

BEFORE THE SERVICE TRIBUNAL
K.P. PESHAWAR

A. No. 263 / 2024

Shah Asghar.....Appellant

Versus

DPO Battagram etc.....Respondents

APPEAL


INDEX

S#	Description of documents	Annexure	Page#
1.	Memo of appeal	-	1 to 6
2.	Application for restraining from recovery of amount	-	7, 8
3.	Affidavit	-	9
4.	Correct addresses of the parties		10
5.	Copy of order book	"A"	11
6.	Copy of order No. 1936-39/PT dated	"B"	12
7.	Copies of constitution of departmental promotion board and order	"C" & "D"	13 to 15
8.	Copy of order dated 31.07.2023	"E"	16, 17
9.	Copies of appeal and order	"F" & "G"	18 to 21
10.	Wakalat Nama	-	22

Dated 09/02/2024

Shah Asghar
(Appellant)

Through: -


SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

P-①

BEFORE THE SERVICE TRIBUNAL
K.P. PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Diary No. 11093

Dated 12-02-2024

A - No. 263/2024

Shah Asghar son of Raj Muhammad,
resident of Village Ajmera, Tehsil and
District Battagram, FC No. 225 District
Battagram.....**Appellant**

Versus

- 1) DPO Battagram,
 - 2) DIG Hazara Range Abbottabad
-**Respondents**

APPEAL UNDER SECTION 4 OF SERVICE
TRIBUNAL ACT AGAINST THE ORDER OF
RESPONDENT NO. 1 DATED 31.07.2023
VIDE WHICH THE APPELLANT HAS BEEN
REVERTED/ DEMOTED TO THE RANK OF
CONSTABLE.

Respectfully Sheweth!

The brief facts leading to the instant
appeal are arrayed as follows: -

- 1) That, the appellant was appointed as a
constable in Police Department in
District Battagram on 01.01.2003.
- 2) That, the appellant was assigned
special duty as a driver and such
assignment of duty is evident from the
order book No. 148 dated 04.12.2006.
The appellant thereafter carried out
duties as a driver since 04.12.2006.

**(The copy of order books is attached
as Annexure "A" respectively)**

Filed to-day
[Signature]
Registrar
12/2/24

2

- 3) That, the appellant was posted as driver vide order No. 1936-39/PT, dated 13.03.2013.

(The copy of the order is attached as Annexure "B")

- 4) That, DPO/respondent No. 1 passed an order bearing No. 1936-39 dated 13.03.2013 through which the appellant was posted as driver. While passing such order respondent No. 1 has referred to the Notification of PPO, KP Peshawar bearing No. 21094/E-II dated 26.07.2008 memo No. 222-253/A-III dated 04.01.2013.

- 5) That, a departmental promotion board was constituted consisting of DPO Battagram, SP Investigation and DSP Circle Battagram for the promotion of appellant and others and appellant was promoted as Head Constable driver vide order No. 6743-46/SRC dated 23.12.2020.

(The copies of order of constitution of committee and order of promotion are attached as Annexure "C" & "D" respectively)

- 6) That, respondent No. 1/DPO Battagram issued an order bearing No. 6094-6103 dated 31.07.2023 vide which the DPO passed an order through which the appellant was reverted/demoted to the rank of driver constable BPS-07.

(The copy of order is attached as Annexure "E")

3

- 7) That, the appellant aggrieved by the order of DPO Battagram submitted an appeal before respondent No. 2 and his request for setting aside the order of DPO was turned down.

(The copies of appeal are order are attached as Annexure "F" & "J")

That, the appellant assails the orders of his reversion/demotion on the following amongst other grounds: -

GROUND: -

- A)** That, the orders passed by DPO Battagram and DIG Hazara Range both are against the facts patent on record and are also opposed to law and hence the orders are not maintainable in the eye of law.
- B)** That, the appellant was posted as a driver not on the request of appellant rather he was posted or assigned such duties by the department.
- C)** That, while passing the order of driver, respondent No. 1 has referred to a notification issued by IGP and in the light of said notification the appellant was posted as driver.
- D)** That, DPC was constituted consisting of DPO and SP Investigation DSPs who found the appellant quite fit for promotion and order of promotion was passed by

(4)

respondent No. 1 on the basis of merits.

- E)** That, after about 21 years of his service in police department in district Battagram the appellant was reverted to the rank of FC driver which is a sheer malafide and discrimination on the part of department.
- F)** That, the appellant's course mates are serving in the department and have been promoted to the rank of ASI whereas the appellant who was posted as a driver by DPO Battagram and later-on promoted to the rank of Head Constable is reverted to the rank of driver constable. The appellant was assigned the post of driver constable who served the department according to their needs and now after 21 years of service altogether a different phenomena has been invented and appellant has been reverted to the rank of constable.
- G)** That, had the appellant been left at his original place in the department, he would have been promoted to the rank of Head Constable/ASI like his course mates who are serving as ASI

5

in district Battagram. The appellant had never requested to be posted as driver constable or Had Constable but according to the needs he was posted by the department and after promotion as Head Constable he stood reverted to the rank of FC driver which is a sheer malafide on the part of department.


- H)** That, on one hand the appellant has been deprived of his rank of Head Constable and after reversion, the department also started the recovery of amount from his salary.

It is, therefore, most humbly prayed and requested that on acceptance of appeal the impugned order of reversion/demotion may kindly be set aside and the appellant may kindly be promoted to the rank of Head Constable.

Dated 09/02/2024

Shah Asghar
(Appellant)

Through: -


SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

6

VERIFICATION

I, SHAH ASGHAR SON OF RAJ MUHAMMAD, RESIDENT OF VILLAGE AJMERA, TEHSIL AND DISTRICT BATTAGRAM, FC NO. 21 DISTRICT BATTAGRAM DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.



SHAH ASGHAR
(DEPONENT)

7

BEFORE THE SERVICE TRIBUNAL
K.P. PESHAWAR

Shah Asghar.....**Appellant**

Versus

DPO Battagram etc.....**Respondents**

APPEAL

APPLICATION FOR RESTRAINING THE
RESPONDENTS FROM THE RECOVERY
OF AMOUNT FROM HIS SALARY.

Respectfully Sheweth!

- 1) That, the appellant has filed an appeal before this Honourable Tribunal and this application may kindly be treated as part and parcel of the said appeal.
- 2) That, the appellant was posted as driver constable and later-on was promoted as Head Constable and he served as such from 2005 till the impugned order.
- 3) That, the appellant has carried out his duties day and night to the best satisfaction of his officers, but now after reversion to the rank of constable the recovery of amount

8


from his salary is being made which is against all the laws applicable thereto.

It is, therefore, most humbly prayed and requested that the respondents may kindly be stopped from the recovery of amount from his salary till the disposal of instant appeal.

Dated 09/02/2024

Shah Asghar
(Appellant)

Through: -


SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

AFFIDAVIT

I, SHAH ASGHAR SON OF RAJ MUHAMMAD, RESIDENT OF VILLAGE AJMERA, TEHSIL AND DISTRICT BATTAGRAM, FC NO. 225 DISTRICT BATTAGRAM DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.


SHAH ASGHAR
(DEPONENT)





BEFORE THE SERVICE TRIBUNAL
K.P. PESHAWAR

Shah Asghar.....Appellant

Versus

DPO Battagram etc.....Respondents

APPEAL

AFFIDAVIT

I, SHAH ASGHAR SON OF RAJ MUHAMMAD, RESIDENT OF VILLAGE AJMERA, TEHSIL AND DISTRICT BATTAGRAM, FC NO. 225 DISTRICT BATTAGRAM DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH SUBJECT MATTER APPEAL HAS EVER BEEN FILED NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

SHAH ASGHAR
(DEPONENT)



BEFORE THE SERVICE TRIBUNAL
K.P. PESHAWAR

Shah Asghar.....**Appellant**

Versus

DPO Battagram etc.....**Respondents**

APPEAL

CORRECT ADDRESSES OF THE PARTIES

Respectfully Sheweth!

Correct addresses of the parties are as under: -

APPELLANT

Shah Asghar son of Raj Muhammad, resident of Village Ajmera, Tehsil and District Battagram, FC No. 225 District Battagram

RESPONDENTS

- 1) DPO Battagram,
- 2) DIG Hazara Range Abbottabad

Dated 09/02/2024

Shah Asghar

(Appellant)

Through: -



SHAD MUHAMMAD KHAN

Advocate Supreme Court of
Pakistan (Mansehra)

Posting sheets

ANNEX 2nd A
P-11

OB. No: 45
6-4-06 :- GP. Police Line to GP. P.S. Battagram.

OB. No: 148
4-12-06 :- GP. P.S. Battagram to MT Staff Battagram.

OB. No. 162
28-12-06 :- Driver Police Line to Driver INV staff.

OB No-33
20/5/2011 :- Driver P.S. Banna to Driver P.S. Chanyal.

OB No. 109
19.10.11 :- Driver line to Preznav mobile.

Shad
Att. Steel

Shad Mohammad Khan
Advocate Supreme Court
of Pakistan.

ANNEX 2 "B", P - (12)

ORDER P - (12)

In compliance of the order of worthy P.P.O K Pakhtunkhwa, Peshawar vide notification No.21094/E-II dated 26.07.2008 Memo: No. 222-253/A-3 dated 04.01.2013.

The following lower subordinates of operational wing are posted as drivers with immediate effect:-

- 1- HC Niaz Mali No.53
- 2- Const: Jamshed Khan No.173
- 3- Const: Haq Nawaz No.21
- 4- Const: Shah Asghar No.225
- 5- Const: Israr Ahmad No. 190
- 6- Const: Akhtar Munir No.316
- 7- Const: Muhammad Tahir No.306
- 8- Fazal-ur-Reman No.288
- 9- Const: Muhammad Nawaz No.366
- 10- Const: Muhammad Ihsan No.78

District Police Office
Battagram.

No 1936-38 dt. 13-03-13

Copies submitted for favour of information to the:-

- 1, Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2, Regional Police Officer, Hazara Region Abbottabad.
- 3, Deputy Inspector General of Police, Tele Khyber Pakhtunkhwa Peshawar.
- 4, OB/SRC, P/O and MTO.

OB-NO-24
13-03-013

District Police Office
Battagram.

Shah Muhammad Khan
Advocate Supreme Court
Peshawar



ANNEX 2^{1P} C, P-13
OFFICE OF THE DISTRICT POLICE OFFICER BATTAGRAM

Ph. # 0997-310036 / 0997-310037

Fax # 0997-311616


E-Mail: batpolice@yahoo.com

No: 6695 /SRC, Dated Battagram the, 18/12/2020

ORDER

A departmental Promotion Board Comprising of the following officers is constituted to consider the Promotion of C-II, as officiating Driver Head Constable. The Departmental Promotion Board will be held on 23.12.2020, at 10:00 hours in the office of the undersigned.

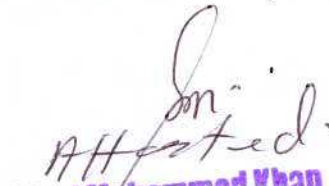
1. **Mr: Tariq Suhail Marwat** (Chairman)
District Police Officer, Battagram.
2. **Mr: Nazir Ahmad** (Member)
SP, Investigation, Battagram.
3. **Mr: Aurangzeb khan** (Member)
DSP Circle: Battagram.


(Tariq Suhail Marwat)
District Police Officer,
Battagram.

No. 6698-99 /SRC, Dated Battagram the, 18/12/2020.

Copy for information to and necessary action to the:-

1. Regional Police Officer, Hazara Region, Abbottabad.
2. Superintendent of Police, Investigation, Battagram.
3. Dy: Superintendent of Police, Headquarters, Battagram.


Shad Mohammad Khan
Advocate on the Court
of Pakistan.



14

PROCEEDING OF PROMOTION BOARD

A Departmental Promotion Board was constituted in the office of the undersigned (Chairman Committee) on 23.12.2020 at 10:00 hrs to consider the case of C-II for promotion as officiating Driver Head Constable BPS-09(11770-730-33670), purely on merit/seniority basis. The following officers attended: -

1. **Mr: Tariq Suhail Marwat** (Chairman)
DPO, Battagram.
2. **Mr: Nazir Ahmad** (Member)
SP, Investigation, Battagram.
3. **Mr: Aurangzeb** (Member)
DSP, Circle, Battagram.

One vacancy of HC are lying vacant in this District. Discussion took place to select deserving candidates on merit. Each candidate was considered strictly on merit/seniority and the following decisions were made in view of the latest policy of the Govt: giving proper weight age of integrity and reputation of the officers.

S#	NAME & NO.	PRESENT POSTING	REMARKS OF DEPARTMENTAL PROMOTION BOARD
1	Driver Constable Israr Ahmad No.190	CP Sharkool	Due to four punishments he is superseded.
2	Driver Constable Shah Asghar No.225	MTC Inv:	Fit for promotion due to good reputation and efficiency as per his service record.

(Nazir Ahmad)
Superintendent of Police,
Investigation, Battagram

(Aurangzeb)
Dy: Superintendent of Police,
Circle, Battagram.

(Tariq Suhail Marwat)
District Police Officer,
Battagram

SM
Attested.
Shad Mohammad Khan
Advocate Supreme Court
of Pakistan.



OFFICE OF THE DISTRICT POLICE OFFICER BATTAGRAM

Ph. # 0997-310036 / 0997-310037

Fax # 0997-311616

E-Mail: batpolice@yahoo.com

No: _____/SRC, Dated Battagram the, _____/_____/2020

ORDER

ANNEX = ^{PP} D, P-15

As recommended by the Departmental Promotion Board constituted vide this office order/Endst No. 6698-99/SRC, dated 18.12.2020, under the Chairmanship of the undersigned, Driver Constable Shah Asghar No.225, of this district was found fit for promotion and as such he is hereby promoted to the rank of officiating Driver Head Constable in BPS-09 (11770-730-33670) with immediate effect.

(Farid) Suhail Marwat
District Police Officer,
Battagram.

No. 6743-46 /SRC, Dated Battagram the, 23/12 /2020.

Copy for information to and necessary action to the:-

1. Regional Police Officer, Hazara Region, Abbottabad.
2. Superintendent of Police, Investigation, Battagram.
3. Dy: Superintendent of Police, Circle, Battagram.
4. All Concerned.

Im.
Affested
Shah Mohammad Khan
Advocate Supreme Court
of Pakistan

OB No. 203
24-12-2020

**ORDER**

A committee under the supervision of undersigned has been constituted for checking the documents and other requirements of promoted C-II Head Constables of this district vide this office Order No. 5383-86 dated 22.06.2023. The sanctioned strength of Head Constables is as under:-

District	BDU	SSU	FRP	Elite	Special Branch	PTC	CTD	Total
106	02	05	10	06	07	01	02	139

This office has promoted 19-Head Constables as C-II as 10% quota for C-II HCs is 14. In the light of Police Rules 13-8(2) and standing order No. 06/2014, 10% quota is allotted to C-II Head Constables.

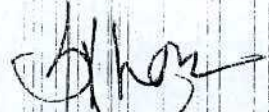
The following 6-Head Constables (4-C-II & 2-Driver HCs) were promoted without proper procedure laid down in standing order No. 06/2014 and were found surplus. The committee further recommended that the following promoted C-II Head Constables may be removed/reverted from the rank of C-II Head Constables to Constables BPS-07 (16310-910-43610).

SN	Name, Rank & No.	Reverted to the Rank	Remarks
1	HC Ejaz Ahmad No. 222	Constable	Promoted as HC without proper proceedings
2	HC Hayat Ullah No. 368	Constable	Promoted as HC without proper proceedings
3	HC Sultan Ahmad No. 149	Constable	Promoted as HC without proper proceedings
4	HC Tariq Aziz No. 216	LHC	His name has already placed in C-I list at serial No. 18.
5	Driver HC Shah Asghar No. 225	Driver Constable	Promoted as Driver HC without proper proceedings
6	Driver HC Israr Ahmad No. 190	Driver Constable	He is reverted due to non availability of the vacancy of Driver Head Constable.

Shah Muhammad Khan
Advocate
Battagram

As per recommendations of the committee, the above said C-II Head Constables are hereby reverted/removed from the rank of C-II Head Constables to Constables BPS-07 (16310-910-43610), with immediate effect.

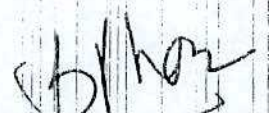
Furthermore an inquiry is hereby initiated to dig out the concerned dealing hand who promoted the above officials illegally and strict departmental action will be taken against the delinquent dealing hand, please.


(SONIA SHAMROZ KHAN)PSP
District Police Officer,
Battagram.

No. 6094-6103, dated 31-07-2023

Copies of above forwarded for information to the;

1. Regional Police Officer Hazara region Abbottabad with reference to his office No. 13758/E dated 26.07.2023.
2. SSP investigation, Battagram.
3. All the committee members.
4. OHC & Order Book clerk.


(SONIA SHAMROZ KHAN)PSP
District Police Officer,
Battagram.

SRU/R


Shad Mohammad Khan
Advocate Supreme Court
of Pakistan.



OFFICE OF THE DISTRICT POLICE OFFICER, B ATTAGRAM

Office: 0997-310036

Fax: 0997-311616

Email: batpolice@yahoo.com

No 8103 /SRC, Dated Battagram the 17/10/2023

To, The Regional Police Officer,
Hazara Region, Abbottabad.


ANNEX "F",

Subject: - APPLICATION

P-18

Memorandum:-

Enclosed kindly find herewith an application in respect of driver
Constable Shah Asghar No.225 of this district is submitted for your kind consideration,
please.


SONIA SHAMROOZ KHAN (PSP)
District Police Officer,
Battagram.


Shad Muhammad Khan
Advocate Supreme Court
of Pakistan.

بکھنور جناب قابل احترام RPO صاحب ہزارہ ریجن ایبٹ آباد ہزارہ۔

مخوان: ایبل برغلاف حکم نمبر 6094-6103 مورخہ 31/07/23 ہمارے جناب DPO صاحب ہگرام۔

P-19

ANNEX "F"

جناب عالی

سائل ذیل عرض گزار ہے۔

- 1- یہ کہ من سائل پولیس میں مورخہ 01/01/2003 کو بحیثیت کانٹریبل بھرتی ہوا۔
- 2- من سائل نے حسب احکم افسران بالا بحوالہ آرڈرنگ نمبر 148 سال 2006 GD لائن سے MT سٹاف ہگرام آرڈر ہوا تھا۔
- 3- یہ کہ من سائل 2020 تک بحیثیت ڈرائیور کانٹریبل ڈیوٹی سرانجام دیتا چلا آ رہا تھا۔
- 4- یہ کہ من سائل کو زیر صدارت جناب طارق سہیل سردت صاحب DPO ہگرام جناب نذیر احمد خان SSP / Investigation جناب اورنگزیب خان DSP سرکل ہگرام بحوالہ DPC حکم نمبر SRC 6743-46 محررہ 23/12/2020 مجازاتھارٹی کی طرف سے سروس ریکارڈ کی جان میں کے بعد سائل کو Good Reputation اور Out Standing Performance پر دموٹ کر دیا گیا ہے۔ آرڈر نقل اور MT میں عمر اور نوکری کے لحاظ سے ڈرائیوروں میں سب سے سہمیر ہونے کی وجہ سے سائل کو Cii پر دموٹ کر دیا گیا ہے۔ آرڈر نقل آرڈر ہوا لف ہے
- 5- یہ من سائل نے آفسران کے حکم میں کوئی کوتاہی نہیں کی ہے۔ اور نہ ہی سائل کیخلاف کوئی انکوائری یا کوئی شکایت وغیرہ موجود ہے۔ متعلقہ آفسران نے سائل کو بورڈ کی منظوری کے بعد بہ عہدہ ہیڈ کانٹریبل ترقیاب کرنے کے واسطے فت قرار پایا تھا۔ لیکن بعد میں سائل کے ساتھ نا انصافی ہو کر قانونی تقاضے پورا کئے بغیر بحوالہ حکم نمبر 6094-6103 31/07/2023 سائل کو Reverd کیا گیا۔ جو کہ آرڈر میں کہا گیا ہے۔ کہ Proper Procceding نہیں ہوئی ہے۔

- 6- یہ کہ من سائل کافی عرصہ محکمہ پولیس میں بھرتی ہو کر اب تک فرائض منصبی نہایت دیانت داری اور خوش اسلوبی اور جان فشانی سے سرانجام دیتا آ رہا ہے سروس کے دوران سائل نے ہر گھڑی میں محکمہ کے وقار عزت اور مورال کو مقدم رکھا دوران سروس سائل نے خیبر پختون خواہ کے مختلف اضلاع ضلع پشاور کے تھانہ بڈھ بیر ضلع کوہاٹ کے تھانہ سٹی اور ضلع ہنگو کے تھانہ دوآبہ اور تھانہ ٹل میں سال 2008 میں دہشت گردی کے خلاف پولیس کے شانہ بشانہ ضلع ہڈا کی طرف سے بحیثیت ڈرائیور کانٹریبل جنگ لڑی ہے۔ اور کبھی بھی لاپرواہی اور غفلت اور جان کی پرواہ کئے ہوئے بغیر نہایت دلیری اور بہادری سے دہشت گردی کا مقابلہ کر کے ضلع ہڈا کا نام روشن کر دیا ہے۔ اپنے افسران بالا کے حکم کا مقابلہ کر کے ضلع ہڈا کی عدولی نہیں کی ہے ہر لمحہ حتی الوسع کوشش رہی ہے کہ افسران بالا کو شکایت کا موقع نہ ملے۔ ہر لمحہ کوشش رہی ہے کہ افسران بالا کو شکایت

7- یہ ضلع بگرام میں MT سٹاف سال 2013 متعارف ہو کر سائل نے از خود MT سٹاف میں تعیناتی کے لئے درخواست نہیں دی ہے۔ بلکہ مجاز اتھارٹی کی طرف سے سائل کو MT میں تعینات کیا گیا ہے۔

8- یہ کہ پرموشن کے حوالے سے من سائل نے کسی قسم کی سفارش وغیرہ نہیں کی ہے بلکہ متعلقہ ایپرائزمنٹل پرموشن بورڈ منظوری سے پرموشن ادوی ہے۔

9- یہ کہ من سائل نہایت غریب ہے۔ اور سائل کے 5 بچے ہیں جن کی پرورش و تعلیم کا سائل اکیلا کفیل ہے جو ماہانہ انتہائی بمشکل اوقات بسر ہے اس مہنگائی کے دور میں بچوں کا پیٹ پالنا نہایت مشکل ہے کیونکہ ریورشن کیساتھ سائل کو کافی مالی نقصان ہر سطح پر اٹھانا پڑا ہے۔ لہذا استدعا ہے کہ حالات اور واقعات بالا کے پیش نظر سائل کے حال پر رحم فرما کر، ماتحت پروری اور خدا ترسی کے بناء پر سائل کو تاریخ ریورشن سے دوبارہ ڈرائیور ہیڈ کانسٹیبل ترقیاب فرما کر مشکور فرمائیں سائل تاحیات دُعا گو رہیگا۔

سائل:- کانسٹیبل ڈرائیور شاد اصغر نمبر 225 MT سٹاف ضلع بگرام۔

(Signature)
17/10/23

موبائل نمبر:- 0300-5123330

الرقوم:- 17/10/2023

Shad
Shad Mohammad Khan
Advocate Supreme Court
of Pakistan.



ANNEX 2 "G", P- (21)

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

☎ 0992-9310021-22

☎ 0992-9310023

✉ r.rpohazara@gmail.com

NO: 534 /PA DATED: 22/1/2024

ORDER

This order will dispose of appeal/request submitted by submitted by Driver Constable Shah Asghar No.225 of District Battagram against the order of reversion/demotion from the rank of Driver Head Constable to Driver Constable BPS-07 vide Order No.6094-6103 dated 31-07-2023.

