
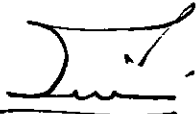


S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	25.11.2021	<p><u>Present.</u></p> <p>Mr. Muhammad Abdullah Balouch, ... For appellant Advocate</p> <p>Mr. Noor Zaman Khattak, District Attorney, ... For respondents.</p> <p>Vide our detailed judgment in connected Service Appeal No. 1090/2016, titled "Muhammad Zubair Vs. Commandant, F.R.P Khyber Pakhtunkhwa, Peshawar and others", 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> <p style="text-align: center;">   (AHMAD SULTAN TAREEN)   CHAIRMAN  (Camp Court D.I.Khan) </p> <p style="text-align: center;">   (SALAH-UD-DIN)  Member(J)  (Camp Court D.I.Khan) </p> <p><u>ANNOUNCED</u> 25.11.2021</p>

26/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/4/2020 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 Deputy 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



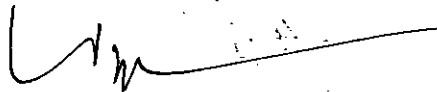
(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

23.11.2020

Appellant present through 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

25-1-2021

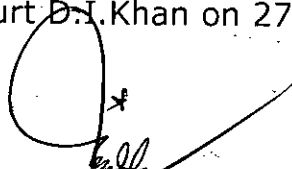
*Due to COVID 19, the case is adjourned to 24.3.2021 for the same.*



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.*



28.01.2020

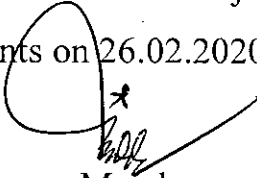
Clerk of counsel for the appellant and Mr. Usman Ghani, District Attorney for the respondents present. Clerk of counsel for appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 25.02.2020 for arguments before D.B at Camp Court D.I.Khan.

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

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

25.02.2020

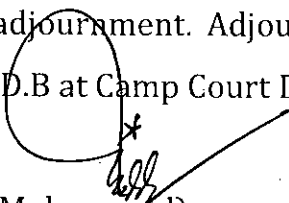
Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.02.2020 before D.B at camp court D.I.Khan.


  
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.

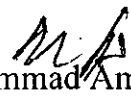
  
(Mian Mohammad)  
Member  
Camp Court D.I.Khan

  
(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

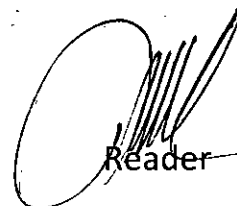
Mr. Burhan Latif Khaisor, Advocate for the appellant present and submitted Vakalatnama, which is placed on file. Mr. Farhaj Sikandar, District Attorney for the respondents present. Newly engaged learned counsel for the appellant requested for adjournment. Adjourned to 21.10.2019 for arguments before 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

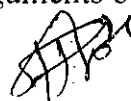
21/10/2019


Since the case 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

# وکالت نامہ

کورت فیس

قیمت ایک روپیہ

بعدالت جناب KPK سروس ٹریبونل (مکمل) خان

Appellant

منجانب

Muhammad Ramzan vs Commandant FRP dt

دعویٰ یا جرم

Service Appeal # 1093

تفصیل دعویٰ یا جرم

## باعث تحریر آنکہ

Diklan

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تصفیہ مقدمہ مقام  
Muhammad Abdullah Baloch dt

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی 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 سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عائدہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروا غلط صاحب موصوف شکل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ، یا جواب دعویٰ یا درخواست اجراءے ذگری و نظر ثانی اہل گمرانی و ہر قسم درخواست پر دخل و تعذیب کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذگری کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور اس پر عاقبتی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری صدر بیروی مقدمہ مذکورہ نظر ثانی و اہل گمرانی و ہر قسم کی مقدمہ یا مشغولی ذگری یا تصرف یا درخواست حکم انتہائی یا قریبی یا کرنٹاری عمل از فیصلہ اجراءے ذگری بھی صاحب موصوف کو بشرط ادا تکلیف علیحدہ عائدہ بیروی کا اختیار ہوگا اور تمام ساختہ پروا غلط صاحب موصوف شکل کردہ 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 اہل گمرانی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہر شخص 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 جانب التوا ہر جگہ، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری نہیں تاریخ پیشی 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 کھندیا ہے۔ تاکہ سند ہے  
مورخہ 26 مارچ 2020ء

