

**Service Appeal No.1317/2023 titled “Fawad Ali Vs. Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar and others”**

ORDER

20th Feb. 2024 **Kalim Arshad Khan, Chairman:** Through this single order this appeal and all the following connected appeals are being decided as all are against the same impugned order No.783-87/ES dated 10.02.2023. Appeal Nos: 1318/2023, 1319/2023, 1320/2023, 1321/2023, 1322/2023, 1323/2023, 1324/2023, 1325/2023, 1326/2023, 1327/2023, 1328/2023, 1329/2023, 1330/2023, 1331/2023, 1332/2023, 1333/2023, 1334/2023, 1335/2023, 1336/2023, 1337/2023, 1338/2023, 1339/2023, 1340/2023, 1341/2023, 1342/2023, 1343/2023, 1344/2023, 1345/2023, 1346/2023, 1347/2023, 1348/2023, 1349/2023, 1350/2023, 1351/2023, 1352/2023, 1353/2023, 1354/2023, 1355/2023 and Service Appeal No. 1356/2023.

2. Learned counsel for the appellants present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Wisal Khan, SP Headquarters, Mardan for the respondents present.

3. Brief facts of the cases are that appellants, while serving in the Police Department, were promoted from the post of Head Constable to Assistant Sub Inspector on different dates. That after qualifying the required courses, they were confirmed as ASIs on list “E” of Mardan Region. That on 11.02.2019, they were promoted as Officiating Sub Inspectors (BPS-14) by the Departmental Promotion Committee. That vide letter/order No.783-87/ES dated 10.02.2023 their promotion was termed as adhoc promotion. Feeling aggrieved, they filed departmental appeals which were not responded, hence, the instant service appeals. The appellants also filed Writ Petition No.837-P/2023 before the Peshawar High Court which was


dismissed being barred under Article 212 of the Constitution. Copy of the said writ petition is however not available on files nor produced.

4. Arguments heard. Record perused.

5. There is no dispute that under the Khyber Pakhtunkhwa Police Rule-13.18, the probation period for confirmation in the rank of Sub Inspector is two years subject to completion of requisite criteria for the said confirmation. The learned counsel claims that the appellants have fulfilled such criteria and he said that the appellants would be satisfied if their cases are sent to the authorities for considering the same in accordance with Rule-13.18 of the Police Rules as to whether they had fulfilled the same and if they had fulfilled the same, the SP Headquarters Mardan says that they would be equally treated and confirmed subject to availability of clear vacancy.

6. With the above mutual consensus, these appeals are disposed of accordingly. (Copies of this order be placed in all connected appeals).
Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 20th day of February, 2024.*


(Kareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah