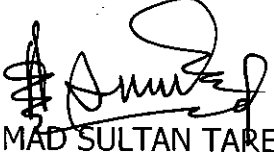
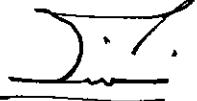


S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	25.11.2021	<p><u>Present.</u></p> <p>Mr. Muhammad Abdullah Balouch, ... For appellant Advocate</p> <p>Mr. Noor Zaman Khattak, District Attorney, ... For respondents.</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> <div style="text-align: center;">  (AHMAD SULTAN TAREEN) CHAIRMAN (Camp Court D.I.Khan) </div> <div style="text-align: center;">  (SALAH-UD-DIN) Member(J) (Camp Court D.I.Khan) </div> <p><u>ANNOUNCED</u> 25.11.2021</p>

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 bench, the case is adjourned to 25.11.21.

Reader

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

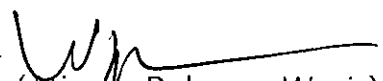
24.09.2020

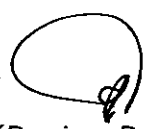
Counsel for appellant present.

Mr. Muhammad Jan, learned 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

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

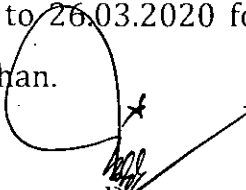
Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.02.2020 before D.B at camp court D.I.Khan.

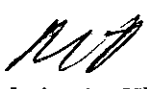

Member


Member
Camp Court D.I.Khan

26.02.2020


Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for 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

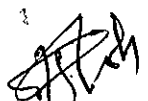
Junior counsel for the appellant and Mr. Farhaj Sikandar, District Attorney for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Case to come up for arguments on 27.08.2019 before D.B 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 25/11/2019.


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

The court to general strike in the case of Khyber
Pakhtunkhwa Bar Council at the matter, 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


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

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

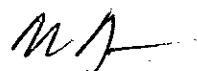
As per direction of the worthy Chairman Khyber Pakhtunkhwa Service Tribunal, D.I.Khan tour dated 18.12.2018 has been rescheduled and the case is re-fixed for 27.12.2018.

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.


Reza
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.


Reza
Camp Court D.I Khan

11.09.2018

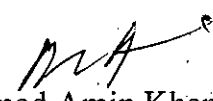
Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Representative of the department is not in attendance therefore, learned Deputy District Attorney is directed to contact the respondents for filing of written reply on the next date positively. Adjourned. 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. 1090/2016


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

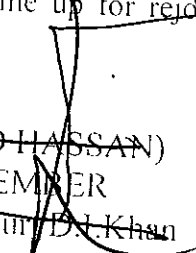
25.01.2018

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

15.03.2018

Clerk to counsel for the appellant and Mr. Ziaullah, DDA alongwith Syed Abid Hussain Shah, A.P for respondents present. Written reply submitted which is placed on file. To come up for rejoinder and arguments on 26.06.2018 before D.B.

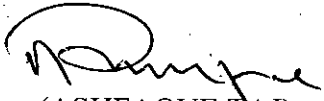

(AHMAD HASSAN)
MEMBER
Camp Court D.I. Khan

22.02.2017

Mr. Muhammad Anwar Awan learned counsel for appellant present. Preliminary arguments heard. The promotion was granted to appellant Mr. Muhammad Waseem 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 and Process Fee


(ASHFAQUE 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



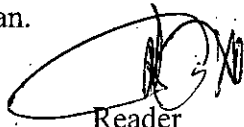
Appellant in person present. Mr. Farhaj Sikandar, District Attorney for the respondents present. None present on behalf of the respondent department. Notice be issued to the respondent department. To come up for written reply on 29.12.2017 before S.B at camp court D.I.Khan


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

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1098/2016

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 Waseem 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>
2	22.11.16	<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>

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

Appeal no. 1098... of 2016.

Muhammad Waseem

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 Waseem

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. 1098... of 2016.

Muhammad Waseem No. 832/FRP, D.I.Khan Range D.I.Khan.

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 1127

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.**

Amman
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

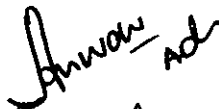
pleased to declare the order dated: 28.06.2016 being illegal, void and without lawful authority and has no legal effect and appellant may kindly be reinstated at the post of head constable with all back benefits.

YOUR HUMBLE APPELLANT



Muhammad Waseem
Through Counsel

Dated: 22.10.2016



Mohammad Anwar Awan
Advocate Supreme Court

AFFIDAVIT

Muhammad Waseem, 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.

Oath Commissioner
I.C. & V.C
Attested

No. _____

Deponent.



A-4-

ORDER:

Keeping in view his good performance, Clean record and Courses passed i.e Traffic, Bomb Disposal, Civil Defence Basic General by the Constable Mohammad Waseem No. 832/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. 7171/FRP, with immediate effect.

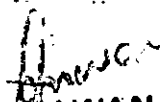

Superintendent of Police,
FRP, D.I.Khan Range, D.I.Khan.

No. 755-56 /FRP, Dated of D.I.Khan 1.5 /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.


M. ANWAR AWAN
Advocate

(13 no 392)
14. 15. 16. 17.

PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	Grade: 05 NTK: LOAN/FUND	Buckle No.: 7658	Gazetted/Non-Gazetted:
PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	Grade: 05 NTK: LOAN/FUND	PRINCIPAL	REPAID BALANCE
0001 Basic Pay	9,785.00	3005 GPF Subscription - Rs	404.00-			IV-PBL-6687	36,667.00
1000 House Rent Allowance	1,002.00	3511 Adml Group Insurance	7.00-				
1210 Convey Allowance 20	1,932.00	3530 Police hel.Fud RS-1 t	174.00-				
1300 Medical Allowance	1,500.00	3604 Group Insurance	57.00-				
1547 Ration Allowance	681.00						
1567 Washing Allowance	100.00						
1646 Constabulary R Allow	300.00						
1901 Risk Allowance (Poli	5,010.00						
1902 Special Incentive Al	775.00						
2148 15% Adhoc Relief All	1,044.00						
2168 Fixed Daily Allowanc	2,730.00						
2174 Adhoc Relief Allow-2	696.00						
2197 Adhoc Relief Allow 6	970.00						
PAYMENTS	26,445.00	DEDUCTIONS	872.00-			NET PAY	25,573.00
Branch Code: 231443	H.R.P CIRCULAR ROAD BRANCH	National Bank of Pakistan	H.R.P CIRCULAR ROAD BRANCH			D. I. KHAN	01.06.2016 30.06.21
Accnt. No: 4875-3							

536

PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	Grade: 05 NTK: LOAN/FUND	Buckle No.: 7679	Gazetted/Non-Gazetted:
PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	Grade: 05 NTK: LOAN/FUND	PRINCIPAL	REPAID BALANCE
0001 Basic Pay	10,395.00	3007 GPF Subscription - Rs	686.00-			IV-PBL-6655	36,261.00
1000 House Rent Allowance	1,059.00	3511 Adml Group Insurance	7.00-				
1210 Convey Allowance 20	1,932.00	3530 Police hel.Fud RS-1 t	208.00-				
1300 Medical Allowance	1,500.00	3604 Group Insurance	57.00-				
1547 Ration Allowance	681.00						
1567 Washing Allowance	100.00						
1646 Constabulary R Allow	300.00						
1901 Risk Allowance (Poli	5,295.00						
1902 Special Incentive Al	775.00						
2148 15% Adhoc Relief All	1,044.00						
2168 Fixed Daily Allowanc	2,730.00						
2174 Adhoc Relief Allow-2	696.00						
2197 Adhoc Relief Allow 6	1,839.00						
PAYMENTS	27,546.00	DEDUCTIONS	958.00-			NET PAY	26,578.00
Branch Code: 221732	SADAR BAZAR, D. I. KHAN.	Habib Bank Limited	SADAR BAZAR, D. I. KHAN.			D. I. KHAN	01.06.2016 30.06.20
Accnt. No: 17327100188001							

103

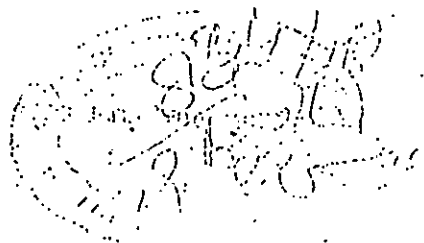
2051

PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	Grade: 05 NTK: LOAN/FUND	Buckle No.: 7937	Gazetted/Non-Gazetted:
PAYMENTS		AMOUNT	DEDUCTIONS	AMOUNT	Grade: 05 NTK: LOAN/FUND	PRINCIPAL	REPAID BALANCE
0001 Basic Pay	10,395.00	3007 GPF Subscription - Rs	686.00-				
1000 House Rent Allowance	1,059.00	3511 Adml Group Insurance	7.00-				
1210 Convey Allowance 20	1,932.00	3530 Police hel.Fud RS-1 t	208.00-				
1300 Medical Allowance	1,500.00	3604 Group Insurance	57.00-				
1547 Ration Allowance	681.00						
1567 Washing Allowance	100.00						
1646 Constabulary R Allow	300.00						
1901 Risk Allowance (Poli	5,295.00						
1902 Special Incentive Al	775.00						
2148 15% Adhoc Relief All	1,044.00						
2168 Fixed Daily Allowanc	2,730.00						
2174 Adhoc Relief Allow-2	696.00						
2197 Adhoc Relief Allow 6	1,839.00						
PAYMENTS	27,546.00	DEDUCTIONS	958.00-			NET PAY	26,578.00
Branch Code: 221732	SADAR BAZAR, D. I. KHAN.	Habib Bank Limited	SADAR BAZAR, D. I. KHAN.			D. I. KHAN	01.06.2016 30.06.20
Accnt. No: 17327100188001							

537

MANWAR ANWAN
Advocate

C-6-



FRONTIER RESERVE POLICE

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 violation 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	Qayoum 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	396	15.04.2016
9	Faisal Nawaz No.7141	415	18.04.2016

Anwar

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa/Peshawar

No. 577

EC 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

Mud

SP FRP Diwan

OB-615

29-06-2016

16/6

ایف آر پی خیبر پختون خوا ہاؤس اور

مذاشر ایک ہم سالانہ گورنر اور شیپارڈ کی بنیاد پر ہیڈ کانسٹیبل ترقیب کیا گیا تھا۔ ایف آر پی
میں ترقیب کی ترقیب میں ہیڈ کانسٹیبل تھی۔ ہم سالانہ ہیڈ کانسٹیبل کے برابر ترقیب بھی لیتا رہا ہے۔ اور
اپنا ایک ایف آر پی ڈیوٹی رینج۔ یہ سب اس سوال ہوا کہ ہم کانسٹیبلان کو آرڈر لیٹر نمبر 5477/EC مورخہ
27.08.2016 مجازیہ جناب مانگا۔ صاحب ایف آر پی خیبر پختون خوا ہاؤس اور، کو ہیڈ کانسٹیبل سے کانسٹیبل
ترقیب کیا گیا ہے۔ جس میں اسٹیٹنگ آرڈر 02/20 کی خلاف ورزی کا تذکرہ کیا گیا ہے۔ جبکہ جس میں 02/2016
کی طرف ترقیب کی تحریر کیا گیا جس پر اس میں ڈسٹرکٹ پولیس ڈیوڈ اسماعیل خان کے جو کانسٹیبلان کو ہیڈ کانسٹیبل ترقیب
کیا گیا ہے اور اس پر اسٹیٹنگ آرڈر 02/2016 کا اطلاق نہیں ہوتا؟ جو کہ ناخال ہیڈ کانسٹیبل اپنے فرائض منصبی سرانجام

عالی جاہ! ہم کانسٹیبلان بذریعہ درخواست استدعا کرتے ہیں کہ اسٹیٹنگ آرڈر 02/2016 کی
خلاف ورزی کا ہماری پر موشن سے کوئی تعلق نہیں ہے۔ یہ سب دفتری تقاضے ہیں۔

لہذا ہم ذیل پالیسیوں پر مراعحت فرماتے ہوئے اور ہمارے بچوں پر رحم فرماتے ہوئے ہمیں
دیوڈ اسماعیل خان کو ہیڈ کانسٹیبل بحال کرنے کی ترقیب سے منکاور فرمائیں۔ ہم سالانہ آپ کے بال بچوں کے دعا گو رہتے۔

عین لوازش ہوگی۔

نقطہ مورخہ: 26.08.2016

ارضیٰ

1. کانسٹیبل محمد زبیر بٹ نمبر 7544 Zabir

2. کانسٹیبل محمد وسیم بٹ نمبر 7830

3. کانسٹیبل ملک ندا حسین بٹ نمبر 7795

4. کانسٹیبل خالد نوید بٹ نمبر 7838

5. کانسٹیبل اسلام اللہ بٹ نمبر 7919

6. کانسٹیبل محمد زیدیم بٹ نمبر 7823

7. کانسٹیبل قیوم نواز بٹ نمبر 7238

8. کانسٹیبل محمد فیصل بٹ نمبر 7800 Faisal Nawaz

9. کانسٹیبل محمد رمضان بٹ نمبر 7800

Forwarded
A
LO/RR/DIK

M. ANWAR AWAN
Advocate

- 8 -

P-16

17.9

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	7328
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

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

M. Waseem

VERSUS

Commandant FRP etc

TITLE Appeal

I/WE Appellant

the above named M. Waseem 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

SIGNATURE OF EXECUTANT (S)

Accepted By:

MUHAMMAD ANWAR AWAN
ADVOCATE SUPREME COURT
Phone Office: 0966-730828
Cell No: 03339962231

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1098/2016.

Muhammad Waseem No. 832/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, herice 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.

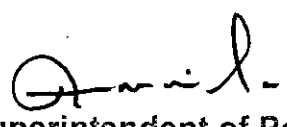
Grounds:-

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)