

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.

Service appeal No. 197/2016

Date of institution ... 10.11.2015
Date of decision 28.06.2018

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing,
Lower Kohistan, District Kohistan. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Home, Peshawar and
others. ... (Respondents)

Present:-

M/S. Muhammad Aslam Khan Tanoli and
Abdul Rahim Khan, Advocates ... For appellant.

Mr. ZIAULLAH,
Deputy District Attorney ... For respondents.

MR. SUBHAN SHER, ... CHAIRMAN
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

SUBHAN SHER; CHAIRMAN:-

Arguments heard and record perused.

2. The short facts relevant for the disposal of the present appeal are stated here,
that the appellant joined the Police Department as Constable in the year 1984 and
got promotion to the rank of Sub-Inspector. However, in the meanwhile a meeting
of DPC was held on 16.06.2010 wherein he was dropped from confirmation and
his colleagues junior to him were confirmed. The same order was assailed in
departmental appeal and then before this Tribunal. However, during pendency of
the appeal, his services were confirmed as S.I but with immediate effect. So his
appeal was disposed off and the appellant preferred departmental appeal which

was not responded, so he came in appeal again before this Tribunal for redressal of his grievances.

3. M/s. Muhammad Aslam Tanoli, Advocate, and Abdur Rahim, Advocate, the learned counsels for the appellant contended that the similar cases of similar facts and circumstances of other colleagues of the appellant were given benefits of confirmation from 16.06.2010. In support of their contentions, they produced two judgment of this Tribunal passed in service appeal No. 736/2016 titled "*Amjad Ali-vs-Government of Khyber Pakhtunkhwa through Secretary Home and Triabl Affairs Department, Peshawar and others*" decided on 21.02.2018 and service appeal No. 182/2017 titled "*Zahid Ur Rehman-vs-Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and another*" decided on 19.02.2018 and requested the Tribunal to direct the respondents that back benefits from the above mentioned date be given to the appellant.

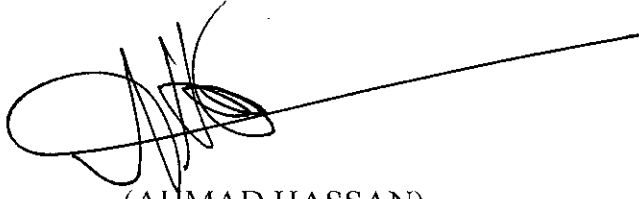
4. Mr. Ziaullah, learned Deputy District Attorney for respondents could not controvert the judgments of this Tribunal, however, he raised the question of limitation and requested this Tribunal to dismiss the appeal being time barred.

5. Without discussing the merits of the case, this Tribunal would place reliance on the previous judgments of this Tribunal passed in similar appeals in which not only the facts and circumvents were discussed but even the question of limitation was also resolved. As such, following the previous those judgments of this Tribunal, appeal of the appellant is allowed and the impugned order dated 22.04.2015 is modified to the extent that the appellant shall be deemed to have been confirmed from the date of officiating S.I i.e 16.06.2010 instead of

EW 24/10
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22.04.2015. In the circumstances of the case, parties shall bear their own costs.

File be consigned to the record room.

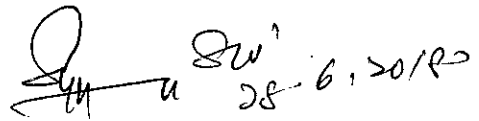


(AHMAD HASSAN)

Member

ANNOUNCED

28.06.2018



(SUBHAN SHER)

Chairman

Camp Court, Abbottabad.

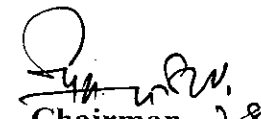
28.06.2018

Appellant Razeem Khan in person alongwith Mr. Muhammad Aslam Tanoli, Advocate present. Mr. Shamraiz Khan, ASI on behalf of the respondents alongwith Mr. Ziaullah, Deputy District Attorney for respondents present.

Arguments heard and file perused.

Vide our detailed judgment of today placed on file, the impugned order dated 22.04.2015 is modified to the extent that the appellant shall be deemed to have been confirmed from the date of officiating S.I i.e 16.06.2010 instead of 22.04.2015. In the circumstances of the case, parties shall bear their own costs. File be consigned to the record room.



Member



Chairman 28.6.2018.
Camp court, A/Abad

ANNOUNCED
28.06.2018

18.12.2017

Counsel for the appellant Mr. Abdur Rahim Khan, Advocate present and submitted fresh Wakalatnama. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Siraj, DSP (legal) for the official respondents also present. Learned counsel for the appellant submitted rejoinder. Adjourned. To come up for arguments on 20.02.2018 before D.B at Camp Court Abbottabad.

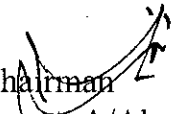

(Gul Zeb Khan)
Member (Executive)
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member (Judicial)
Camp Court Abbottabad

19.02.2018

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Shamraiz Khan, H.C for the official respondents present. Private respondents No. 48 and 50 are not present. They are proceeded against ex-parte. . To come up for arguments on 19.04.2018.


Member


Chairman
Camp court, A/Abad.

19.04.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney alongwith Shamraiz Khan, H.C for the official respondents and private respondents No. 48 and 50 in person present. The court time is over. Adjourned. To come up for arguments on 28.06.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

197/16

20.10.2016

Appellant in person and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique Sr.GP for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 22.12.2016 at camp court, Abbottabad.



Chairman
Camp Court, A/Abad

22.12.2016

Counsel for the appellant and Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Written reply by respondents No. 1 to 3 submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.06.2017 before D.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad

21.06.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Shamraiz Khan, H.C for the respondents present. Rejoinder not submitted. Counsel for the appellant requested for adjournment. Adjourned for rejoinder and final hearing to 18.12.2017 before the D.B at camp court, Abbottabad.



Member



Chairman
Camp court, A/Abad

16.03.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant is serving as S.I and was entitled to confirmation as S.I with effect from 23.6.2010 but was not granted confirmation constraining him to prefer service appeal which was admitted to regular hearing but withdrawn vide order dated 3.7.2015 with a prayer to file fresh service appeal. That the appellant was notified as confirmed S.I with effect from 10.4.2015 where-against he preferred departmental appeal on 6.7.2015 which was not responded and hence the instant fresh service appeal on 3.3.2016.

That the appellant is entitled to confirmation in service as S.I with effect from 23.6.2010 instead of 10.4.2015.

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 20.7.2016 before S.B at Camp Court A/Abad.

Chairman
Camp Court A/Abad

20.07.2016

Counsel for the appellant, Mr. Shamraiz Khan, Reader alongwith Mr. Muhammad Siddique Sr.GP for the official respondents and private respondents No. 48 and 50 in person present. Seeks adjournment. Seeks adjournment. None present for other private respondents despite proper service. Proceeded ex-parte. To come up for written reply/comments on 20.10.2016 before S.B at camp court, Abbottabad.



Chairman
Camp court, A/Abad,

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 197/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.03.2016	<p>The appeal of Mr. Razeem Khan resubmitted today by Mr. Abdul Raheem Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up thereon <u>16-3-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2		

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BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 197 /2016

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

K.W.P. Province
Service Tribunal
Diary No. 1343
Date 10-11-2015

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar.
2. DIG Police, Hazara Division, Abbottabad.
3. IG Police, Khyber Pakhtunkhwa, Peshawar.
4. Habib ur Rehman, No. H/257, Posted at Mansehra.
5. Aurangzeb, No. H/258, Posted at Mansehra.
6. Sajjad Haider, No. H/261, Posted at Kohistan.
7. Muhammad Altaf, No. H/185, Posted at Mansehra.
8. Shah Nawaz, No. H/191, Posted at CCP, Haripur.
9. Muhammad Khurshid, No. H/201, Posted at Mansehra.
10. Ghulam Mustafa, No. H/202, Posted at Kohistan.
11. Hazrat Nabi, No. H/206, Posted at Inv: Mardan.
12. Muhammad Iqbal, No. H/211, Posted at E.A.C, Peshawar.
13. Altaf, No. H/31, Posted at Inv: Kohistan.
14. SI Ibrar Khan, No. 08/H, Posted at Kohistan.

as submitted to-day
and filed.

Registrar 3/3/16

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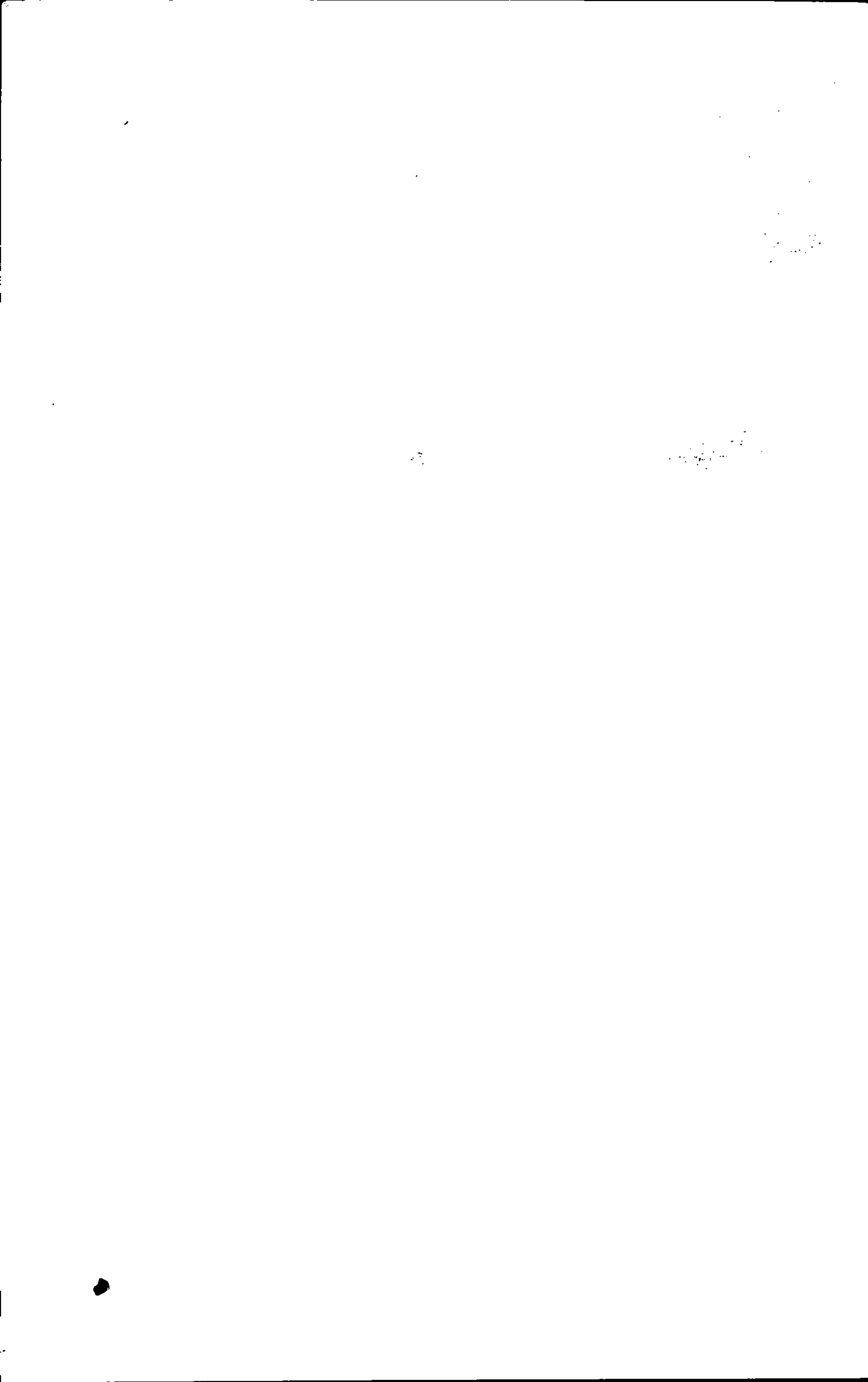
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15. SI Muhammad Yaseen, No. 09/H F.R.P.
16. SI Iftikhar Ahmed, No. 10/H, posted at Mansehra.
17. SI Zakir Hussain, No. 13/H, posted at Mansehra.
18. SI Muhammad Riaz, No. 14/H, posted at Haripur.
19. SI Muhammad Amjad, No. 15/H posted at Investigation Wing, Battagram.
20. Lady SI Samina Zaffar, No. 16/H posted at Haripur.
21. SI Bashir Ahmed, No. 17/H posted at Haripur.
22. SI Mehboob, No. 18/H posted at Abbottabad.
23. SI Matloob Shah, No.19/H, posted at Mansehra.
24. SI Muhammad Hamayun, No. 20/H posted at CTD Operation Wing, Abbottabad.
25. SI Farman Akhtar, No. 21/H posted at Islamabad Frontier House.
26. SI Ashiq Hussain, No. 22/H posted at Operation Wing, Abbottabad.
27. SI Mukhtiar Ahmed, No. 23/H posted at Operation Wing, Battagram.
28. SI Adalat Khan, No. 24/H posted at Operation Wing, Abbottabad.
29. SI Ghulam Muhammad, No. 25/H posted at Operation Wing, Mansehra.
30. SI Muhammad Javed, No. 26/H posted at Operation Wing, Mansehra.
31. SI Muhammad Iqrar, No. 29/H posted at Hangu.
32. SI Farhad Ali, No. 30/H posted at Special Branch.
33. SI Azam Ali Shah, No. 32/H posted at Abbottabad.
34. SI Arshad Hussain, No. 33/H posted at PTC Hangu.
35. SI Shad Muhammad, No. 36/H posted at Torghar District.
36. SI Fazal Wahab, No. 37/H posted at Special Branch.

37. SI Jehanzeb Khan, No. 39/H posted at Investigation Wing, Mansehra.
38. SI Muhammad Amin, No. 42/H posted at Traffic Khyber Pakhtunkhwa.
39. SI Ehsan Shah, No. 44/H posted at Kohistan.
40. SI Muhammad Yousaf, No. 46/H posted at Kohistan.
41. SI Muhammad Sajjad, No. 47/H posted at Investigation Wing, Mansehra.
42. SI Fida Muhammad, No. 48/H posted at Operational Wing, Abbottabad.
43. SI Muhammad Rafi, No. 05/H posted at Police School of Intelligence, Abbottabad.
44. SI Muhammad Ishaq, No. 06/H posted at Ithar.
45. SI Nisar Ahmed, No. 38/H posted at Operational Wing, Battagram.
46. SI Chanwaiz Khan, No. 40/H posted at Investigation Wing, Abbottabad.
47. SI Akhtar Zaman, No. 59/H posted at Operational Wing, Lower Kohistan.
48. SI Daraz Khan, No. 78/H posted at Special Branch, Battagram.
49. SI Saleem Rashid, No. 79/H posted at Operational Wing, Haripur.
50. SI Sarwaiz Khan, No. 82/H posted at Region Office, Abbottabad.
51. SI Fazal ur Rehman, No. 83/H posted at Kohistan.
52. SI Muhammad Hayat, No. 84/H posted at Operational Wing, Upper Kohistan.
53. SI Muhammad Zakir, No. 85/H posted at Operational Wing, Upper Kohistan.
54. SI Gul Khatab, No. 87/H posted at Kohistan.
55. SI Zubair Shah, No. 88/H posted at Elite Force, Peshawar.

By path 20/18

By path 20/18



56. SI Muhammad Fahim, No. 89/H posted at Investigation Wing, Lower Kohistan.
57. SI Amir Khatam, No. 90/H posted at Investigation Wing, Haripur.
58. SI Umar Zada, No. 91/H posted at Investigation Wing, Battagram.
59. SI Muhammad Resaan, No. 92/H posted at PTC Hangu.
60. SI Muhammad Khushal, No. 93/H posted Investigation Wing, Torghar.
61. SI Riasat Khan, No. 94/H posted at Investigation Wing, Abbottabad.
62. SI Abdul Ghafoor, No. 95/H posted at Elite Force, Hazara.
63. SI Abdul Sattar, No. 96/H posted at Elite Force, Hazara.
64. SI Zulfiqar Ali, No. 97/H posted at Police Training School, Swabi.
65. SI Muhammad Uzair, No. 98/H posted at Hattar, Haripur.
66. SI Tufail Muhammad, No. 99/H posted at Operational Wing, Battagram.
67. SI Muhammad Munir, No. 100/H posted at City Haripur.
68. SI Muhammad Arif, No. 101/H posted at Operational Wing, Abbottabad.
69. Sadaqat Nisar, No. 102/H posted at Operational Wing, Mansehra.
70. Muhammad Arshad, No. 103/H posted at Operational Wing, Battagram.
71. Muhammad Asad Yousaf, No. 104/H posted at Elite Force, Hazara.
72. SI Mudassar Zia, No. 105/H posted at Investigation Wing, Abbottabad.
73. SI Muhammad Farooq, No. 106/H posted at Operational Wing, Mansehra.
74. SI Muhammad Asif, No. No. 107/H posted at CTD, Hazara.
75. SI Abdul Rauf, No. 108/H posted at Operational Wing, Lower Kohistan.
76. SI Muhammad Riaz, No. 109/H posted at Operational Wing, Abbottabad.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974, AGAINST THE ORDER, DATED 22/04/2015, OF RESPONDENT NO. 2, VIDE WHICH THE APPELLANT, INSTEAD OF HAVING BEEN PROMOTED WITH EFFECT FROM 16/06/2010 I.E THE DATE ON WHICH OTHER EMPLOYEES BELONGING TO THE SAME BATCH, CADRE AND SENIORITY ALONGWITH THOSE BEING JUNIORS TO THE APPELLANT HAVE BEEN PROMOTED, HAS BEEN PROMOTED WITH EFFECT FROM 22/04/2015.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL, THE IMPUGNED ORDER, DATED 22/04/2015, MAY GRACIOUSLY BE SO AMENDED AS TO MAKE THE APPELLANT ENTITLED TO seniority and PROMOTION WITH EFFECT FROM 16/06/2010 instead of 22/04/2015 WITH ALL BACK BENEFITS.

Respectfully Sheweth;-

1. That appellant was appointed as Police Constable on 15/02/1984, had undergone lower class course in 1990, inter class course in 1994 and upper class course in 2007 from his respective District.
2. That appellant was confirmed as Assistant Sub-Inspector (ASI) and placed on promotion list "E" on 06/04/2006. Copy of promotion order is annexed as Annexure "A".
3. That on the basis of the above mentioned seniority list, the appellant and his other co-servants, having same criteria, were promoted as SI with effect from 25/03/2008. Copy of promotion order is annexed as Annexure "B".
4. That the appellant remained on deputation to ITP from 13/10/2008 to 10/11/2013 and thereafter he was repatriated to his parent department.
5. That appellant's above mentioned deputation was not having any effect on his seniority and promotion and his seniority was reckonable as per the seniority list as mentioned above.

6. That it is however, unfortunate that the Departmental Promotion Board, while considering the cases of confirmation of all S.Is including the appellant, refused to accord him the date of his seniority as mentioned in the "E" list merely on the ground that the appellant had not served as SHO out of his home district and therefore, was not entitled to the benefit of seniority under Police Rule 13.18 for promotion and consequently was not confirmed at par with other similarly placed police officers. Copy of the order dated 16/06/2010 is annexed as Annexure "C".

7. That being aggrieved against the above mentioned order dated 16/06/2010, the appellant filed departmental appeal, as provided under the law and, also, review petition thereafter, but his aforementioned representations were rejected thus compelling the appellant to approach the Honourable Service Tribunal by filing service appeal No. 343/2011. Copies of departmental appeal dated 12/07/2010, review application dated 24/12/2010 and Service Tribunal appeal No.

343/2011 are annexed as Annexure "D", "E" & "F".

8. That it is pertinent to submit that respondents Nos. 4 to 76, despite being junior to the appellant in respect of their seniority have also been given precedence to the appellant and were also promoted vide the above mentioned order dated 16/06/2010.

9. That during the pendency of the above mentioned appeal No. 343/2011, another batch of employees, all the promotees as mentioned in the order dated 16/06/2010, including respondents Nos. 4 to 76 who were also junior to the appellant therein order of their seniority, were further promoted vide the order dated 16/06/2010 and the appellant once again, was not considered for the promotion. Likewise series of annual promotion orders, in the year, 2011, 2012, 2013 and 2014 were made by the respondent authority but the appellant was not considered apparently for the reason that his service appeal No. 343/2011 was still pending decision.

10. That, since the appeal in which the appellant had claimed his right of promotion/ seniority from the date of order dated 16/06/2010, the appellant, due to pendency of his appeal, had not considered it necessary to challenge the above mentioned intervening promotion order as he was confident that his appeal would restore to him his due right.
11. That the appellant service appeal No. 343/2011 was still pending before the Honourable Service Tribunal when the respondent authority vide impugned order dated 22/04/2015, promoted the appellant with effect from 10/04/2015. Copy of the impugned order dated 22/04/2015 is attached as Annexure "G".
12. That as the impugned order, dated 22/04/2015, provided a fresh cause of action, the appellant was compelled by circumstances to withdraw his appeal No. 343/2011 with the permission to approach departmental authority for correction of the date of his original seniority as was recorded in

the above mentioned list "E". The appellant's request for withdrawal of his appeal No. 343/2011 with the permission as was sought therein, was allowed and consequently the same was withdrawn. Copy of the order of this Honourable Tribunal dated 03/07/2015 is attached as Annexure "H".

13. That, on 06/07/2015, after three days of the above mentioned withdrawal order, the appellant challenged the impugned order dated 22/04/2015 by filing the departmental appeal to respondent No. 3. Copy of the departmental appeal is attached as Annexure "I".

14. That the appellant, since the date of decision of his departmental appeal, continued to wait for decision thereon, but appellate authority has not yet decided the same and, therefore, in order to avoid the bar of limitation the instant appeal is being filed against the impugned order of the competent authority.

15. That the impugned order, on account of having not been made in accordance with law and rules

governing seniority of the appellant, is liable to be set aside or so amended or modified as to make the appellant's promotion as to be effective from the date of 16/06/2010, inter-alia, on the following grounds:-

GROUND:-

- a. That the impugned order is violative of the law regulatory seniority as contemplated under the Civil Service act, because the seniority of the appellant, under the law, was to be reckoned from the date when other servants belonging to same service and cadre, whether serving in the same department or office or not were promoted. The impugned order, therefore is not maintainable and as such is liable to be corrected accordingly.

- b. That, seniority of the appellant was to be considered from the date of his regular appointment and in accordance with the "E" list as made and approved by the competent

authority. Having failed to consider the relevant rules governing senior of civil servants, the impugned order is illegal and without jurisdiction and as such is liable to correct.

c. That it is, also a settled principle of the law governing seniority of Civil Servant that civil servants, on their promotion to higher post, would retain their inter-se seniority as in the lower post. Having not followed the above mentioned principle, the impugned order as well as all other orders of promotion whereby the appellant has been deprived of his due seniority, are illegal and without jurisdiction.

d. That Police Rule 13.18, as far as the promotion of civil servant is concerned, is ultra vires of the statute and therefore, has no binding force as to deprive the appellant of the promotion to which he, otherwise, is competent and entitled. The appellant, on the basis of the above mentioned Police

Rules, could not be deprived or allowed to be superseded by his juniors in the matter of his promotion. The impugned order, having its history linked back to the reasons as mentioned in the promotion order dated 16/06/2010, is illegal and without jurisdiction.

e. That the condition for promotion or denial of promotion, merely on the ground that the appellant has not served as SHO, is absolutely unwarranted as the matter of appointment of SHO is entirely dependent upon the discretion of the competent authority and it is not always necessary that each and every SI be so appointed.

f. That the appointment of appellant as SHO was within the competence and discretion of competent authority. The SHO is not appointed by selection on the basis of specific examination, test, interview or selection, but is purely a matter within the discretionary power of the competent

authority and, therefore, the appellant, who otherwise was fit and competent having no adverse remarks of any kind on his service record, could not be deprived of his right of seniority for promotion on such a flimsy ground such as completed under Police Rules 13.18.

g. That though the reference of Police Rules 13.18 has not be made in the impugned order dated 22/04/2015, yet the reason for non according the benefit of the appellant's actual date of seniority, traces back its history to the order dated 16/06/2010 hence the impugned order is illegal, void and without jurisdiction.

h. That by promoting the juniors respondents and ignoring the appellant despite being senior to them and having no stigma on his previous record of his service, is an act of discrimination and as such is violative of fundamental rights of the appellant.

- i. That instant of appeal is within the time as prescribed under the law.

It is, therefore, humbly prayed that, on acceptance of the instant appeal, all the orders since 16/06/2010, depriving the appellant of his right of promotion may graciously be set aside and or the same, including the impugned order dated 22/04/2015, be so amended or modified as to restore to the appellant his due right of seniority and promotion with effect from 16/06/2010 with all back benefits or any other relief as this Honourable Tribunal may deem proper, just and lawful also be granted.


...APPELLANT

Dated: 05/11/2015

Through;

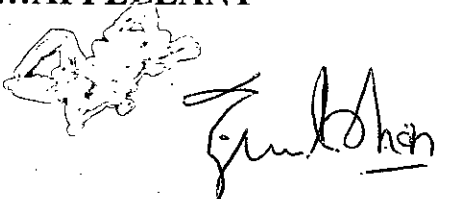

(Abdul Raheem Khan)
&


(Altaf Hussain Shah)
Advocates High Court, Abbottabad

VERIFICATION: -

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

...APPELLANT




The appeal of Mr. Razeem Khan Inspector No.H-01 Distt. A.Abad presently Investigation wing Lower Kohistan received to-day i.e. on 10.11.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Addresses of respondents No. 4 to 76 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Seventy Two more copies/sets of the appeal along with annexures i.e. complete all respect may also be submitted with the appeal.

No. 1761 /S.T.


Dt. 11/11 /2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Abdul Raheem Khan Adv.
High Court Abbottabad.

Objections no. 3 and 4 were still stand and the appeal is returned again to the counsel for the appellant for its completion.

*no. 1841 /S.T.
dt 2-12/2015*


Registrar

Appeal resubmitted on 3/3/16 correct addresses of Respondents No 4 to 76 are on page No. 46 to 51


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

Service Appeal No. 197 /2016

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

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

....RESPONDENTS

APPEAL

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7.	Copy of review application dated 24/12/2010	24	"E"
8.	Copy of Service Tribunal appeal No. 343/2011	25 to 30	"F"
9.	Copy of the impugned order dated 22/04/2015	31, 32	"G"
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WALAKAT NAMA

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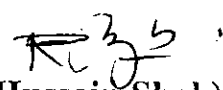

...APPELLANT

Through;

Dated: 05-11 /215


(Abdul Raheem Khan)

&


(Altaf Hussain Shah)

Advocates High Court, Abbottabad

03009116650

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

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

....RESPONDENTS

SERVICE APPEAL

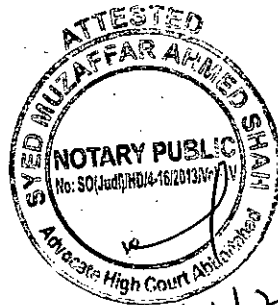
AFFIDAVIT

I, Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

Razeem Khan
DEPONENT

Identified by;

(Abdul Raheem Khan)
(Abdul Raheem Khan)
Advocate High Court, Abbottabad



05/11/2015

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

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

....RESPONDENTS

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY, IF ANY, IN FLING THE INSTANT APPEAL UNDER SECTION 5 OF THE LIMITATION ACT.

Respectfully Sheweth:-

1. That the instant appeal has been filed in this Honourable Tribunal and this application may kindly be considered as an integral part thereof.
2. That the impugned order dated 22/04/2015, having been during the pendency of the appellant's appeal No. 343/2011 and as such was illegal and void.
3. That the appellant was under the impression that the decision of appeal No. 343/2011 would ultimately prevail and the order dated 22/04/2015 being illegal and void, would

become infructuous and ineffective, the pendency of the appeal No. 343/2011.

4. That the above mentioned appeal No. 343/2011, however was withdrawn when during the course of arguments and the above mentioned appeal the appellant realized the impact of the impugned order dated 22/04/2015 is being order giving rise to a fresh cause of action and hence the same was withdrawn with the permission of Honourable Tribunal to file departmental appeal against it.
5. That, appellant immediately after withdrawal of his appeal 243/2011, challenged the impugned order being filing departmental appeal and as such no un-necessary delay has been made. If however, any delay is found to have taken place, the same, being not willful or deliberate, may kindly be condoned as the same could be result of some sufficient cause or reasons beyond the control of the appellant.

It is, therefore, humbly prayed that on acceptance of this application the delay, if any may kindly be condoned.

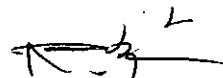

...APPELLANT

Dated: 05/11 /2015

Through;


(Abdul Raheem Khan)

&


(Altaf Hussain Shah)

Advocates High Court, Abbottabad

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

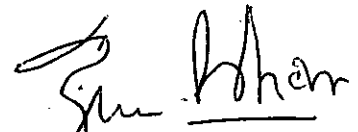

Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar & others.

....RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY

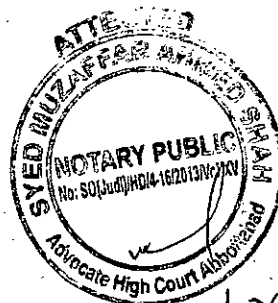
AFFIDAVIT

I, Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT


Identified by;


(Abdul Raheem Khan)
Advocate High Court, Abbottabad



PROCEEDING OF PROMOTION BOARD

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

The Departmental Promotion Board consisted of the following officers:-

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

Officiating ASIs of Hazara Region were considered as per their seniority. The following decisions were taken, keeping in view the latest policy of the Government giving proper weight-age of integrity and reputation of the officers at the time of making their substantive confirmation on 02 years probation with effect from 06-04-2006.

S NO	NAME & NUMBER	DECISION OF THE DEPARTMENTAL PROMOTION BOARD.
1	ASI Sarfaraz Khan No. 72	Found suitable for confirmation in the substantive Rank of ASI.
2	ASI Abdul Hamid No. 637	Deferred due to the chequered record.
3	Saeed-ur-Rehman No. 280	Found suitable for confirmation in the substantive Rank of ASI.
4	ASI Muhammad Daud No. 76	--do--
5	ASI Mushtaq Ahmed Shah No. 78	--do--
6	ASI Khalid Pervez No. 163	--do--
7	ASI Hakim Khan No. 237	--do--
8	ASI Ajmal No. 311	--do--
9	ASI Ali Akbar No. 185	--do--
10	ASI Fazal Dad No. 525	--do--
11	ASI Zarbat Khan No. 70	--do--
12	ASI Hamid-Ali No. 1007	--do--
13	ASI Muhammad Altaf No. 22	--do--
14	ASI Muhammad Sultan No. 280	--do--
15	ASI Muhammad Bashir No. 171	--do--
16	ASI Muhammad Iqbal No. 332	--do--
17	ASI Muhammad Tariq No. 411	--do--
18	ASI Khalil-ur-Rehman No. 406	--do--
19	ASI Shah Nawaz No. 610	--do--
20	ASI Murad Khan No. 29	--do--
21	ASI Muhammad Khurshid No. 58	--do--
22	ASI Fazal-ur-Rehman No. 690	--do--
23	ASI Abdul Razaq No. 407	--do--
24	ASI Fakhar-uz-Zaman No. 304	--do--
25	ASI Sawai Khan No. 577	--do--
26	ASI Muhammad Saddique No. 21	--do--
27	ASI Mir Afzal No. 36	--do--
28	ASI Muhammad Khurshid No. 112	--do--
29	ASI Ghulam Mustafa No. 106	--do--
30	ASI Razeem Khan No. 43	--do--
31	ASI Aurangzeb No. 409/356	--do--
32	ASI Sagheer Hussain Shah No. 1062	Found suitable but substantive confirmation will be considered authenticated on the production of ACRs 2004-05.
33	ASI Hazrat Nabi No. 21	Found suitable for confirmation in the substantive Rank of ASI.
34	ASI Shabir Hussain No. 74	--do--
35	ASI Muhammad Afzal No. 28	--do--
36	ASI Muhammad Khalid No. 436	--do--
37	ASI Zareem Khan No. 442	Found suitable but substantive confirmation will be considered authenticated on the production of ACRs 2004-05.
38	ASI Muhammad Iqbal No. 565	--do--
39	ASI Khalil-ur-Rehman No. 635	Found suitable for confirmation in the substantive Rank of ASI.
40	ASI Abdur Rashid No. 821	--do--
41	ASI Dildar Ahmed No. 155	--do--
42	ASI Muhammad Farid No. 481	--do--

Attested

(MR. IFTIKHAR KHAN)
District Police Officer
Abbottabad.

Regional Police Officer
Hazara Abbottabad

Attested

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

(RAJA NASEER AHMED)
Superintendent of Police, Investigation
Abbottabad

20-A ANNEXURE "B"

ORDER

Consequence upon the recommendation of promotion board held in this Office on 25-03-2008. The following ASIs (on Promotion List "E") were found fit for promotion and as such they are hereby promoted to the Rank of Offg: Sub-Inspectors.

24

Their promotion will take effect from the date of taking over the charge of higher responsibilities:-

S #	Name & No	District / Units	Remarks
1	Muhammad Iqbal 188/H	Inv: Mansehra	Conditionally promoted in the Rank of Offg: SI subject to the availability of ACR for the year 2004 being satisfactory.
2	Muhammad Tariq 189/H	Inv: Abbottabad	
3	Khalil-ur-Rehman 190/H	Mansehra	
4	Shah Nawaz 191/H	Kohistan on deputation to CID Peshawar	
5	Muhammad Khurshid 193/H	Inv: Abbottabad	
6	Fazal-ur-Rehman 194/H	Mansehra	
7	Abdul Razaq 195/H	Haripur	
8	Fakhar-uz-Zaman 196/H	Haripur	
9	Sawal Khan 197/H	Inv: Mansehra	
10	Muhammad Khurshid 201/H	Kohistan	
11	Ghulam Mustafa 202/H	Abbottabad	Conditionally promoted to the Rank of SI subject to the availability of ACR for the year 2005 being satisfactory.
12	Ruzeem Khan 203/H	Abbottabad	--do-- ACR 2004
13	Aurangzob 204/H	Kohistan on deputation to Motorway	
14	Hazrat Nabi 205/H	Haripur	
15	Shabir Hussain Shah 207/H	Inv: Haripur	
16	Muhammad Afzal 208/H	Mansehra	
17	Muhammad Khalid 209/H	Inv: Mansehra	
18	Zareem Khan 210/H	Balgram	Conditionally promoted to the Rank of SI subject to the availability of ACR for the year 2006 being satisfactory.
19	Muhammad Iqbal 211/H	Balgram	Conditionally promoted to the Rank of SI subject to the availability of ACR for the year 2005 being satisfactory.
20	Khalil-ur-Rehman 212/H	Abbottabad	
21	Dildar Ahmad 214/H	Haripur	
22	Muhammad Farid 215/H	Abbottabad	
23	Muhammad Ilaf 31/H	Haripur	

(Signature)

(ATTAULLAH WAZIR)
Deputy Inspector General of Police,
Hazara (Abbottabad)

No. 4581-92 /E, Dated Abbottabad the, 8/9/2008.

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

- DIG of Police, N-5 (North) National Highway and Motorway Police Rawalpindi.
- AIG, CID NWFP, Peshawar.
- All DPOs/Incharge, Investigation in Hazara Region.
- OS/ AS Region Office Abbottabad.

Necessary gazette notification regarding their promotion may be issue accordingly.

Attested

(Signature)
Regional Police Officer
Hazara Abbottabad

(2)

ANNEXURE "C"


ORDER

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

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

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

S #	Name & No.	Present posting	New Region No	Remarks
1. ✓	Habib-ur-Rehman	Kohistan	H/257	-
2. ✓	Aurangzeb	Mansehra	H/258	Conditionally confirmed subject to the availability of ACR for the years 2005, 2006 & 2007 being satisfactory.
3. ✓	Sajjad Haider	Kohistan	H261	Conditionally confirmed subject to the availability of ACR for the year 2007 being satisfactory.
4. ✓	Muhammad Altaf	Mansehra	H/185	--
5. ✓	Shah Nawaz	CCP, Peshawar	H/191	--
6. ✓	Muhammad Khurshid	Kohistan	H/201	--
7. ✓	Ghulam Mustafa	Kohistan	H/202	--
8. ✓	Hazrat Nabi	Inv. Haripur	H/206	--
9. ✓	Muhammad Iqbal	EAC Peshawar	H/211	--
10. ✓	Altaf	Inv. Haripur	H/31	--


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

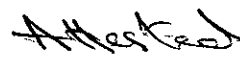
78/0-16 IE, dated Abbot

23/6/2010.

Copy of above is to

information and necessary action to the:-

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

Attested

Regional Police Officer
Hazara Abbottabad

22

ANNEXURE "D"

ANNEXURE "D"

BEFORE THE PROVINCIAL POLICE OFFICER, K.P.K.PESHAWAR

Through:- PROPER CHANNEL.

Subject:- APPEAL AGAINST THE ORDER OF DIG OF POLICE HAZARA REGION ABBOTTABAD VIDE ENDST.NO.7810-15 DATED 23-6-2010 WHEREBY THE APPELLANT WAS IGNORED FROM CONFIRMATION IN THE RANK OF SUB INSPECTOR.

Attested Through
Counsel
RANJEH KHAN
COMPLAINT

Respected Sir,

With due deference it is submitted that I was enlisted as Constable in 1984 in Abbottabad District Police. I had undergone Lower Class Course in 1989, Inter Class Course in 1994 and Upper Class Course in 2007 from my respective District

2. That I was confirmed as ASI and brought on promotion list E with effect from 06-04-2006 (copy of order attached at Annex-A).According to my original seniority I was promoted as Offg. Sub Inspector with effect from 23-3-2008 with my other colleagues correctly in order of merit (copy of order attached at Ann-B Upto promotion as Offg. SI my seniority and promotion remained intact/

3. That I was transferred on deputation to (S T) Police where I am serving till date and my lien according to service rule and laid down criteria/Condition my lien for further promotion and confirmation will continue to my home District/Region.

4. That my service record and suitability reports were requisitioned from my borrowed Department for confirmation in the rank of S.I.as my lien for further promotion is required to be made in my home District/Region and it cannot be considered by the borrowed Deptt. Accordingly my suitability Report and Service record with excellent/OK reports were sent from my borrowed Deptt. to the DIG of Police Hazara Region Abbottabad. My ACRs are also satisfactory and there is nothing adverse against me. According to my original seniority as Offg. SI vide App-B I am at S.No.12 in order of merity. I have undergone the Upper Class Course ,a pre-condition for confirmation as SI and further promotion to List F.

5. That on 16-06-2010 a promotion Board was constituted to consider the cases of confirmation of all the Offg. SIs of Hazara Region including those promoted as Offg.SIs vide App-A. I alongwith my other colleagues were called for to appear before the promotion Board. That vide App.C , 10 Offg.SIs were considered including SIs from Serial.No. 14 to 23 in the list shown in Appendix - B junior to me in all respect and I was ignored for unknown reasons. No written grounds were recorded and only verbally I was told that since I am on deputation in ITP my case for confirmation will be considered on my return to my parent

District/Region. On my further enquiry from the Establishment Section I was told that I was ignored for the second reason that I have not served as SHO in out of home District as required by the Police Rule.

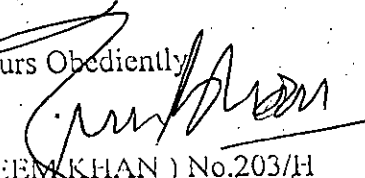
6. That in this connection I may submit that most of the SIs who have been confirmed have not served as SHO out of their home District. There are clear standing instructions of the I.G.P off and on that those S.Is. who are serving in other Agencies such as Crime Branch; CID, Special Branch, Anti Corruption, Intelligence, Training Centres and Traffic etc. their condition of period of one year SHO shall be waved off and their period on deputation will be counted towards posting as SHO and accordingly they will be confirmed in the rank of S.I. in their parent District /Region if otherwise they are qualified Upper Class Course and there is nothing adverse against them against the permanent vacancies available in their respective Region.

That recently under the direction of PPO KPK Peshawar more than 50 SIs who have even not qualified Upper Class Course which is the pre-condition for confirmation as SI and promotion to list F. were confirmed, brought on promotion list F and subsequently promoted as Offg. Inspector due to frequent vacancies on account of increase in the police strength in large scale. . It is also worth mentioning that in Punjab, Sindh and Baluchistan the condition of one year SHO Ship period is never cared off and they are immediately confirmed after Inter Class Course and Offg. Promotion as S.I. No one can himself made order of his posting as SHO and his posting as such is being made by his supervising Officers.

In view of the above facts and circumstances it is most earnestly prayed that my case may kindly be given your kind and sympathetic consideration and I may kindly be confirmed as S.I. with my other colleagues with effect from 16-6-2010 in order to save me from irreparable loss and thrashing back unwantedly in my seniority I had maneuvered during my long and excellent services.

I shall be thankful for this act of kindness and pray for your long life and prosperity.

Yours Obediently


(RAZEEM KHAN) No.203/H
ISLAMABAD TRAFFIC POLICE

Dated. 12/07/2010

(24)

~~ANNEXURE~~ "E"

BEFORE THE PROVINCIAL POLICE OFFICER KPK, PESHAWAR.

Attested
Through Council
RAZEEM KHAN
AD:00213
[Signature]

Through :- PROPER CHANNEL.

Subject:- REVIEW APPEAL FOR CONFIRMATION AS SUB INSPECTOR.

Respected Sir,

With due respect it is submitted that I had submitted a self contained appeal (copy alongwith enclosures attached for ready reference).

That the same appeal was not considered vide CPO Memo No.2116 /E-I Dated 09-9-2010) copy attached).. Reasons advanced were that the learned DIG of Police Hazara Region has intimated that the appellant was not confirmed as he had not served as SHO for one year which is necessary or confirmation of SI according to Police Rules 13.18

That in this connection I may kindly refer a circular under your kind signature at the capacity of Addl IGP/Hd;Qrs. Vide No.15163-79 Dated 3-6-2008 (copy attached). According to this circular the condition of SHO for one year for confirmation under the Police has been condoned in the presence of Police Order 2002 which was existing at the time of our confirmation case and as many as about 80 S.Is of all the Districts in the Province who were not Upper Passed or remained as SHO in out District for one year according to Police Rule were confirmed as SI , brought on promotion list F and promoted to the rank of Inspector.

In view of the above and the solid grounds indicated in my previous detail appeal it is most earnestly prayed that my case may very kindly be reviewed and given your personal kind and sympathetic consideration and be confirmed with my other colleagues of Hazara Region with effect from 16-06-2010 in order to safeguard my future service career.

I may also kindly be allowed personal hearing/

I shall be thankful for this act of kindness.

24/12/10

Yours Obediently.

(RAZEEM KHAN) NO.203
Islamabad Traffic Police.

25

1

Annexure F

BEFORE THE KHYBER PAKHTUNKHAWA SERVICES TRIBUNAL, PESHAWAR.



Appeal no. 343/2011

Razeem Khan Sub Inspector No. 203 District Abbottabad presently on deputation as Traffic Police Officer Islamabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhawa through Secretary Home Peshawar.
2. DIG Police Hazara Region Abbottabad.
3. IG Police Khyber Pakhtunkhawa Peshawar.
4. DIG Police/HQRS Khyber Pakhtunkhawa Peshawar.
5. AIG Police (legal) Khyber pakhtunkhawa Peshawar.

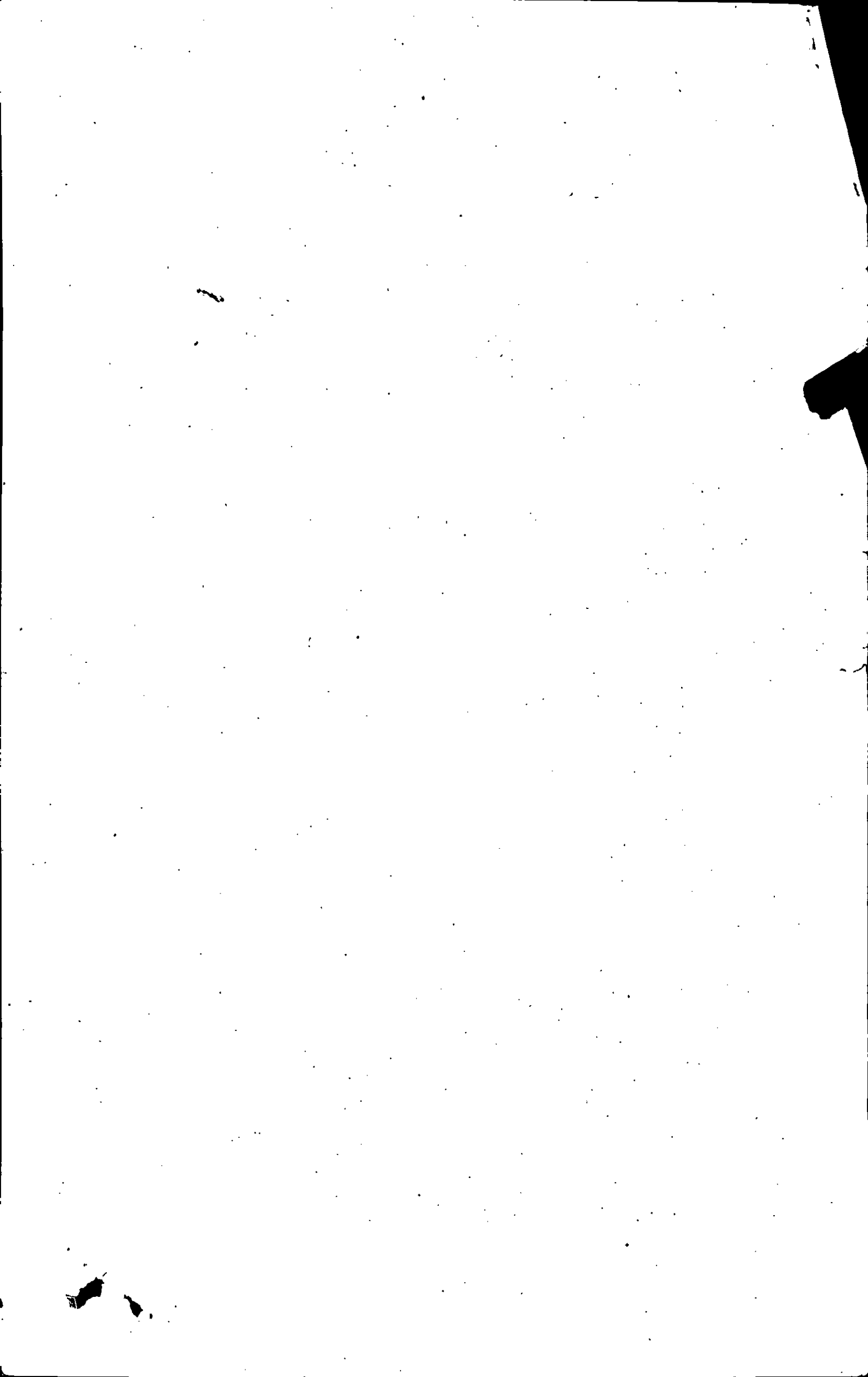
[Signature]

...RESPONDENTS

SERVICE APPEAL AGAINST THE IMPUGNED ORDER BEARING NO. 1352/E-II DATED 19/01/2011 OF THE RESPONDENT NO. 5 AIG POLICE (LEGAL) KHYBER PAKHTUNKHAWA PESHAWAR, THROUGH WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN DISMISSED. THE IMPUGNED ORDER OF THE RESPONDENT NO. 5 DATED 19/01/2011 WAS VOID AB-INITIO WITHOUT JURISDICTION, AGAINST THE FACTS AND DEROGATORY TO THE FUNDAMENTAL RULES OF ADMINISTRATION OF JUSTICE AND HENCE LIABLE TO BE SET-ASIDE.

Filed to-day
[Signature]
 18/2/11

ATTESTED
[Signature]
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar



BEFORE THE KHYBER PAKHTUNKHAWA SERVICES
TRIBUNAL, PESHAWAR.

Razeem Khan Sub Inspector No. 203 District Abbottabad presently on deputation
as Traffic Police Officer Islamabad.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhawa through Secretary Home Peshawar.
2. DIG Police Hazara Region Abbottabad.
3. IG Police Khyber Pakhtunkhawa Peshawar.
4. DIG Police/HQRS Khyber Pakhtunkhawa Peshawar.
5. AIG Police (legal) Khyber pakhtunkhawa Peshawar.


...RESPONDENTS

SERVICE APPEAL AGAINST THE ~~IMPUGNED~~
ORDER BEARING NO. 1352/E-II DATED 19/01/2011 OF
THE RESPONDENT NO. 5 AIG POLICE (LEGAL)
KHYBER PAKHTUNKHAWA PESHAWAR, THROUGH
WHICH THE DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN DISMISSED. THE IMPUGNED
ORDER OF THE RESPONDENT NO. 5 DATED
19/01/2011 WAS VOID AB-INITIO WITHOUT
JURISDICTION, AGAINST THE FACTS AND
DEROGATORY TO THE FUNDAMENTAL RULES OF
ADMINISTRATION OF JUSTICE AND HENCE LIABLE
TO BE SET-ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL OF THE APPELLANT THE IMPUGNED ORDER/DECISION OF THE RESPONDENT NO. 5 DATED 19/01/2011 BE SET-ASIDE AND APPELLANT BE CONFIRMED AS SUB INSPECTOR WITH ALL SERVICE BENEFITS.

Respectfully Sheweth: -

- 1: That appellant was appointed as Police Constable on 15/02/1984, had undergone lower class course in 1990, inter class course in 1994 and upper class course in 2007 from his respective District. ~~Subordinate~~
2. That appellant was confirmed as Assistant sub inspector (ASI) and placed on promotion list "E" on 06/04/2006. Copy of promotion order annexed as Annexure "A".
3. That according to appellant original seniority list ~~appellant~~ appellant was promoted as Sub Inspector (SI) with effect from 25/03/2008 alongwith other colleagues. Upto promotion as SI appellant seniority and promotion remained in tact. Copy of promotion order annexed as Annexure "B".

4. That appellant was deputed to Islamabad traffic police (ITP) on 13/10/2008, where appellant is serving till to date.

5. That as per lien of the appellant and according to service rules and laid down criteria/conditions appellant further promotion and confirmation will continue at his home District/Region.

6. That on 16/06/2010 a promotion Board was constituted to consider the cases of confirmation of all SI's of Hazara Region who were promoted as SI's. the appellant was called for interview alongwith other officers (SIs) to appear before the promotion Board.

7. That ten (10) Sub Inspectors (Sis) confirmed. Three of them were junior to the appellant in all respect and appellant was ignored /dropped on the ground that appellant has not served as SHO out of his home District as per requirement in Police Rule. 13.18. The career planning is being carried out by the department and not by the incumbent himself.

8. That in this connection appellant submits that provincial police officer NWFP Order No. 15163-75 dated 03/06/2008 contains clear direction to the

different agencies of Police Department that according to the situation of the province accordingly. PPO has condoned the period of SHO's out of his home District and Eighty (80) Sub Inspectors (SI's) confirmed. Copy of order of PPO is annexed as Annexure "D".

9. That the appellant had filed a Departmental appeal against the order of DIG Hazara Region, which was turned down on the same ground vide impugned order No. 21116/E-II Dated 09/09/2010. Copies of the departmental appeal and order are annexed as Annexure "E" & "F".


10. That on 12/12/2010 appellant submitted review application to PPO Peshawar for reconsideration his appeal and also personal hearing which was again refused by the AIG (legal) on 19/01/2011 on the ground that appellant had not fulfilled the required standard for confirmation as SI vide Police Rule 13.10(2). However this lacuna is not due to any fault of the appellant. Copies of the review application and order are annexed as Annexure "G" & "H".

11. That the appellant had never given a chance of posting as SHO. The career planning rests with department and that incumbent himself cannot plan his career at his own.

v. 2p

12. That appellant has done excellent job throughout his service career. Appellant always earned good/very good Annual confidential report (ACRs) due to his satisfactory performance and good conduct.
13. That the appellant has successfully completed the departmental courses, which are necessary for his promotion.
14. That other points shall be urged at the time of arguments.

It is, therefore, requested that impugned order of the DIG (legal) respondent No. 5 dated 19/01/2011 may be set-aside and appellant be confirmed as Sub Inspector (SI) alongwith all benefits of his service.



...PETITIONER

Dated: 18/02 /2011

Through



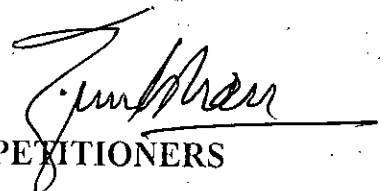
(ABDUL RAHEEM KHAN)

&

(MAJ. AFSAR SHAH)
Advocates High Court, Abbottabad.

VERIFICATION:

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



...PETITIONERS

ORDER

(31) ANNEXURE "G" "G"

By Reg

As approved by the Departmental Promotion Committee held on 10-04-2015 in the office of the undersigned the following officiating Sub Inspectors who have completed their two years officiating / probation period and fulfilled the laid down criteria for substantive rank under Police Rules. 13-1, 13-10 (2) and 13-18 and standing order No.21/2014 are hereby confirmed as Sub Inspectors with effect from 10-04-2015.

They are allotted new Region numbers as noted against each their names:-

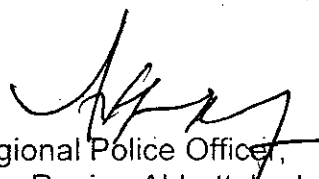
S #	NAME AND NO.	PRESENT POSTING	REGION NUMBER
01	SI Razeem Khan No.203/H ✓	Investigation Wing Lower Kohistan	H/01
02	SI Muhammad Rafi No.29/H ✓	Police School of Intelligence Abbottabad	H/05
03	SI Muhammad Ishaq No.233/H ✓	Investigation Wing Haripur	H/06
04	SI Nisar Ahmed No.241/H ✓	Operational Wing Battagram	H/38
05	SI Chanwaiz Khan No.262/H ✓	Investigation Wing Abbottabad	H/40
06	SI Akhtar Zaman No.264/H ✓	Operational Wing Lower Kohistan	H/59
07	SI Daraz Khan No.246/H ✓	Special Branch Battagram	H/78
08	SI Saleem Rashid No.253/H ✓	Operational Wing Haripur	H/79
09	SI Sarwaiz Khan No.255/H ✓	Region Office Abbottabad	H/82
10	SI Fazal-ur-Rehman No.285/H ✓	Operational Wing Upper Kohistan	H/83
11	SI Muhammad Hayat No.290/H ✓	Operational Wing Upper Kohistan	H/84
12	SI Muhammad Zakir No.77/H	Operational Wing Upper Kohistan	H/85
13	SI Gui Khatab No.126/H	Elite Force Peshawar	H/87
14	SI Zubair Shah No.133/H	Elite Force Peshawar	H/88
15	SI Muhammad Fahim No.135/H	Investigation Wing Lower Kohistan	H/89
16	SI Amir Khatam No.265/H	Investigation Wing Haripur	H/90
17	SI Umar Zada No.6/H	Investigation Wing Battagram	H/91
18	SI Muhammad Resaan No.16/H	PTC Hangu	H/92
19	SI Muhammad Khushal No.18/H	Investigation Wing Torghar	H/93
20	SI Riasat Khan No.20/H	Investigation Wing Abbottabad	H/94
21	SI Abdul Ghafoor No.89/H	Elite Force Hazara	H/95
22	SI Abdul Sattar No.100/H	Elite Force Hazara	H/96
23	SI Zulfiqar Ali No.68/H	Police Training School Swabi	H/97
24	SI Muhammad Uzair No.75/H	Operational Wing Haripur	H/98
25	SI Tufail Muhammad No.87/H	Operational Wing Battagram	H/99
26	SI Muhammad Munir No.35/H	Operational Wing Haripur	H/100
27	SI Muhammad Arif No.39/H	Operational Wing Abbottabad	H/101
28	SI Sadaqat Nisar No.44/H	Operational Wing Mansehra	H/102
29	SI Muhammad Arshad No.109/H	Operational Wing Battagram	H/103
30	SI Muhammad Asad Yousaf No.108/H	Elite Force Hazara	H/104
31	SI Mudassar Zia No.115/H	Investigation Wing Abbottabad	H/105

Attested

Regional Police Officer
Hazara Abbottabad

32

32	Muhammad Farooq No.46/H	Operational Wing Mansehra	H/106
33	SI Muhammad Asif No.59/H	CTD Hazara	H/107
34	SI Abdul Rauf No.65/H	Operational Wing Lower Kohistan	H/108
35	SI Muhammad Riaz No.201/H	Operational Wing Abbottabad	H/109

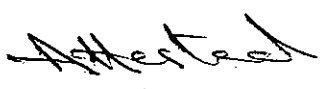

Regional Police Officer,
Hazara Region Abbottabad
(AEC Dilawar)


No. 6581-6604/E, dated Abbottabad the 22/04 /2015.

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

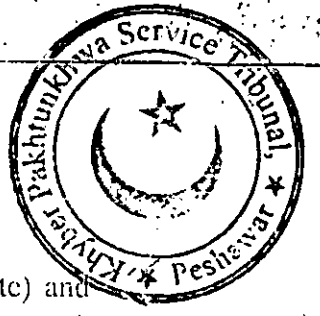
1. Addl: Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Training Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police CTD Khyber Pakhtunkhwa Peshawar.
4. Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
5. Commandant Police Training College Hangu.
6. All District Police Officers in Hazara Region.
7. All Superintendents of Police Investigation in Hazara Region.
8. Superintendent of Police Elite Force Hazara Abbottabad.
9. Superintendent of Police CTD Hazara Abbottabad.
10. Director, Police School of Intelligence Police Lines Abbottabad.
11. Principal, Police Training School Swabi.
12. OS/AS Region Office Abbottabad.

(Necessary Gazette Notification may be issued accordingly)




Regional Police Officer
Hazara Abbottabad

ANNEXURE "H"



03.07.2015

Appellant with counsel (Mr. Abdur Rahim Khan, Advocate) and Government Pleader (Mr. Ziaullah) for the respondents present.

During the course of arguments, learned Government Pleader for the official respondents pointed out that as the appellant has been confirmed vide order dated 22.4.2015, therefore, the instant appeal has become infructuous. on which learned counsel for the appellant submitted application for withdrawal of this appeal with permission to file fresh one. According to him the question of back benefits is also involved, therefore, the appellant may challenge date of his confirmation for which he may bring fresh appeal.

The Tribunal in the said circumstances was convinced about genuineness of such request, hence the instant appeal is dismissed as withdrawn with permission to the appellant to bring fresh appeal, if so advised, subject to all legal exceptions. File be consigned to the record room.

Member

Member

Certified to be true copy
E.Y. KHAN
Khuzdar Peshawar
Service Tribunal,
Peshawar

• Confirmation of Application 15-7-2015
• No. of Words 800
• No. of Pages 6
• No. of Copies 2
• Date of Completion of Copy 15-7-2015
• Date of Delivery of Copy 15-7-2015

34

Phone No. 0992-9310021
Fax No. 0992-9310023

From The Regional Police Officer,
Hazara Region Abbottabad

To The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

No. /E. Dated Abbottabad the, 07-08-12015.

Subject: DEPARTMENTAL APPEAL.

Memorandum:

Enclosed kindly find herewith an appeal alongwith other documents in respect of SI Razeem Khan No.H/01 of Investigation Wing Kohistan for further action please.

Regional Police Officer
Hazara Region Abbottabad

No. 12549 /E.

Copy of above is forwarded to Superintendent of Police Investigation Kohistan for information w/r to his office Memo No.873/R dated 07-07-2015.

Regional Police Officer
Hazara Region Abbottabad
(AEC Dilawar)

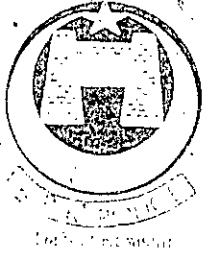
PA

18/08/15

Mudry

Head of investigation
District Kohistan
27-8-15

35



Phone 0998 407023
Fax 0998407139

OFFICE OF THE HEAD OF INVESTIGATION,
KOHISTAN

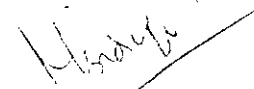
No: 873/R Inv: dated Kohistan the 07/10/2015.

To The Regional Police Officer,
Hazara Region Abbottabad.

Subject **DEPARTMENTAL APPEAL.**

Memo

Enclosed kindly find herewith departmental appeal in respect of Mr: Rameez Khan Sub Inspector No. H.I. Investigation Wing District Lower Kohistan, along with annexure A to D (08 Pages) for your kind perusal and consideration please.


Head of Investigation,
Kohistan.



(1) (36)

ANNEXURE "I."

**BEFORE THE PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA PESHAWAR**

Through; PROPER CHANNEL.

Subject: APPEAL AGAINST THE ORDER OF DIG POLICE HAZARA
REGION, ABBOTTABAD VIDE ENDST. NO. 6581-6604/E DATED
22/04/2015, WHEREBY THE APPELLANT WAS CONFIRMED
FROM 10/04/2015. THE APPELLANT IS ENTITLED TO
CONFIRMATION / PROMOTION FROM 16/06/2010.

Annexure
Attested through counsel
I. I. KHAN
Advocate
General Court Abbottabad

Respected Sir,

With due reference it is submitted that I was enlisted as Constable in 1984 in Abbottabad District Police. I had undergone Lower Class Course in 1989, inter Class Course in 1994 and Upper Class Course in 2007 from my respective District.

- 1 That, I was confirmed as ASI and brought on promotion list E with effect from 06/04/2006 (copy of order attached at Annexure "A"). According to my original seniority I was promoted as Offg. Sub Inspector with effect from 25/03/2008 with my other colleagues correctly in order of merit (copy of order is attached as Annexure "B" upto promotion as Offg. SI my seniority and promotion remained in tact.
- 2 That, I was transferred on deputation to (I.T) Police, my lien according to service rule and laid down for further promotion and confirmation was intact with parent department.

- 3 That, my service record and suitability reports were requisitioned from my borrowed Department for confirmation in the rank of S.I as my lien for further promotion is required to be made in my home District/ Region and it cannot be considered by the borrowed Deptt: Accordingly my suitability report and service record with excellent/OK reports were sent from my borrowed Deptt: to the DIG of Police Hazara Region Abbottabad. My ACRs are also satisfactory and there is nothing adverse against me. Accordingly to my original seniority as Offg. SI vide App-B. I am at S. No. 12 in order of merit. I have undergone the Upper Class Course a pre-condition for confirmation as SI and further promotion to List F.
- 4 That, on 16/06/2010 I appeared before Promotion Board in connection with confirmation of SIS. The junior in the seniority list were confirmed while my case was decided to be consider on my return to parent department and completion of period as SHO. Likewise, my case was differed for the second time on the same ground.
- 5 That, most of SIS who have not been completed period of SHO have been confirmed. Further, that according to standing order of IGP the period of one year as SHO will be relaxed in favour of those SIs who are serving in crime branch, CID, Special branch, Anti Corruption intelligence, training centre and traffic. They will be confirmed as SIs in parent department. The period of deputation will be counted as period of SHO if they otherwise qualified unfortunately this concession was not extended in my favour. Later on SIS who have not qualified upper class course have extraordinary promoted as Inspector officiatingly.

- 6 In November, 2013, I returned to my parent department Hazara Region Abbottabad and was posted as SI investigation District Kohistan. *Annexure "C"*.
- 7 That after hard struggle I was able to avail posting as OII PS Palus District Kohistan vide order dated 13/02/2014 and is serving there till date. The requisite one year period is completed and I was confirmed vide Annexure "D" and was verbally communicated by the SRC Kohistan on 18-06-2015.
8. That, I was eligible for confirmation from the date of 1st appearance before the DPC i.e 16/06/2010 but my junior and later on those SIs who do not possess the basic qualification i.e upper course were promoted, but every time my case was not considered for due confirmation / promotion without assigning any reason in discriminatory way.

From all corner I was eligible from the date of 1st appearance before DPC i.e. 16/06/2010, it is therefore requested that I may be confirmed as SI from 16/06/2010 and be placed at original place in the seniority list.

Dated: 06-07/2015

Yours Truly



RAZEEM KHAN
SI No. H-1 Investigation
Wing District Kohistan (lower).

(39)

BEFORE THE KHYBER PUKHTUNKHAW SERVICE TRIBUNAL

PESHAWAR

Razeem Khan..... VS..... Government KPK etc.

**APPLICATION FOR THE WITHDRAWAL OF APPEAL WITH THE PERMISSION
TO FILE FRESH ONE.**

Respectfully Sheweth,

1. That the above title appeal was fixed before this Tribunal on 15-01-15 for final hearing which was further fixed for 03-07-15.
2. That during this period the respondents have passed appellants confirmation order with immediate effect 22-04-15. *copy is attached*
3. That keeping in view the above title appeal have become in fructuous to the confirmation of the respondents while the claim its self pending.

Therefore, it is, pray that appeal maybe dismiss withdrawn with the permission to file the fresh one ordination for confirmation after observing all legal formalities require under the law.

Dated:- 03-07-2015

PETITIONER/APPELLANT

Through


Abdul Raheem Khan

Advocate Peshawar

No. 266/E, Date: 22/1/11

(40)



DIG	✓
AIG/E	✓
AIG/O	
AIG/G	
DS	✓

From : 1 The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

To : The Inspector General of Police,
Islamabad

No. 1352 / E-II dated Peshawar the 19/10/2011

Subject: APPEAL FOR CONFIRMATION AS SUB INSPECTOR

Memo: *P-note*

Please refer to your office letter No. 9450/E-I dated 24.12.2010.
Appeal of SI Razeem Khan 203/H of Hazara Region now on
deputation to Islamabad. Traffic - Police - for - confirmation - as - SI - has
examined - and - filed - as - he - does - not - full - fills - the - required - standard - for,
confirmation as SI under Police Rules 13.10.(2)

SE-1
22/1/11

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my
22/1/11

(MUHAMMAD FAYAZ KHAN)
AIG/Legal,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

Repe
to
Des

From: The Provincial Police Officer,
NWFP, Peshawar.

To: All Regions DIsG in NWFP.

The Capital City Police Officer, Peshawar.

The Deputy Inspector General of Police,
Special Branch NWFP, Peshawar.

The Commandant FRP, NWFP, Peshawar.

The Assistant Inspector General of Police,
Telecommunication, NWFP, Peshawar.

The Assistant Inspector General of Police,
Traffic, NWFP, Peshawar.

The Assistant Inspector General of Police,
CID, NWFP, Peshawar.

15163-75
No. 1/11 dated Peshawar the 03-06-2008

Subject: PROMOTIONS

116 B

For the Frontier Police going was never as tough as today. We are passing through the most difficult times of our history. We are not working in normal circumstances, numerous challenges are being faced, at various fronts like rising militancy, extremism, terrorism and the rampant increase of crime like kidnapping for ransom, hijacking, suicide bombings, IED's explosion, Ambush of LEA's and striking of Government Installations at will.

In such circumstances we need to lead our men from the front, provide them leadership, look after their welfare and try to raise their morale to knit them as a united force. To make a beginning we at the headquarters, at the initiative of the PPO, are trying to focus your attention to Article 7 (5) of the Police Order. Where the District cadre goes right upto the DSP level, thus the old Police rules which laid down certain restrictions on the bringing up of an officer on list F, one of them was to serve as an SHO for one year in a district other than his home town. Keeping in view the spirit of Police Order 2002 this restriction is condoned. Thus the officers be recommended for promotion, we have around 30 vacancies of inspectors to be filed.

All concerned are therefore directed to expedite their recommendations for promotions to F list. We expect you to be sending these within a fortnight i.e., by the middle of June repeat middle of June.

(FIAZ AHMAD KHAN TORU),
ADDL IGP/HQRs,
For Provincial Police Officer,
NWFP, Peshawar.

7539
7/6/08
EA
K
W
7/6

No. 7175-83
copy of above is forwarded to
all DSPs of the investigation in these Regions
for information and action
noted.
Amir
27/6/08

42

~~CONFIDENTIAL~~

No. 3277/E-I Date 16/9/2010

144

From:

The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To:

The Inspector General of Police,
Islamabad.

No. 2416

/E-II dated Peshawar, the 09/9 /2010.

Subject:

APPEAL OF SI/RAZEEEM KHAN OF KPK POLICE
PRESENTLY ON DEPUTATION WITH ISLAMABAD
TRAFFIC POLICE.

Memo:

Please refer to your letter No. 5664/E-I,
dated 27.7.2010.

The DIG/Hazara Region has intimated that the
appellant was not confirmed as SI dur. to reason that he had not
Served as SHO for one year, which is necessary for confirmation of
SI according to Police Rules 15.18.

down
to
15/9

(SAJID ALI KHAN)
DIG/HQRS:
FOR PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA,
PESHAWAR.

A/E-I

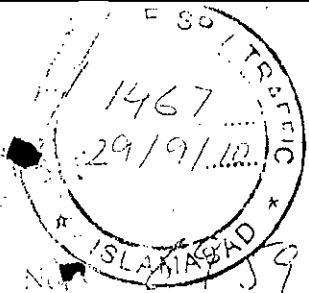
any

16/9

1/1/p

Place
for
16/9

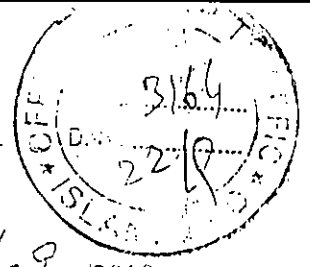
PPs are added.
Please
16/9-2010



737-R-TI/LC (43)

32-9-10

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
ISLAMABAD



No. 59 /E-I

Dated. 21/09 /2010.

Subject: APPEAL OF SI RAZEEM KHAN OF KPK POLICE FOR CONFIRMATION

Please refer to your office letter No. 4079/PA, dated 16.07.2010 on the subject noted above.

2. Enclosed please find a copy of letter No. 21116/E-II, dated 09.09.2010 received from the Provincial Police Officer, KPK, Peshawar.

3. It is requested that a copy of above letter received from PPO, Khyber Pakhtunkhwa, Peshawar may please be delivered to concerned Sub-Inspector accordingly.

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

The SSP/Traffic, Islamabad.

TI-HQ
For necessary action

[Handwritten notes]
SPT
for action pl.
2
SSP(T)
22-9-10

[Signature]
Superintendent of Police
Traffic, Islamabad
28-9-10

Meharwar - T-HQ
For necessary action please.
[Signature]
HEADQUARTERS, ISLAMABAD
25-9-10

Case No of Appeal of 30/9
Bazir



44

NO: 185-R-TI(HQ)

Dated: 27-01-11

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
ISLAMABAD

815 /E-I,

Dated. 25/01/2011

Subject: - APPEAL FOR CONFIRMATION AS SUB-INSPECTOR

Please refer to your office letter No. 7324/PA, dated 15.12.2010 and find enclosed herewith a copy of PPO/KPK, Peshawar's letter No. 1352/E-II, dated 19.01.2011 on the subject noted above.

2. It is requested that Sub-Inspector Razeem Khan No. 203/H of Hazara Region, may be informed accordingly.

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

The Sr. Superintendent of Police,
Traffic, Islamabad.

T1/HQ

To inform the Sr. accordingly, P

[Handwritten signature]
588/1TP
26/1/11

Mansoor HQ

1st Form Officer

[Handwritten signature]
INSPECTOR TRAFFIC
EAD
27/01/11

No. 865

Rs. 100 — RP-51 (Rev) (Rev)

Received a Registered Parcel Registered Insured

Postage
Registration Fee
Acknowledgement Fee
Insurance Fee
Late Fee

Addressed to *KPK / ...*

Total



If Insured

Weight 2.5 Kg

Value Rs.

Sender's Name and Address

Add ...

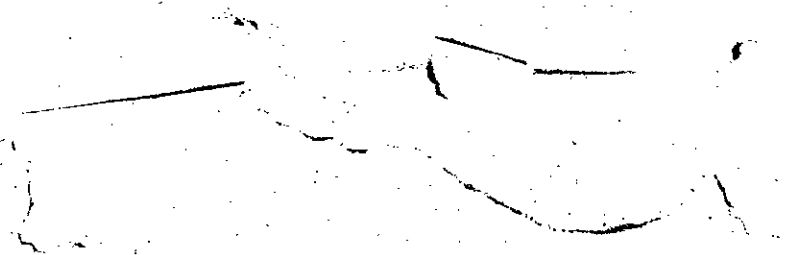
...

Signature of Booking Official

[Signature] 6/11

Date stamps of Booking Office

For instruction see reverse



423

Handwritten signature or name in Urdu script.

Abbottabad.
Advocate High court
Mr. Abdul Rehman Khan

101

Handwritten signature or name in Urdu script.



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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing; Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar and others.

....RESPONDENTS

SERVICE APPEAL

CORRECT ADDRESSES OF RESPONDENTS

Respectfully sheweth;-

Correct addresses of respondents No. 4 to 76 are as under;-

4. Habib ur Rehman, No. H/257, Posted at DSP Allai Battagram.
5. Aurangzeb, No. H/258, Posted at operational wing Mansehra.
6. Sajjad Haider, No. H/261, Posted at Special branch Abbottabad.
7. Muhammad Altaf, No. H/185, Posted at INV wing Mansehra.
8. Shah Nawaz, No. H/191, Posted at DSP Sadar Haripur.

9. Muhammad Khurshid, No. H/201, Posted at Kohistan Patrolling Force Mansehra.
10. Ghulam Mustafa, No .H/202, Posted at DSP Head Quarter Battagram.
11. Hazrat Nabi, No. H/206, Posted at training center Sawabi.
12. Muhammad Iqbal, No. H/211, Posted at EAC, Peshawar.
13. Altaf, No. H/31, Posted at SD P.O Palas.
14. SI Ibrar Khan, No. 08/H, Posted at DSP Dassu Kohistan.
15. SI Muhammad Yaseen, No. 09/H F.R.P. Posted at FRP Peshawar.
16. SI Iftikhar Ahmed, No. 10/H, posted at Operational wing Mansehra.
17. SI Zakir Hussain, No. 13/H, posted at DSP Balakot, Mansehra.
18. SI Muhammad Riaz, No. 14/H, posted at INV Batagram.
19. SI Muhammad Amjad, No. 15/H posted at Kohistan Patrolling Force.
20. Lady SI Samina Zaffar, No. 16/H posted at Haripur INV.
21. SI Bashir Ahmed, No. 17/H posted at Khanpur, SHO, Haripur.
22. SI Mehboob, No. 18/H posted at Haripur INV.
23. SI Matloob Shah, No.19/H, posted at DSP Torghar.
24. SI Muhammad Hamayun, No. 20/H posted at CTD Hazara Rang.
25. SI Farman Akhtar, No. 21/H posted at Islamabad Frontier House.

26. SI Ashiq Hussain, No. 22/H posted at INV, Abbottabad.
27. SI Mukhtiar Ahmed, No. 23/H posted at FRP, Hazara.
28. SI Adalat Khan, No. 24/H posted at Anti Corruption, Abbottabad.
29. SI Ghulam Muhammad, No. 25/H posted at INV Wing, Mansehra.
30. SI Muhammad Javed, No. 26/H posted at SHO city Mansehra.
31. SI Muhammad Iqrar, No. 29/H posted at INV Battagram.
32. SI Farhad Ali, No. 30/H posted at Special Branch, Abbottabad.
33. SI Azam Ali Shah, No. 32/H posted at Operational wing Abbottabad.
34. SI Arshad Hussain, No. 33/H posted at PTC Hangu.
35. SI Shad Muhammad, No. 36/H posted at Elite Force, Abbottabad.
36. SI Fazal Wahab, No. 37/H posted at Special Branch, Abbottabad.
37. SI Jehanzeb Khan, No. 39/H posted at Investigation Wing, Battagram.
38. SI Muhammad Amin, No. 42/H posted at Patrolling Force Mansehra.
39. SI Ehsan Shah, No. 44/H posted at Operational wing Torghar.
40. SI Muhammad Yousaf, No. 46/H posted at Special Branch, Abbottabad.
41. SI Muhammad Sajjad, No. 47/H posted at Special Branch, Abbottabad.

42. SI Fida Muhammad, No. 48/H posted at Operational Wing, Mansehra.
43. SI Muhammad Rafi, No. 05/H posted at School of Intelligence, Abbottabad.
44. SI Muhammad IShaq, No. 06/H posted at SHO Ithar, Haripur.
45. SI Nisar Ahmed, No. 38/H posted at Operational Wing, Battagram.
46. SI Chanwaiz Khan, No. 40/H posted at Patrolling Force Kohistan.
47. SI Akhtar Zaman, No. 59/H posted at INV wing Kohistan.
48. SI Daraz Khan, No. 78/H posted at Special Branch, Abbottabad.
49. SI Saleem Rashid, No. 79/H posted at CTD Hazara.
50. SI Sarwaiz Khan, No. 82/H posted at Operational wing Abbottabad.
51. SI Fazal ur Rehman, No. 83/H posted at Kohistan Patrolling Force.
52. SI Muhammad Hayat, No. 84/H posted at Operational Wing, Upper Kohistan.
53. SI Muhammad Zakir, No. 85/H posted at Elite Hazara Range.
54. SI Gul Khatab, No. 87/H posted at Elite Hazara Range.
55. SI Zubair Shah, No. 88/H posted at Elite Hazara Range.
56. SI Muhammad Fahim, No. 89/H posted at Investigation Wing, Haripur.
57. SI Amir Khatam, No. 90/H posted at Operational Wing, Abbottabad.

58. SI Umar Zada, No. 91/H posted at Investigation Wing, Battagram.
59. SI Muhammad Resaan, No. 92/H posted at INV, Mansehra.
60. SI Muhammad Khushal, No. 93/H posted Investigation Wing, Torghar.
61. SI Riasat Khan, No. 94/H posted at Investigation Wing, Abbottabad.
62. SI Abdul Ghafoor, No. 95/H posted at Elite Force, Hazara.
63. SI Abdul Sattar, No. 96/H posted at Operational Wing Kohistan.
64. SI Zulfiqar Ali, No. 97/H posted at Police Training School, Swabi.
65. SI Muhammad Uzair, No. 98/H posted at Hattar, Haripur.
66. SI Tufail Muhammad, No. 99/H posted at Operational Wing, Battagram.
67. SI Muhammad Munir, No. 100/H posted at Operational Wing Mansehra.
68. SI Muhammad Arif, No. 101/H posted at Operational Wing, Abbottabad.
69. Sadaqat Nisar, No. 102/H posted at Operational Wing, Mansehra.
70. Muhammad Arshad, No. 103/H posted at Operational Wing, Battagram.
71. Muhammad Asad Yousaf, No. 104/H posted at Elite Force, Hazara.
72. SI Mudassar Zia, No. 105/H posted at Elite Force, Hazara.
73. SI Muhammad Farooq, No. 106/H posted at Operational Wing, Mansehra.

74. SI Muhammad Asif, No. No. 107/H posted at Operational Wing Mansehra.
75. SI Abdul Rauf, No. 108/H posted at Operational Kohistan Patrolling Force.
76. SI Muhammad Riaz, No. 109/H posted at Operational Wing, Abbottabad.

PETITIONER

Through;

Dated: 29/02/2016



(Abdul Raheem Khan)
Advocates High Court, Abbottabad

AFFIDAVIT

I, Abdul Raheem Khan Advocate High Court Abbottabad, do hereby declare that the addresses of respondent No. 4 to 76 as mentioned above are true and correct and are sufficient for their service.



DEPONENT



1/3/16

خیبر پختون خواہ سروسز ٹریبونل پشاور

رظیم خان

بنام

گورنمنٹ آف خیبر پختون خواہ وغیرہ

سروسز اپیل

درخواست بمراد Condenotion of Delay

جناب عالی!

درخواست ذیل عرض ہے

- ۱- یہ کہ اپیل عوان بالا زیر تجویز عدالت آنجناب ہے جس میں رجسٹرار آفس سے اعتراض لگ کر واپس اپیل وکیل اپیلانٹ ہوئی۔
- ۲- یہ کہ اپیل بالا کہ رجسٹری لفافے پر کلرک سے اپیلانٹ وکیل کا نام غلطی سے عبدالرحمن خان ایڈووکیٹ لکھا گیا جبکہ اپیلانٹ کے وکیل کا درست نام عبدالرحیم خان ایڈووکیٹ ہے۔ جو کہ اپیل پر درست طور پر درج ہے۔ نقل رجسٹری لفافہ لکھا ہے۔
- ۳- یہ کہ اپیل رجسٹرار آفس سے اعتراض لگ کر آئی تو نام کی غلطی کی وجہ سے بار کے ملازم نے مورخہ 12/12/2015 کو وصول کی اس دن وکیل اپیلانٹ مقدمات کے سلسلے میں ایٹ آباد میں تھے۔ لیکن دوسرے دن بار ملازم نے رجسٹری/فائل وکیل اپیلانٹ کو نہ دی بلکہ اپنی الماری میں رکھ کر بھول گیا۔
- ۴- یہ کہ پہلی دفعہ جب وکیل اپیلانٹ نے اعتراضات ختم کر کے اپیل واپس ٹریبونل کو بھیجی اس کے بعد وکیل اپیلانٹ نے سروسز ٹریبونل کی ایٹ آباد آمد پر کلرک ٹریبونل سے رابطہ کیا کہ ان کی اپیل عوان بالا Cause لسٹ میں ہے کہ نہیں جس پر سروسز ٹریبونل نے کہا کہ اس ماہ آپ کی اپیل نہیں لگی آگلے ماہ لگ جائے گی۔
- ۵- یہ کہ دوسرے ماہ دوبارہ جب سروسز ٹریبونل ایٹ آباد آیا تو وکیل اپیلانٹ نے دوبارہ کلرک سے اپیل مذکورہ بالا کے بارے میں دریافت کیا تو اپیل دوبارہ کاڈ لسٹ میں نہ تھی جس پر کلرک ٹریبونل نے کہا کہ جمعہ والے دن پشاور فون کر کے پوچھ لیں۔
- ۶- یہ کہ جب پشاور فون کر کے اپیل کے متعلق پوچھا گیا تو پتہ کہ اپیل دوبارہ اعتراض لگ کر وکیل اپیلانٹ کو بھیجی گئی ہے۔ جس پر وکیل اپیلانٹ نے کہا کہ اسے اپیل مذکورہ بالا موصول نہیں ہوئی ہے۔ سروسز ٹریبونل نے رجسٹری کا نمبر دیا جس پر وکیل اپیلانٹ نے GPO ایٹ آباد، پوسٹ آفس حویلیاں اور پوسٹ آفس پشاور ہائی کورٹ رابطہ کیا گیا بالآخر پوسٹ مین حویلیاں نے بتایا کہ عبدالرحمن خان ایڈووکیٹ کے نام کی رجسٹری اس نے بار کے ملازم کو مورخہ 12/12/15 دی تھی متعلقہ پوسٹ مین نے تحصیل بار حویلیاں آکر بار کے ملازم سے رجسٹری متعلقہ کے بارے میں بتایا تو ملازم بار نے اپنی الماری چیک کرنے کے بعد رجسٹری/فائل مذکورہ بالا پوسٹ مین کے سامنے وکیل اپیلانٹ کو دی اور کہا کہ جس دن رجسٹری مذکورہ بالا پوسٹ مین نے مجھے دی اس دن عبدالرحیم خان ایڈووکیٹ حویلیاں بار میں نہ تھے اور میں نے رجسٹری وصول کرنے کے بعد الماری میں رکھ دی تھی اور دوسرے دن میری والدہ بیمار ہو گئی وہ ہسپتال میں داخل تھی جو میں اس کے بعد تقریباً دو ہفتے ان کے ہمراہ ہسپتال میں ان کی تیمارداری کرتا رہا اور فائل/رجسٹری بالا وکیل اپیلانٹ کو

ندے سکا اور مورخہ 24/02/2016 متعلقہ پوسٹ میں نے رجسٹری/ فائل کے متعلق پوچھا تو اپنی الماری چیک کرنے پر میں نے وہ رجسٹری متعلقہ پوسٹ میں کے سامنے مورخہ 24/02/2016 کو عبدالرحیم خان ایڈووکیٹ کوڈی ہے بیان حلفی بار ملازم لف ہے۔

۷۔ یہ کہ تاخیر بار ملازم کے رجسٹری وصول کرنے کے بعد وکیل اپیلانٹ کو نہ ملنے، وکیل اپیلانٹ کا رجسٹری لفافے پر غلط نام کے اندراج اور وکیل اپیلانٹ کے ذاتی تعین نہ ہونے کی وجہ سے ہوئی ہے۔

۸۔ یہ کہ مذکورہ بالا بار ملازم اور پوسٹ میں حویلیاں کا بیان بوقت ضرورت کرایا جاسکتا ہے۔

لہذا استدعا ہے کہ درخواست ہذا کو منظور فرماتے ہوئے اگر کوئی Delay ہے تو اس کو Condone فرمایا جاوے اور اعتراضات مذکورہ بالا جو ختم کر دیے گئے ہیں کو شامل اپیل کیا جاوے

الرقوم: 01-03-16

رہیم خان۔ اپیلانٹ بذریعہ عبدالرحیم خان ایڈووکیٹ




بیان حلفی

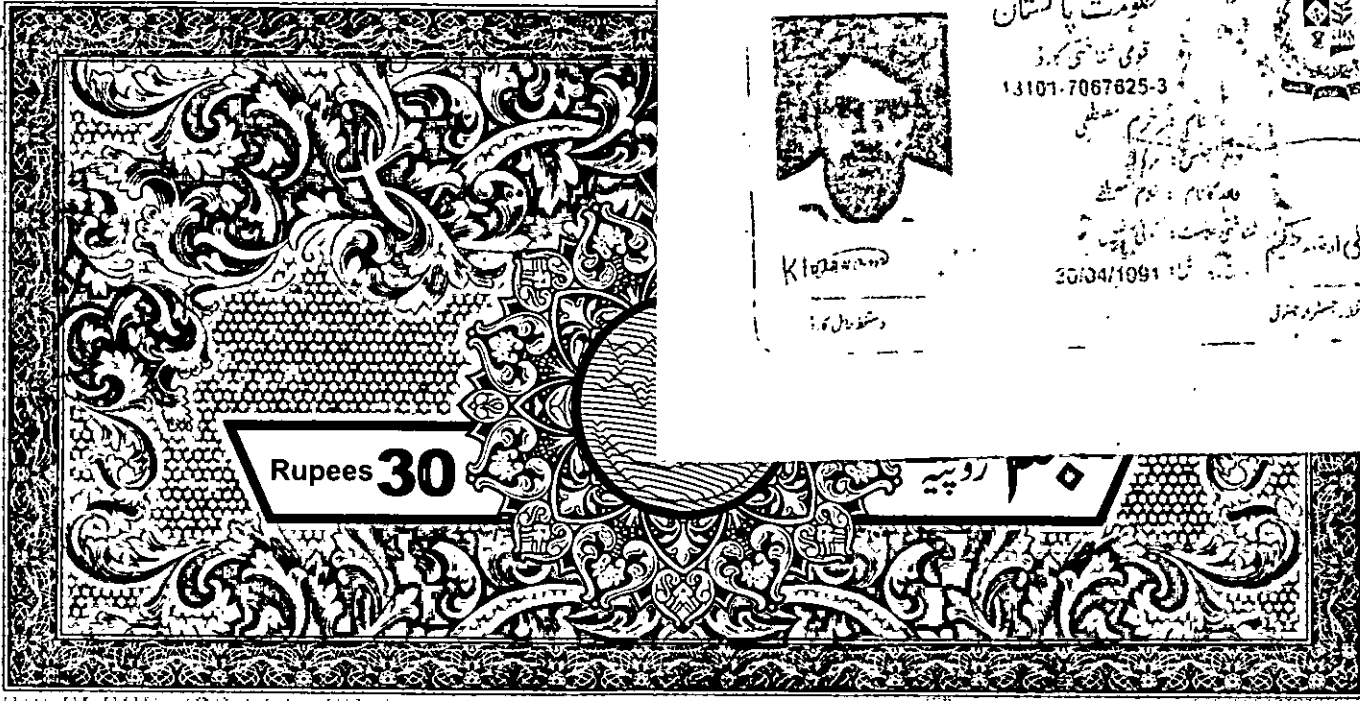
حلفاً بیانی ہوں جملہ مراتب درخواست میرے علم و یقین صحیح و درست ہیں اور کوئی امر عدالت سے مخفی نہ رکھا گیا ہے۔

الرقوم: 01-03-16

عبدالرحیم خان ایڈووکیٹ ہائی کورٹ ایبٹ آباد

وکیل اپیلانٹ 





Rupees 30

۳۰ روپیہ

بیل طینی

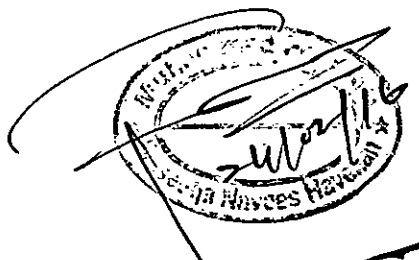
بیکوئی ایسی ماسی 30 روپیہ

میں سے خدمت مصطفیٰ وہ تمام مصطفیٰ سے گورنر اڈائی، ناز، محبت و مہربانی اور اسی سے
 معزز عقیل بار ایسی ہی الٹا ویلیج۔
 جانے بوجھتے مفاد کتبہ 30 روپیہ بار ایسی ہی الٹا ویلیج سے معززت پیش
 بار بولتے ڈیوٹی سے ایسی ہی الٹا ویلیج سے۔
 جگہ حورخ 12/15 کو دوست سونے ایک مصطفیٰ جو کہ عبد الوہاب اور وہ ایک صاحب کے
 نام کی رہتی تھی۔ جگہ سے ایسی ہی الٹا ویلیج سے۔ اور بعد ازاں میرا والدہ صاحبہ بیوہ
 کا دم سے ہسپتال سے زیر علاج تھی۔ من تو ڈیوٹی سے ان کے پاس رہا۔ اور دم
 مصطفیٰ معززان کے بارے سے بول کر کہا کہ جب مصطفیٰ وہ ایک صاحب کی خدمت جو بولتے صاحبہ حورخ کی۔
 اور آج حورخ 24/16 کو مصطفیٰ دوست سونے سے مصطفیٰ ایک صاحب سے ڈیوٹی
 تو میں ایسا دیکھتا رہتا تھا کہ مصطفیٰ معززانہ ایسا رہتا ہے جو رہتی۔ جس کے آج معززانہ
 مصطفیٰ وہ ایک صاحب کے بارے سے کہا۔ من تو ایسا بیان مصطفیٰ سے سنا ہے۔ کوئی مصطفیٰ
 مصطفیٰ ایسا ہے۔ من تو ایسا بیان مصطفیٰ سے سنا ہے۔

الدریوم 24/02/16

3-7067625-13101

خدمت مصطفیٰ وہ تمام مصطفیٰ سے گورنر اڈائی، ناز، محبت و مہربانی اور اسی سے
 معزز عقیل بار ایسی ہی الٹا ویلیج سے۔
 جانے بوجھتے مفاد کتبہ 30 روپیہ بار ایسی ہی الٹا ویلیج سے معززت پیش
 بار بولتے ڈیوٹی سے ایسی ہی الٹا ویلیج سے۔
 جگہ حورخ 12/15 کو دوست سونے ایک مصطفیٰ جو کہ عبد الوہاب اور وہ ایک صاحب کے
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 مصطفیٰ معززان کے بارے سے بول کر کہا کہ جب مصطفیٰ وہ ایک صاحب کی خدمت جو بولتے صاحبہ حورخ کی۔
 اور آج حورخ 24/16 کو مصطفیٰ دوست سونے سے مصطفیٰ ایک صاحب سے ڈیوٹی
 تو میں ایسا دیکھتا رہتا تھا کہ مصطفیٰ معززانہ ایسا رہتا ہے جو رہتی۔ جس کے آج معززانہ
 مصطفیٰ وہ ایک صاحب کے بارے سے کہا۔ من تو ایسا بیان مصطفیٰ سے سنا ہے۔ کوئی مصطفیٰ
 مصطفیٰ ایسا ہے۔ من تو ایسا بیان مصطفیٰ سے سنا ہے۔



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Handwritten text in Urdu script, possibly a date or reference number, written vertically.

Khuram



Handwritten numbers and a symbol: 1512, 24/02/16, and a symbol resembling a stylized 'R' or 'K'.

Handwritten text in Urdu script, possibly a date or reference number, written vertically.

کورٹ فیس

قیمتی

وکالت نامہ

بعدالت خیر: نختو نخواستہ کروکڑ پور بیٹونل لہنشا 19

عنوان: رظیم خان بنام گورنمنٹ آف خیر نختو نخواستہ و غیرہمنجانب: ایپلینٹنوعیت مقدمہ: سروس ایبل

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام ایٹھ ہمار

عبدالرحیم خان ایٹھ جو کٹ، سید الطاف حسین سناہ ایٹھ جو کٹ، سید فضل الرحمن ایٹھ جو کٹ، سید محمد ایٹھ جو کٹ

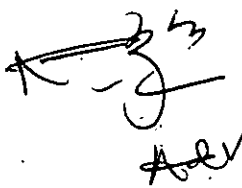
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داختم مجھ کو منظور قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت نالاش بھینچہ مقلشی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

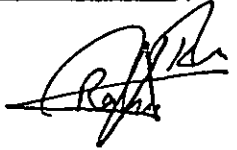
لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 05-11-2015

بمقام: ایٹھ ہمار

Accepted





57

9310516

BEFORE THE HONORABLE SERVICE TRIBUNAL K.F.K, PESHAWAR.

Service Appeal No. 197/2016.

Razeem khan.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs
Department Civil Secretariat Peshawar and others.....(Respondents)

COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully Sheweth,

Preliminary objections.

- a. The appellant has no cause of action to file the appeal.
- b. The appeal is not maintainable in present form.
- c. The appeal is bad for non-joining and mis-joining of necessary parties.
- d. The appellant is estopped to file the appeal.
- e. The appellant has not come to the Honourable Tribunal with clean hands, hence, appeal is liable to be dismissed.
- f. The appellant has suppressed the original facts from this Honourable Tribunal, hence, not entitled for any relief and appeal is liable to be dismissed without any further proceeding.
- g. The appeal is time barred hence liable to be dismissed.
- h. The order dated 22.04.2015 was issued by the authority after fulfilling all the codel formalities, hence, appeal is liable to be dismissed.

FACTS:-

1. Correct to the extent of enlistment of appellant as constable and qualifying the promotion courses.
2. Correct to the extent of confirmation of appellant in the rank of ASI.
3. Correct to the extent of officiating promotion of appellant to the rank of SI on 08.04.2008.
4. Correct to the extent of transfer of appellant on deputation to Islamabad Police, however he voluntarily managed his transfer on deputation to Islamabad Police.
5. Incorrect, seniority of junior rank of Police officer is governed by Police Rules. Promotion from one rank to another rank is subject to qualifying the promotion courses and fulfilling the prescribed criteria.

6. Incorrect, fulfilling the criteria provided in Police Rule 13-10(2) and standing orders issued from time to time is pre-condition for confirmation in the rank of sub-Inspector.
7. Incorrect, appellant was not fulfilling the prescribed criteria for confirmation in the rank of Sub-Inspector therefore, his departmental appeal were correctly turned down. Further stated that the authority has done all the proceeding as per prescribed law & rules.
8. Incorrect, Respondents No. 4 to 76 fulfilled the prescribed criteria long before the appellant therefore, they stand senior to appellant.
9. Incorrect, seniority and confirmation of junior Police officer is governed by Police Rules i-e special law and not by Civil Servant Rules. Moreover the appellant had not fulfilled the laid down criteria which is pre requisite for confirmation of sub inspector under the rule.
10. Incorrect, as explained in above paras.
11. Correct to the extent that appellant was confirmed in the rank of Sub-Inspector on fulfilling the prescribed criteria as evident from the order of confirmation enclosed as Annexure -G with original appeal.
12. Needs no comments as it pertains to the order of this Honourable Tribunal.
13. Appellant was confirmed in the rank of Sub -Inspector from the date when he fulfilled the prescribed criteria therefore, there was no force in his departmental appeal. Therefore, the same was filed vide letter dated 24.11.2015. Copy of the letter is enclosed as **Annexure-A**.
14. That after the prescribed criteria the appellant was confirmed in the rank of Sub-Inspector and was promoted to the rank of officiating Inspector, in accordance with law and rules therefore his prayer for antedating confirmation and promotion was not sustainable in the eye of law.
15. Incorrect, the order dated 22.04.2015 of competent authority/ respondent No. 2 was in accordance with law & rules and is liable to be maintained in the eye of law and present appeal is not tenable on the given grounds.

GROUND.

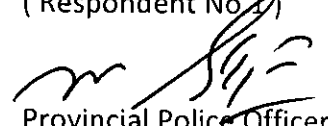
- a. Incorrect, seniority, confirmation and promotion of junior rank Police officers is governed by Police Rules i-e Special Law and civil Servant Law is not applicable to junior rank Police officers.
- b. Incorrect, the seniority of Police officer is reckoned from the date of confirmation in the rank and not from the date of appointment and promotion. The seniority of appellant was correctly fixed from the date of his confirmation in the rank of Sub Inspector.

- c. Incorrect, Civil Servant Laws are not applicable to Police Officer of junior ranks. The seniority of Police officer is reckoned from the date of confirmation in the rank and the officer will fulfill the prescribed criteria before promotion to next rank and confirmation in the same rank.
- d. Incorrect, Police Rules are Statutory Rules and Honourable Supreme Court of Pakistan has observed in reported judgments that special law will prevail over the general law. Therefore, the Police Rules framed under Police Act and saved under Police Ordinance, 2016 will prevail over the Civil Servant Rules.
- e. Incorrect, appellant voluntarily transferred on deputation to Islamabad Police and remained posted in traffic Police. Therefore the appellant is wrongly holding the authorities for not posting him as SHO. On repatriation from deputation he fulfilled the criteria and was confirmed and promoted to next rank.
- f. Incorrect, appellant was posted on deputation at Islamabad therefore, his posting as SHO was beyond the jurisdiction of answering respondents.
- g. Incorrect, appellant did not fulfill the criteria required for confirmation in the rank of Sub-Inspector as provided in Police Rules 13-10(2) and standing order therefore, he was not confirmed with colleague officer.
- h. Incorrect, appellant was not confirmed in the rank of Sub-Inspector as he was not fulfilling the prescribed criteria.
- i. Incorrect, the appeal of appellant is barred by law and limitation.

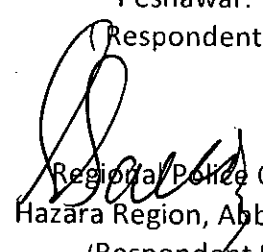
It is therefore, prayed that the appeal of appellant may be dismissed with costs.


Secretary Home & Tribal Affairs Department,
Khyber Pakhtunkhwa, Peshawar.

(Respondent No. 1)


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

(Respondent No.2)


Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 3)

BEFORE THE HONORABLE SERVICE TRIBUNAL K.P.K, PESHAWAR.

Service Appeal No. 197/2016.

Razeem khan.....(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and Tribal Affairs
Department Civil Secretariat Peshawar and others.....(Respondents)

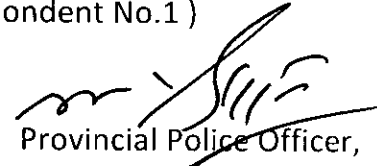
AFFIDAVIT.

We, do hereby affirm on oath that the contents of written reply
are true to the best of our knowledge & belief and nothing has been concealed
from the honorable Service Tribunal.

Submitted please.

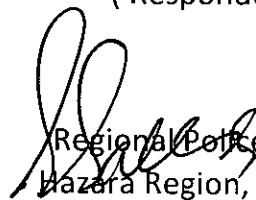


Secretary Home & Tribal Affairs Department,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No.1)



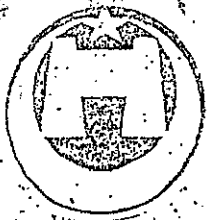
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

(Respondent No.2)



Regional Police Officer,
Hazara Region, Abbottabad

(Respondent No. 3)



Phone 0998 407023

Fax 0998407439

OFFICE OF THE HEAD OF INVESTIGATION,
KOHISTAN

No: 373/R Inv: dated Kohistan the 07/07/2015.

The Regional Police Officer,
Hazara Region Abbottabad.

DEPARTMENTAL APPEAL.

Attn:

Inclosed kindly find herewith departmental appeal in respect of Mr: Rameez Khan Sub Inspector No: 111, Investigation Wing District Lower Kohistan, along with annexure A to D (08 Pages) for your kind perusal and consideration please.

[Signature]
Head of Investigation,
Kohistan.

[Handwritten initials]

**BEFORE THE PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA PESHAWAR**

Attested through Council
10/04/2015
Advocate
District Court Abbottabad

Through; PROPER CHANNEL.

Subject: APPEAL AGAINST THE ORDER OF DIG POLICE HAZARA REGION, ABBOTTABAD VIDE ENDST. NO. 6581-6604/E DATED 22/04/2015, WHEREBY THE APPELLANT WAS CONFIRMED FROM 10/04/2015. THE APPELLANT IS ENTITLED TO CONFIRMATION / PROMOTION FROM 16/06/2010.

Respected Sir,

With due reference it is submitted that I was enlisted as Constable in 1984 in Abbottabad District Police. I had undergone Lower Class Course in 1989, inter Class Course in 1994 and Upper Class Course in 2007 from my respective District.

- 1 That, I was confirmed as ASI and brought on promotion list E with effect from 06/04/2006 (copy of order attached at Annexure "A"). According to my original seniority I was promoted as Offg. Sub Inspector with effect from 25/03/2008 with my other colleagues correctly in order of merit (copy of order is attached as Annexure "B" upto promotion as Offg. SI my seniority and promotion remained in tact.
- 2 That, I was transferred on deputation to (I.T) Police, my lien according to service rule and laid down for further promotion and confirmation was intact with parent department.

3 That, my service record and suitability reports were requisitioned from my borrowed Department for confirmation in the rank of S.I as my lien for further promotion is required to be made in my home District/ Region and it cannot be considered by the borrowed Deptt. Accordingly my suitability report and service record with excellent/OK reports were sent from my borrowed Deptt. to the DIG of Police Hazara Region Abbottabad. My ACRs are also satisfactory and there is nothing adverse against me. Accordingly to my original seniority as Offg. SI vide App-B. I am at S. No. 12 in order of merit. I have undergone the Upper Class Course a pre-condition for confirmation as SI and further promotion to List F.

4 That, on 16/06/2010 I appeared before Promotion Board in connection with confirmation of SIS. The junior in the seniority list were confirmed while my case was decided to be consider on my return to parent department and completion of period as SHO. Likewise, my case was differed for the second time on the same ground.

5 That, most of SIS who have not been completed period of SHO have been confirmed. Further, that according to standing order of IGP the period of one year as SHO will be relaxed in favour of those SIs who are serving in crime branch, CID, Special branch, Anti Corruption intelligence, training centre and traffic. They will be confirmed as SIs in parent department. The period of deputation will be counted as period of SHO if they otherwise qualified unfortunately this concession was not extended in my favour. Later on SIS who have not qualified upper class course have extraordinary promoted as Inspector officiatingly.

6 In November, 2013, I returned to my parent department Hazara Region Abbottabad and was posted as SI investigation District Kohistan. Annexure "C".

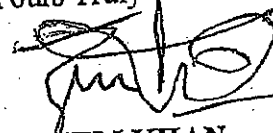
7 That after hard struggle I was able to avail posting as OII PS Palus District Kohistan vide order dated 13/02/2014 and is serving there till date. The requisite one year period is completed and I was confirmed vide Annexure "D" and was verbally communicated by the SRC Kohistan on 18-06-2015.

8. That, I was eligible for confirmation from the date of 1st appearance before the DPC i.e. 16/06/2010 but my junior and later on those SIs who do not possess the basic qualification i.e. upper course were promoted, but every time my case was not considered for due confirmation / promotion without assigning any reason in discriminatory way.

From all corner I was eligible from the date of 1st appearance before DPC i.e. 16/06/2010, it is therefore requested that I may be confirmed as SI from 16/06/2010 and be placed at original place in the seniority list.

Dated: 06-07/2015

Yours Truly



RAZEEM KHAN
SI No. H-1 Investigation
Wing District Kohistan (lower).

BEFORE THE KHYBER PUKHTUNKHAW SERVICE TRIBUNAL

PESHAWAR

Razeem Khan..... VS..... Government KPK etc.

**APPLICATION FOR THE WITHDRAWAL OF APPEAL WITH THE PERMISSION
TO FILE FRESH ONE.**

Respectfully Sheweth,

1. That the above title appeal was fixed before this Tribunal on 15-01-15 for final hearing which was further fixed for 03-07-15.
2. That during this period the respondents have passed appellant confirmation order with immediate effect 22-04-15. *copy is attached*
3. That keeping in view the above title appeal have become in fructuous to the confirmation of the respondents while the claim its self pending.

Therefore, it is, pray that appeal maybe dismiss withdrawn with the permission to file the fresh one ordination for confirmation after observing all legal formalities require under the law.

Dated:- 03-07-2015

Through

PETITIONER/APPELLANT


Abdul Raheem Khan

Advocate Peshawar

(40)

Office of I.O. Police
Dy. No. 1482
* Date: 2/1/11
Islamabad

DIG	
AIG/E	✓
AIG/O	
AIG/G	
DD	✓

From : The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

To : The Inspector General of Police,
Islamabad

No. 1352 / E-II dated Peshawar the 19/10/2011

Subject: APPEAL FOR CONFIRMATION AS SUB INSPECTOR

Memo: *P-note*
Please refer to your office letter No. 9450/E-I dated 24.12.2010.
Appeal of SI Razeem Khan 203/H of Hazara Region now on
deputation to Islamabad. Traffic Police for confirmation as SI has
examined and filed as he does not full fills the required standard for
confirmation as SI under Police Rules 13.10.(2).

SEF
myes
22/11/11

P-note
(MUHAMMAD FAYAZ KHAN)
AIG/Legal,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

Ref
to
des

From: The Provincial Police Officer,
NWFP, Peshawar.

To: All Regions DIsG in NWFP.

The Capital City Police Officer, Peshawar.

The Deputy Inspector General of Police,
Special Branch NWFP, Peshawar.

The Commandant FRP, NWFP, Peshawar.

The Assistant Inspector General of Police,
Telecommunication, NWFP, Peshawar.

The Assistant Inspector General of Police,
Traffic, NWFP, Peshawar.

The Assistant Inspector General of Police,
CID, NWFP, Peshawar.

15163-75
No. 1/11 dated Peshawar the 03-06-2008

Subject: PROMOTIONS

For the Frontier Police going was never as tough as today. We are passing through the most difficult times of our history. We are not working in normal circumstances, numerous challenges are being faced, at various fronts like rising militancy, extremism, terrorism and the rampant increase of crime like kidnapping for ransom, hijacking, suicide bombings, IED's explosion, Ambush of LEA's and striking of Government Installations at will.

In such circumstances we need to lead our men from the front, provide them leadership, look after their welfare and try to raise their morale to knit them as a united force. To make a beginning we at the headquarters, at the initiative of the PRO, are trying to focus your attention to Article 7 (5) of the Police Order. Where the District cadre goes right upto the DSP level, thus the c/d Police rules which laid down certain restrictions on the bringing up of an officer on list F, one of them was to serve as an SHO for one year in a district other than his home town. Keeping in view the spirit of Police Order 2002 this restriction is condoned. Thus the officers be recommended for promotion, we have around 30 vacancies of Inspectors to be filed.

All concerned are therefore directed to expedite their recommendations for promotions to F list. We expect you to be sending these within a fortnight i.e., by the middle of June repeat middle of June.

(FIAZ AHMAD KHAN TORU)
ADDL. IGP/HQRs,
For Provincial Police Officer,
NWFP, Peshawar.

7539
7/6/08
EA
Wt
10
7/6

No. 7175-83
copy of above is furnished to
all DPs/IC investigation in Hazara Region
for information and action
as per
Muz

No. 57/11/10

From:

The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

To :

The Inspector General of Police,
Islamabad.

No. 24116

/E-II dated Peshawar, the 09/9 /2010.

Subject:

APPEAL OF SI/RAZEEM KHAN OF KPK POLICE
PRESENTLY ON DEPUTATION WITH ISLAMABAD
TRAFFIC POLICE.

Memo:

Please refer to your letter No. 5664/E-I,
page

dated 27.7.2010.

The DIC/Hazara Region has intimated that the
appellant was not confirmed as SI due to reason that he had not
served as SHO for one year, which is necessary for confirmation of
SI according to Police Rules 15.18.

(SAJID ALI KHAN)
DIG/HQRS:
FOR PROVINCIAL POLICE OFFICER,
KHYBER PAKHTUNKHWA,
PESHAWAR.

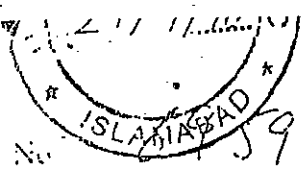
A/E-1

any

149

[Handwritten signature]
16/9

PPS are added,
please. Jan 16-9-2010



INSPECTOR GENERAL OF POLICE
ISLAMABAD



No. 59/E-1

Dated. 21/09/2010.

Subject: APPEAL OF- SI RAZEEM KHAN OF KPK POLICE FOR
CONFIRMATION

Please refer to your office letter No. 4079/PA, dated 16.07.2010 on the subject noted above.

2. Enclosed please find a copy of letter No. 21116/E-II, dated 09.09.2010 received from the Provincial Police Officer, KPK, Peshawar.

3. It is requested that a copy of above letter received from PPO, Khyber Pakhtunkhwa, Peshawar may please be delivered to concerned Sub-Inspector accordingly.

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

The SSP/Traffic, Islamabad.

SP(T)
For action etc
2
Date

TI-HQ
For necessary action

Superintendent of Police
Traffic, Islamabad
28-9-10

Muhammad T-HR
For necessary action please

HEADQUARTER, ISLAMABAD
28-9-10

SSP(T)
22-9-10

Copy of Appeal of 30/9/10

28/9/10



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
ISLAMABAD

Dated = 25/01/2011

815 /E-I,

Dated. 25/01/2011

Subject: - APPEAL FOR CONFIRMATION AS SUB-INSPECTOR

Please refer to your office letter No. 7324/PA, dated 15.12.2010 and find enclosed herewith a copy of PPO/KPK, Peshawar's letter No. 1352/E-II, dated 19.01.2011 on the subject noted above.

2. It is requested that Sub-Inspector Razeem Khan No. 203/H of Hazara Region, may be informed accordingly.

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

The Sr. Superintendent of Police,
Traffic, Islamabad.

TI/HQ
To inform the Sr. accordingly, /P

SSP/TPP
26/1/11

M. Mansoor H.O.
Inform Officer

INSPECTOR TRAFFIC
HEADQUARTERS ISLAMABAD
26/1/11

No. 865

Rs. 00 — RP-51 (Rev) (Rev)

Received a Registered Parcel Registered Insured

Postage Registration Fee Acknowledgement Fee Insurance Fee Late Fee

Addressed to *KPK (Kor)*
17th Street, 1st Floor

Total *1000*



If Insured { Weight *2.5* Kg. Value Rs. _____

Admission

Sender's Name and Address *17th Street, 1st Floor*

Signature of Booking Official *[Signature]*

Date stamps of Booking Office

For instruction see reverse

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar and others.

....RESPONDENTS

SERVICE APPEAL

CORRECT ADDRESSES OF RESPONDENTS

Respectfully sheweth;-

Correct addresses of respondents No. 4 to 76 are as under;-

4. Habib ur Rehman, No. H/257, Posted at DSP Allai Battagram.
5. Aurangzeb, No. H/258, Posted at operational wing Mansehra.
6. Sajjad Haider, No. H/261, Posted at Special branch Abbottabad.
7. Muhammad Altaf, No. H/185, Posted at INV wing Mansehra.
8. Shah Nawaz, No. H/191, Posted at DSP Sadar Haripur.

9. Muhammad Khurshid, No. H/201, Posted at Kohistan Patrolling Force Mansehra.
10. Ghulam Mustafa, No. H/202, Posted at DSP Head Quarter Battagram.
11. Hazrat Nabi, No. H/206, Posted at training center Sawabi.
12. Muhammad Iqbal, No. H/211, Posted at EAC, Peshawar.
13. Altaf, No. H/31, Posted at SD P.O Palas.
14. SI Ibrar Khan, No. 08/H, Posted at DSP Dassu Kohistan.
15. SI Muhammad Yaseen, No. 09/H F.R.P. Posted at FRP Peshawar.
16. SI Ifikhar Ahmed, No. 10/H, posted at Operational wing Mansehra.
17. SI Zakir Hussain, No. 13/H, posted at DSP Balakot, Mansehra.
18. SI Muhammad Riaz, No. 14/H, posted at INV Batagram.
19. SI Muhammad Amjad, No. 15/H posted at Kohistan Patrolling Force.
20. Lady SI Samina Zaffar, No. 16/H posted at Haripur INV.
21. SI Bashir Ahmed, No. 17/H posted at Khanpur, SHO, Haripur.
22. SI Mehboob, No. 18/H posted at Haripur INV.
23. SI Matloob Shah, No.19/H, posted at DSP Torghar.
24. SI Muhammad Hamayun, No. 20/H posted at CTD Hazara Rang.
25. SI Farman Akhtar, No. 21/H posted at Islamabad Frontier House.

26. SI Ashiq Hussain, No. 22/H posted at INV, Abbottabad.
27. SI Mukhtiar Ahmed, No. 23/H posted at FRP, Hazara.
28. SI Adalat Khan, No. 24/H posted at Anti Corruption, Abbottabad.
29. SI Ghulam Muhammad, No. 25/H posted at INV Wing, Mansehra.
30. SI Muhammad Javed, No. 26/H posted at SHO city Mansehra.
31. SI Muhammad Iqrar, No. 29/H posted at INV Battagram.
32. SI Farhad Ali, No. 30/H posted at Special Branch, Abbottabad.
33. SI Azam Ali Shah, No. 32/H posted at Operational wing Abbottabad.
34. SI Arshad Hussain, No. 33/H posted at PTC Hangu.
35. SI Shad Muhammad, No. 36/H posted at Elite Force, Abbottabad.
36. SI Fazal Wahab, No. 37/H posted at Special Branch, Abbottabad.
37. SI Jehanzeb Khan, No. 39/H posted at Investigation Wing, Battagram.
38. SI Muhammad Amin, No. 42/H posted at Patrolling Force Mansehra.
39. SI Ehsan Shah, No. 44/H posted at Operational wing Torghar.
40. SI Muhammad Yousaf, No. 46/H posted at Special Branch, Abbottabad.
41. SI Muhammad Sajjad, No. 47/H posted at Special Branch, Abbottabad.

42. SI Fida Muhammad, No. 48/H posted at Operational Wing, Mansehra.
43. SI Muhammad Rafi, No. 05/H posted at School of Intelligence, Abbottabad.
44. SI Muhammad Ishaq, No. 06/H posted at SHO Ithar, Haripur.
45. SI Nisar Ahmed, No. 38/H posted at Operational Wing, Battagram.
46. SI Chanwaiz Khan, No. 40/H posted at Patrolling Force Kohistan.
47. SI Akhtar Zaman, No. 59/H posted at INV wing Kohistan.
48. SI Daraz Khan, No. 78/H posted at Special Branch, Abbottabad.
49. SI Saleem Rashid, No. 79/H posted at CTD Hazara.
50. SI Sarwaiz Khan, No. 82/H posted at Operational wing Abbottabad.
51. SI Fazal ur Rehman, No. 83/H posted at Kohistan Patrolling Force.
52. SI Muhammad Hayat, No. 84/H posted at Operational Wing, Upper Kohistan.
53. SI Muhammad Zakir, No. 85/H posted at Elite Hazara Range.
54. SI Gul Khatab, No. 87/H posted at Elite Hazara Range.
55. SI Zubair Shah, No. 88/H posted at Elite Hazara Range.
56. SI Muhammad Fahim, No. 89/H posted at Investigation Wing, Haripur.
57. SI Amir Khatam, No. 90/H posted at Operational Wing, Abbottabad.


58. SI Umar Zada, No. 91/H posted at Investigation Wing, Battagram.
59. SI Muhammad Resaan, No. 92/H posted at INV, Mansehra.
60. SI Muhammad Khushal, No. 93/H posted Investigation Wing, Torghar.
61. SI Riasat Khan, No. 94/H posted at Investigation Wing, Abbottabad.
62. SI Abdul Ghafoor, No. 95/H posted at Elite Force, Hazara.
63. SI Abdul Sattar, No. 96/H posted at Operational Wing Kohistan.
64. SI Zulfiqar Ali, No. 97/H posted at Police Training School, Swabi.
65. SI Muhammad Uzair, No. 98/H posted at Hattar, Haripur.
66. SI Tufail Muhammad, No. 99/H posted at Operational Wing, Battagram.
67. SI Muhammad Munir, No. 100/H posted at Operational Wing Mansehra.
68. SI Muhammad Arif, No. 101/H posted at Operational Wing, Abbottabad.
69. Sadaqat Nisar, No. 102/H posted at Operational Wing, Mansehra.
70. Muhammad Arshad, No. 103/H posted at Operational Wing, Battagram.
71. Muhammad Asad Yousaf, No. 104/H posted at Elite Force, Hazara.
72. SI Mudassar Zia, No. 105/H posted at Elite Force, Hazara.
73. SI Muhammad Farooq, No. 106/H posted at Operational Wing, Mansehra.

74. SI Muhammad Asif, No. No. 107/H posted at Operational Wing Mansehra.
75. SI Abdul Rauf, No. 108/H posted at Operational Kohistan Patrolling Force.
76. SI Muhammad Riaz, No. 109/H posted at Operational Wing, Abbottabad.

PETITIONER

Through;

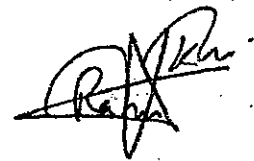
Dated: 29/02/2016



(Abdul Raheem Khan)
Advocates High Court, Abbottabad

AFFIDAVIT

I, Abdul Raheem Khan Advocate High Court Abbottabad, do hereby declare that the addresses of respondent No. 4 to 76 as mentioned above are true and correct and are sufficient for their service.



DEPONENT



13/16

خیبر پختون خواہ سروسز ٹریبونل پشاور

رظیم خان

بنام

گورنمنٹ آف خیبر پختون خواہ وغیرہ

سروسز اپیل

درخواست بمبراد Condenation of Delay

جناب عالی!

درخواست ذیل عرض ہے

- ۱- یہ کہ اپیل عوان بالا زیر تجویز عدالت آنجناب ہے جس میں رجسٹرار آفس سے اعتراض لگ کر واپس اپیل وکیل اپیلانٹ ہوئی۔
- ۲- یہ کہ اپیل بالا کہ رجسٹری لفافے پر کلرک سے اپیلانٹ وکیل کا نام غلطی سے عبدالرحمن خان ایڈووکیٹ لکھا گیا جبکہ اپیلانٹ کے وکیل کا درست نام عبدالرحیم خان ایڈووکیٹ ہے۔ جو کہ اپیل پر درست طور پر درج ہے۔ نقل رجسٹری لفافہ ہے۔
- ۳- یہ کہ اپیل رجسٹرار آفس سے اعتراض لگ کر آئی تو نام کی غلطی کی وجہ سے بار کے ملازم نے مورخہ 12/12/2015 کو وصول کی اس دن وکیل اپیلانٹ مقدمات کے سلسلے میں ایبٹ آباد میں تھے۔ لیکن دوسرے دن بار ملازم نے رجسٹری/فائل وکیل اپیلانٹ کو نہ دی بلکہ اپنی الماری میں رکھ کر بھول گیا۔
- ۴- یہ کہ پہلی دفعہ جب وکیل اپیلانٹ نے اعتراضات ختم کر کے اپیل واپس ٹریبونل کو بھیجی اس کے بعد وکیل اپیلانٹ نے سروسز ٹریبونل کی ایبٹ آباد آمد پر کلرک ٹریبونل سے رابطہ کیا کہ ان کی اپیل عنوان بالا Cause لسٹ میں ہے کہ نہیں جس پر سروسز ٹریبونل نے کہا کہ اس ماہ آپ کی اپیل نہیں لگی آگلے ماہ لگ جائے گی۔
- ۵- یہ کہ دوسرے ماہ دوبارہ جب سروسز ٹریبونل ایبٹ آباد آیا تو وکیل اپیلانٹ نے دوبارہ کلرک سے اپیل مذکورہ بالا کے بارے میں دریافت کیا تو اپیل دوبارہ کاز لسٹ میں نہ تھی جس پر کلرک ٹریبونل نے کہا کہ جمعہ والے دن پشاور فون کر کے پوچھ لیں۔
- ۶- یہ کہ جب پشاور فون کر کے اپیل کے متعلق پوچھا گیا تو پتہ چلا کہ اپیل دوبارہ اعتراض لگ کر وکیل اپیلانٹ کو بھیجی گئی ہے۔ جس پر وکیل اپیلانٹ نے کہا کہ اسے اپیل مذکورہ بالا موصول نہیں ہوئی ہے۔ سروسز ٹریبونل نے رجسٹری کا نمبر دیا جس پر وکیل اپیلانٹ نے GPO ایبٹ آباد، پوسٹ آفس حویلیاں اور پوسٹ آفس پشاور ہائی کورٹ رابطہ کیا گیا بالآخر پوسٹ مین حویلیاں نے بتایا کہ عبدالرحمن خان ایڈووکیٹ کے نام کی رجسٹری اس نے بار کے ملازم کو مورخہ 12/12/15 دی تھی متعلقہ پوسٹ مین نے تحصیل بار حویلیاں آکر بار کے ملازم سے رجسٹری متعلقہ کے بارے میں بتایا تو ملازم بار نے اپنی الماری چیک کرنے کے بعد رجسٹری/فائل مذکورہ بالا پوسٹ مین کے سامنے وکیل اپیلانٹ کو دی اور کہا کہ جس دن رجسٹری مذکورہ بالا پوسٹ مین نے مجھے دی اس دن عبدالرحیم خان ایڈووکیٹ حویلیاں بار میں نہ تھے اور میں نے رجسٹری وصول کرنے کے بعد الماری میں رکھ دی تھی اور دوسرے دن میری والدہ بیمار ہو گئی وہ ہسپتال میں داخل تھی جو میں اس کے بعد تقریباً دو ہفتے ان کے ہمراہ ہسپتال میں ان کی تیمارداری کرتا رہا اور فائل/رجسٹری بالا وکیل اپیلانٹ کو

ندے سرکا اور مورخہ 24/02/2016 متعلقہ پوسٹ میں نے رجسٹری افاسے س پو پھا اپنی امارن چیب رے پر میں نے وہ

رجسٹری متعلقہ پوسٹ میں کے سامنے مورخہ 24/02/2016 کو عبد الرحیم خان ایڈووکیٹ کو دی ہے بیان حلفی بار ملازم لفظ ہے۔

۷۔ یہ کہ تاخیر بار ملازم کے رجسٹری وصول کرنے کے بعد وکیل اپیلانٹ کو نہ ملنے، وکیل اپیلانٹ کا رجسٹری لفافے پر غلط نام کے اندراج اور وکیل اپیلانٹ کے ذاتی تعمیل نہ ہونے کی وجہ سے ہوئی ہے۔

۸۔ یہ کہ مذکورہ بالا بار ملازم اور پوسٹ میں حویلیاں کا بیان بوقت ضرورت کرایا جاسکتا ہے۔

لہذا استدعا ہے کہ درخواست ہذا کو منظور فرماتے ہوئے اگر کوئی Delay ہے تو اس کو Condone فرمایا جاوے اور اعتراضات مذکورہ بالا جو ختم کر دیے گئے ہیں کو شامل اپیل کیا جاوے

المرقوم: 01-03-16

رظیم خان۔ اپیلانٹ بذریعہ عبد الرحیم خان ایڈووکیٹ



بیان حلفی

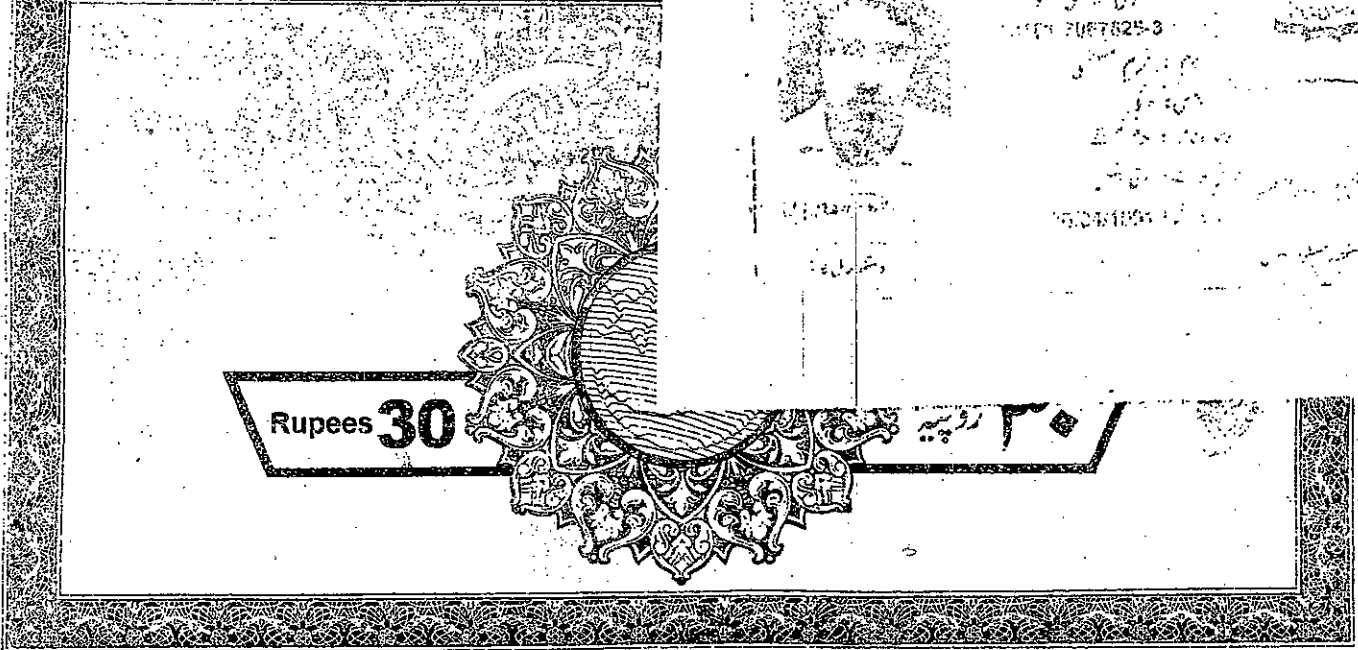
حلفاً یہاں ہوں جملہ مراتب درخواست میرے علم
و یقین صحیح و درست ہیں اور کوئی امر عدالت سے
مخفی نہ رکھا گیا ہے۔

المرقوم: 01-03-16

عبد الرحیم خان ایڈووکیٹ ہائی کورٹ ایبٹ آباد

وکیل اپیلانٹ





بذریعہ لکھی جانے والی رقم 30 روپیہ

بمقام حنفی

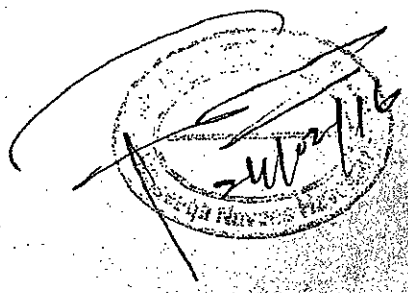
میں سے مندرجہ ذیل ناموں کے لئے رقم وصول کی گئی ہے۔
 1۔ محمد علی صاحب، لاہور، رقم 10 روپیہ
 2۔ محمد رفیق، لاہور، رقم 10 روپیہ
 3۔ محمد رفیق، لاہور، رقم 10 روپیہ
 4۔ محمد رفیق، لاہور، رقم 10 روپیہ
 5۔ محمد رفیق، لاہور، رقم 10 روپیہ
 6۔ محمد رفیق، لاہور، رقم 10 روپیہ
 7۔ محمد رفیق، لاہور، رقم 10 روپیہ
 8۔ محمد رفیق، لاہور، رقم 10 روپیہ
 9۔ محمد رفیق، لاہور، رقم 10 روپیہ
 10۔ محمد رفیق، لاہور، رقم 10 روپیہ

تاریخ 24/02/16

3-7067625-13107

میں سے مندرجہ ذیل ناموں کے لئے رقم وصول کی گئی ہے۔
 محمد رفیق، لاہور، رقم 10 روپیہ
 محمد رفیق، لاہور، رقم 10 روپیہ
 محمد رفیق، لاہور، رقم 10 روپیہ

Khuram



To,

U 9

Mr. Abdul Rehman Khan
Advocate High Court
Abbottabad.

By [Signature]

423

The appeal of Mr. Razeem Khan Inspector No.H-01 Distt. A.Abad presently Investigation wing Lower Kohistan received to-day i.e. on 10.11.2015 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested:
- 3- Addresses of respondents No. 4 to 76 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 4- Seventy Two more copies/sets of the appeal along with annexures i.e. complete all respect may also be submitted with the appeal.

No. 1761 /S.T.

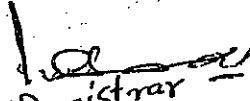
Dt. 11/11 /2015

Mr. Abdul Raheem Khan Adv.
High Court Abbottabad.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Objections no. 3 and 4 are still stand and the appeal is returned again to the counsel for the appellant for its completion.

no. 1841 /S.T.
dt 2-12 /2015


Registrar

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

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

....RESPONDENTS

APPEAL

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3.	Copy of promotion order	20	"A"
4.	Coy of promotion order	20-A	"B"
5.	Copy of the order dated 16/06/2010	21	"C"
6.	Copy of departmental appeal dated 12/07/2010	22 to 23	"D"
7.	Copy of review application dated 24/12/2010	24	"E"
8.	Copy of Service Tribunal appeal No. 343/2011	25 to 30	"F"
9.	Copy of the impugned order dated 22/04/2015	31, 32	"G"
10.	Copy of the order of this Honourable Tribunal dated 03/07/2015	33 to 35	"H"
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12.	Copies of other documents	39 to 44	
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...APPELLANT

Through;

Dated: 05-11 /2015


(Abdul Raheem Khan)

&


(Altaf Hussain Shah)

Advocates High Court, Abbottabad

03009116650

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

1343
10-11-2015

1. Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar.
2. DIG Police, Hazara Division, Abbottabad.
3. IG Police, Khyber Pakhtunkhwa, Peshawar.
4. Habib ur Rehman, No. H/257, Posted at Mansehra.
5. Aurangzeb, No. H/258, Posted at Mansehra.
6. Sajjad Haider, No. H/261, Posted at Kohistan.
7. Muhammad Altaf, No. H/185, Posted at Mansehra.
8. Shah Nawaz, No. H/191, Posted at CCP, Haripur.
9. Muhammad Khurshid, No. H/201, Posted at Mansehra.
10. Ghulam Mustafa, No. H/202, Posted at Kohistan.
11. Hazrat Nabi, No. H/206, Posted at Inv: Mardan.
12. Muhammad Iqbal, No. H/211, Posted at EAC, Peshawar.
13. Altaf, No. H/31, Posted at Inv: Kohistan.
14. SI Ibrar Khan, No. 08/H, Posted at Kohistan.

10/11/15

15. SI Muhammad Yaseen, No. 09/H.F.R.P.
16. SI Iftikhar Ahmed, No. 10/H, posted at Mansehra.
17. SI Zakir Hussain, No. 13/H, posted at Mansehra.
18. SI Muhammad Riaz, No. 14/H, posted at Haripur.
19. SI Muhammad Amjad, No. 15/H posted at Investigation Wing, Battagram.
20. Lady SI Samina Zaffar, No. 16/H posted at Haripur.
21. SI Bashir Ahmed, No. 17/H posted at Haripur.
22. SI Mehboob, No. 18/H posted at Abbottabad.
23. SI Matloob Shah, No.19/H, posted at Mansehra.
24. SI Muhammad Hamayun, No. 20/H posted at CTD Operation Wing, Abbottabad.
25. SI Farman Akhtar, No. 21/H posted at Islamabad Frontier House.
26. SI Ashiq Hussain, No. 22/H posted at Operation Wing, Abbottabad.
27. SI Mukhtiar Ahmed, No. 23/H posted at Operation Wing, Battagram.
28. SI Adalat Khan, No. 24/H posted at Operation Wing, Abbottabad.
29. SI Ghulam Muhammad, No. 25/H posted at Operation Wing, Mansehra.
30. SI Muhammad Javed, No. 26/H posted at Operation Wing, Mansehra.
31. SI Muhammad Iqrar, No. 29/H posted at Hangu.
32. SI Farhad Ali, No. 30/H posted at Special Branch.
33. SI Azam Ali Shah, No. 32/H posted at Abbottabad.
34. SI Arshad Hussain, No. 33/H posted at PTC Hangu.
35. SI Shad Muhammad, No. 36/H posted at Torghar District.
36. SI Fazal Wahab, No. 37/H posted at Special Branch.

37. SI Jehanzeb Khan, No. 39/H posted at Investigation Wing, Mansehra.
38. SI Muhammad Amin, No. 42/H posted at Traffic Khyber Pakhtunkhwa.
39. SI Ehsan Shah, No. 44/H posted at Kohistan.
40. SI Muhammad Yousaf, No. 46/H posted at Kohistan.
41. SI Muhammad Sajjad, No. 47/H posted at Investigation Wing, Mansehra.
42. SI Fida Muhammad, No. 48/H posted at Operational Wing, Abbottabad.
43. SI Muhammad Rafi, No. 05/H posted at Police School of Intelligence, Abbottabad.
44. SI Muhammad Ishaq, No. 06/H posted at Ithar.
45. SI Nisar Ahmed, No. 38/H posted at Operational Wing, Battagram.
46. SI Chanwaiz Khan, No. 40/H posted at Investigation Wing, Abbottabad.
47. SI Akhtar Zaman, No. 59/H posted at Operational Wing, Lower Kohistan.
48. SI Daraz Khan, No. 78/H posted at Special Branch, Battagram.
49. SI Saleem Rashid, No. 79/H posted at Operational Wing, Haripur.
50. SI Sarwaiz Khan, No. 82/H posted at Region Office, Abbottabad.
51. SI Fazal ur Rehman, No. 83/H posted at Kohistan.
52. SI Muhammad Hayat, No. 84/H posted at Operational Wing, Upper Kohistan.
53. SI Muhammad Zakir, No. 85/H posted at Operational Wing, Upper Kohistan.
54. SI Gul Khatab, No. 87/H posted at Kohistan.
55. SI Zubair Shah, No. 88/H posted at Elite Force, Peshawar.

56. SI Muhammad Fahim, No. 89/H posted at Investigation Wing, Lower Kohistan.
57. SI Amir Khatam, No. 90/H posted at Investigation Wing, Haripur.
58. SI Umar Zada, No. 91/H posted at Investigation Wing, Battagram.
59. SI Muhammad Resaan, No. 92/H posted at PTC Hangu.
60. SI Muhammad Khushal, No. 93/H posted Investigation Wing, Torghar.
61. SI Riasat Khan, No. 94/H posted at Investigation Wing, Abbottabad.
62. SI Abdul Ghafoor, No. 95/H posted at Elite Force, Hazara.
63. SI Abdul Sattar, No. 96/H posted at Elite Force, Hazara.
64. SI Zulfiqar Ali, No. 97/H posted at Police Training School, Swabi.
65. SI Muhammad Uzair, No. 98/H posted at Hattar, Haripur.
66. SI Tufail Muhammad, No. 99/H posted at Operational Wing, Battagram.
67. SI Muhammad Munir, No. 100/H posted at City Haripur.
68. SI Muhammad Arif, No. 101/H posted at Operational Wing, Abbottabad.
69. Sadaqat Nisar, No. 102/H posted at Operational Wing, Mansehra.
70. Muhammad Arshad, No. 103/H posted at Operational Wing, Battagram.
71. Muhammad Asad Yousaf, No. 104/H posted at Elite Force, Hazara.
72. SI Mudassar Zia, No. 105/H posted at Investigation Wing, Abbottabad.
73. SI Muhammad Farooq, No. 106/H posted at Operational Wing, Mansehra.
74. SI Muhammad Asif, No. No. 107/H posted at CTD, Hazara.
75. SI Abdul Rauf, No. 108/H posted at Operational Wing, Lower Kohistan.
76. SI Muhammad Riaz, No. 109/H posted at Operational Wing, Abbottabad.

....RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF KPK
SERVICE TRIBUNAL ACT 1974, AGAINST THE
ORDER, DATED 22/04/2015, OF RESPONDENT NO.
2, VIDE WHICH THE APPELLANT, INSTEAD OF
HAVING BEEN PROMOTED WITH EFFECT FROM
16/06/2010 I.E THE DATE ON WHICH OTHER
EMPLOYEES BELONGING TO THE SAME BATCH,
CADRE AND SENIORITY ALONGWITH THOSE
BEING JUNIORS TO THE APPELLANT HAVE BEEN
PROMOTED, HAS BEEN PROMOTED WITH
EFFECT FROM 22/04/2015.

PRAYER: ON ACCEPTANCE OF THE INSTANT
APPEAL, THE IMPUGNED ORDER, DATED
22/04/2015, MAY GRACIOUSLY BE SO AMENDED
AS TO MAKE THE APPELLANT ENTITLED TO
seniority and PROMOTION WITH EFFECT FROM
16/06/2010 instead of 22/04/2015 WITH ALL BACK
BENEFITS.

Respectfully Sheweth;-

1. That appellant was appointed as Police Constable on 15/02/1984, had undergone lower class course in 1990, inter class course in 1994 and upper class course in 2007 from his respective District.
2. That appellant was confirmed as Assistant Sub-Inspector (ASI) and placed on promotion list "E" on 06/04/2006. Copy of promotion order is annexed as Annexure "A".
3. That on the basis of the above mentioned seniority list, the appellant and his other co-servants, having same criteria, were promoted as SI with effect from 25/03/2008. Copy of promotion order is annexed as Annexure "B".
4. That the appellant remained on deputation to ITP from 13/10/2008 to 10/11/2013 and thereafter he was repatriated to his parent department.
5. That appellant's above mentioned deputation was not having any effect on his seniority and promotion and his seniority was reckonable as per the seniority list as mentioned above.

6. That it is however, unfortunate that the Departmental Promotion Board, while considering the cases of confirmation of all S.Is including the appellant, refused to accord him the date of his seniority as mentioned in the "E" list merely on the ground that the appellant had not served as SHO out of his home district and therefore, was not entitled to the benefit of seniority under Police Rule 13.18 for promotion and consequently was not confirmed at par with other similarly placed police officers. Copy of the order dated 16/06/2010 is annexed as Annexure "C".

7. That being aggrieved against the above mentioned order dated 16/06/2010, the appellant filed departmental appeal, as provided under the law and, also, review petition thereafter, but his aforementioned representations were rejected thus compelling the appellant to approach the Honourable Service Tribunal by filing service appeal No. 343/2011. Copies of departmental appeal dated 12/07/2010, review application dated 24/12/2010 and Service Tribunal appeal No.

343/2011 are annexed as Annexure "D", "E" & "F".

8. That it is pertinent to submit that respondents Nos. 4 to 76, despite being junior to the appellant in respect of their seniority have also been given precedence to the appellant and were also promoted vide the above mentioned order dated 16/06/2010.

9. That during the pendency of the above mentioned appeal No. 343/2011, another batch of employees, all the promotees as mentioned in the order dated 16/06/2010, including respondents Nos. 4 to 76 who were also junior to the appellant therein order of their seniority, were further promoted vide the order dated 16/06/2010 and the appellant once again, was not considered for the promotion. likewise series of annual promotion orders, in the year, 2011, 2012, 2013 and 2014 were made by the respondent authority but the appellant was not considered apparently for the reason that his service appeal No. 343/2011 was still pending decision.

10. That, since the appeal in which the appellant had claimed his right of promotion/ seniority from the date of order dated 16/06/2010, the appellant, due to pendency of his appeal, had not considered it necessary to challenge the above mentioned intervening promotion order as he was confident that his appeal would restore to him his due right.
11. That the appellant service appeal No. 343/2011 was still pending before the Honourable Service Tribunal when the respondent authority vide impugned order dated 22/04/2015, promoted the appellant with effect from 10/04/2015. Copy of the impugned order dated 22/04/2015 is attached as Annexure "G".
12. That as the impugned order, dated 22/04/2015, provided a fresh cause of action, the appellant was compelled by circumstances to withdraw his appeal No. 343/2011 with the permission to approach departmental authority for correction of the date of his original seniority as was recorded in

the above mentioned list "E". The appellant's request for withdrawal of his appeal No. 343/2011 with the permission as was sought therein, was allowed and consequently the same was withdrawn. Copy of the order of this Honourable Tribunal dated 03/07/2015 is attached as Annexure "H".

13. That, on 06/07/2015, after three days of the above mentioned withdrawal order, the appellant challenged the impugned order dated 22/04/2015 by filing the departmental appeal to respondent No. 3. Copy of the departmental appeal is attached as Annexure "I".

14. That the appellant, since the date of decision of his departmental appeal, continued to wait for decision thereon, but appellate authority has not yet decided the same and, therefore, in order to avoid the bar of limitation the instant appeal is being filed against the impugned order of the competent authority.

15. That the impugned order, on account of having not been made in accordance with law and rules

governing seniority of the appellant, is liable to be set aside or so amended or modified as to make the appellant's promotion as to be effective from the date of 16/06/2010, inter-alia, on the following grounds:-

GROUNDS:-

a. That the impugned order is violative of the law regulatory seniority as contemplated under the Civil Service act, because the seniority of the appellant, under the law, was to be reckoned from the date when other servants belonging to same service and cadre, whether serving in the same department or office or not were promoted. The impugned order, therefore is not maintainable and as such is liable to be corrected accordingly.

b. That, seniority of the appellant was to be considered from the date of his regular appointment and in accordance with the "E" list as made and approved by the competent

authority. Having failed to consider the relevant rules governing senior of civil servants, the impugned order is illegal and without jurisdiction and as such is liable to correct.

c. That it is, also a settled principle of the law governing seniority of Civil Servant that civil servants, on their promotion to higher post, would retain their inter-se seniority as in the lower post. Having not followed the above mentioned principle, the impugned order as well as all other orders of promotion whereby the appellant has been deprived of his due seniority, are illegal and without jurisdiction.

d. That Police Rule 13.18, as far as the promotion of civil servant is concerned, is ultra vires of the statute and therefore, has no binding force as to deprive the appellant of the promotion to which he, otherwise, is competent and entitled. The appellant, on the basis of the above mentioned Police

Rules, could not be deprived or allowed to be superseded by his juniors in the matter of his promotion. The impugned order, having its history linked back to the reasons as mentioned in the promotion order dated 16/06/2010, is illegal and without jurisdiction.

e. That the condition for promotion or denial of promotion, merely on the ground that the appellant has not served as SHO, is absolutely unwarranted as the matter of appointment of SHO is entirely dependent upon the discretion of the competent authority and it is not always necessary that each and every SI be so appointed.

f. That the appointment of appellant as SHO was within the competence and discretion of competent authority. The SHO is not appointed by selection on the basis of specific examination, test, interview or selection, but is purely a matter within the discretionary power of the competent

authority and, therefore, the appellant, who otherwise was fit and competent having no adverse remarks of any kind on his service record, could not be deprived of his right of seniority for promotion on such a flimsy ground such as completed under Police Rules 13.18.

- g. That though the reference of Police Rules 13.18 has not been made in the impugned order dated 22/04/2015, yet the reason for non-accordance of the benefit of the appellant's actual date of seniority, traces back its history to the order dated 16/06/2010 hence the impugned order is illegal, void and without jurisdiction.
- h. That by promoting the juniors respondents and ignoring the appellant despite being senior to them and having no stigma on his previous record of his service, is an act of discrimination and as such is violative of fundamental rights of the appellant.


i. That instant of appeal is within the time as prescribed under the law.


It is, therefore, humbly prayed that, on acceptance of the instant appeal, all the orders since 16/06/2010, depriving the appellant of his right of promotion may graciously be set aside and or the same, including the impugned order dated 22/04/2015, be so amended or modified as to restore to the appellant his due right of seniority and promotion with effect from 16/06/2010 with all back benefits or any other relief as this Honourable Tribunal may deem proper, just and lawful also be granted.


...APPELLANT

Dated: 05/11/2015

Through;

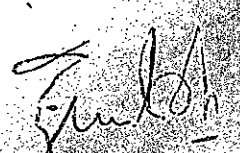

(Abdul Raheem Khan)
&


(Altaf Hussain Shah)
Advocates High Court, Abbottabad

VERIFICATION: -

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

...APPELLANT



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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

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

....RESPONDENTS

SERVICE APPEAL

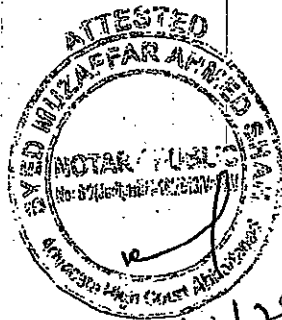
AFFIDAVIT

I, Razeem Khan, Inspector No. H-01, District Abbottabad, presently
Investigation Wing, Lower Kohistan, District Kohistan, do hereby solemnly
affirm and declare that the contents of forgoing appeal are true and correct to
the best of my knowledge and belief and nothing has been concealed therein
from this Honourable Court.

Razeem Khan
DEPONENT

Identified by;

(Abdul Raheem Khan)
(Abdul Raheem Khan)
Advocate High Court, Abbottabad



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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

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

...RESPONDENTS

SERVICE APPEAL

APPLICATION FOR CONDONATION OF DELAY, IF ANY, IN FLING THE INSTANT APPEAL UNDER SECTION 5 OF THE LIMITATION ACT.

Respectfully Sheweth;-

1. That the instant appeal has been filed in this Honourable Tribunal and this application may kindly be considered as an integral part thereof.
2. That the impugned order dated 22/04/2015, having been during the pendency of the appellant's appeal No. 343/2011 and as such was illegal and void.
3. That the appellant was under the impression that the decision of appeal No. 343/2011 would ultimately prevail and the order dated 22/04/2015 being illegal and void, would

become infructuous and ineffective, the pendency of the appeal No. 343/2011.

4. That the above mentioned appeal No. 343/2011, however was withdrawn when during the course of arguments and the above mentioned appeal the appellant realized the impact of the impugned order dated 22/04/2015 is being order giving rise to a fresh cause of action and hence the same was withdrawn with the permission of Honourable Tribunal to file departmental appeal against it.

5. That, appellant immediately after withdrawal of his appeal 243/2011, challenged the impugned order being filing departmental appeal and as such no un-necessary delay has been made. If however, any delay is found to have taken place, the same, being not willful or deliberate, may kindly be condoned as the same could be result of some sufficient cause or reasons beyond the control of the appellant.

It is, therefore, humbly prayed that on acceptance of this application the delay, if any may kindly be condoned.


...APPELLANT

Dated: 05/11 2015

Through;


(Abdul Raheem Khan)

&


(Altaf Hussain Shah)

Advocates High Court, Abbottabad

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

Service Appeal No. _____/2015

Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan.

...APPELLANT

VERSUS

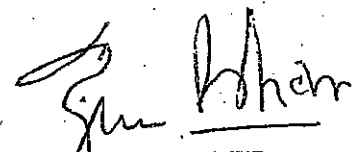
Govt. of Khyber Pakhtunkhwa, through Secretary Home, Peshawar & others.

....RESPONDENTS

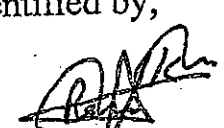
APPLICATION FOR CONDONATION OF DELAY

AFFIDAVIT

I, Razeem Khan, Inspector No. H-01, District Abbottabad, presently Investigation Wing, Lower Kohistan, District Kohistan, do hereby solemnly affirm and declare that the contents of forgoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

Identified by;


(Abdul Raheem Khan)
Advocate High Court, Abbottabad



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

The Departmental Promotion Board consisted of the following officers:-

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

Officiating ASIs of Hazara Region were considered as per their seniority. The following decisions were taken, keeping in view the latest policy of the Government giving proper weight-age of integrity and reputation of the officers at the time of making their substantive confirmation on 02 years probation with effect from 06-04-2006.

S NO	NAME & NUMBER	DECISION OF THE DEPARTMENTAL PROMOTION BOARD.
1	ASI Sarfaraz Khan No. 72	Found suitable for confirmation in the substantive Rank of ASI.
2	ASI Abdul Hamid No. 637	Deferred due to the chequered record.
3	Saeed-ur-Rehman No. 280	Found suitable for confirmation in the substantive Rank of ASI.
4	ASI Muhammad Daud No. 76	--do--
5	ASI Mushtaq Ahmed Shah No. 78	--do--
6	ASI Khalid Pervez No. 163	--do--
7	ASI Hakim Khan No. 237	--do--
8	ASI Ajmal No. 311	--do--
9	ASI Ali Akbar No. 185	--do--
10	ASI Fazal Dad No. 525	--do--
11	ASI Zarbat Khan No. 70	--do--
12	ASI Hamid-Ali No. 1007	--do--
13	ASI Muhammad Aliq No. 22	--do--
14	ASI Muhammad Sultan No. 280	--do--
15	ASI Muhammad Bashir No. 171	--do--
16	ASI Muhammad Iqbal No. 332	--do--
17	ASI Muhammad Tariq No. 411	--do--
18	ASI Khalil-ur-Rehman No. 406	--do--
19	ASI Shah Nawaz No. 610	--do--
20	ASI Murad Khan No. 29	--do--
21	ASI Muhammad Khurshid No. 58	--do--
22	ASI Fazal-ur-Rehman No. 690	--do--
23	ASI Abdul Razaq No. 407	--do--
24	ASI Fakhar-uz-Zaman No. 304	--do--
25	ASI Sawai Khan No. 577	--do--
26	ASI Muhammad Saddique No. 21	--do--
27	ASI Mir Afzal No. 36	--do--
28	ASI Muhammad Khurshid No. 112	--do--
29	ASI Ghulam Mustafa No. 106	--do--
30	ASI Razeem Khan No. 43	--do--
31	ASI Aurangzeb No. 409/356	--do--
32	ASI Sagheer Hussain Shah No. 1062	Found suitable but substantive confirmation will be considered authenticated on the production of ACRs 2004-05.
33	ASI Hazarat Nabi No. 21	Found suitable for confirmation in the substantive Rank of ASI.
34	ASI Shabir Hussain No. 74	--do--
35	ASI Muhammad Afzal No. 28	--do--
36	ASI Muhammad Khalid No. 436	--do--
37	ASI Zareem Khan No. 442	Found suitable but substantive confirmation will be considered authenticated on the production of ACRs 2004-05.
38	ASI Muhammad Iqbal No. 565	--do--
39	ASI Khalil-ur-Rehman No. 635	Found suitable for confirmation in the substantive Rank of ASI.
40	ASI Abdur Rashid No. 821	--do--
41	ASI Dildar Ahmed No. 155	--do--
42	ASI Muhammad Farid No. 481	--do--

(Handwritten signature)

(MR. IFTIKHAR KHAN)
District Police Officer
Abbottabad.

(Handwritten signature)

Regional Police Officer
Hazara Abbottabad

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

(Handwritten signature)
(RAJA NASEER AHMED)
Superintendent of Police, Investigation
Abbottabad

No. *(Handwritten number)*

Consequence upon the recommendation of promotion board held in this Office on 25-03-2008. The following ASIs (on Promotion List "E") were found fit for promotion and as such they are hereby promoted to the Rank of Offg. Sub-Inspectors.

29

Their promotion will take effect from the date of taking over the charge of higher responsibilities:-

S #	Name & No	District / Units	Remarks
1	Muhammad Iqar 188/H	Inv: Mansehra	Conditionally promoted in the Rank of Offg. SI subject to the availability of ACR for the year 2004 being satisfactory.
2	Muhammad Tariq 189/H	Inv: Abbottabad	
3	Khalil-ur-Rehman 190/H	Mansehra	
4	Shah Nawaz 191/H	Kohistan on deputation to CID Peshawar	
5	Muhammad Khurshid 193/H	Inv: Abbottabad	
6	Fazal-ur-Rehman 194/H	Mansehra	
7	Abdul Razaq 195/H	Haripur	
8	Fakhar-uz-Zaman 196/H	Haripur	
9	Sawal Khan 197/H	Inv: Mansehra	
10	Muhammad Khurshid 201/H	Kohistan	
11	Ghulam Mustafa 202/H	Abbottabad	Conditionally promoted to the Rank of SI subject to the availability of ACR for the year 2005 being satisfactory.
12	Razeem Khan 203/H	Abbottabad	-do- ACR 2004.
13	Aurangzob 204/H	Kohistan on deputation to Motorway	
14	Hazrat Nabi 206/H	Haripur	
15	Shahid Hussain Shah 207/H	Inv: Haripur	
16	Muhammad Afzal 208/H	Mansehra	
17	Muhammad Khalid 209/H	Inv: Mansehra	
18	Zareem Khan 210/H	Balgram	Conditionally promoted to the Rank of SI subject to the availability of ACR for the year 2006 being satisfactory.
19	Muhammad Iqbal 211/H	Balgram	Conditionally promoted to the Rank of SI subject to the availability of ACR for the year 2005 being satisfactory.
20	Khalil-ur-Rehman 212/H	Abbottabad	
21	Dildar Ahmad 214/H	Haripur	
22	Muhammad Farid 215/H	Abbottabad	
23	Muhammad Ilaf 31/H	Haripur	

(K. TAULAH WAZIR)
Deputy Inspector General of Police,
Hazara (Abbottabad)

No. 4581-92 /E, Dated Abbottabad the, 8/9/2008.

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

1. DIG of Police, N-5 (North) National Highway and Motorway Police Rawalpindi.
2. AIG, CID NWFP, Peshawar.
3. All DPCs/ Incharge, Investigation in Hazara Region.
4. OS/ AS Region Office Abbottabad.

Necessary gazette notification regarding their promotion may be issue accordingly.

Attested
Deputy Inspector General of Police
Hazara Abbottabad


ORDER

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

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

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

S #	Name & No.	Present posting	New Region No	Remarks
1.	Habib-ur-Rehman	Kohistan	H/257	
2.	Aurangzeb	Mansehra	H/258	Conditionally confirmed subject to the availability of ACR for the years 2005, 2006 & 2007 being satisfactory.
3.	Sajjad Haider	Kohistan	H261	Conditionally confirmed subject to the availability of ACR for the year 2007 being satisfactory.
4.	Muhammad Altaf	Mansehra	H/185	--
5.	Shah Nawaz	CCP, Peshawar	H/191	--
6.	Muhammad Khurshid	Kohistan	H/201	--
7.	Ghulam Mustafa	Kohistan	H/202	--
8.	Hazrat Nabi	Inv. Haripur	H/206	--
9.	Muhammad Iqbal	EAC Peshawar	H/211	--
10.	Altaf	Inv. Haripur	H/31	--


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

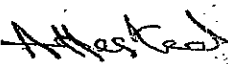

78/10-16 IE, dated Abbot

23/6/2010.

Copy of above is to

information and necessary action to the:-

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



Regional Police Officer
Hazara Abbottabad

BEFORE THE PROVINCIAL POLICE OFFICER, K.P.K.PESHAWAR

Through:- PROPER CHANNEL.

Subject:- **APPEAL AGAINST THE ORDER OF DIG OF POLICE HAZARA REGION ABBOTTABAD VIDE ENDST.NO.7810-16 DATED 23-6-2010 WHEREBY THE APPELLANT WAS IGNORED FROM CONFIRMATION IN THE RANK OF SUB INSPECTOR.**

Attested Thru
Counsellor
RANJEEN
S. J. J. J. J.
S. J. J. J. J.

Respected Sir,

With due deference it is submitted that I was enlisted as Constable in 1984 in Abbottabad District Police. I had undergone Lower Class Course in 1989, Inter Class Course in 1994 and Upper Class Course in 2007 from my respective District

2. That I was confirmed as ASI and brought on promotion list E with effect from 06-04-2006 (copy of order attached at Annex-A). According to my original seniority I was promoted as Offg. Sub Inspector with effect from 25-3-2008 with my other colleagues correctly in order of merit (copy of order attached at Ann-B Upto promotion as Offg. SI my seniority and promotion remained in tact/

3. That I was transferred on deputation to (S.T.) Police where I am serving till date and my lien according to service rule and laid down criteria/Condition my lien for further promotion and confirmation will continue to my home District/Region.

4. That my service record and suitability reports were requisitioned from my borrowed Department for confirmation in the rank of S.I. as my lien for further promotion is required to be made in my home District/Region and it cannot be considered by the borrowed Deptt. Accordingly my suitability Report and Service record with excellent/OK reports were sent from my borrowed Deptt. to the DIG of Police Hazara Region Abbottabad. My ACRs are also satisfactory and there is nothing adverse against me. According to my original seniority as Offg. SI vide App-B I am at S.No.12 in order of merit. I have undergone the Upper Class Course, a pre-condition for confirmation as SI and further promotion to List F.

5. That on 16-06-2010 a promotion Board was constituted to consider the cases of confirmation of all the Offg. SIs of Hazara Region including those promoted as Offg.SIs vide App-A. I along with my other colleagues were called for to appear before the promotion Board. That vide App.C, 10 Offg.SIs were considered including SIs from Serial.No. 14 to 23 in the list shown in Appendix - B junior to me in all respect and I was ignored for unknown reasons. No written grounds were recorded and only verbally I was told that since I am on deputation in ITP my case for confirmation will be considered on my return to my parent

District/Region. On my further enquiry from the Establishment Section I was told that I was ignored for the second reason that I have not served as SHO in out of home District as required by the Police Rule.

6. That in this connection I may submit that most of the SIs who have been confirmed have not served as SHO out of their home District. There are clear standing instructions of the I.G.P off and on that those S.Is. who are serving in other Agencies such as Crime Branch, CID, Spccial Branch, Anti Corruption, Intelligence, Training Centres and Traffic etc. their condition of period of one year SHO shall be waved off and their period on deputation will be counted towards posting as SHO and accordingly they will be confirmed in the rank of S.I. in their parent District /Region if otherwise they are qualified Upper Class Course and there is nothing adverse against them against the permanent vacancies available in their respective Region.

That recently under the direction of PPO KPK Peshawar more than 50 SIs who have even not qualified Upper Class Course which is the pre-condition for confirmation as SI and promotion to list F. were confirmed, brought on promotion list F and subsequently promoted as Offg:Inspector due to frequent vacancies on account of increase in the police strength in large scale. . It is also worth mentioning that in Punjab, Sindh and Baluchistan the condition of one year SHO Ship period is never cared off and they are immediately confirmed after Inter Class Course and Offg.Promotion as S.I. No one can himself made order of his posting as SHO and his posting as such is being made by his supervising Officers.

In view of the above facts and circumstances it is most earnestly prayed that my case may kindly be given your kind and sympathetic consideration and I may kindly be confirmed as S.I. with my other colleagues with effect from 16-6-2010 in order to save me from irreparable loss and thrashing back unwantedly in my seniority I had maneuvered during my long and excellent services.

I shall be thankful for this act of kindness and pray for your long life and prosperity.

Yours Obediently

(RAZEEM KHAN) No.203/H
ISLAMABAD TRAFFIC POLICE

Dated. 12/07/2012

BEFORE THE PROVINCIAL POLICE OFFICER KPK, PESHAWAR.

Through :- PROPER CHANNEL.

Subject:- REVIEW APPEAL FOR CONFIRMATION AS SUB INSPECTOR

Respected Sir,

With due respect it is submitted that I had submitted a self contained appeal (copy alongwith enclosures attached for ready reference)→

That the same appeal was not considered vide CPO Memo No.2116 /E-I Dated 09-9-2010) copy attached).. Reasons advanced were that the learned DIG of Police Hazara Region has intimated that the appellant was not confirmed as he had not served as SHO for one year which is necessary or confirmation of SI according to Police Rules 13.18

That in this connection I may kindly refer a circular under your kind signature at the capacity of Addl IGP/Hd;Qrs. Vide No.15163-79 Dated 3-6-2008 (copy attached). According to this circular the condition of SHO for one year for confirmation under the Police has been condoned in the presence of Police Order 2002 which was existing at the time of our confirmation case and as many as about 80 S.Is of all the Districts in the Province who were not Upper Passed, or remained as SHO in out District for one year according to Police Rule were confirmed as SI , brought on promotion list F and promoted to the rank of Inspector.

In view of the above and the solid grounds indicated in my previous detail appeal it is most earnestly prayed that my case may very kindly be reviewed and given your personal kind and sympathetic consideration and be confirmed with my other colleagues of Hazara Region with effect from 16-06-2010 in order to safeguard my future service career.

I may also kindly be allowed personal hearing/

I shall be thankful for this act of kindness.

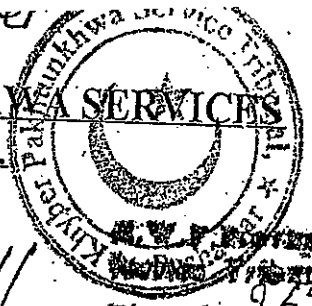
Yours Obediently.

(RAZEEM KHAN) NO.203
Islamabad Traffic Police.

Attested
Thaqir Khan
Advocate
RAZEEM KHAN
Advocate

24/12/10

ANNEXURE
BEFORE THE KHYBER PAKHTUNKHAWA SERVICES
TRIBUNAL, PESHAWAR.



Appeal no 343/2011

Razeem Khan Sub Inspector No. 203 District Abbottabad presently on deputation as Traffic Police Officer Islamabad.

...APPELLANT

VERSUS

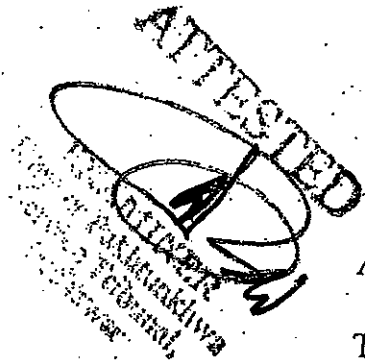
1. Govt. of Khyber Pakhtunkhawa through Secretary Home Peshawar.
2. DIG Police Hazara Region Abbottabad.
3. IG Police Khyber Pakhtunkhawa Peshawar.
4. DIG Police/HQRS Khyber Pakhtunkhawa Peshawar.
5. AIG Police (legal) Khyber pakhtunkhawa Peshawar.


...RESPONDENTS

SERVICE APPEAL AGAINST THE IMPUGNED ORDER BEARING NO. 1352/E-II DATED 19/01/2011 OF THE RESPONDENT NO. 5 AIG POLICE (LEGAL) KHYBER PAKHTUNKHAWA PESHAWAR, THROUGH WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN DISMISSED. THE IMPUGNED ORDER OF THE RESPONDENT NO. 5 DATED 19/01/2011 WAS VOID AB-INITIO WITHOUT JURISDICTION, AGAINST THE FACTS AND DEROGATORY TO THE FUNDAMENTAL RULES OF ADMINISTRATION OF JUSTICE AND HENCE LIABLE TO BE SET-ASIDE.

Filed to-

18/2/11



BEFORE THE KHYBER PAKHTUNKHAWA SERVICES
TRIBUNAL, PESHAWAR.

Razeem Khan Sub Inspector No. 203 District Abbottabad presently on deputation
as Traffic Police Officer Islamabad. ...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhawa through Secretary Home Peshawar.
2. DIG Police Hazara Region Abbottabad.
3. IG Police Khyber Pakhtunkhawa Peshawar.
4. DIG Police/HQRS Khyber Pakhtunkhawa Peshawar.
5. AIG Police (legal) Khyber pakhtunkhawa Peshawar.


...RESPONDENTS

SERVICE APPEAL AGAINST THE IMPUGNED
ORDER BEARING NO. 1352/E-II DATED 19/01/2011 OF
THE RESPONDENT NO. 5 AIG POLICE (LEGAL)
KHYBER PAKHTUNKHAWA PESHAWAR, THROUGH
WHICH THE DEPARTMENTAL APPEAL OF THE
APPELLANT HAS BEEN DISMISSED. THE IMPUGNED
ORDER OF THE RESPONDENT NO. 5 DATED
19/01/2011 WAS VOID AB-INITIO WITHOUT
JURISDICTION, AGAINST THE FACTS AND
DEROGATORY TO THE FUNDAMENTAL RULES OF
ADMINISTRATION OF JUSTICE AND HENCE LIABLE
TO BE SET-ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT APPEAL OF THE APPELLANT THE IMPUGNED ORDER/DECISION OF THE RESPONDENT NO. 5 DATED 19/01/2011 BE SET-ASIDE AND APPELLANT BE CONFIRMED AS SUB INSPECTOR WITH ALL SERVICE BENEFITS.

Respectfully Sheweth: -

1. That appellant was appointed as Police Constable on 15/02/1984, had undergone lower class course in 1990, inter class course in 1994 and upper class course in 2007 from his respective District. *delegated*
2. That appellant was confirmed as Assistant sub inspector (ASI) and placed on promotion list "B" on 06/04/2006. Copy of promotion order annexed as Annexure "A".
3. That according to appellant original seniority list appellant was promoted as Sub Inspector (SI) with effect from 25/03/2008 alongwith other colleagues. Upto promotion as SI appellant seniority and promotion remained in tact. Copy of promotion order annexed as Annexure "B".

4. That appellant was deputed to Islamabad traffic police (ITP) on 13/10/2008, where appellant is serving till to date.
5. That as per lien of the appellant and according to service rules and laid down criteria/conditions appellant further promotion and confirmation will continue at his home District/Region.
6. That on 16/06/2010 a promotion Board was constituted to consider the cases of confirmation of all SI's of Hazara Region who were promoted as SI's. the appellant was called for interview alongwith other officers (SIs) to appear before the promotion Board.
7. That ten (10) Sub Inspectors (Sis) confirmed. Three of them were junior to the appellant in all respect and appellant was ignored /dropped on the ground that appellant has not served as SHO out of his home District as per requirement in Police Rule. 13.18. The career planning is being carried out by the department and not by the incumbent himself.
8. That in this connection appellant submits that provincial police officer NWFP Order No. 15163-75 dated 03/06/2008 contains clear direction to the

different agencies of Police Department that according to the situation of the province accordingly. PPO has condoned the period of SHO's out of his home District and Eighty (80) Sub Inspectors (SI's) confirmed. Copy of order of PPO is annexed as Annexure "D".

9. That the appellant had filed a Departmental appeal against the order of DIG Hazara Region, which was turned down on the same ground vide impugned order No. 21116/E-II Dated 09/09/2010. Copies of the departmental appeal and order are annexed as Annexure "E" & "F".

10. That on 12/12/2010 appellant submitted review application to PPO Peshawar for reconsideration his appeal and also personal hearing which was again refused by the AIG (legal) on 19/01/2011 on the ground that appellant had not fulfilled the required standard for confirmation as SI vide Police Rule 13.10(2). However this lacuna is not due to any fault of the appellant. Copies of the review application and order are annexed as Annexure "G" & "H".

11. That the appellant had never given a chance of posting as SHO. The career planning rests with department and that incumbent himself cannot plan his career at his own.

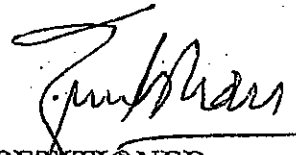
1-2/1

12. That appellant has done excellent job throughout his service career. Appellant always earned good/very good Annual confidential report (ACRs) due to his satisfactory performance and good conduct.

13. That the appellant has successfully completed the departmental courses, which are necessary for his promotion.

14. That other points shall be urged at the time of arguments.

It is, therefore, requested that impugned order of the DIG (legal) respondent No. 5 dated 19/01/2011 may be set-aside and appellant be confirmed as Sub Inspector (SI) alongwith all benefits of his service.


...PETITIONER

Through

Dated: 18/02/2011

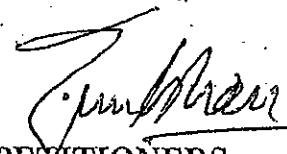

(ABDUL RAHEEM KHAN)

&

(MAJ. AFSAR SHAH)
Advocates High Court, Abbottabad.

VERIFICATION:

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


...PETITIONERS

As approved by the Departmental Promotion Committee held on 10-04-2015 in the office of the undersigned the following officiating Sub Inspectors who have completed their two years officiating / probation period and fulfilled the laid down criteria for substantive rank under Police Rules. 13-1, 13-10 (2) and 13-18 and standing order No.21/2014 are hereby confirmed as Sub Inspectors with effect from 10-04-2015.

They are allotted new Region numbers as noted against each their names:-

S #	NAME AND NO.	PRESENT POSTING	REGION NUMBER
01	SI Razeem Khan No.203/H ✓	Investigation Wing Lower Kohistan	H/01
02	SI Muhammad Rafi No.29/H ✓	Police School of Intelligence Abbottabad	H/05
03	SI Muhammad Ishaq No.233/H ✓	Investigation Wing Haripur	H/06
04	SI Nisar Ahmed No.241/H ✓	Operational Wing Battagram	H/38
05	SI Chanwaiz Khan No.262/H ✓	Investigation Wing Abbottabad	H/40
06	SI Akhtar Zaman No.264/H ✓	Operational Wing Lower Kohistan	H/59
07	SI Daraz Khan No.246/H ✓	Special Branch Battagram	H/78
08	SI Saleem Rashid No.253/H ✓	Operational Wing Haripur	H/79
09	SI Sarwaiz Khan No.255/H ✓	Region Office Abbottabad	H/82
10	SI Fazal-ur-Rehman No.285/H ✓	Operational Wing Upper Kohistan	H/83
11	SI Muhammad Hayat No.290/H ✓	Operational Wing Upper Kohistan	H/84
12	SI Muhammad Zakir No.77/H	Operational Wing Upper Kohistan	H/85
13	SI Gui Khatab No.126/H	Elite Force Peshawar	H/87
14	SI Zubair Shah No.133/H	Elite Force Peshawar	H/88
15	SI Muhammad Fahim No.135/H	Investigation Wing Lower Kohistan	H/89
16	SI Amir Khatam No.265/H	Investigation Wing Haripur	H/90
17	SI Umar Zada No.6/H	Investigation Wing Battagram	H/91
18	SI Muhammad Resaan No.16/H	PTC Hangu	H/92
19	SI Muhammad Khushal No.18/H	Investigation Wing Torghar	H/93
20	SI Riasat Khan No.20/H	Investigation Wing Abbottabad	H/94
21	SI Abdul Ghafoor No.89/H	Elite Force Hazara	H/95
22	SI Abdul Sattar No.100/H	Elite Force Hazara	H/96
23	SI Zulfiqar Ali No.68/H	Police Training School Swabi	H/97
24	SI Muhammad Uzair No.75/H	Operational Wing Haripur	H/98
25	SI Tufail Muhammad No.87/H	Operational Wing Battagram	H/99
26	SI Muhammad Munir No.35/H	Operational Wing Haripur	H/100
27	SI Muhammad Arif No.39/H	Operational Wing Abbottabad	H/101
28	SI Sadaqat Nisar No.44/H	Operational Wing Mansehra	H/102
29	SI Muhammad Arshad No.109/H	Operational Wing Battagram	H/103
30	SI Muhammad Asad Yousaf No.108/H	Elite Force Hazara	H/104
31	SI Mudassar Zia No.115/H	Investigation Wing Abbottabad	H/105

Attested

Page 1 of 2

[Signature]
Regional Police Officer
Hazara Abbottabad

32	SI Muhammad Farooq No.46/H	Operational wing Mansera	H/107
33	SI Muhammad Asif No.59/H	CTD Hazara	H/108
34	SI Abdul Rauf No.65/H	Operational Wing Lower Kohistan	H/109
35	SI Muhammad Riaz No.201/H	Operational Wing Abbottabad	H/109


 Regional Police Officer,
 Hazara Region Abbottabad
 (AEC Dilawar)


No. 6581-6604/E, dated Abbottabad the 22/04 /2015.

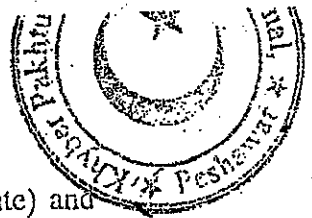
Copy of above is forwarded for information and necessary action to the:-

1. ✓ Addl: Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar.
2. ✓ Deputy Inspector General of Police, Training Khyber Pakhtunkhwa Peshawar.
3. ✓ Deputy Inspector General of Police CTD Khyber Pakhtunkhwa Peshawar.
4. ✓ Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
5. ✓ Commandant Police Training College Hangu.
6. ✓ All District Police Officers in Hazara Region.
7. ✓ All Superintendents of Police Investigation in Hazara Region.
8. ✓ Superintendent of Police Elite Force Hazara Abbottabad.
9. ✓ Superintendent of Police CTD Hazara Abbottabad.
10. ✓ Director, Police School of Intelligence Police Lines Abbottabad.
11. ✓ Principal, Police Training School Swabi.
12. ✓ OS/AS Region Office Abbottabad.

(Necessary Gazette Notification may be issued accordingly)

Attested


 Regional Police Officer
 Hazara Abbottabad



03.07.2015

Appellant with counsel (Mr. Abdur Rahim Khan, Advocate) and Government Pleader (Mr. Ziaullah) for the respondents present.

During the course of arguments, learned Government Pleader for the official respondents pointed out that as the appellant has been confirmed vide order dated 22.4.2015... therefore, the instant appeal has become infructuous. on which learned counsel for the appellant submitted application for withdrawal of this appeal with permission to file fresh one. According to him the question of back benefits is also involved, therefore, the appellant may challenge date of his confirmation for which he may bring fresh appeal.

The Tribunal in the said circumstances was convinced about genuineness of such request, hence the instant appeal is dismissed as withdrawn with permission to the appellant to bring fresh appeal, if so advised, subject to all legal exceptions. File be consigned to the record room.

sd/-
Member

sd/-
Member

Certified to be true copy
EXAMINER
Khambal Peshawar
Service Tribunal,
Peshawar

Date of Receipt of Application	15-7-2015
No. of Words	800
No. of Pages	6
No. of Copies	2
Date of Completion of Copy	15-7-2015
Date of Delivery of Copy	15-7-2015

From The Regional Police Officer,
Hazara Region Abbottabad

To The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar

No I.E. Dated Abbottabad the. 07-08-2015.

Subject: DEPARTMENTAL APPEAL.

Memorandum:

Enclosed kindly find herewith an appeal alongwith other documents in respect of SI Razeem Khan No.H/01 of Investigation Wing Kohistan for further action please.

Regional Police Officer
Hazara Region Abbottabad

No 12549 I.E.

Copy of above is forwarded to Superintendent of Police Investigation Kohistan for information w/r to his office Memo: No.873/R dated 07-07-2015.

Regional Police Officer
Hazara Region Abbottabad
(AEC Dilawar)

PA
15/8/15
Head of Investigation
District Kohistan
27-8-15

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

Service Appeal No.197/2016

Razeem Khan

...APPELLANT

VERSUS

Govt. of KPK & others.

...RESPONDENTS

SERVICE APPEAL

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;-

REJOINDER ON PRELIMINARY OBJECTIONS:

- a. That appellant got cause of action to file an appeal.
- b. Instant appeal is maintainable from all the corners of law in its present form.
- c. That instant appeal has included all the proper and necessary parties, necessary to be arrayed.

- d. That appellant has got all the rights to file the instant appeal and nothing is there to estopped the appellant filing the instant appeal.
- e. That the appellant has approached this Honourable forum with all bonafide intention and with clean hands.
- f. That the appellant has brought every thing to the worthy knowledge of this Honourable Court and concealed or suppressed nothing from this Honourable forum.
- g. This para is legal and every legal course has been adopted.
- h. The order dated 22/04/2015 is sheer violation of services laws and the precedents delivered by the higher courts and august apex court.

REJOINDER ON FACTS:-

- 1. Para No.1 needs no reply. As not agitated by the respondents.

2. Para No.2 needs no reply. As not agitated by the respondents.
3. Para No.3 needs no reply. As not agitated by the respondents.
4. That Para No.4 needs no reply. As not agitated by the respondents.
5. Para No.5 of the comments is hereby denied which denotes the malafide of the respondents, moreover they have violated the service law in their letter and spirit and they have not only the misinterpreted the service laws in their generality but also the police rules being referred by them. It is further brought to the worthy knowledge of this Honourable Forum the respondents have the misrepresented and concealed the facts regarding the professional promotional courses which have already been completed by the appellant.

6. Para No.6 of the comments is hereby denied.

The police rules 13-10(2) and unmentioned standing orders have been misinterpreted and misapplied by the respondents pertaining to pre-condition for promotion / confirmation.

7. Para No.7, 8, 9 & 10 are hereby denied.

Detailed reply has already been advanced in para No.5 of instant rejoinder and hereby referred for kind perusal to avoid the reputation.

8. Para No.11 & 12 needs no reply as not agitated by respondents.

9. Para No.13 is vague, incomplete and just to fulfill the lingual and paper formality, hence not enough in the eye of law and for the satisfaction of the court. Moreover this explanation does not carry any legal consequence to the appellant or his appeal.

10. Para No.15 is hereby denied. Again para No. 5 of instant rejoinder is hereby referred for kind perusal.

REJOINDER ON GROUNDS:-

- a. Para "a" of the comments is mere an exercise of copy and paste of para No.5 of facts of comments filed by respondents which shows the incompetence and cyclostyled approach and vision of respondents.
- b. Para "b" & "c" of the grounds of comments is hereby denied. Reply of ground "a" & "b" is hereby referred for kind perusal.
- c. Para "d" of the grounds of comments filed by the respondents is hereby vehemently denied. The respondents have shown their incompetence and acquaintance and least concerned with legal acumen. The respondents are entirely confused about the stature of

rules and act. They are not aware about the direct and indirect subordinate legislature. An act is passed by an assembly whereas rules are passed by an administrative body, hence, the rules formulated by any administrative body can not supersede the act which is supreme legislation enacted by provincial or federal legislature. Their plea regarding general or special law might have been admitted if the police rules would have been an act or at least an ordinance passed by the governor of province or president of the federation.

- d. Para "e" of grounds of comments is hereby denied. The respondents have misconceived the law, procedure and practice regarding deputation. The respondents have distorted and confused the clear provisions regarding deputation which entirely favour the appellant and the

and addressed in accordance with the relevant provisions of law, equity and natural and substantive justice.

It is therefore humbly prayed that the appeal filed by the appellant may please be accepted according to the prayers made by the appellant and any other remedy and relief which Honourable Court deems just and proper may also be granted.

...APPELLANT

Through

Dated: 18-12-2017

(ABDUL RAHIM KHAN)



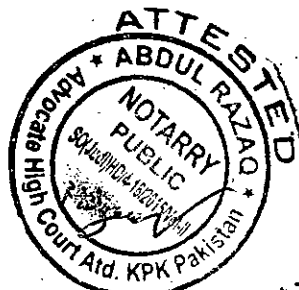
(ALTAH HUSSAIN SHAH)
Advocates High Court, Abbottabad

AFFIDAVIT

I, Razeem Khan, Inspector No.H-01, District Abbottabad, do hereby affirm and declare that the contents of foregoing rejoinder are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Tribunal.



DEPONENT



18/12/2017

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 1393 /ST

Dated 11 /07/2018


To

The Deputy Inspector General of Police,
Government of Khyber Pakhtunkhwa,
Hazara Division, Abbottabad.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 197/2016, MR. RAZEEM KHAN.**

I am directed to forward herewith a certified copy of Judgment/Order dated 28/06/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.