

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Appeal No. 1090 of 2016

Date of Institution ... 25/10/2016

Date of Decision ... 25/11/2021

**Muhammad Zubair No. 768/FRP, FRP D.I Khan
... (Appellant)**

VERSUS

**Commandant Frontier Reserve Police, Khyber Pakhtunkhwa others
...(Respondents)**

Present.

**Mr. Abdullah Baloch,
Advocate ... For appellant.**

**Mr. Noor Zaman Khattak,
District Attorney, ... For Respondents.**

**MR AHMAD SULTAN TAREEN ... CHAIRMAN
MR. SALAH-UD-DIN, ... MEMBER(J)**

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Through the above titled appeal described in the heading and seven other appeals as enclosed in brackets- (Appeals No. 1092/2016, 1093/2016, 1094/2016, 1095/2016, 1096/2016, 1097/2016 and 1098/2016) the jurisdiction of this Tribunal has been invoked by the appellants with the prayer as copied below:-

"ON ACCEPTANCE THIS APPEAL THIS HONORABLE COURT MAY PLEASE TO DECLARE THE ORDER DATED: 28.06.2016 BEING ILLEGAL, VOID AND WITHOUT LAWFUL AUTHORITY AND HAS NO LEGAL EFFECT AND APPELLANT MAY KINDLY BE REINSTATED AT THE POST OF THE HEAD CONSTABLE WITH ALL BACK BENEFITS"

2. The factual account as given in the Memo. of Appeal and deducible from copies of the supporting documents annexed therewith is precisely that the appellant is serving in the Frontier Reserve Police and deputed in FRP D.I.Khan Range as a constable since 2006; that appellant moved an application requesting his promotion which was accepted and appellant was granted shoulder promotion to the rank of head constable with immediate effect on 28.03.2016 by respondent No.02; that after promotion order, the appellant took the charge which was duly entered in his service book and appellant received the pay of head constable, that respondent No.01 without giving any show cause notice to the appellant and conducting any inquiry, issued letter dated 28.06.2016 in the absence of appellant by cancelling his promotion as head constable with retrospective effect; that feeling aggrieved after communication of above said illegal order, appellant filed departmental appeal which was also rejected and communicated to him on 06.10.2016, hence the present appeal

3. We have heard the arguments and perused the record



4. Learned counsel for the appellant has argued that the appellants are not treated in accordance with law and the actions of the respondents are malafide besides being discriminatory and harsh; that respondent No.02 promoted the appellants and according to rules after considering application for promotion; that the appellants were appointed as constables and during their service they passed five courses of civil defense and also pass A-1 course he become senior most constable in FRP D.I.Khan range; that the promotion orders of appellants were in accordance with law and rules framed by the government which were duly implemented and respondent No.01 has no authority to cancel the same without giving any notice or opportunity of hearing to the appellants; that Standing Order No.2 of 2014 does not restrict respondent No.02 to not promote the appellants and any irregularity committed by authority does not harm the appellant in any manner; that appellants are being penalized without giving them any opportunity of hearing nor had given any show cause notice by the department, which is against the principal of natural justice.

5. Learned District Attorney while rebutting the arguments of learned counsel for the appellants has argued that the appellants are concerned to FRP establishment and according to Standing Order No. 2/2104 issued by CPO Peshawar, all promotions were restricted in FRP. The promotion of officers posted in FRP shall be done by DPO/RPOs in accordance with Chapter No. 13 of Police Rules 1934. In

the light of Standing Order mentioned above the promotion order of the appellants have been cancelled as per law; that the promotion of the appellants as Head constable were found against the rules and in violation of Standing order No 2/2014; that Departmental appeal of the appellant was thoroughly examined and rejected on sound grounds that as the promotion order of the appellant was passed in hasty manner, thus the action of the respondents are legally justified and in accordance to law; that after issuance of Standing Order No.2/2014, no criteria exists for promotion in FRP Establishment; that according to Standing Order No. 2/2014, the promotion lists shall no more be maintained in FRP Unit and the promotion of officers posted in FRP shall be done by DPO/RPOs in accordance with Chapter No. 13 of Police Rules 1934; that clause 11, 12, 12.1 & 12.2 of Standing Order No. 2/2014 provide that all kinds of promotions to the next higher ranks of the of FRP personnel shall be maintained by DPO/RPOs, thus respondent No. 2 is not competent to pass promotion order of a Police Officers posted in FRP. He requested that the appeals may be dismissed with costs.

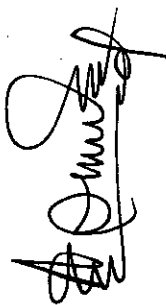
6. It is an undisputed fact that the appellants are on the roll of Police Department in Frontier Reserve Police (FRP). They were recruited in FRP as Constables. During their service, they were granted shoulder promotion to the rank of C/2 Head Constables vide order OB No. 312 dated 28.03.2016 issued by the Superintendent of Police FRP D.I.Khan Range, D.I.Khan. However, the said order of the

shoulder promotion among other was cancelled by the Commandant, FRP Khyber Pakhtunkhwa Peshawar vide order dated 28.06.2016, being in violation of Standing Order No. 2/2016. Obviously, said order has been impugned through the present appeals with the submission that the said order was passed in absence of the appellants without taking any enquiry and giving notice; and that the order of promotion of respondent No. 2 was in accordance with rules. The appellants during service had passed several courses. The order of promotion having been passed in accordance with law and rules was duly implemented and the respondent No. 1 had got no authority to cancel the same without giving any notice or opportunity of hearing. The respondents in their written reply came up with the submissions that according to Standing Order No. 2/2014 issued by the CPO Peshawar, promotion of officers posted in FRP come within the domain of DPOs/RPOs in accordance with Chapter No. 13 of Police Rules, 1934. In light of the said Standing Order, promotion order of appellant was cancelled as per law, as the same was found in violation of Standing Order No. 2/2014. According to copy of the aforementioned Standing Order as produced before us and available on file, Para-11 of the said Standing Order deals with promotion of FRP personnel. The same for the purpose of relevancy is reproduced herein below:-

"11. **Promotion of FRP Personnel:-** FRP is neither a Police District nor a Police Range. Therefore, promotion lists A, B, C, D and E shall no more be maintained in FRP.

Instead, promotion of officers posted in FRP, as is the case of other units, shall be done by District Heads of Police or the RPOs, as the case may be, against the available vacancies in accordance with Chapter 13 of Police Rules, 1934. The District Heads of Police or the RPOs, as the case may be, shall maintain consolidated lists of all officers, whether posted in the District/Range or in any other unit, including FRP."