“Brief facts leading to reversion/demotion are that a committee was constituted in DPO Office Battagram to check the documents of C-II HCs and other requirements. The said constable was promoted without proper procedure laid down in Standing order No. 06/2014. The committee recommended that he along with promoted C-II HCs may be reverted/removed from the rank of C-II Head Constables.”

Consequently, upon recommendation of the committee DPO Battagram reverted/demoted him to the rank of Driver Constable BPS-07. Hence, the official submitted this present appeal.

After receiving his appeal, comments of DPO, Battagram were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. However, he failed to advance any plausible justification in his defense. Promotion of HC Driver was out of turn, therefore his demotion from the rank of Driver HC to Driver FC ordered by DPO Battagram is reasonable/genuine. Hence, the instant request submitted by the official is hereby *filed/rejected* with immediate effect.

MUHAMMAD IJAZ KHAN (PSP)
Regional Police Officer
Hazara Region, Abbottabad

No. 535 /PA, dated Abbottabad the 22 - 1 - /2024.

Cc.

District Police Officer, Battagram for information and necessary action with reference to his office Memo No. 9630/Legal dated 19-12-2023. Service Roll along with Fuji Missal of the appellant is returned herewith for record.

Accepted
Shah Mohammad Khan
Advocate
Supreme Court
of Pakistan



GENERAL SECRETARY
District Bar Association
Mansehra

DBAM No. 32
BC No. 1 0 - 2 7 0 1
Name of Advocate شاہد محمد زکریا

S.No 35635

Fee Rs. 200/-

وکالت نامہ

22

بعدالت: جناب چیئرمین صاحب مسرور ٹریبونل P.P.K کیشاور

عنوان: شاہ اصغر بنام: D.P.O ٹنگراہ ویزہ

منجانب: ایپیلنٹ نوعیت مقدمہ: سروس اپیل

باعث تحریر آنکہ

دریں مقدمہ عنوان بالا میں اپنی طرف سے برائے پیروی و جواب دہی بمقام ایسٹ آباد کے لئے

جناب شاد محمد زکریا خان ایڈووکیٹ سہیل روڈ

کو بدین شرائط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے وکیل موصوف کو اطلاع دیکر حاضر کروں گا۔ اگر کسی پیشی پر مظہر حاضر نہ ہوا اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو وکیل موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ کچہری کے علاوہ کسی اور جگہ سماعت ہوا یا کچہری کے اوقات کے آگے پیچھے سماعت ہونے پر مظہر کو کوئی نقصان پہنچے تو وکیل موصوف ذمہ دار نہ ہوں گے اور وکیل موصوف کو عرضی دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست بیان حلفی و تصدیق کرنے اور اسپر دستخط کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپر دثالی و راضی نامہ و دستبرداری و اقبال دعویٰ کا اختیار بھی ہوگا بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا فیصلہ قبل از ڈگری اجراء ڈگری بھی وکیل موصوف کو بشرط ادا یگی علیحدہ محتنانہ ادا کرنے کا مجاز ہوگا اور بصورت ضرورت بدوراں مقدمہ یا اپیل و نگرانی کسی دوسرے وکیل یا بیرسٹر کو بجائے خود یا اپنے ہمراہ مقرر کریں اور مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے وکیل موصوف کو اور اگر پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو وکیل موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ وکیل موصوف کے برخلاف نہیں ہوگا مجھے کل ساختہ پرداختہ وکیل موصوف مثل ذات خود منظور و قبول ہوگا۔ لہذا وکالت نامہ لکھ دیا ہے اور دستخط/انگوٹھا ثبت کر دیا ہے تاکہ سندر ہے۔ مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے۔

20ء

مورخہ

ACCEPTED
Shad Mohammed Khan
Advocate Supreme Court
of Pakistan.


03465808870

شاہ اصغر ولد راج محمد حسن جسرہ ٹنگراہ
FEN0225

FORM OF ORDER SHEET

Court of _____

Appeal No. 263/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/02/2024	<p>The appeal of Mr. Shah Asghar received today by registered post through Shad Muhammad Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>