مضمون وکالت نامہ من لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔  
العبد العبد العبد  
محمد عرفان - Appellant  
Fuzon

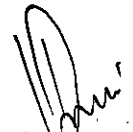
9-7124476-12101

25.03.2019

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

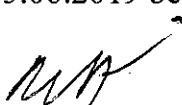
The court time is over, therefore case adjourned to  
23.04.2019 before the D.B at camp court, D.I.Khan.


  
Member

  
Chairman  
Camp-Court, D.I.Khan

23.04.2019

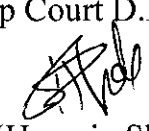
Clerk of counsel for the appellant and Mr. Farhaj  
Sikandar, District Attorney for the respondents present. Due to  
strike of Khyber Pakhtunkhwa Bar Council, learned counsel for  
the appellant is not available today. Adjourn. To come up for  
arguments on 25.06.2019 before D.B at Camp Court D.I.Khan.


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

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

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

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

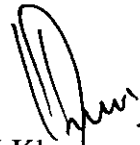
21.01.2019

Junior to counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council. The matter is adjourned to 25.03.2019 for arguments before D.B at camp court, D.I.Khan.



Member




Chairman  
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

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

Service Appeal No. 1091/2016

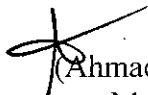
25.01.2018

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

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 ~~30.08~~ 2018 before S.B.

  
Reader  
Camp Court D.I Khan

09.08.2018

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



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 سر سید محمد علی شاہ اور سید  
محمد رمضان - بسٹنٹ  
محمد رمضان - عملہ بسٹنٹ FRP کراچی  
دعویٰ یا جرم  
تفصیل دعویٰ یا جرم

سرورکس

باعث تحریر آئندہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واضح بیرونی وجوہات پر پیشی یا تصدیق مقدمہ بمقام **دی ایڈووکیٹ** کیلئے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بذریعہ مختیار خامی رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر 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 بیرونی 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 بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات سے آگے پیچھے پیش ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا بخانا واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پروڈنٹ صاحب موصوف مل کر وہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراءے کری و نظر جانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور واپس کرنے اور ہر قسم کے بیان دینے اور اس پر جاتی یا راضی نامہ و فیصلہ بر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ میں از پکھری صدر بیرونی مقدمہ مذکورہ نظر جانی و اپیل و نگرانی و آئندہ مقدمہ یا منسوخی ڈگری یا طرف یا درخواست حکم امتناعی یا ترقی یا گرفتاری نکل از ایملہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کی جلیغہ محتات بیرونی کا اختیار ہوگا اور تمام ساختہ پروڈنٹ صاحب موصوف مل کر وہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر جانی اپیل یا نگرانی یا دیگر معاملہ مقدمہ مذکورہ کی دوسرے وکیل یا ہر شراک 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 جان التواء پڑے، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا کر لیں گے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

28 نومبر 2018ء

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

Accepted

محمد رمضان  
985

Advocate


28/11/18

22.02.2017

Mr. Muhammad Anwar Awan learned counsel for appellant present. Preliminary arguments heard. The promotion was granted to appellant Mr. Muhammad Ramzan 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

  
(ASHFAQUE TAN)  
MEMBER  
Camp Court D.I.Khan

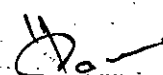
26.07.2017

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. 1093/2016

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 Ramzan 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> 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> 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> Reader</p>
2		

28.11.16

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

Appeal no. 1093 of 2016.

**Muhammad Ramzan                      VERSUS                      Commandant FRP & Others**

**INDEX**

No.	Particulars	Annexure	Pages
1	Appeal		1-3
2	Copy of order dated: 18-04-2016	A	4
3	Copy of Pay Roll	B	5
4	Copy of Order 26-08-2016.	C	6
5	Copy of departmental appeal and order	D	7-8
6	Wakalat Nama	E	9

Your humble Petitioner

Muhammad Ramzan

Dated: 22.10.2016

*Anwar Adv.*  
Mohammad Anwar Awan  
Advocate Supreme Court.

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

Appeal no. 1093 of 2016.

Muhammad Ramzan No. 955/FRP, D.I.Khan Range D.I.Khan,

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1122

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.**

*Amir*  
That the brief facts of the case are as under:

1. That the appellant is serving in the Frontier Reserve Police Department and deputed in FRP D.I.Khan Range as a constable since 2006.
2. That appellant was promoted to the rank of head constable with immediate effect on 18-04-2016 by respondent No.02 having good performance, clean record and passed his courses of civil defence etc. Copy of order dated: 18-04-2016 is annexure A.
3. 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. Copy of pay roll is annexure B.
4. That respondent No.01 without giving any notice and conducting inquiry, issued letter dated: 28.06.2016 in the absence of appellant by cancelling his promotion as head constable along with others with retrospective effect. Copy of order is annexure C.

Filed to-day

Registrar

25/10/16

5. That feeling aggrieved after communication of above said illegal order on 20-08-2016, appellant filed departmental appeal dated 26-08-2016 which was also rejected. Copy of departmental appeal and order are Annexure D.
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 and became 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 not 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

*Ramzan*

Muhammad Ramzan  
Through Counsel

Dated: 22.10.2016

*Anwar Adv*

Mohammad Anwar Awan  
Advocate Supreme Court

## AFFIDAVIT

**Muhammad Ramzan, 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.

*Ramzan*

Oath Commissioner  
R.O. & C  
Attested

No. \_\_\_\_\_

**ORDER:**


Constables Mohammad Ramzan No. 955 /FRP (Old SPL) of this FRP Range is hereby promoted to the rank of Head Constable (BPS-07), and allotted Head Constabulary No. 7127/FRP, with immediate effect.

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

No. 759-60 /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. 396

15-04-16

  
**M. ANWAR AWAN**  
Advocate

1567 Washing Allowance	100.00
1646 Constabulary R Allow	360.00
1901 Risk Allowance (Poli	5,010.00
1902 Special Incentive Al	775.00
2148 15% Adhoc Relief All	966.00
2168 Fixed Daily Allowanc	2,730.00
2174 Adhoc Relief Allow-2	644.00
2199 Adhoc Relief Allow 8	902.00

PAYMENTS  
Branch Code: 220336  
FAHIALA, D. I. KHAN. 25,567.00

DEDUCTIONS  
Habib Bank Limited

650.00-  
FAHIALA, D. I. KHAN.

NET PAY  
D. I. KHAN

24,709.00 01.06.2016 30.06.20  
Acct. No: 03367900121901

PAYMENTS		DEDUCTIONS		PAYMENTS		DEDUCTIONS	
AMOUNT	CHIC: 1210171244769	AMOUNT	CHIC: 1210171244769	AMOUNT	CHIC: 1210171244769	AMOUNT	CHIC: 1210171244769
0001 Basic Pay	9,565.00	3007 CPF Subscription - Rs	636.00-	0001 Basic Pay	9,565.00	3007 CPF Subscription - Rs	636.00-
1000 House Rent Allowance	1,059.00	3511 Adcl Group Insurance	7.00-	1000 House Rent Allowance	1,059.00	3511 Adcl Group Insurance	7.00-
1210 Convey Allowance 20	1,932.00	3530 Police hel:Fud RS-1 t	191.00-	1210 Convey Allowance 20	1,932.00	3530 Police hel:Fud RS-1 t	191.00-
1300 Medical Allowance	1,500.00	3604 Group Insurance	67.00-	1300 Medical Allowance	1,500.00	3604 Group Insurance	67.00-
1547 Ration Allowance	681.00			1547 Ration Allowance	681.00		
1567 Washing Allowance	100.00			1567 Washing Allowance	100.00		
1646 Constabulary R Allow	360.00			1646 Constabulary R Allow	360.00		
1901 Risk Allowance (Poli	5,295.00			1901 Risk Allowance (Poli	5,295.00		
1902 Special Incentive Al	775.00			1902 Special Incentive Al	775.00		
2148 15% Adhoc Relief All	966.00			2148 15% Adhoc Relief All	966.00		
2168 Fixed Daily Allowanc	2,730.00			2168 Fixed Daily Allowanc	2,730.00		
2174 Adhoc Relief Allow-2	644.00			2174 Adhoc Relief Allow-2	644.00		
2199 Adhoc Relief Allow 8	956.00			2199 Adhoc Relief Allow 8	956.00		

PAYMENTS  
Branch Code: 080004  
CIRCULAR ROAD D. I. KHAN. 26,503.00

DEDUCTIONS  
Khyber Bank Limited

951.00-  
CIRCULAR ROAD D. I. KHAN.

NET PAY  
DIKHAN

25,552.00 01.06.2016 30.06.2016  
Acct. No: 6647-002

PAYMENTS		DEDUCTIONS		PAYMENTS		DEDUCTIONS	
AMOUNT	CHIC: 1210154416483	AMOUNT	CHIC: 1210154416483	AMOUNT	CHIC: 1210154416483	AMOUNT	CHIC: 1210154416483
0001 Basic Pay	9,025.00	3005 CPF Subscription - Rs	604.00-	0001 Basic Pay	9,025.00	3005 CPF Subscription - Rs	604.00-
1000 House Rent Allowance	1,002.00	3511 Adcl Group Insurance	7.00-	1000 House Rent Allowance	1,002.00	3511 Adcl Group Insurance	7.00-
1210 Convey Allowance 20	1,932.00	3530 Police hel:Fud RS-1 t	180.00-	1210 Convey Allowance 20	1,932.00	3530 Police hel:Fud RS-1 t	180.00-
1300 Medical Allowance	1,500.00	3604 Group Insurance	67.00-	1300 Medical Allowance	1,500.00	3604 Group Insurance	67.00-
1547 Ration Allowance	681.00			1547 Ration Allowance	681.00		
1567 Washing Allowance	100.00			1567 Washing Allowance	100.00		
1646 Constabulary R Allow	360.00			1646 Constabulary R Allow	360.00		
1901 Risk Allowance (Poli	5,010.00			1901 Risk Allowance (Poli	5,010.00		
1902 Special Incentive Al	775.00			1902 Special Incentive Al	775.00		
2148 15% Adhoc Relief All	966.00			2148 15% Adhoc Relief All	966.00		
2168 Fixed Daily Allowanc	2,730.00			2168 Fixed Daily Allowanc	2,730.00		
2174 Adhoc Relief Allow-2	644.00			2174 Adhoc Relief Allow-2	644.00		
2199 Adhoc Relief Allow 8	902.00			2199 Adhoc Relief Allow 8	902.00		

PAYMENTS  
Branch Code: 231545  
FARDA ROAD D. I. KHAN. 25,567.00

DEDUCTIONS  
National Bank of Pakistan

650.00-  
FARDA ROAD D. I. KHAN.

NET PAY

24,709.00 01.06.2016 30.06.2016  
Acct. No: 5430-3

M. ANWAR  
ADVOCATE

97  
101

482

*[Handwritten signature and stamp]*

**O.R.D.E.R**

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	Muliammad Nadeem No.7134	429	19.04.2015
7	Khalid Navned No.7148	437	19.04.2016
8	Muhammad Ramzan No.7127	396	15.04.2016
9	Faisal Nawaz No.7141	415	18.04.2016

*[Handwritten signature]*

Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa/Peshawar

No. *5477*

IEC dated Peshawar the *28 10/6/2016*.

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

action

*OHC/OB/SRC/PO*

*For n/action*

*[Handwritten signature]*

*SP FRP DI Khan*

*OB-615*  
*29-06-2016*

*AB/E*  
*1/6*

بڑا مردہ جناب کمانڈنٹ صاحب الف آر پی خیبر پختونخوا پشاور

جناب

گزارش یہ کہ ہم سائبر اور سیارٹی کی بنیاد پر ہیڈ کانسٹیبل ترقیاب کیا گیا تھا۔ الف آر پی  
 کیلئے خزانہ روٹ میں ہیڈ کانسٹیبل کی تھی۔ ہم ساہلان ہیڈ کانسٹیبل کے برابر خواہ بھی لکھتے ہیں۔ اور  
 الف آر پی ڈیورٹی۔ تو یہ سوال ہوا کہ ہم کانسٹیبلان کو بنوالہ آرڈر لیٹر نمبر 5477/EC مورخ  
 29.08.2016 مجزیہ جناب کمانڈنٹ صاحب الف آر پی خیبر پختونخوا پشاور کو بعدہ ہیڈ کانسٹیبل سے کانسٹیبل  
 کی ترقی میں اسٹینڈنگ آرڈر 02/2016 کی خلاف ورزی کا تذکرہ کیا گیا ہے۔ جبکہ جس میں 02/2016  
 کی ترقی کی گئی تھی کیا جس پر اسٹیبلشمنٹ ڈسٹرکٹ پولیس ڈیپو اسماعیل خان کے ہیڈ کانسٹیبلان کو ہیڈ کانسٹیبل ترقیاب  
 کی تھی اور اسٹینڈنگ آرڈر 02/2016 کا اطلاق نہیں ہوتا؟ جو کہ تاحال ہیڈ کانسٹیبل اپنے فرائض منصبی سرانجام

عالی جاہ! ہم کانسٹیبلان بذریعہ درخواست استدعا کرتے ہیں کہ اسٹینڈنگ آرڈر 02/2016 کی

خلاف ورزی کی ترقی پر موٹن سے کوئی ترقی نہیں ہے۔ یہ سب دفتری تقاضے ہیں۔

لہذا ہم ذیل کانسٹیبلان پر مراحت فرماتے ہوئے اور ہمارے بچوں پر رحم فرماتے ہوئے ہمیں

ہیڈ کانسٹیبل بحال کرتے ہوئے متذکرہ فرمائیں۔ ہم ساہلان آپ کے بال بچوں کے دعا گو رہتے۔

عین نوازش ہوگی۔

نقطہ مورخہ۔ 26.08.2016

ارضی

Sig Paswardool

(A)

Lo/IRP/Dik

1. کانسٹیبل محمد زبیر باٹ نمبر 7744 Zabin

2. کانسٹیبل محمد وسیم باٹ نمبر 7780 Saim

3. کانسٹیبل ملک ندا حسین باٹ نمبر 7795 Nida

4. کانسٹیبل خالد نوید باٹ نمبر 7838 Khalid

5. کانسٹیبل اسلام اللہ باٹ نمبر 7819 Islam

6. کانسٹیبل محمد ندیم باٹ نمبر 7828 Nadim

7. کانسٹیبل قیوم نواز باٹ نمبر 7836 Qyum

8. کانسٹیبل محمد فیصل باٹ نمبر 7800 Faisal

9. کانسٹیبل محمد رمضان باٹ نمبر 7819 Ramzan

M. ANWAR AWAN  
Advocate

P-16

19.9.16

Sir,

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	7521
2.	FC Muhammad Waseem	7330
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.

19.9.16  
E.C

Office Supdt:

19.9.16

M. ANWAR AWAN  
Advocate

Commandant FRP KP

Rejected

# VAKALATNAMA

IN THE COURT OF KPK Service Tribunal D.I.KHAN.

M. Ramzan VERSUS Commandant FRPdc

TITLE Appeal

I/WE Appellant

the above named M. Ramzan 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: 24/10/16

Accepted By:

Muhammad Anwar Awan

**MUHAMMAD ANWAR AWAN**  
**ADVOCATE SUPREME COURT**

Phone Office: 0966-730828

Cell No: 03339962231

Ramzan

SIGNATURE OF EXECUTANT (S)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No.1093/2016.

Muhammad Ramzan No. 955/DIK Range .....Appellant.

**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.




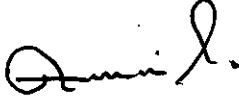
**Grounds:-**

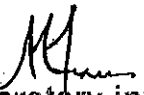
1. Incorrect as the promotion order of the appellant was passed in hastily manner and which subsequently found violation of the Standing Order No.2/2014, thus the action of the respondents are legally justified and in accordance to law.
2. Incorrect, that after issuance of Standing Order No.2/2014, there 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)