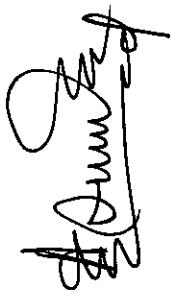
7. Needless to say that the promotion order of the appellant was passed by Superintendent of Police FRP D.I.Khan who was not competent to grant promotion in light of the above noted provision of Standing Order No. 2/2014. The respondent No. 1 being higher authority had cancelled the said order having noticed the illegality. Moreover, the promotion order was not a regular promotion but it was meant for shoulder promotion which could not be equated with a promotion governed by relevant police rules on the subject of promotion. Thus, the promotion order as passed in favour of the appellants was not workable to decorate them with any legal right to defend the promotion, which otherwise were *void ab-initio*, being result of exercise of his authority not vested in respondent No. 2. Therefore, the appeal on the ground advanced against the impugned order has got no force and is liable to be dismissed. However, it may be observed before parting that we after hearing the arguments and



7
before pronouncement of the judgment record order as copied
below:-

**"Appellant in person present. Mr. Noor Zaman Khattak,
District Attorney alongwith Mr. Muhammad Hafeez,
Clerk for the respondents present.**

**We have heard the arguments. During the course of
arguments reference was made to Standing Order No.
2/2014 wherein vide para-11 it is provided that FRP is
neither a Police District nor a Police Range. Therefore,
promotion lists A, B, C, D and E shall no more be
maintained in FRP. Instead, promotion of officers
posted in FRP, as is the case of other units, shall be
done by District Heads of Police or the RPOs, as the case
may be, against the available vacancies in accordance
with Chapter 13 of Police Rules 1934. The District Heads
of Police or the RPOs, as the case may be, shall maintain
consolidated lists of all officers, whether posted in the
District/Range or in any other unit, including FRP.
according to the said provision in Standing Order No. 2
of 2014. Before we proceed to announce the order, it is
deemed appropriate that District Police Officer D.I.Khan
be required to attend this Tribunal for our assistance
personally or through a well conversant representative
whether the list as required vide para-11 of the**



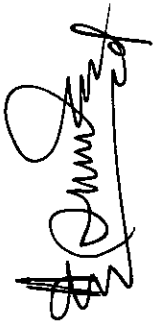
Standing Order No. 2 of 2014 has been maintained or not. Mr. Muhammad Khalil, Sub-Inspector (Legal) is present before us in connection with other Appeals on behalf of the District Police Officer D.I.Khan, and he is directed to obtain copy of this order and convey the same forthwith to District Police Officer for compliance today without fail."

In pursuance of the above order a report was submitted on behalf of District Police Officer through Establishment Clerk of DPO office D.I.Khan which is copied below:-

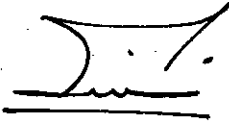
"It is submitted today on 25.11.2021 that after taking the charge of Establishment Clerk DPO office D.I.Khan, this office has requested the W/RPO D.I.Khan to constitute a Selection Board in the light of Para-4 of the Standing Order No. 06/2014, wherein the Selection Board has been constituted by the RPO D.I.Khan vide Endst. No. 3964-67/ES dated 16.09.2021 for preparation of said list for the current year.

The list for the current year is under process for annual inspection in accordance with Standing No. 06/2014 and Para 13.8 of the Police Rules, 1934 please."

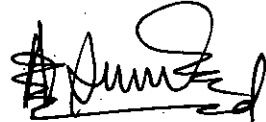
8. For what has gone above, the above stated appeal as well as connected appeals enumerated herein above are dismissed. However, in order to prevent the multiplicity of proceedings and abuse of



process of Tribunal it is apt to exercise jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to direct the respondents to process the case of promotion of police officers posted in FRP, in accordance with law, without delay. Parties are left to bear their own costs. File be consigned to the record room.


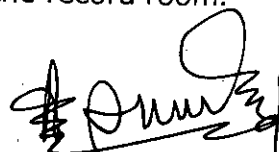


(SALAH-UD-DIN)
Member(J)
(Camp Court D.I.Khan)



(AHMAD SULTAN TAREEN)
Chairman
(Camp Court, D.I.Khan)

ANNOUNCED
25/11/2021


S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1.	2	3
	25.11.2021	<p><u>Present.</u></p> <p>Mr. Muhammad Abdullah Balouch, ... For appellant Advocate</p> <p>Mr. Noor Zaman Khattak, District Attorney, ... For respondents.</p> <p>Vide our detailed judgment, the appeal in hand is dismissed. However, in order to prevent the multiplicity of proceedings and abuse of process of Tribunal it is apt to exercise jurisdiction under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 to direct the respondents to process the case of promotion of police officers posted in FRP, in accordance with law, without delay. Parties are left to bear their own costs. File be consigned to the record room.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>(SALAH-UD-DIN) Member(J) (Camp Court D.I.Khan)</p> </div> <div style="text-align: center;">  <p>(AHMAD SULTAN TAREEN) CHAIRMAN (Camp Court D.I.Khan)</p> </div> </div> <p><u>ANNOUNCED</u> 25.11.2021</p>

Muhammad Zubair

25.11.2021

Appellant in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Muhammad Hafeez, Clerk for the respondents present.

We have heard the arguments. During the course of arguments reference was made to Standing Order No. 2/2014 wherein vide para-11 it is provided that FRP is neither a Police District nor a Police Range. Therefore, promotion lists A, B, C, D and E shall no more be maintained in FRP. Instead, promotion of officers posted in FRP, as is the case of other units, shall be done by District Heads of Police or the RPOs, as the case may be, against the available vacancies in accordance with Chapter 13 of Police Rules 1934. The District Heads of Police or the RPOs, as the case may be, shall maintain consolidated lists of all officers, whether posted in the District/Range or in any other unit, including FRP. According to the said provision in Standing Order No. 2 of 2014. Before we proceed to announce the order, it is deemed appropriate that District Police Officer D.I.Khan be required to attend this Tribunal for our assistance personally or through a well conversant representative whether the list as required vide para-11 of the Standing Order No. 2 of 2014 has been maintained or not. Mr. Muhammad Khalil, Sub-Inspector (Legal) is present before us in connection with other Appeals on behalf of the District Police Officer D.I.Khan, and he is directed to obtain copy of this order and convey the same forthwith to District Police Officer for compliance today without fail.


(Salah-ud-Din)
Member (J)
Camp Court D.I.Khan

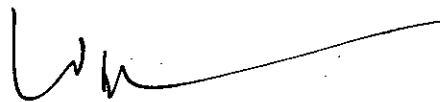

Chairman
Camp Court D.I.Khan

23.11.2020

Appellant present alongwith his counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come for arguments on 25.01.2021, before D.B at Camp Court DI.Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

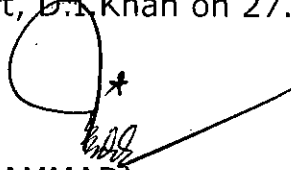
Due to COVID 19, the case is adjourned to 24.3.2021 for the same.



24.03.2021

Mr. Muhammad Abdullah Baloch, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.

A request for adjournment was made as issue involved in the present case is pending adjudication before Larger Bench of this Tribunal. Adjourned. To come up for arguments before D.B at Camp Court, D.I Khan on 27.07.2021.



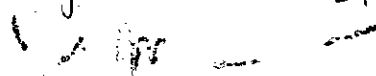
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

27/07/21

Due to non-availability of the bench, the case is adjourned to 25/11/2021.



Reader

LD

— 24h —

26/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan

Reader

22/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 24/9/2020 at Camp Court, D.I Khan

Reader

24.09.2020

Counsel for appellant present.

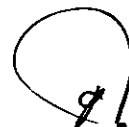
Mr. Muhammad Jan, learned District Attorney for respondents present.

Former requests for adjournment as issue involved in the present case is pending before the Larger Bench of this Tribunal.

Adjourned to 23.11.2020 before D.B. at Camp Court D.I Khan.



(Atiq-ur-Rehman Wazir)
Member (E)
Camp Court, D.I Khan



(Rozina Rehman)
Member (J)
Camp Court, D.I Khan


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28.01.2020

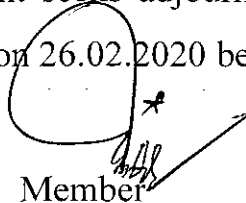
Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Clerk of counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 25.02.2020 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


25.02.2020

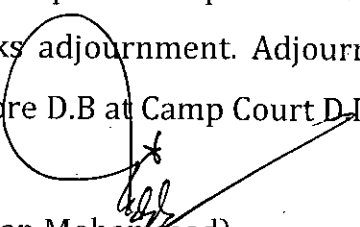
Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.02.2020 before D.B at camp court D.I.Khan.



Member


Member
Camp Court D.I.Khan

26.02.2020


 Mr. Muhammad Abdullah Baloch, Advocate on behalf of the appellant present and submitted Vakalat Nama which is placed on record. Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 26.03.2020 for arguments before D.B at Camp Court D.I.Khan.



(Mian Mohammad)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.06.2019

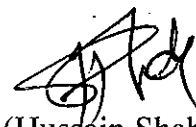
Junior counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Case to come up for arguments on 27.08.2019 before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

27.08.2019

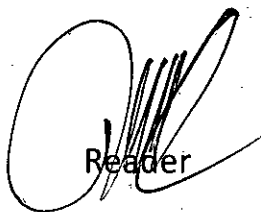
Counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 21.10.2019 for arguments before D.B at Camp Court D.I.Khan.


(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

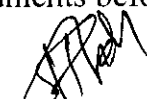
21/10/2019


Since tour to D.I.Khan has been cancelled .To come for the same on ~~26~~/11/2019.


Reader

26.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy, District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 28.01.2020 for arguments before D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan

25.03.2019

Counsel for the appellant and Mr. Farhaj Sikandar,
District Attorney for the respondents present.

The Court time is over, therefore the case adjourned to
23.04.2019 before the D.B at camp court, D.I.Khan.
25.03.2019 for arguments before D.B at camp court, D.I.Khan.



Member
Member



Chairman
Chairman
Camp Court, D.I.Khan
Camp Court, D.I.Khan

25.03.2019

Counsel for the appellant and Mr. Farhaj Sikandar,
District Attorney for the respondents present.


The court time is over, therefore case adjourned to
23.04.2019 before the D.B at camp court, D.I.Khan.



Member


Chairman
Camp Court, D.I.Khan

23.04.2019


Appellant in person and Mr. Farhaj Sikandar, District
Attorney for the respondents present. Due to strike of Khyber
Pakhtunkhwa Bar Council, learned counsel for the appellant is not
available today. Adjourn. To come up for arguments on
25.06.2019 before D.B at Camp Court D.I.Khan.


(M. Amin Khan Kundi)
Member
Camp Court D.I.Khan


(M. Hamid Mughal)
Member
Camp Court D.I.Khan

28.11.2018

Counsel for the appellant Mr. Malik Hussain, Advocate present and submitted Vakalat Nama on behalf of the appellant. Vakalat Nama is placed on record. Mr. Usman Ghani, District Attorney on behalf of the respondents present and submitted written reply, copy of the same is handed over to learned counsel for the appellant. Adjourned. To come up for rejoinder and arguments on 18.12.2018 before D.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

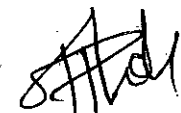
18.12.2018


As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 18.12.2018 has been rescheduled and the case is re-fixed for 27.12.2018.


Reader

27.12.2018

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents present. Learned counsel for the appellant submitted rejoinder requested for adjournment for arguments. Adjourned. To come up for arguments on 22.01.2019 before, D.B at Camp Court D.I.Khan.



(Hussain Shah)
Member
Camp Court D.I.Khan


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan



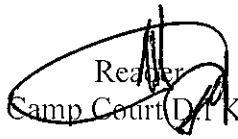
15.03.2018

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents from their own pockets. To come up for written reply on 28.06.2018 before S.B at camp court D.I.Khan.


(Ahmad Hassan)
Member
Camp Court D.I.Khan.

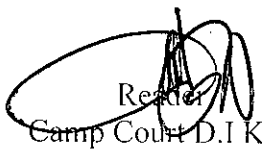
28.06.2018

Tour is hereby cancelled, Therefore the case is adjourned for the same on 01.08.2018 before S.B.


Reader
Camp Court D.I.Khan


01.08.2018

Appellant present in person. Tour is hereby cancelled. Therefore the Case is adjourned for the same on 11.09.2018 before S.B.


Reader
Camp Court D.I.Khan

11.09.2018

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Representative of the department is not in attendance therefore, learned Deputy District Attorney is directed to contact the respondents for filing of written reply on the next date positively. Adjourned. To come up for written reply/comments on 28.11.2018 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan

Service Appeal No. 1098/2016

29.12.2017

Clerk of the counsel for appellant present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 25.01.2018 before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

25.01.2018

Appellant with counsel present. Mr. Farhaj Sikandar, District Attorney for the respondents also present. Representative of the department is not in attendance therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively by way of last chance. Adjourned. To come up for written reply/comments on 15.03.2018 before S.B at Camp Court D.I.Khan.



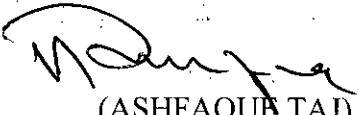
(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

22.02.2017

Mr. Muhammad Anwar Awan learned counsel for appellant present. Preliminary arguments heard. The promotion was granted to appellant Mr. Muhammad Zubair was taken back and he was reverted without any proper inquiry and procedure. He has been condemned unheard and in this course they have challenged the impugned orders.


Point raised needs consideration, the appeal is admitted for regular hearing. The appellant is directed to deposit the security and process fee within 10 days there-after notices be issued to the respondents for written reply/comments for 26.07.2017 before S.B at Camp Court D.I.Khan.

Appellant Deposited
Security & Process Fee


(ASHFAQUB TAJ)
MEMBER
Camp Court D.I.Khan

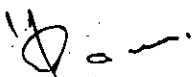
26.07.2017

Counsel for the appellant present. Mr. Farhaj Sikandar, District Attorney for official respondents also present. Representative of the respondent-department is not in attendance, therefore, notice be issued to the respondents with the direction to direct the representative to attend the court on the next date positively. Adjourned. To come up for written reply/comments on 23.10.2017 before S.B at Camp Court D.I.Khan.


(Muhammad Amin Khan Kundi)
Member
Camp Court D.I. Khan

26.10.2017




Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents present. None present on behalf of the respondent department. Notice be issued to the respondent department. To come up for written reply on 29.12.2017 before S.B at camp court D.I.Khan


(Muhammad Hamid Mughal)
Member
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1090/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/10/2016	<p>The appeal of Muhammad Zubair received today by post through Muhammad Anwar Awan 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 D.I.Khan for preliminary hearing to be put up there on <u>28.11.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Since D.I.Khan tour dated 28.11.2016 has been cancelled, therefore, case to come up for preliminary hearing on 22.02.2017 before S.B at Camp Court D.I.Khan.</p> <p style="text-align: right;"> Reader</p>

28.11.2016

22.11.2016

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT D.I.KHAN.**

Appeal no...:1090.. of 2016.

Muhammad Zubair VERSUS Commandant FRP & Others

INDEX

No.	Particulars	Annexure	Pages
1	Appeal		1-3
2	Copy of Application	A	4
3	Copy of order dated:28.03.2016	B	5-5A
4	Copy of service book	C	6-7
5	Copy of Pay Roll	D	8-9
6	Copy of Order	E	10
7	Copy of departmental appeal and order	F	11-12
8	Wakalat Nama	G	13

Your humble Petitioner

Zubair
Muhammad Zubair

Dated: 19.10.2016

Anwar Adv
Mohammad Anwar Awan
Advocate Supreme Court.

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR
CAMP COURT D.I.KHAN.**

Appeal no. 1090... of 2016.

Muhammad Zubair No.768/FRP, FRP D.I.Khan.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1119

Dated 25-10-2016

VERSUS

1. Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police FRP D.I.Khan Range D.I.Khan.
3. Government of KPK through Secretary Interior Khyber Pakhtunkhwa Peshawar.

**APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL
ACT AGAINST ILLEGAL CANCELLATION ORDER
DATED: 28.06.2016 ON THE BACK OF APPELLANT.**

That the brief facts of the case are as under:

1. That the petitioner is serving in the Frontier Reserve Police Department and deputed in FRP D.I.Khan Range as a constable since 2006.
2. That petitioner moved an application requesting his promotion which was accepted and petitioner was shoulder promotion to the rank of head constable with immediate effect on 28.03.2016 by respondent no.02. Copy of application and order dated: 28.03.2016 are annexure A & B.
3. That after promotion order the appellant took the charge and which was dually entered in his service book and appellant received the pay of head constable. Copy of service book and pay roll are annexure C & D.
4. That respondent no.01 without given any notice and conducting and inquiry, issued letter dated: 28.06.2016 in the absence of appellant by cancelling his promotion as head constable with retrospective effect. Copy of order is annexure E.

Filed to-day

Registrar

25/10/16

5. That feeling aggrieved after communication of above said illegal order appellant filed departmental appeal which was also rejected. Copy of departmental appeal and order are Annexure F.
6. That order in appeal is communicated to appellant on 06.10.2016, so feeling aggrieved from above said action appellant is constrained to approaches this honorable court on the following amongst other:


GROUND:

1. That the appellants are not treated in accordance with law and the actions of the respondents are malafide besides being discriminatory and harsh.
2. That respondent no .02 according to rules promoted the appellant after considering application for promotion. The appellant was appointed as constable on 31.05.2006 during his service he passed five course of civil defense and also pass A-1 course he become senior most constable in FRP D.I.Khan range. The promotion order of appellant was in accordance with law and rules framed by the government which was dually implemented and respondent no.01 has no authority to cancel the same without giving any notice or opportunity of hearing.
3. That standing order 2 of-2016 does not restrict the respondent no.02 to not promote the appellant and any irregularity committed by authority does not harm the appellant in any manner.
4. That appellant is being penalized without giving them any opportunity of hearing nor has given any show cause notice by the department, which is against the principal of natural justice.

In view of the above, It is, therefore, most respectfully prayed that on acceptance this appeal this honorable court may pleased to declare the order dated: 28.06.2016 being illegal, void and without lawful authority and has no legal effect and

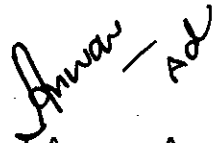
appellant may kindly be reinstated at the post of head constable with all back benefits.

YOUR HUMBLE APPELLANT



Muhammad Zubair
Through Counsel

Dated: 19.10.2016



Mohammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Muhammad Zubair do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



Deponent.

Case No. _____

No. _____

A-9-

جناب عالی!

مغروض ہوں کہ سائل مورخہ: 31-05-2006 کا بھرتی ہے۔ سائل کی سرور
انہ اسال ہونے کو ہے۔ جبکہ سرور رول کے مطابق 5 کورس رول ڈسٹن اور A1 کورس پاس
شدہ ہے۔ اور کسی قسم کی میڈ انٹری نہیں ہے اور سائل FRP/DTKO میں ہے۔
لہذا بذریعہ درخواست استدعا ہے۔ کہ سائل کی جی آر بی کو مد نظر رکھتے ہوئے HC پر موٹ
کرنے کا حکم صادر فرمادیں۔

عین نوازش ہوگی

مورخہ: 15/03/2015

غفار علی

کنشیل محمد زبیر نمبر FRP/SPL-768 ذریعہ اسماعیل خان

فانکشنل آفیسر

Line Officer
FRP/DTKO
15/3/15

HC
15/3/15

15/3/15

M. ANWAR AWAN
Advocate

B-5-

ORDER:

The following Constables of this FRP Range are hereby granted shoulder promotion the rank of C-II Head Constable with immediate effect. Due to shortage of Head Constables in this FRP Range:

S. #	Name and No.	Place of Posting
1.	Constable Mohammad Rizwan No. 8052	Platoon No. 175 FRP Police Line D.I.Khan.
2.	Constable Attiq ur Rehman No. 8077	Platoon No. 175 FRP Police Line D.I.Khan
3.	Constable Irfan Ali No. 7779	Platoon No. 162 PS Dera Town
4.	Constable Mohammad Zubair No. 7687	FRP Police Line D.I.Khan
5.	Driver Constable Mohammad Nadeem No. 8243	FRP Police Line D.I.Khan


Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

OB No. 312 /FRP, Dated of D.I.Khan 28 /03 /2016.

OB NO. 312

Date: 28-03-2016.

271 → E FRP JUV
Date: 28-3-2016


M. ANWAR AWAN
Advocate

- 5A -

ORDER:

Keeping in view his good performance, Clean record and Course passed i.e Civil Defence Basic Lighting Restriction Course, Civil Defence Camouflage Course, Breathing Appartus Course, Leading Fire Man Course, Civil Defence Disaster Course by the Constable Mohammad Zubair No. 768/FRP (Old SPL) he is promoted to the rank of Head Constable (BPS-07) against the existing vacancy of FRP D.I.Khan Range.


On his promotion as Head Constable allotted Head Constabulary No. 7125/FRP with immediate effect.

**Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.**

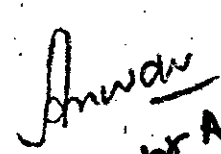
No. 765-66 /FRP, Dated of D.I.Khan 18 /04/2016.

Copy of above is sent to the:-

1. Pay Officer FRP D.I.Khan.
2. OHC/SRC FRP D.I.Khan.


**Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.**

OB NO..390
Date: 18-04-2016
350 → ع FRP
Date: 18-4-2016


M. Anwar
Advocate

Prepared By

1. Name of appointment and Establishment	2. Whether substantive or officiating and whether permanent or temporary	3. If officiating here state substantive appointment if any	4. Pay in substantive appointment	5. Additional pay for officiating	6. Other emoluments falling under the term "pay"	7. Date of appointment	8. Trips of attesting officer in illustration of columns 1 to 7	9. Remarks

سرین رول میں سولہ
 ڈیڑھ لاکھ روپے کی
 رقم کی گارنٹی
 کی گئی ہے

vel 23P-18
 PN 0287117
 23P-18
 SNO 230 #
 2-2-2016
 15-12
 9/11/16

ORDER 1

Granted ~~Shoulder~~ Promotion in the Rank of ~~Head Constable~~ with immediate effect. Due to shortage of Head Constable in this FRP Range vide this office OB NO 312/FRP dt. 28.03.2016

M. ANWAR
 Advocate

ORDER 2

Mutual transferred from old SP/Dice to FRP Dichean, allotted constabulary no. 752-53/199 dated 15-4-2016
 7544/FRP

Superintendent of Police
 FRP, D.K. Kach Range

No. 76

- 1. Pa
- 2. Of

No. 758/FRP
 dt. 15-04-2016

Termination promotion (mls, sal, e.c)	Initials of attesting officer in attestation of columns 9 and 10	Leave taken- nature and duration of and rate of leave salary drawn, with the initials of the attesting officer.	Reference to any recorded punishment of censure, reward or praise of the Government servant as well as to any interruption in service. If suspended whether period of suspension will count towards leave and pension with signature of the attesting office	REMARKS	
10	11	12	13	14	
		<p><u>ORDER:-</u> Keeping in view his good performance, clean record and course passed i.e. civil defence Basic Lighting Restriction course, civil defence camouflage, Breathing Apparatus course leading fireman course, civil defence Disorder course, hereby Promoted as Head Constable PS-07 on promotion collected Head Constable, pay 7125/PR and pay fixed 10810/PM G.P.S. 10810/PM</p>		<p>(Order copy attached)</p>	<p><i>[Signature]</i> RSP/FCP Dilekhan</p>
		<p><i>[Signature]</i> MANWAR AWAN Advocate</p>			<p>سردس رزل من بردائیل دروین اوردی انتری بی مانی</p>

Prepared by

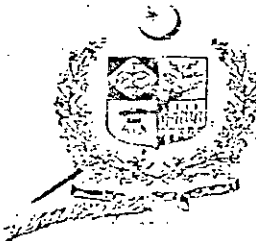
Audited / Checked By

Entered / Verified By

PAYROLL SYSTEM
AMENDMENT FROM
SINGLE EMPLOYEE ENTRY

JD No = 80/68949

FORM PAY02



OFFICE OF THE
FOR THE MONTH OF 06 / 1 2016

SP/FRP, D.I. Khan.

MANWAR AMAN
AGRORE
DATE
PAGE

DDO CODE (COST CENTER)

D	I	4	0	5	1
---	---	---	---	---	---

 Description SP/FRP

Personnel Number

2	8	7	1	1	7
---	---	---	---	---	---

 Employee Name M. Zubair National ID Card Number 7125

Grade (Pay Scale Group)

0	7
---	---

Head Const 7681 Salary Status Start Stop

A-8-1

Info Type	GENERAL DATA CHANGE		CHARGE IN PAYMENTS / DEDUCTIONS							Effective Date	Remarks
	Field ID	New Contents	WAGE TYPE	Amount			Adj				
				Rupees	Paisa						
		B-pay	0001	10810	/-					01-06-16	Promoted as-Head Constable (BPS 07)
		HRA	1000	1059	1/2						from Const. to, Head Constable
		RISK Allow	1901	5292	1/2						Constable BPS 7
		Adz 13	2148	1206	1/2						BPS 10 BPS 7
		Adz 14	2174	804							
		Adz 15	2199	1081							Design: Head Const 0701 / Head Constable

Superintendent of Police,
D.I. Khan.

Promotion
order
attached
DA
5246
02/06/2016

Prepared By

Audited / Checked By

Entered / Verified By

Payroll Section : 002 Payroll 2

OFF : D.I. KHAN SF (CIR) D.I. KHAN

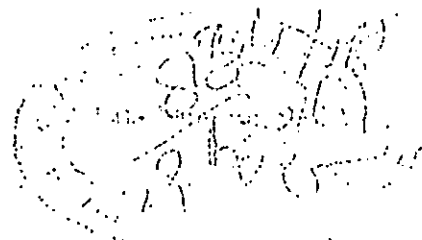
CHIC: 1210102775383	Desig: POLICE SHUHADA (60167433)	Grade: 07 NTH: LOAN/FUND	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: H
AMOUNT	DEDUCTIONS	AMOUNT	REPAID	BALANCE
00287112 FARIN ANDRUS SHAHEED P A Y M E N T S			SPTA: PBL-SIN-4001	29,648.00
0001 Basic Pay	3007 SPF Subscription - Rs	636.00-		
1000 House Rent Allowance	3530 Police hel:Fud RS-1 t	233.00-		
1210 Convey Allowance 20	3604 Group Insurance	57.00-		
1300 Medical Allowance				
1547 Ration Allowance				
1567 Washing Allowance				
1646 Constabulary R Allow				
1901 Risk Allowance (Poli)				
1902 Special Incentive All				
2148 15% Adhoc Relief All				
2168 Fixed Daily Allowance				
2174 Adhoc Relief Allow-2				
2197 Adhoc Relief Allow 0				
PAYMENTS	DEDUCTIONS	Others		
27,266.00	536.00			
Branch Code: 090057	CIRCULAR ROAD D.I. KHAN.			
			NET PAY	28,230.00
			D.I. KHAN	01.06.2016
				30.06.2016
				Accnt.No: 01005329

M. ANWAR AWAN
 ANWAR AWAN
 Advocate

CHIC: 121010268433	Desig: HEAD CONSTABLE I (60168740)	Grade: 07 NTH: LOAN/FUND	Buckle No.: PRINCIPAL	Gazetted/Non-Gazetted: H
AMOUNT	DEDUCTIONS	AMOUNT	REPAID	BALANCE
00267117 MUHAMMAD ZUBAIR P A Y M E N T S			SPTA: PBL-SIN-3509	53,567.00
0001 Basic Pay	3007 SPF Subscription - Rs	636.00-		
1000 House Rent Allowance	3505 SPF Loan Principal In	300.00-	SPF Temp. Advance	
1210 Convey Allowance 20	3511 Adhl Group Insurance	7.00-	0768	28,000.00
1300 Medical Allowance	3530 Police hel:Fud RS-1 t	216.00-		4,000.00
1547 Ration Allowance	3604 Group Insurance	57.00-		
1567 Washing Allowance				
1646 Constabulary R Allow				
1901 Risk Allowance (Poli)				
1902 Special Incentive All				
2148 15% Adhoc Relief All				
2168 Fixed Daily Allowance				
2174 Adhoc Relief Allow-2				
2197 Adhoc Relief Allow 0				
PAYMENTS	DEDUCTIONS	Habit Bank Limited		
28,273.00	1,776.00			
Branch Code: 221359	CIRCULAR ROAD, D.I. KHAN.			
			NET PAY	26,497.00
			D.I. KHAN	01.06.2016
				30.06.2016
				Accnt.No: 13597908631033

CHIC: 1229184625673	Desig: HEAD CONSTABLE (60169436)	Grade: 07 NTH: LOAN/FUND	Buckle No.: 66 PRINCIPAL	Gazetted/Non-Gazetted: H
AMOUNT	DEDUCTIONS	AMOUNT	REPAID	BALANCE
00291842 HIDAYAT ULLAH P A Y M E N T S			SPTA: PBL-TK-0104	81,203.00
0001 Basic Pay	3007 SPF Subscription - Rs	636.00-		
1000 House Rent Allowance	3511 Adhl Group Insurance	7.00-		
1210 Convey Allowance 20	3530 Police hel:Fud RS-1 t	233.00-		
1300 Medical Allowance	3604 Group Insurance	57.00-		
1547 Ration Allowance				
1567 Washing Allowance				
1646 Constabulary R Allow				
1901 Risk Allowance (Poli)				
1902 Special Incentive All				
2148 15% Adhoc Relief All				
2168 Fixed Daily Allowance				
2174 Adhoc Relief Allow-2				
2197 Adhoc Relief Allow 0				

E-10-



ORDER

SP FRP DI Khan Range office orders so far as relates to the promotion of following officials to the rank of Head Constables which were made in volition of standing order No.2/2016 is hereby cancelled with retrospective effect.

S No	Name of Official	Promotion Book	Order Dated
1	Muhammad Zubair No. 7125	390	15.04.2016
2	Malik Fida Hussain No.7214	388	15.04.2016
3	Muhammad Waseem No.7171	392	15.04.2016
4	Islam Ullah No.7120	394	15.04.2016
5	Qayyum Nawaz No. 7129	413	18.04.2016
6	Muhammad Nadeem No.7134	429	19.04.2016
7	Khalid Naveed No.7148	437	19.04.2016
8	Muhammad Ramzan No.7127	395	15.04.2016
9	Faisal Nawaz No.7141	415	18.04.2016

M. ANWAR AWAN
Advocate

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa/Peshawar

No. 577 /EC, dated Peshawar the, 28 10 2016.

Copy of above is forwarded to the SP FRP DI Khan Range for necessary action.

OHC/OB/SRE/PO
For n/action

SP FRP DI Khan

OB-615
29-06-2016

AB/E
16

درخواست گزار کے نام کے ساتھ ہمارے ایڈریس (خیریت پختونخوا پشاور)

مبارکباد! یہ ہم سب کو اور ہر ریاضی کی بنیاد پر امید کا نشیمل ترقیب کیا گیا تھا۔ ایسا آرپی
 کی طرف سے کیا گیا تھا۔ ہم سب ان کو امید کا نشیمل سے بہتر ترقیب دینی سے ترقیب ہیں۔ اور
 آپ کی لائن ایف آر پی کی طرف سے کیا گیا تھا۔ ہم سب ان کو امید کا نشیمل سے بہتر ترقیب
 29.06.2016ء کو یہ جناب کو یہ سب ایف آر پی خیریت پختونخوا پشاور کو امید کا نشیمل سے بہتر ترقیب
 کی طرف سے کیا گیا تھا۔ ہم سب ان کو امید کا نشیمل سے بہتر ترقیب
 کی طرف سے کیا گیا تھا۔ ہم سب ان کو امید کا نشیمل سے بہتر ترقیب

عالی جاہ! ہم سب ان کو امید کا نشیمل سے بہتر ترقیب دینی سے ترقیب ہیں۔ اور
 کی طرف سے کیا گیا تھا۔ ہم سب ان کو امید کا نشیمل سے بہتر ترقیب

لہذا ہم سب ان کو امید کا نشیمل سے بہتر ترقیب دینی سے ترقیب ہیں۔ اور
 کی طرف سے کیا گیا تھا۔ ہم سب ان کو امید کا نشیمل سے بہتر ترقیب

عین لوازش ہوگی۔

نقشہ برآمد 26.08.2016

ارضیہ

Sig. Fawadool
 @
 Lo/ERP/DIK

1. نشیمل محمد زید بٹ نمبر 71
2. نشیمل محمد وسیم بٹ نمبر 730
3. نشیمل ملک نواز حسین بٹ نمبر 7795
4. نشیمل خالد نوید بٹ نمبر 7813
5. نشیمل اسلام اللہ بٹ نمبر 79
6. نشیمل محمد عظیم بٹ نمبر 7828
7. نشیمل قیوم نواز بٹ نمبر 7813
8. نشیمل محمد فیصل بٹ نمبر 7800
9. نشیمل محمد رمضان بٹ نمبر 78

M. ANWAR AWAN
 Advocate

P-16

17.9.16

Sr.

A joint application submitted by the following lower subordinates of FRP DI Khan Range DI Khan stating therein that on the basis of courses and seniority, they were promoted to the rank of Head Constable.

S.No	Name	No.
1.	FC Muhammad Zubair	7541
2.	FC Muhammad Waseem	7539
3.	FC Malik Nida Hussain	7795
4.	FC Khalid Naveed	7358
5.	FC Islam Ullah	7919
6.	FC Muhammad Nadeem	7328
7.	FC Qayoum Nawaz	7288
8.	FC Muhammad Faisal	7600
9.	FC Muhammad Ramzan	7840

Now vide this office order No.5477/EC, dated 28.06.2016 they were reverted back to the rank of Constables as their promotion orders were made in-violation of standing order No. 2/2016.

At last they had prayed for setting aside their reversion orders.

Submitted for kind order please.

17.9.16
E.C

Office Supdt:

19.9.16

M. ANWAR AWAN
Advocate

Commandant FRP KP

Rejected

VAKALATNAMA

BEFORE THE KPK Service Tribunal Camp D.I.KHAN.

M. Zubair **VERSUS** Commandant FRP etc

TITLE Appeal

I/WE Appellant

the above named M. Zubair hereby appoint

MUHAMMAD ANWAR AWAN ADVOCATE SUPREME COURT, D.I.KHAN

in the above Captioned Case to all or any of the following Acts Deeds & Things.

- ✓ To Appear, Act & Plead for Me/Us in the above mentioned cases in this Court/Tribunal in which the same may be tried or heard or any other proceedings out of our connected therewith.
- ✓ To Sign, Verify, File OR Withdraw all Proceedings, Petitions, Appeals, Affidavits, Applications for Compromise OR Withdrawals OR for the Submission of Arbitration of the said case OR any other Documents may be Deemed Necessary OR Advisable by them by the Conduct, Prosecution OR Defense of the above case at all its stages.
- ✓ To Receive Payments, Issue Receipts for all moneys that may be OR Become Due & Payable to us during the course on Conclusion of the Proceedings.
- ✓ To do all other Acts & Things, Which may be Deemed Necessary OR Advisable during the course of Proceedings.

AND HEREBY AGREE:

- To Ratify Whatever Advocates may do the Proceedings.
- Not to Hold the Advantages Responsibilities if the said case be proceed Ex-parte OR Dismissed in Default in Consequence of their Absence from the Court when it is called for Hearing.
- That the Advocates shall be entitled to withdraw from the Prosecution of the said case if the Whole or any part of the Agreed Fee Remain Un-Paid.
- That Advocates may be Permitted to argue any other point at the time of Arguments.

In Witness Whereof I/We have signed this Vakalatnama here under the Contents of which have been Read/Explained to Me/Us which is fully understood by Me/Us.

Dated: 20/10/16

Accepted By:

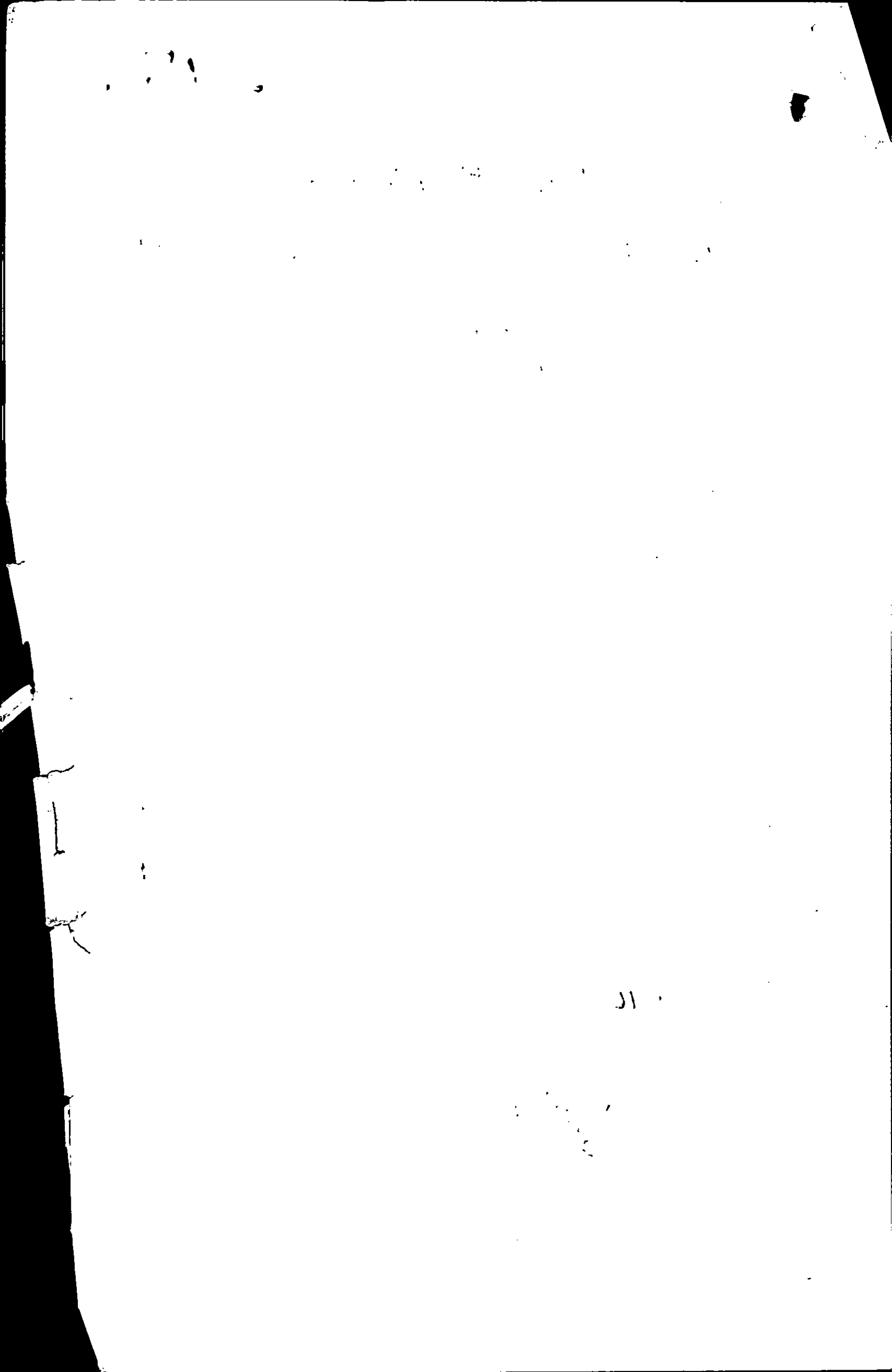
Anwar Adv

Zubair

SIGNATURE OF EXECUTANT (S)

**MUHAMMAD ANWAR AWAN
ADVOCATE SUPREME COURT**

Phone Office: 0966-730828
Cell No: 03339962231



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1090/2016.

Muhammad Zubair No. 768/DIK RangeAppellant.

VERSUS

1. Commandant, Frontier Reserve Police,
Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police FRP DIK Range, DIK.
3. Govt: of Khyber Pakhtunkhwa through Secretary interior Peshawar.
..... Respondents.

PRELIMINARY OBJECTIONS

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal material facts from this Honorable Tribunal.

WRITTEN REPLY ON BEHALF OF RESPONDENTS.

RESPECTED SHEWETH.

FACTS:-


1. Para No.1 pertains to the appellant record, hence needs no comments.
2. Incorrect, that the appellant is concerned to FRP establishment and according to Standing Order No. 2/2104 issued by CPO Peshawar, all promotions were restricted in FRP. The promotion of officers posted in FRP shall be done by DPO/RPOs in accordance with Chapter No. 13 of Police Rules 1934. In the light of Standing Order mentioned above the promotion order of the appellant has been cancelled as per law. (Copy of Standing Order attached herewith as annexure " A")
3. Incorrect, the promotion of the appellant as Head constable was found against the rules.
4. Incorrect, the promotion order as Head constable of the appellant was found violation of Standing order No. 2/2014, by the Competent Authority, therefore, cancelled.
5. Correct to the extent that departmental appeal of the appellant was thoroughly examined and rejected on sound grounds.
6. The appellant has not come to this Honorable Tribunal with clean hands.

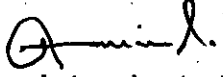
Grounds:-

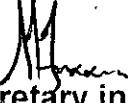
1. Incorrect as the promotion order of the appellant was passed in hastily manner and which subsequently found violation of the Standing Order No.2/2014, thus the action of the respondents are legally justified and in accordance to law.
2. Incorrect, that after issuance of Standing Order No.2/2014, there is no criteria existed for promotion in FRP Establishment. Moreover according to Standing Order No. 2/2014 the promotion lists shall no more be maintained in FRP unit. The promotion of officers posted in FRP shall be done by DPO/RPOs in accordance with Chapter No. 13 of Police Rules 1934. In the light of Standing Order mentioned above, the promotion order of the appellant has been cancelled as per law.
3. Incorrect, Standing Order No. 2/2014 clause 11, 12, 12.1 & 12.2 provide that all kinds promotion to the next higher rank of the personals of FRP shall be maintained by DPO/RPOs, thus respondent No. 2 is not competent to pass promotion order of a Police Officers posted in FRP.
4. Incorrect, as explained in the preceding Paras, the promotion order of the appellant examined and found against the law. Moreover, the appellant is well known regarding to standing order No. 02/2014.

PRAYERS:-

It is therefore, most humbly prayed that in the light of aforesaid facts/submission the service appeal may kindly be dismissed with cost.


Commandant, FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


Superintendent of Police FRP
DIKhan Range, DIKhan
(Respondent No.2)


Secretary interior
Govt. of Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)



KHYBER PAKHTUNKHWA BAR COUNCIL

ADVOCATE

وکالت نامہ

MOHAMMAD HUSSAIN

Advocate

bc-11-4786

Date of issue: November 2017

Valid upto: November 2020



Adv. Secretary
KP Bar Council

کورٹ فیس

بعدالت جناب
 سرور ہرمنوئل شاہد سہیل DAK
 منجانب سے محمد زبیر 768 FRP
 بنام کمانڈنٹ FRP تشارہ
 دعویٰ یا جرم
 تفصیل دعویٰ یا جرم
 سرور اسیل

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیوی و جوابدہی برائے پیشیا یا تصفیہ مقدمہ بمقام عدالت کیلئے

ملکہ محمد حسن جوڑ ایروولٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں برقی پر خود بذریعہ اختیار خاں رو برو عدالت حاضر ہونا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشیا پر منظر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیروی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات سے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عتقانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساعتہ پروا خط صاحب موصوف مل کر وہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ، یا جواب دعویٰ اور درخواست اجراء، ڈگری و نظر ثانی اپیل گمانی و ہر قسم درخواست پروتختہ و تہدین کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر حاشی یا راضی نامہ فیصلہ حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشیا مقدمہ مذکورہ میں از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اپیل و گمانی، برآمدگی مقدمہ یا منسوخی ڈگری کی طرف یا درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اہل اجراء ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ عتقانہ بیروی کا اختیار ہوگا اور تمام ساعتہ پروا خط صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گمانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا پیر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ انشاء بڑی، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تاریخ پیشیا سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے
 مورخہ 28 نومبر 2018ء

مضمون وکالت نامہ مندرجہ بالا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

العبد العبد العبد

Accepted

(Signature)

Advocate - Dica
28/11/18

محمد زبیر 768
FRP
M Zubair



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 923 /ST

Dated: 25-4-2022

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

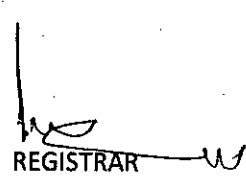
To

The Commandant Frontier Reserve Police,
Government of Khyber Pakhtunkhwa
Peshawar.

Subject: JUDGMENT IN APPEAL NO. 1090/2016 MR. MUHAMMAD ZUBAIR.

I am directed to forward herewith a certified copy of Judgement dated
25.11.2021 by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR