent No. 3)


Superintendent of Police,
Investigation Hangu
(Respondent No. 4)


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

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

Service Appeal No. 216/2016

Mujahid Kareem HC Drier No. 154-D

..... Appellant.

VERSUS


Inspector General of Police,
Khyber Pakhtunkhwa, and others


..... Respondents.

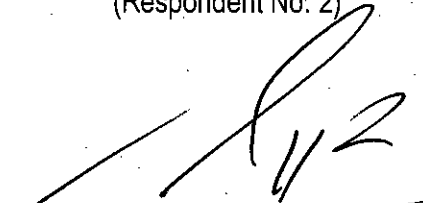
COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Court.


District Police Officer,
Hangu
(Respondent No. 3)


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


Superintendent of Police,
Investigation Hangu
(Respondent No. 4)


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

POLICE DEPARTMENT

HANGU DISTRICT

ORDER

As recommended by departmental promotion committee held on 13.01.2015. The following C-I LHCs, Driver Constable & Driver HCs are hereby promoted/adjusted as officiate Head Constable & Driver Head Constable in the existing vacancy in BPS-07 with effect from 13.01.2015 (A.N).

S.No	Name of LHC & Drivers	Promoted / adjusted
1.	LHC Muhammad Sabir No. 4083/EF	Promoted as offg. Head Constable
2.	LHC Saleem Khan No. 798	-do-
3.	LHC Kareem Badshah No. 644	-do-
4.	LHC Sadiq ur Rehman No. 800	-do-
5.	LHC M.Mustafa No. 407/EF	-do-
6.	LHC M. Hashim 1115/CTD	-do-
7.	LHC M. Khan NO. 1075/EF	-do-
8.	LHC Sajid Khan No. 445/EF	-do-
9.	LHC Arshad Ali No. 394	-do-
10.	LHC S.Haider Hussain No. 440	-do-
11.	LHC Khyal Zaman No. 190	-do-
12.	LHC Imtiaz Khan No. 1116/CTD	-do-
13.	LHC Safdar Abbas NO. 1114/CTD	-do-
14.	LHC Abdul Qadir No. 427	-do-
15.	LHC Rozman Shah NO. 1117/CTD	-do-
16.	LHC Zahoor Khan No. 328	-do-
17.	Constable Muhammad Nawaz No. 277	Promoted as Driver Head Constable
18.	HC Yaqoob Nawaz No. 203	Adjusted as Driver Head Constable
19.	HC Mujahid Karim No. 154	-do-

OB 30Dated 15/1/2015

**DISTRICT POLICE OFFICER
HANGU**

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

No. 238-39/EC, dated Hangu the 16/01/2015.

Copy of above is submitted for favour of information & necessary entry in their service record to:-

1. The Commandant Elite Force, Khyber Pakhtunkhwa Peshawar.
2. The Deputy Inspector General of Police Khyber Pakhtunkhwa Peshawar.

**DISTRICT POLICE OFFICER
HANGU**

ایڈووکیٹ/دستخط: Amir
 بار کونسل ابار ایسوسی ایشن نمبر: 3083
 رابطہ نمبر: 0333-4452223

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سررس ٹرنمنٹ لیسٹ

دعویٰ: <u>سررس ٹرنمنٹ</u>	منجانب: <u>حاجہ کرم</u>
علت نمبر:	
موضوع:	
جرم:	
تھانہ:	

بنام آرڈر فز کانسٹ
لیسٹ لیسٹ
سید راجہ

بابت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ
 آن مقام سید احمد کھیلے اکرم علی خان کھار کے وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موہج کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر حالت و فیصلہ برطنت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں ہر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 21/4/17

گواہ شد

مقام حاجہ کرم کے لئے منظور ہے۔

Amir
 3083
 0333-4452223

①

BEFORE THE WORTHY CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.216/2016

Date of hearing 21/12/2016

Mujahid Karim HC Dir.....**Appellant**

Verses

I.G, Police of KPK & others.....**Respondents**

REJOINDER ON BEHALF OF THE
APPELLANT IN RESPONSE TO REPLY
FILED BY RESPONDENT NO.1 TO 4

Respectfully Sheweth:

All Preliminary Objections raised by the respondents are erroneous and frivolous as having no factual and legal backing and footings impugned order of the respondents has been made on departmental appeal on 03.02.2016 and the present service appeal has been filed after the expiry of stipulated period, therefore well within time. Per terms and condition of the appointment letter appellant is a civil servant for all purpose and intent civil servant and governed by rules of civil servant Act, 1973, the Khyber Pakhtunkhwa Service Act, 1973 has provided remedy in case of any adverse action. Appellant seniority has been miscalculated and placed junior

therefore appellant has very prima facie, cause of action and locus standi the present appeal has been filed after observing all the codal formalities. All the necessary parties has been properly arrayed as respondents. Appellant has placed all the material facts before this Hon'ble Tribunal and nothing has been concealed in this respect. No principle of estoppels his against the appellant.

ON FACTS:

1. That as per reply given in the comment to Para No.1 pertain to record hence needs no rejoinder.
2. That reply given by the answering respondents to Para No.2 of the appeal is wrong, baseless, misleading an incorrect. it is further submitted that the appellant was transferred to MT staff vide order bearing No.OB No.106 dated 29.12.2001 and was promoted to the rank of Hon'ble Court in the year 2009 and that due some controversy in the seniority list and through an application submitted to the consumed official a fresh committee was constitute comprising SDP (legal Kohat) and PSO to DIG Kohat That as per this committee findings appellant was declared senior to Yaqoob Nawaz (reference to page-10 and 11 Annexure "E" of the appeal dated 10.11.2015)

Private respondent got driving license in year 2009 while the appellant got his valid driving license on 2001 means private respondent is much junior to the appellant.

3. That the reply given by the answering respondent to Para No.3 of the appeal is wrong and misleading as prior to DPC meeting held on 31.12.2015, on 10.11.2015 a controversy in the seniority committees held and gave its findings which is attached as annexure "A" with rejoinder and Page 10 and 11 Annexure-E of the appeal. According to this committee appellant is senior to private respondent No.5 the appellant has wrongly been placed junior to respondent No.5.
4. The reply given Para No.4 of the appeal, the reply is not correct and misleading; Appellant has joined MT staff much earlier/prior from the date of joining of the private respondent No.5 to MT Staff. The whole reply is denied.
5. That the reply to Para No.5 of appeal is also wrong and not correct. Without driving license how a pension can be posted as MT staff driver.
- 6-7 The reply has not been given. Hence needs no rejoinder

GROUNDS:

- A. That reply given the respondent No.1 to 4 to ground A of the appeal is not based on proper appreciation and consultation of the record. The competent authority has not passed the seniority and promotion order in accordance with law and rules. It is further added that there is no break of service of appellant in staff and appellant is not joiner to the private respondent No.5.
- B. That the reply given by the respondent No.1 to 4 to the ground B of the appeal, appellant is not joiner but for some unknown, he has been placed junior to private respondent in the DPC meeting held on 30/12/2015. Furthermore, the appellant was declared senior to private respondent No.5 by the seniority committee held on 04.10.2015. Annexure-E Page-10 & 11 of the main appeal.
- C-D That replies given by the respondent to ground C & D are incorrect, wrong and misleading, the promotion order of the private respondent No.5 by the further is not according to seniority and not according to creation therefore the impugned order is not sustain.

3

Not correct. Appellant and private respondent No.5 were not promoted to the MT staff on the basis of adoch.

- E. That reply to Ground E of the respondents is not correct, misleading and wrong hence denied while ground E of the appeal is correct.
- E. That the reply to ground F is also not correct, misleading. It is further stated that the criteria which has been given is also not correct while ground F of the appeal is correct.

In view of the above rejoinder, it is prayed that appeal of the appellant may please be accepted and allowed and the impugned promotion order may please be set aside.

Appellant

Through

Dated 21/12/2016

Hidayat
Hidayatullah Khattak
Advocate High Court

Anwar
Anwar H. Wa
AHC

(B)

BEFORE THE WORTHY CHAIRMAN SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.216/2016

Date of hearing 21/12/2016

Mujahid Karim HC Dir.....**Appellant**

Verses

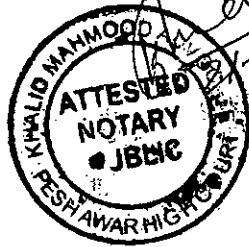
I.G, Police of KPK & others.....**Respondents**

AFFIDAVIT

I, Mujahid Kari, Hon'ble Court Driver NO.154-D, District Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

*Identified by
H. Khan
Arta*



[Handwritten signature]
CNILNO 14201-2135003/3

It is pertinent to mentioned here, that previously with reference to the office of Regional Police Officer, Kohat Endst: No. 8019-23/EC dated 10.11.2015 regarding of minutes of meeting of Departmental Promotion Committee dated 04.10.2015, DSP Legal Kohat and PSO to DIG Kohat submitted report dated 09.12.2015 regarding seniority of driver HCs of Hangu District. In the light of report of MTO Hangu that no entry of Yaqoob Nawaz HC/ASI driver was made in MT staff, whose seniority was considered from the date of adjustment as HC Driver i.e 15.01.2015 and applicant Driver HC Mujahid Kareem was suggested senior to him. But Competent Authority did not agree and examined the relevant record of office of SRC/OHC-Hangu District prior to DPC and found entry of Yaqoob Nawaz driver HC in MT staff on 27.06.2002. Accordingly, Yaqoob Nawaz driver HC was declared senior and subsequently promoted to the rank of ASI driver vide RPO Kohat order Endst: No. 261-62/EC dated 07.01.2016.

Now applicant driver HC Mujahid Kareem filed an application against the promotion of Yaqoob Nawaz ASI driver and claimed himself senior on the ground that he was promoted as driver HC on adhoc basis on 08.10.2009 about more than one year prior to Yaqoob Nawaz ASI driver. He further mentioned that HTV / LTV License is the basic requirement to join MT staff but the said Yaqoob Nawaz taken LTV driving license on 07.02.2009 after about seven years of his service in MT staff which is quite illegal, whereas, he is qualified driver and taken LTV driving license on 18.04.2002.

In the light of objection raised by applicant the record of the driving license of both the drivers examined. According to report of DPO Hangu vide Memo No. 2636/EC dated 28.04.2016 the plea of applicant is genuine, ASI driver Yaqoob Nawaz taken driving license on 07.02.2009 after about seven year of service in MT staff as driver and applicant Mujahid Kareem on 18.04.2002, before joining MT Staff.

According to criteria, like other Districts of the province, driver ASI Yaqoob Nawaz No. 5-D is senior to applicant driver HC Mujahid Kareem in date of entry to MT staff. However, the service of Driver ASI Yaqoob Nawaz in MT staff without the basic requirement of HTV /LTV driving license for about 7 years is worth consideration.

Ah De.
OAS Hangu
Establishment Clerk,
RPO Office Kohat

SRC Hangu

DSP Legal Kohat

(7/8) (8)

REFERENCE ATTACHED

Subject: SCRUTINY OF SENIORITY LIST OF DRIVER HCs OF HANGU DISTRICT.

Sir,

Kindly refer to your office Endst: No. 4099-4103/EC dated 12.04.2016 regarding scrutiny of list of Driver HCs of Hangu District.

It is submitted that relevant record of Head constable Atta Muhammad No. D-5, driver HC Yaqoob Nawaz No. 203-D (promoted as driver ASI) vide RPO Kohat order Endst: No. 261-62/EC dated 07.01.2016 and driver HC Mujahid Kareem No. 154-D (applicant) has been scrutinized and thoroughly perused.

- Driver Head Constable Atta Muhammad No. D-5, enlisted Head constable on 11.10.1993, transferred to MT Staff vide OB No. 343 dated 21.07.1996 and was promoted to the rank of HC on existing vacancy in MT staff vide OB No. 86 dated 02.03.2001. He was not recommended and deferred from promotion as ASI being medically unfit for active duty.
- Driver Head Constable Yaqoob Nawaz No. D-203, enlisted as constable on 11.04.1985. According to SRC/OHC office record he was transferred to the MT staff on 27.06.2002 but no such entry was found in his service record. He was promoted as Head constable on adhoc basis on 03.12.2010, was adjusted as Driver Head constable vide OB No. 30 dated 15.01.2015 and promoted to the rank of Driver ASI vide RPO Kohat Endst: No. 261-62/EC dated 07.01.2016 being approved by the DPC.
- Driver Head Constable Mujahid Kareem No. D-154, enlisted as constable on 26.03.1987, he was initially transferred as driver to MT staff on 29.12.2001 but was transferred back to general duty Police Line and again posted vide OB No. 457 dated 05.08.2003. He was promoted as HC on adhoc basis on 08.10.2009 and adjusted as Driver HC vide OB No. 30 dated 15.01.2015. He was placed junior to driver HC / ASI Yaqoob Nawaz No.203-D, according to date of joining to MT staff.

According to criteria for preparation of seniority list of MT staff, the seniority of MT staff will be considered from the date of entry to MT staff of regular constables and from the date of enlistment of driver constable. In this case all the officials of MT staff have been enlisted as regular constable and subsequently joined MT staff, therefore, their seniority may be considered from the date of their entry to MT staff.

9

Phone No: 9260112.
Fax No: 9260114.

From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. 5183 /EC, Dated Kohat the 5 / 5 /2016.

Subject: - SMS / COMPLAINT.

MEMO:

Kindly refer to your office Memo: No. 3778/E-IV, dated 07.04.2016 on the subject noted above.

It is submitted that in compliance with your good office directives, a committee at Regional level was constituted to scrutinize / examine the seniority of Drivers HCs as well as relevant rules / policy, detailed report furnished by committee is enclosed herewith for favour of perusal and desired please.

Encls: 02

Regional Police Officer,
Kohat Region

(3) 0

According to the criteria i.e date of entry to MT Staff, driver HC Atta Muhammad No. 5-D is senior most, Mujahid Kareem No. 154-D at serial No. 2 and Yaqoob Nawaz No. 203-D at serial No. 3. The seniority list of all the MT Staff like other districts of the province, may be prepared on the following proforma if approved. Furthermore, promotion, under the rules is being considered by the relevant departmental promotion committee on seniority-cum-fitness basis.

S #	Name & No.	Date of birth	Date of enlist.	Initial enlist.	Date of passing recruit course	Date of entry in MT staff	Date of promotion as HC	Remarks
1	Dr: HC Atta Muhammad No. 05/D	20.03.1975	11.10.1993	Const.	20.06.1994	21.07.1996	02.03.2008	
2	Dr: HC Mujahid Kareem No. 154/D	15.04.1967	26.03.1987	Const.	20.09.1987	06.08.2003	13.01.2015	
3	Dr: HC Yaqoob Nawaz No. 203/D	30.03.1967	11.04.1985	Const.	20.03.1986	15.01.2015	13.01.2015	
4								
5								

PSO TO DIG
Kohat Region, Kohat

Dy: Superintendent of Police,
Legal Kohat

R, D

REFERENCE ATTACHED

CONTROVERSY IN THE SENIORITY, APPOINTMENT AND PROMOTION TO THE RANK OF SENIOR MOST DRIVER HCs OF DISTRICT HANGU.

Sir,

Kindly refer to the office of Regional Police Officer Kohat Endst: No. 8019-23/EC dated 10.11.2015 regarding minutes of meeting of Departmental Promotion Committee dated 04.10.2015.

It is submitted that relevant record of Driver Head Constable Atta Muhammad No. 5-D, Driver HC Yaqoob Nawaz No. 203-D and Mujahid Kareem No. 154-D thoroughly perused.

- Driver HC Atta Muhammad No. 5-D enlisted as constable on 11.10.1993, as per report of MTO Hangu dated 23.11.2015 transferred to MT Staff vide OB No. 343 dated 21.07.1996 and was promoted to the rank of Head Constable on existing vacancy in MT Staff vide OB No. 86 dated 02.03.2008.
- Driver HC Yaqoob Nawaz No. 203-D was enlisted as constable on 11.04.1985, he was promoted to the rank of Head Constable vide OB No. 30 dated 15.01.2015 and adjusted as Driver Head Constable. No prior entry to MT Staff as per report of MTO Hangu.
- Driver HC Mujahid Kareem No. 154-D was enlisted as constable on 26.03.1987, transferred to MT Staff vide OB No. 457 dated 06.08.2003 as reported by MTO Hangu and was promoted to the rank of Driver Head Constable vide OB No. 30 dated 15.01.2015 and adjusted as driver Head Constable.

According to criteria for preparation of sonority list of MT Staff, the seniority of MT staff will be considered from the date of entry to MT staff of regular constables and dated of enlistment of driver constables. In this case all the three officials of MT staff have been enlisted as constable, subsequently joined MT Staff, therefore, their seniority may be considered from the dated of their entry to MT staff.

Respected Sir,

Subject:- SMS

Applicant submits as follows:-

1. That applicant was recruited as constable in Police department in the year 1987. Applicant was experienced driver therefore, in the year 2001, applicant submitted written application before District Police Officer Hangu for transfer to M.T staff which was accepted and applicant was transferred to M.T staff vide order bearing OB No. 106 dated 29.12.2001.
2. That applicant was promoted to the rank of head constable in the year 2009 and seniority of driver head constables were controversial therefore. Deputy Inspector General of Police constituted a committee comprising DSP/Legal Kohat and PSO to DIG Kohat. The committee submitted written report dated 09.12.2015 wherein applicant was declared senior to Yaqoob Nawaz.
3. That later on another committee was constituted and the said Yaqoob Nawaz was made senior to applicant without taking into account the break in service of Yaqoob Nawaz who was convicted in murder case and was dismissed from service vide order dated 31.12.1992. He remained out of service with effect from 31.12.1992 till 13.04.1999. He was reinstated in service on his acquittal from murder charges on the basis of compromise.
4. That applicant is in possession of heavy driving license and has also qualified SSC examination, while Yaqoob Nawaz is in possession of LTV and he is under matric and committee did not take into account the seniority accrued to applicant against the Yaqoob Nawaz on the basis of higher qualifications. Yaqoob Nawaz was promoted as ASI.

It is therefore prayed that the promotion order of Yaqoob Nawaz may be set aside and seniority of applicant may be restored.

Applicant

Mujabid Karim
HC Driver No. 154-D

SE-11
2/13



OFFICE OF THE
DISTRICT POLICE OFFICER,
HANGU

Tel No. 0925-623026 & Fax No. 0925-620135
Email: dpo_hangu@yahoo.com

No. 5759 /PA

Dated 26 / 09 /2017

To: The Registrar,
Service Tribunal, Khyber Pakhtunkhwa,
Peshawar.

Subject: - **PERMISSION TO ATTEND KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Memorandum:

Kindly refer to the subject cited above.

It is submitted that hearing of Mr. Zahid-ur-Rehman, Inspector Legal Hangu are fixed on the following dates before the Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar. He is engaged in Special Duty of Muharram-ul-Harram-2017 due to which he did not attend the Hon'ble Courts on due dates:-

S #	Title	Date Fixed
1	Appeal No. 216/2016 Ex-HC Mujahid Karim vs DPO Hangu	27.09.2017
2	Appeal No. 616/2017 Ex-Const: Mumtaz Ali vs DPO Hangu	28.09.2017

It is therefore, requested that dates fixed in the above mentioned cases may kindly be changed and new dates for hearing in cases may also be fixed, inform this office on time for compliance please.


DISTRICT POLICE OFFICER,
HANGU

① 2nd Enquiry

REFERENCE ATTACHED

Subject: SCRUTINY OF SENIORITY LIST OF DRIVER HCs OF HANGU DISTRICT.

Sir,

Kindly refer to your office Endst: No. 4099-4103/EC dated 12.04.2016 regarding scrutiny of list of Driver HCs of Hangu District.

It is submitted that relevant record of Head constable Atta Muhammad No. D-5, driver HC Yaqoob Nawaz No. 203-D (promoted as driver ASI) vide RPO Kohat order Endst: No. 261-62/EC dated 07.01.2016 and driver HC Mujahid Kareem No. 154-D (applicant) has been scrutinized and thoroughly perused.

• Driver Head Constable Atta Muhammad No. D-5, enlisted Head constable on 11.10.1993, transferred to MT Staff vide OB No. 343 dated 21.07.1996 and was promoted to the rank of HC on existing vacancy in MT staff vide OB No. 86 dated 02.03.2001. He was not recommended and deferred from promotion as ASI being medically unfit for active duty.

• Driver Head Constable Yaqoob Nawaz No. D-203, enlisted as constable on 11.04.1985. According to SRC/OHC office record he was transferred to the MT staff on 27.06.2002 but no such entry was found in his service record. He was promoted as Head constable on adhoc basis on 03.12.2010, was adjusted as Driver Head constable vide OB No. 30 dated 15.01.2015 and promoted to the rank of Driver ASI vide RPO Kohat Endst: No. 261-62/EC dated 07.01.2016 being approved by the DPC.

• Driver Head Constable Mujahid Kareem No. D-154, enlisted as constable on 26.03.1987, he was initially transferred as driver to MT staff on 29.12.2001 but was transferred back to general duty Police Line and again posted vide OB No. 457 dated 05.08.2003. He was promoted as HC on adhoc basis on 08.10.2009 and adjusted as Driver HC vide OB No. 30 dated 15.01.2015. He was placed junior to driver HC / ASI Yaqoob Nawaz No.203-D, according to date of joining to MT staff.

According to criteria for preparation of seniority list of MT staff, the seniority of MT staff will be considered from the date of entry to MT staff of regular constables and from the date of enlistment of driver constable. In this case all the officials of MT staff have been enlisted as regular constable and subsequently joined MT staff, therefore, their seniority may be considered from the date of their entry to MT staff.

27-6-2002
Head Constable
Adhoc 3-10-10

29-12-2001

2/b

6

11

It is pertinent to mentioned here, that previously with reference to the office of Regional Police Officer, Kohat Endst: No. 8019-23/EC dated 10.11.2015 regarding of minutes of meeting of Departmental Promotion Committee dated 04.10.2015, DSP Legal Kohat and PSO to DIG Kohat submitted report dated 09.12.2015 regarding seniority of driver HCs of Hangu District. In the light of report of MTO Hangu that no entry of Yaqoob Nawaz HC/ASI driver was made in MT staff, whose seniority was considered from the date of adjustment as HC Driver i.e 15.01.2015 and applicant Driver HC Mujahid Kareem was suggested senior to him. But Competent Authority did not agree and examined the relevant record of office of SRC/OHC Hangu District prior to DPC and found entry of Yaqoob Nawaz driver HC in MT staff on 27.06.2002. Accordingly, Yaqoob Nawaz driver HC was declared senior and subsequently promoted to the rank of ASI driver vide RPO Kohat order Endst: No. 261-62/EC dated 07.01.2016.

Now applicant driver HC Mujahid Kareem filed an application against the promotion of Yaqoob Nawaz ASI driver and claimed himself senior on the ground that he was promoted as driver HC on adhoc basis on 08.10.2009 about more than one year prior to Yaqoob Nawaz ASI driver. He further mentioned that HTV / LTV License is the basic requirement to join MT staff but the said Yaqoob Nawaz taken LTV driving license on 07.02.2009 after about seven years of his service in MT staff which is quite illegal, whereas he is qualified driver and taken LTV driving license on 18.04.2002.

In the light of objection raised by applicant the record of the driving license of both the drivers examined. According to report of DPO Hangu vide Memo No. 2636/EC dated 28.04.2016 the plea of applicant is genuine, ASI driver Yaqoob Nawaz taken driving license on 07.02.2009 after about seven year of service in MT staff as driver and applicant Mujahid Kareem on 18.04.2002, before joining MT Staff.

According to criteria, like other Districts of the province, driver ASI Yaqoob Nawaz No. 5-D is senior to applicant driver HC Mujahid Kareem in date of entry to MT staff. However, the service of Driver ASI Yaqoob Nawaz in MT staff without the basic requirement of HTV /LTV driving license for about 7 years is worth consideration.

Ah De.
OAS Hangu

Establishment Clerk,
RPO Office Kohat

SRC Hangu

DSP Legal Kohat