

Cost of Rs. 20,000/- received in Service Appeal No. 1622/23
Titled Sulhan Zeb VS. Police Deptt
in the office of Superintendent Vide Order 4/3/24
Dated: 20/3/2024.



SUPERINTENDENT
Khyber Pakhtunkhwa
Service Tribunal, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service Appeal No. 1622/2023

Sultan Zeb SI NO.247/M Police Training School Swat district Swat

..... Appellant

VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar & other

....Respondents

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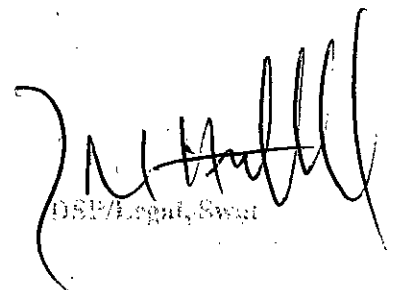
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~~1-3-2024~~

ایک باہر کی کاپی کو، اس سوان میں شامل

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وکیل Appellant کو، سوان میں شامل
AS-2-2024
نہیں شامل

09-05-2024
Swat
S.B.


DSP/Legal, Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1622/2023

Sultan Zeb M-SI NO.247 Police Training School Swat district Swat

..... Appellant

VERSUS

Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar & other.

....Respondents

PARAWISE REPLY BY RESPONDENTS

Respectfully Sheweth,

Preliminary Objections.

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

**Khyber Pakhtukhwa
Service Tribunal**

Diary No. 11835

Dated 20-03-2024

FACTS:

- i. Pertains to record, hence needs no comments.
- ii. Incorrect, as explained in succeeding Paras.
- iii. It is submitted that brief facts leading to the instant Service Appeal is that the appellant was enlisted as Constable vide OB No.364 dated 25/09/1988 in District Swat. He qualified Drill Course at PTC Hangu during term ending 20/06/1992. He also passed A-1 examination vide OB No.68 dated 31/03/1993 and was transferred to PTC Hangu vide CPO Order NO.10033-37/E-II dated 08/05/1994. Later on, appellant also appeared in B-1 examination but not selected for Lower College Course according to share quota of District Swat.
- iv. That the appellant appeared in B-1 examination, however he was not selected to Lower College Course according to share quota of District Swat. According to service record at page No.10, appellant was selected for Lower Collge Course commencing at PTC Hangu w.e.f 01/10/1996 vide PTC Hangu OB No.700 dated 29/09/1996, but neither entry of B-1 pass nor any clarification.

regarding the selection for Lower College Course was found. Being not selected on the share quota of district swat, he is considered to be the beneficiary of out of turn promotion PR 19-22. Consequently, his out of turn promotion order was issued vide Region office Swat Order No.3550-52/E dated 14/03/2023 (**Annexed "A"**) and his name is placed at serial No.294 below the name of SI Aziz Ur Rahman No.792-M and above the name of SI Fazal Karim No.723-M according to the revised seniority issued by Region office, Malakand.

- v. That appellant submitted applications dated 03/02/2023 and dated 06/04/2023 dully forwarded by Director Police Training School Swat vide his office letter NO.164/EB dated 06/02/2023 and 459/EB dated 06/04/2023 addressed to DPO Swat and RPO Malakand respectively, wherein the appellant requested that he has been selected for lower college course after passing B-1 examination therefore, his name may be excluded from the list of beneficiary of out of turn promotion. In response DPO Swat vide his office Order Endst: No.1164-72/E dated 12/04/2023(**Annexed "B"**) constituted a committee in order to verify whether the appellant has availed the benefit of out of turn promotion or otherwise. The committee unanimously agreed that Commandant PTC Hangu may be approached for getting clarification that how the officer concerned has selected for lower college course instead he was not selected according share quota of this district. In this connection Commandant PTC Hangu was approached vide this office Memo: No.11838/E dated 19/04/2023 (**Annexed "C"**). Commandant PTC Hangu vide his office Memo No.351/EC dated 18/05/2023 (**Annexed "D"**) intimated that *"the applicant Mr.Sultan Zeb NO.247-M was transferred to PTC Hangu as constable vide CPO Order NO.10033-37/E-II dated 08/05/1994. According to Police Rules (19-22), 3 years service as drill/physical instructor on deputation is pre-requisite for selection to lower course. The said period of applicant had be completed on 08/05/1997, but in the meanwhile, he appeared in B-1 exam on 29/09/1996 and subsequently qualified the lower course term ending 20/03/1997 on merit number 11, please"*. However, the reply received from Commandant PTC Hangu was not clear as initially his office was approached with the request how the appellant was selected for lower college course despite the fact that he was not selected according to the share quota of Swat, Commandant PTC Hangu was again approached vide DPO Office Swat memo No.14669/E dated 25/05/2023 (**Annexed "E"**) with the request to abreast this office whether the concerned

officer was selected for lower college course on the strength/quota of PTC Hangu or otherwise. In response Commandant PTC Hangu vide his office memo No.384/EC dated 06/05/2023 (**Annexed "F"**) intimated that Mr.Sultan Zeb was selected for lower college course on PTC vacancy in light of PTC Hangu manual 1982 under rule 08. After receiving the reply from Commandant PTC Hangu, Committee members unanimously decided that in view of fresh reply received from Commandant PTC Hangu, guidance may be sought from AIG/Legal through the office of RPO Malakand as to whether the same falls in the ambit of out of turn promotion or otherwise. In this regard, the office of RPO Malakand was approached vide this office Memo: No.16604/E dated 16/06/2023 (**Annexed "G"**) with the requested to approached CPO Peshawar for guidance in the matter. RPO Malakand vide office letter No.8998-99/E dated 20/06/2023 (**Annexed "H"**) addressed to IGP KPK with the request that necessary guidance may be provided to his office. Later on, AIG/Legal vide office letter No.2718/Legal dated 19/07/2023 (**Annexed "I"**) passed the following remarks:- *" the official has been selected for lower college course on the PTC Hangu seats not through B-1 examination. Hence, he got benefit of out of turn promotion by bypassing his colleagues. In this regard the judgments passed in purview of out of turn promotion are clear, stating that any legislative instrument that benefit out of turn promotion shall be void ab-initio. Hence he falls in the ambit of out of turn promotion"*. Further added that after receiving guidance from CPO Peshawar, the office of RPO Malakand was approached vide DPO office Memo: No.21036/E dated 24/08/2023 (**Annexed "J"**) with the request to issue corrigendum order regarding the demotion of officer concerned in light of guidance received from CPO Peshawar. Later on corrigendum order was issued in respect of the officer concerned by Region Office vide Order Endst: No.16606-08/E dated 30/11/2023 (**Annexed "K"**).

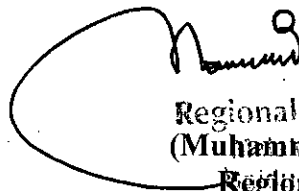
- vi. Incorrect, explained vide above Para No.05
- vii. Pertain to record, as explained in Para No.5.
- viii. Pertain to record, however detail reply is already given at Para No.05 above.
- ix. Appellant has got no cause of action, hence the instant appeal of the appellant is liable to be dismissed on the following grounds:-

GROUNDS

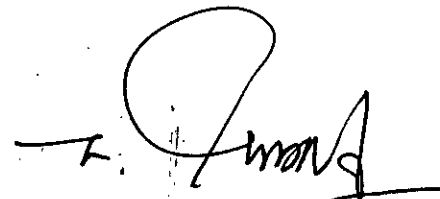
- a. Incorrect, no right of the appellant has been denied by the respondent department, he has been treated in accordance with law/rules and Apex Court Judgment.
- b. Incorrect. That the appellant has been treated in accordance with law/rules. He has been neither discriminated nor been treated off the record.
- c. Incorrect. That the appellant has not been discriminated as was treated in accordance with law/rules.
- d. Incorrect, appellant has been treated as per record, law/rules and Apex Court Judgment.
- e. Incorrect. That the appellant has been treated in accordance with law/rules and as per record as well as per Apex Court Judgments.

PRAYER:

Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force may kindly be dismissed with costs.



Regional Police Officer
(Muhammad Ali Khan) PSP
Regional Police Officer
Malakand Region
(Respondent No.02)



(Dr. Muhammad Akhtar Abbas) PSP
DIG/Legal, CPO
For, Inspector General of Police
Khyber Pukhtunkhwa Peshawar
(Respondent No.01)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1622/2020

Sultan Zeb M-SI NO.247 Police Training School Swat district Swat

..... Appellant

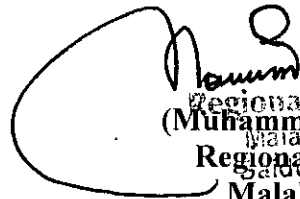
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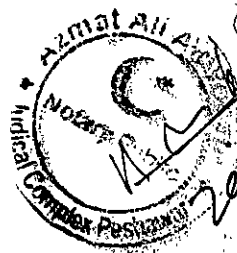
....Respondents

AFFIDAVIT

I, the undersigned do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.


Regional Police Officer,
(Muhammad Ali Khan) PSP
Regional Police Officer
Malakand Region
(Respondent No.02)

ATTESTED



**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH DAR-UL-QAZA,
SWAT**

Service Appeal No. 1622/2020

Sultan Zeb M-SI NO.247 Police Training School Swat district Swat

..... Appellant

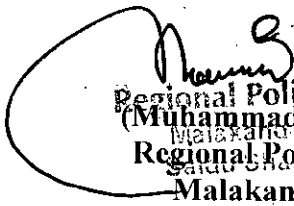
VERSUS

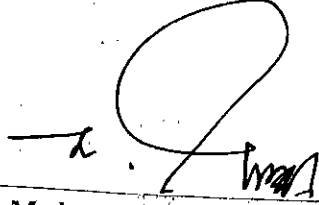
Provincial Police Officer, Khyber Pukhtunkhwa, Peshawar & other.

....Respondents

AUTHORITY LETTER

I, the undersigned do hereby authorize Mr. Naeem Hussain DSP Legal, Swat to submit reply in the above cited Petition on behalf of the answering Respondent and legally do whatever is needed in the Court regarding the above titled Petition.


Regional Police Officer,
(Muhammad Ali Khan) PSP
Regional Police Officer
Malakand Region
(Respondent No.02)


(Dr. Muhammad Akhtar Abbas) PSP
DIG/Legal, CPO
For, Inspector General of Police
Khyber Pukhtunkhwa Peshawar
(Respondent No.01)

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND REGION
SAIDU SHARIF, SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebmalakandregion@gmail.com

ORDER:

In compliance with Order Sheet of Honorable Supreme Court of Pakistan dated 26/01/2023 in Suo-Moto contempt proceedings vide CrI.O. Petition No.38/2021 and in pursuance of Judgments passed by Honorable Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30/06/2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide CPO, Peshawar letter No.CPO/CPB/75, dated 14/02/2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & Districts have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their Batch-mates who were promoted during their intervening period by maintaining original inter-se-seniority.

2. In view of the above, case regarding Out of Turn Promotion of **SI Sultan Zeb No.247/M of Swat District** was examined. As per detail of this office, he has passed A-1 exam, however, did not qualified B-1 exam. He served for three years at PTC Hangu as Drill instructor as per PR.19.22, on the basis of which he qualified Lower College Course term ending 29/04/1997 and brought on list C-1 w.e.f 20/03/1997 vide DPO, Swat OB No. 95, dated 09/06/1997. Withdrawal of above mentioned out of turn promotion shall bring his name with his recruit colleagues at Sr. 293 below the name of SI Aziz Ur Rahman No. 792/M and above the name of SI Fazal Karim No. 723/M at Sr. No.294 according to the revised seniority vide Region Office Order No. 3061-79/E, dated 08/03/2023.

3. In a Judgment of Honorable Supreme Court of Pakistan 1998 SCMR 2013 titled Siddiq Akbar ASI & Others VS Sanobar Khan ASI, Supreme Court of Pakistan declared Standing Order bearing No. 11/87 issued on 17th January, 1987 by the then IGP, NWFP as without any lawful authority and of no legal effect. Same Standing Order was issued for grant of incentive based accelerated promotions to Police Officials / Officers serving as Cadet Instructor with Police Training Institutes.

The Operating Para No. 8 and 9 of same Judgment are being reproduced as under-

8. *We are, therefore of the considered opinion that word "approval" occurring in section-12 of the Act implied the act of passing judgment, the use of discretion, and a determination as a deduction therefrom, to confirm, ratify, sanction or to consent to some act or thing done by the Inspector General of Police. The word 'approval' implies exercise of sound judgment, practical sagacity, wise discretion and final direct affirmative action. Merely because the impugned Standing Order has held the ground for a number of years is not sufficient to assume the grant of 'approval' of the issuance of Standing Order by the Provincial Government.*

9. *We have, therefore, no hesitation to hold that the Standing Order No. 11 issued by the Inspector General of Police having not been approved by the Provincial Government is devoid of the legal status and is, therefore, of no legal authority. We are, therefore, inclined to uphold the finding the Tribunal that the impugned Standing Order is without any lawful authority and of no legal action.*

4. Similarly, as per Para No. 73 of Judgment of Honorable Supreme Court of Pakistan 2018 SCMR 1218 (Intra Court Appeals No. 4 of 2017 etc) when any legislative instrument is declared unconstitutional it is declared void ab initio. The Para No. 73 is being reproduced as under:-

73. *The contention of Khwaja Haris Ahmad, learned Sr.ASC that in Para No. 123 of Shahid Perviz's case (Supra) this Court had wrongly observed that "we have already declared void ab initio the legislative instruments that provided for out of turn promotions." because nowhere in the earlier judgment was such a*

ATTESTED
[Signature]
Deputy Superintendent
Police Legal

Declaration made, is also without force. Suffice it to say that in Para 104 of Shahid Perviz 'case (Supra), it was observed that: "104. Through the successions of its orders, this Court has consistently maintained the unconstitutionality, and the consequential nullity of the instruments providing for the out of turn promotion. "Moreover, in Para 129 of the judgment of Ali Azhar Khan Baloch's case (supra), this Court was pleased to observe that when any legislative instruments is declared unconstitutional, the effect of such declaration is that such legislative instruments becomes void ab initio. The relevant part of Para 129 is being reproduced hereunder: "129.....Now, it is a settled law of this Court that no right or obligation can accrue under an unconstitutional law. Once this Court has declared a legislative instruments becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone at any liability."

5. Similarly, Honorable Supreme Court of Pakistan Judgment reported as 2017 SCMR 456 vide Para No. 98 declared Out of Turn Promotions as null and void in the following terms which is reproduced as under:

98. In a series of judgments, this Court has declared Out of turn promotions as being unconstitutional, un-Islamic, and void ab initio. The principle of unconstitutionality attached to the instrument providing for out of turn promotion was laid down first in the case of Muhammad Nadeem Arif VS IG of Police (2011 SCMR 408). The view taken in this judgment was followed in another case reported as Ghulam Shabbir VS Muhammad Munir Abbasi (PLD 2011 SC 516), wherein it was held that out of turn promotion was not only against the constitution, but also against the injunctions of Islam, and that reward or award should be encouraged for meritorious public service but should not be made basis for out of turn promotion.

6. SI Sultan Zeb No. 247/M of Swat District was given chance of personal hearing on 13/03/2023. He was heard in person in detail to ensure due process and natural justice. Perusal of his record reveals that as mentioned in para No.2 of this order he has passed A-1 exam, however, did not qualified B-1 exam. He served for three years at PTC Hangu as Drill instructor as per PR 19.22, on the basis of which he qualified Lower College Course term ending 29/04/1997 and brought on list C-1 w.e.f 20/03/1997 vide DPO, Swat OB No. 95, dated 09/06/1997. Withdrawal of above mentioned out of turn promotion shall bring his name with his recruit colleagues at Sr. 293 below the name of SI Aziz Ur Rahman No. 792/M and above the name of SI Fazal Karim No. 723/M at Sr. No.294 according to the revised seniority vide Region Office Order No. 3061-79/E, dated 08/03/2023.

7. Consequently, his Out of Turn Promotion order DPO, Swat OB No. 95, dated 09/06/1997 is withdrawn through this order with immediate effect and after withdrawal of Out of Turn Promotion his name is placed at Sr. 293 below the name of SI Aziz Ur Rahman No. 792/M and above the name of SI Fazal Karim No. 723/M at Sr. No.294 according to the revised seniority vide Region Office Order No. 3061-79/E, dated 08/03/2023.

[Signature]
Regional Police Officer,
Malakand, at Saidu Sharif Swat
[Signature]

No. 3550-52/E,
Dated 14-03-2023.

- Copy for information and necessary action to the:-
1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
 2. PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
 3. District Police Officer, Swat.

ATTESTED
[Signature]
Deputy Superintendent of Police
Swat

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND REGION
SAIDU SHARIF, SWAT.
Ph: 0946-9240388 & Fax No. 0946-9240390
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Declaration made, is also without force. Suffice it to say that in Para 104 of Shahid Perviz 'case (Supra), it was observed that: "104. Through the successions of its orders, this Court has consistently maintained the unconstitutionality, and the consequential nullity of the instruments providing for the out of turn promotion. "Moreover, in Para 129 of the judgment of Ali Azhar Khan Baloch's case (supra), this Court was pleased to observe that when any legislative instruments is declared unconstitutional, the effect of such declaration is that such legislative instruments becomes void ab initio. The relevant part of Para 129 is being reproduced hereunder: "129.....Now, it is a settled law of this Court that no right or obligation can accrue under an unconstitutional law. Once this Court has declared a legislative instruments becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone at any liability."


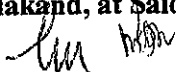

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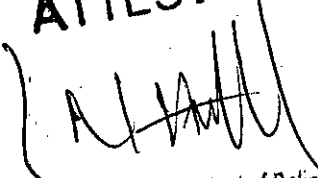
7. Consequently, his Out of Turn Promotion order DPO, Swat OB No. 95, dated 09/06/1997 is withdrawn through this order with immediate effect and after withdrawal of Out of Turn Promotion his name is placed at Sr. 293 below the name of SI Aziz Ur Rahman No. 792/M and above the name of SI Fazal Karim No. 723/M at Sr. No.294 according to the revised seniority vide Region Office Order No. 3061-79/E, dated 08/03/2023.

No. 3550-52 /E,
Dated 14-03-2023.


Regional Police Officer,
Malakand, at Saidu Sharif Swat
 

Copy for information and necessary action to the:-

- 1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- 2. PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3. District Police Officer, Swat.

ATTESTED

Deputy Superintendent of Police
Swat

Annexure "B"

9


ORDER

In the light of application received from Director Police training school, Swat, a committee comprising of the following Officers/Officials under the Chairmanship of the undersigned is hereby constituted in order to verify whether the Sub Inspector Sultan Zeb No.247/M has availed the benefits of out of turn promotion or otherwise as the applicant in his application stated that he did not availed the benefits of out of turn promotion.

Committee:

- | | | |
|----|--|----------|
| 1) | Mr. Shah Hassan, SP, Investigation, Swat | (Member) |
| 2) | Mr. Naeem Hussain, DSP/Legal, Swat | (Member) |
| 3) | Mr. Jalal ud Din, Office Superintendent | (Member) |
| 4) | Mr. Amjad Ali Establishment Clerk Swat | (Member) |
| 5) | Mr. Abid ur Rahman, OASI, Swat | (Member) |

The committee members shall meet on Thursday 13th April, 2023, in the Office of undersigned and furnish their recommendations/report within three (03) days positively.


District Police Officer
Swat

No. 1164-72/E, dated Saidu Sharif the, 12/04/2023.

Copy for information and necessary action to the;

- 1) Regional Police Officer, Malakand Region at Saidu Sharif, Swat.
- 2) Superintendent of Police, Investigation Wing, Swat.
- 3) Director PTS Swat.
- 4) All Concerned.


District Police Officer
Swat

Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com

ATTESTED


Deputy Superintendent of Police
Swat

Annexure

"C"

10

From: **The District Police Officer Swat**
To: **The Commandant Police Training College, Hangu**
No. 11838 /E, dated Saidu Sharif the, 19/04 /2023.
Subject: **APPLICATION.**

Memorandum:

It is submitted that Sub Inspector Sultan Zeb No.247/M was enlisted as Constable vide OB No.364 dated 25-09-1988 in Swat District. He qualified Drill course at PTC Hangu during term ending 20-06-1992. Similarly, he passed A-1 examination vide this office OB No.68 dated 31-03-1993 and was transferred to PTC Hangu vide CPO Peshawar Order No.10033-37/E-II, dated 08-05-1994. He appeared in B-1 examination but not select to Lower College Course according to share quota of this District. According to the Service record at page No.10, he was selected to Lower School Course commencing at PTC Hangu w.e.f 01-10-1996 vide PTC Hangu OB No.700, dated 29-09-1996, but neither entry of B-1 passed nor any clarification regarding the selection for Lower School course was found. Being not selected from the share quota of this District, he is considered to be the beneficiary of Out of Turn Promotion under P.R 19.22. His Out of Turn Promotion order was withdrawn vide Region Office, Swat Order No.3550-52/E, dated 14-03-2023 and his name is placed at serial No.293 below the name of SI Aziz-Ur-Rahman No.792/M and above the name of SI Fazal Karim No.723/M at serial No.294 according to the revised seniority. The officer concerned forwarded application from Director Police Training School, Swat through Region Office Swat, stating therein that he did not avail the benefit of Out of Turn Promotion and qualified B-1 examination from Police Training College, Hangu.

In order to verify whether the officer concerned has availed the benefit of Out of Turn promotion or otherwise, a committee at District level has been constituted vide this office Endst: No.1164-72/E, dated 12-04-2023.

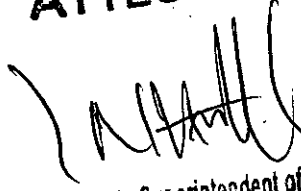
The committee member after detail discussion reached to the conclusion that a comprehensive report may kindly be sought from PTC, Hangu that how the officer concerned selected for Lower School course instead he was not selected according to share quota of this District.

It is therefore, requested that detail report in this regard may kindly be communicated for the perusal of committee and for onward submission to the quarter concerned please.

No. 11839 /E,

Copy of above is submitted to the Regional Police Officer, Malakand Region at Saidu Sharif, Swat for favour of information please.

ATTESTED


Deputy Superintendent of Police Swat


District Police Officer Swat


District Police Officer Swat

Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com

Annexure.

"D"

(11)



1935

Ph # 0925-621886
Fax # 0925-620886

Office Of The Commandant Police Training College Hangu.

To: The District Police Officer,
Swat.

No. 351 /EC, Dated Hangu the, 18/05/2023.

Subject: **APPLICATION.**

Memo:

Reference to your Office Memo No. 11838/E dated 19.04.2023.

It is intimated that the applicant Mr. Sultan Zeb No. 247/M was transferred to PTC, Hangu as Constable vide CPO Order No. 10033-37/E-II dated 08.05.1994. According to Police Rule#(19.22), 03 years service as Drill/Physical Instructor on deputation is pre-requisite for selection to lower course. The said period of the applicant had to be completed on 08.05.1997, but in meanwhile, he appeared in B-I exam on 29.9.1996 and subsequently qualified the lower course term ending 20.03.1997 on merit No.11, please."

EC / DSP legal

for necessary action.

- DPO Swat

Commandant
Police Training College, Hangu.

ATTESTED

Deputy Superintendent of Police
Swat.

Annexure

"E"

19

From: **The District Police Officer
Swat**
To: **The Commandant,
Police Training College, Hangu.**
No. 14669 /E, dated Saidu Sharif the, 25/05 /2023.
Subject: **APPLICATION**

Memo:

Kindly refer to your good Office letter No.351/EC, dated 18-05-2023 on the subject.

In continuation of this office Memo: No.11838/E dated 19-04-2023.

It is submitted that your good office was approached with the request that how the Sub-Inspector Sultan Zeb No.247/M was selected for Lower School Course despite the fact that he was not selected according to the share quota of this District.

Later-on your good office letter No.351/EC, dated 18-05-2023 has intimated this office the operating para of which is re-produced below;

"According to Police Rules (19.22) 03 years service as Drill/physical Instructor on deputation is pre-requisite for selection to Lower School Course. The said period of the applicant had to be completed on 08-05-1997, but in meanwhile, he appeared in B-1 exam on 29-09-1996 and subsequently qualified the lower course ending 20-03-1997 on merit No.11."

Foregoing in view, it is once again requested to abreast this office that whether the officer concerned was selected for Lower School Course on the strength/quota of PTC Hangu or otherwise, please.

**District Police Officer
Swat**

No. 14670 /E,

Copy of above is forwarded to the Regional Police Officer, Malakand at Swat for kind information please.

ATTESTED

**Deputy Superintendent of Police Legal
Swat.**

**District Police Officer
Swat**

Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com

Annexure

" F "

13



1935

8344
13.06.23

Ph # 0925-621886
Fax # 0925-620886

Office Of The Commandant Police Training College Hangu.

To The District Police Officer, Swat.

No. 384 /EC, Dated Hangu the, 06 /05/2023.

Subject: - **APPLICATION.**

Memo:-

Please refer to your Office Memo No. 14669-70/E dated 25.05.2023.

It is intimated that Mr. Sultan Zeb (now Sub-Inspector) was selected for lower college course on PTC vacancy in light of PTC Hangu Manual 1982 under Rule-08 (photocopy enclosed), please.

Fazimuddin
Commandant
Police Training College, Hangu.

EC
Roona
[Signature]
District Police Officer
Swat.

ATTESTED
[Signature]
Deputy Superintendent of Police Legal
Swat.

Amir

"B"

(14)

CHAPTER No. 2

ORGANIZATION

Rule No. 6

- i. All trainees admitted to the PTC will be divided into six companies named as Ibrahim, Ismail, Ishaq, Yaqoob, Yousaf, and Musa Companies. A senior officer from staff shall be assigned the job of company commander of each company. They will be provided with extra staff designated as Assistant Company Commanders and Company Hawaldars if needed. Assistant Company Commanders will be selected from Upper Subordinates whereas Company Hawaldars from Lower Subordinates of the PTC staff who will be assisted by other staff members junior to them in rank.
- ii. Physical Training of all trainees will be supervised by the CDI, whereas legal education arrangements will be made by the Chief Law Instructor.
- iii. If needed, more companies will be raised if some special courses are started under the orders of the Inspector General of Police/Commandant.

Rule No. 7

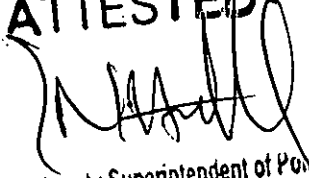
- i. Keeping in view the duration specified for each course mentioned in Rule, the Commandant will prepare timetable for the purpose of training of the subjects according to the seasonal environments of Hangu.

Rule No. 8

Lower College Course.

The present total intake to the Lower College Course at a time, fixed by the Inspector General of Police NWFP Peshawar is 176 trainees. These seats have been allotted as under

1.	Peshawar Region	27 37 seats
2.	Kohat Region	13 41 seats
3.	DI Khan Region	11 seats
4.	Malakand Region	30 seats ✓
5.	Hazara Region	20 seats ✓
6.	Mardan Region	13 seats ✓
7.	PTC/RTW (6/2)	8 seats
8.	Azad Kashmir, IB, other Provinces	42 seats
9.	FRP, Peshawar	2 seats
10.	CPC, Peshawar	2 seats
	Total:	176

ATTESTED

 Deputy Superintendent of Police Lower Swat

The object of this training course is to inculcate in the trainees sense of responsibility and to equip them with knowledge of law and practical police work to justify promotion to the rank of Head Constable.

Annexed.

"G"

15

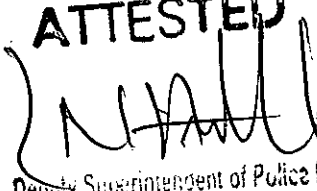
From: **The District Police Officer
Swat**
To: **The Regional Police Officer,
Malakand Region at Saidu Sharif, Swat.**
No. 16604 /E, dated Saidu Sharif the, 16-06 /2023.
Subject: **APPLICATION.**
Memorandum:


It is submitted that Sub Inspector Sultan Zeb No.247/M was enlisted as Constable vide OB No.364 dated 25-09-1988 in Swat District. He qualified Drill course at PTC Hangu during term ending 20-06-1992. Similarly, he passed A-1 examination vide this office OB No.68 dated 31-03-1993 and was transferred to PTC Hangu vide CPO Peshawar Order No.10033-37/E-II, dated 08-05-1994. He appeared in B-1 examination but not select to Lower College Course according to share quota of this District. According to the Service record at page No.10, he was selected to Lower School Course commencing at PTC Hangu w.e.f 01-10-1996 vide PTC Hangu OB No.700, dated 29-09-1996, but neither entry of B-1 passed nor any clarification regarding the selection for Lower School course was found. Being not selected from the share quota of this District, he is considered to be the beneficiary of Out of Turn Promotion under P.R 19.22. His Out of Turn Promotion order was withdrawn vide Region Office, Swat Order No.3550-52/E, dated 14-03-2023 and his name is placed at serial No.293 below the name of SI Aziz-Ur-Rahman No.792/M and above the name of SI Fazal Karim No.723/M at serial No.294 according to the revised seniority. The officer concerned forwarded application from Director Police Training School, Swat through Region Office Swat, stating therein that he did not avail the benefit of Out of Turn Promotion and qualified B-1 examination from Police Training College, Hangu.

In order to verify whether the officer concerned has availed the benefit of Out of Turn promotion or otherwise, a committee at District level has been constituted vide this office Endst: No.1164-72/E, dated 12-04-2023.

The committee member after detail discussion reached to the conclusion that a comprehensive report may kindly be sought from PTC, Hangu that how the officer concerned selected for Lower School course instead he was not selected according to share quota of this District. Therefore, this office requested to Commandant PTC Hangu, vide this office Memo: No.11838/E, dated 19-04-2023 and Memo: No.14669/E, dated 25-05-2023 for comprehensive report regarding the matter, in response of which Commandant PTC Hangu has intimated vide his office letter No.384/EC, dated 06-05-2023 that Mr. Sultan Zeb was selected for lower College Course on PTC vacancy in light of PTC Hangu Manual 1982 under rule-08 (Photocopy enclosed).

It is therefore, requested that CPO Peshawar may kindly be approached for necessary guidance as to whether the same falls in the ambit of Out of Turn Promotion or otherwise.

ATTESTED

Deputy Superintendent of Police Legal
Swat


District Police Officer
Swat
Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com

12/6/23

Annexure

K. H.

16

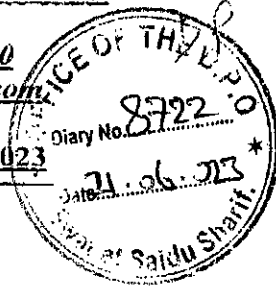


OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF, SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebmalakandregion@gmail.com

No. 8998-99 /E, dated Saidu Sharif the 20 / 06 / 2023



To: **The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.**

Subject: **APPLICATION.**

Memorandum:

It is submitted that the District Police Officer, Swat vide Memo: No.16604/E, dated 16-06-2023 has intimated that Sub-Inspector Sultan Zeb No.247/M was enlisted as Constable vide OB No.364 dated 25-09-1988 in Swat District. He qualified Drill Course at PTC Hangu during term ending 20-06-1992. Similarly, he passed A-I examination vide District Police Officer, Swat OB No.68 dated 31-03-1993 and was transferred to PTC, Hangu vide CPO, Peshawar Order No.10033-37/E-II dated 08-05-1994. He appeared in B-I examination but not selected to Lower College Course according to share quota of Swat District. According to the Service record at Page No.10, he was selected to Lower School Course commenced at PTC Hangu w.e.f. 01-10-1996 vide PTC Hangu OB No.700, dated 29-09-1996, but neither entry of B-I passed nor any clarification regarding the selection for Lower School course was found. Being not selected from the share quota of Swat District, he is considered to be the beneficiary of Out of Turn promotion under P.R-19.22. His Out of Turn Promotion order was withdrawn vide this Office Order No.3550-52/E, dated 14-03-2023 and his name is placed at serial No.293 below the name of SI Aziz Ur Rahman No.792/M and above the name of SI Fazal Karim No.723/M at serial No.294 according to the revised seniority. The officer concerned forwarded application from Director, Police Training School, Swat, stating therein that he did not availed the benefit of Out of Turn promotion and qualified B-I examination from Police Training College, Hangu.

In this connection a committee constituted by the District Police Officer, Swat in order to verify that as to whether the officer concerned has availed the benefit of Out of Turn promotion or otherwise vide Encl: No.1164-72/E, dated 12-04-2023. The committee members after detail discussion reached to the conclusion that a comprehensive report may be sought from PTC, Hangu that how the officer concerned was selected for Lower School course as he was not selected under the share quota of Swat District. Hence, District Police Officer, Swat vide Memo: No.11838/E, dated 19-04-2023 and No.14669/E, dated 25-05-2023 requested to the Commandant, PTC, Hangu for comprehensive report regarding the matter, in response of which Commandant, PTC, Hangu vide his office letter No.384/EC, dated 06-05-2023 has intimated that Mr. Sultan Zeb was selected for Lower College Course on PTC vacancy in the light of PTC Hangu manual 1982 under rule-08 (photocopy enclosed).

Therefore, the District Police Officer, Swat requested for necessary guidance as to whether the same falls in the ambit of Out of Turn Promotions or otherwise, please.

Encls: (As above) 2

Endst: No. & dated even

Copy to the District Police Officer, Swat for information with reference to his office Memo: No.quoted above.

EC
For Master
District Police Officer
SWAT.

Regional Police Officer,
Malakand Region Swat

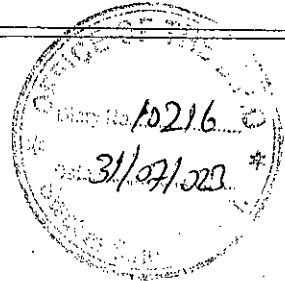
ATTESTED

Deputy Superintendent of Police Leg
Swat.

Annexure

"I"

17



2343/E
24/7/23

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.
aiglegal11@gmail.com

No. 2718 /Legal, dated Peshawar, the 19 / 07 / 2023.

To: - The Regional Police Officer,
Malakand.

Subject: APPLICATION.

Memo:

1. Please refer to your office letter No. 8998-99/E dated 20.06.2023 on the subject noted above.
2. The Competent Authority has passed the following remarks in the matter under reference:-

"The official had been selected for lower college course on the PTC Hangu seat not through B-I examination. Hence, he got benefit of out of turn by bypassing his colleagues. In this regard the judgments passed in view of out of turn promotion are clear, stating that any legislative instrument that benefit out of turn promotion shall be void ab-initio. Hence he falls in the ambit of out of turn promotion."

No 10754 / E
Dt 25-07-2023
EC
DP Swat
19/07/23

[Signature]
AIG/LEGAL,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
18.07.2023.

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

EC
Form-a
[Signature]
District Police Officer
SWAT.

ATTESTED

[Signature]
Deputy Superintendent of Police Legal
Swat.

Annexure "J"

18

From: The District Police Officer
Swat

To: The Regional Police Officer,
Malakand at Saidu Sharif Swat

No. 21036 /E, dated Saidu Sharif the, 24-08 /2023.

Subject: ORDER /CORRIGENDUM

Memo:

In continuation of this office Memo: No.20539/E, dated 18-08-2023.

It is submitted that upon application received from Director Police Training School Swat, a committee comprising of the following officers/official under the chairmanship of Worthy District Police Officer, Swat was constituted in order to verify/Clarify whether Sub-Inspector Sultan Zeb No.247/M has availed the benefits of Out of Turn Promotion or otherwise as the applicant in his application stated that he did not availed the benefits of Out of Turn Promotion.

In this connection, a meeting was held in the office of District Police Officer, Swat on 27-03-2023 at 10:00 hours and attended by the following committee members;

- 1) DSP Legal, Swat
- 2) Office Supdt:
- 3) PSO Swat.
- 4) Establishment Clerk
- 5) OASI Swat

The committee members have gone through the available record of Sub-Inspector Sultan Zeb No.247/M as per record he was enlisted as Constable vide OB No.364 dated 25-09-1988 in Swat District. He qualified Drill course at PTC Hangu during term ending 20-06-1992. Similarly, he passed A-1 examination vide this office OB No.68 dated 31-03-1993 and was transferred to PTC Hangu vide CPO Peshawar Order No.10033-37/E-II, dated 08-05-1994. He appeared in B-1 examination but not selected to Lower College Course according to share quota of this District. According to the Service record at page No.10, he was selected to Lower School Course commencing at PTC Hangu w.e.f 01-10-1996 vide PTC Hangu OB No.700, dated 29-09-1996, but neither entry of B-1 passed nor any clarification regarding the selection for Lower School course was found. Being not selected from the share quota of this District, he is considered to be the beneficiary of Out of Turn Promotion under P.R 19.22. His Out of Turn Promotion order was withdrawn vide Region Office, Swat Order No.3550-52/E, dated 14-03-2023 and his name is placed at serial No.293 below the name of SI Aziz-Ur-Rahman No.792/M and above the name of SI Fazal Karim No.723/M at serial No.294 according to the revised seniority.

The committee member agreed that a comprehensive report may kindly be sought from PTC, Hangu that how the officer concerned selected for Lower School course instead he was not selected according to share quota of this District. Therefore, this office has approached PTC Hangu vide this office Memo: No.11838/E, dated 19-04-2023 for comprehensive report regarding the purpose. Later on- PTC Hangu vide his office letter No.351/EC, dated 18-05-2023 has intimated this office "that According to Police Rules (19-22) 03 years' service as Drill/physical instructor on deputation is pre-requisite for selection to Lower School Course. The said period of the applicant has to be completed on 08-05-1997, but in

ATTESTED

Deputy Superintendent of Police Swat

Amiel

"J"

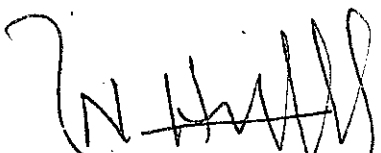
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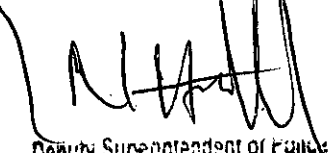
meanwhile, he appeared in B-1 exam on 29-09-1996 and subsequently qualified the lower course ending 20-03-1197 on merit No.11". as the reply received from PTC Hangu was not clear, this office again requested to PTC Hangu vide this office Memo: No.14669/E, dated 25-05-2023 to abreast this office that whether the officer concerned was selected for Lower School Course on the strength/quota of PTC Hangu or otherwise. "Upon which Commandant PTC Hangu vide his office letter No.384/EC, dated 06-05-2023 has intimated that Mr. Sultan Zeb (Now Sub-Inspector was selected for lower college course on PTC vacancy in light of PTC Hangu Manual 1982 under Rule-08". However, member of the committee agreed that necessary guidance shall be sought from CPO Peshawar through Region Office, Swat regarding the fresh reply received from PTC Hangu. In this connection a letter vide Memo: No.16604/E, dated 16-06-2023 has been address to CPO Peshawar through Region Office, Swat for necessary guidance as to whether the same falls in the ambit of Out of Turn Promotion or otherwise.

CPO Peshawar vide his office letter No.2718/Legal, dated 19-07-2023 has intimated that "the official had been selected for lower college course on the PTC Hangu seat not through B-1 examination. Hence, he got benefit of out of turn by bypassing his colleagues. In this regard the judgments passed in purview of out of turn promotion are clear, stating that any legislative instrument that benefit out of turn promotion shall be void ab-initio. Hence, he falls in the ambit of out of turn promotion.

In apropos above, and in the light of opinion received from CPO Peshawar the committee members after thoroughly examined, come to the concussion that applicant has availed the benefits of Out of Turn Promotions in shape of selection/qualifying lower school course on the strength of PTC Hangu.

It is, therefore, requested that corrigendum order may kindly be issued in the light of guidance received from CPO Peshawar as the Out of Turn order of Sub-Inspector Sultan Zeb No.247/M was issued under 19.22 of Police Rules vide your good office Endst: No.quoted above. However, he was selected for Lower School Course on the strength of PTC Hangu manual 1982 under Rule-08 please.


District Police Officer
Swat
Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com

ATTESTED

Deputy Superintendent of Police
Swat

Annexure.

4/12/20

4/12/20



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebmalakandreplon@gmail.com

ORDER / CORRIGENDUM.

SI Sultan Zeb No.247/M of Swat District has produced an application through the Director, PTS, Swat vide Memo: No.459/EB, dated 06-04-2023, stated therein for restoration of his seniority on list "E" as he has not availed the benefit of Out of Turn Promotion, but he is considered as beneficiary of Out of Turn Promotions under PR-19.22 and his name is placed at serial No.293 below the name of SI Aziz-Ur-Rahman No.792/M and above the name of SI Fazal Karim No.723/M at serial No.294 according to the revised seniority issued vide this office Endst: No. 3061-79/E, dated 08/03/2023.

The same was marked to the District Police Officer, Swat for detail report vide this office Endst: No.5639/E, dated 10-04-2023. In response District Police Officer, Swat vide Memo: No.21036/E, dated 24-08-2023, intimated that, a committee comprising of the following officers/official under the chairmanship of the District Police Officer, Swat was constituted in order to verify/clarify whether Sub-Inspector Sultan Zeb No.247/M has availed the benefits of Out of Turn Promotion or otherwise as the applicant in his application stated that he did not availed the benefits of Out of Turn Promotion.

- 1) DSP Legal, Swat
- 2) Office Supdt:
- 3) PSO Swat.
- 4) Establishment Clerk
- 5) OASI Swat

The meeting of the committee was held in the office of the District Police Officer, Swat on 27-03-2023 at 10:00 hours. The committee members have gone through the available record of Sub-Inspector Sultan Zeb No.247/M which reveals that as per record of the officer concerned, he was enlisted as Constable vide OB No.364 dated 25-09-1988 in Swat District. He qualified Drill course at PTC, Hangu during term ending 20-06-1992. Similarly, he passed A-1 examination vide District Police Office, Swat OB No.68 dated 31-03-1993 and was transferred to PTC Hangu vide CPO Peshawar Order No.10033-37/E-II, dated 08-05-1994. He appeared in B-1 examination but not selected to Lower College Course according to share quota of Swat District. Committee members further stated that according to the service record at page No.10, he was selected to Lower School Course commencing at PTC Hangu w.e.f 01-10-1996 vide PTC Hangu OB No.700, dated 29-09-1996, but neither entry of B-1 passed nor any clarification regarding the selection for Lower School course was found. Being not selected from the share quota of Swat District, he is considered to be beneficiary of Out of Turn Promotion under P.R 19.22. Subsequently, his Out of Turn Promotion was withdrawn vide Region office Order No.3550-52/E, dated 14-03-2023 and his name was placed at serial No.293 below the name of SI Aziz-Ur-Rahman No.792/M and above the name of SI Fazal Karim No.723/M at serial No.294 according to the revised seniority.

The committee members agreed that a comprehensive report may be sought from PTC, Hangu that how the officer concerned selected for Lower School Course instead he was not selected according to share quota of Swat District. Therefore, the District Police Officer, Swat vide his office Memo: No.11838/E, dated 19-04-2023 approached the Commandant, PTC, Hangu for comprehensive report regarding the purpose. The Commandant, PTC Hangu vide his office letter No.351/EC, dated 18-05-2023 intimated that "According to Police Rules (19-22) 03 years' service as Drill/physical instructor on deputation is prerequisite for selection to Lower School Course. The said period of the applicant has to be completed on 08-05-1997, but in meanwhile, he appeared in B-1 exam on 29-09-1996 and subsequently qualified the lower course ending 20-03-1997 on merit No.11". Reply received from PTC Hangu was not clear, therefore, the District Police Officer, Swat again requested the

Page 1 of 2

ATTESTED

Deputy Superintendent of Police Legal
Swat.

Annexed

"12"

(21)

2

Commandant, PTC, Hangu vide his office Memo: No.14669-70/E, dated 25-05-2023 to abreast his office that whether the officer concerned was selected for Lower School Course on the strength/quota of PTC Hangu or otherwise. Upon which "The Commandant PTC Hangu vide his office letter No.384/EC, dated 06-05-2023 has intimated that Mr. Sultan Zeb (Now Sub-Inspector) was selected for lower college course on PTC vacancy in light of PTC Hangu Manual 1982 under Rule-08". However, members of the committee agreed that necessary guidance shall be sought from CPO Peshawar through Region Office, Swat regarding the fresh reply received from PTC Hangu. In this connection, on the request of the District Police Officer, Swat vide his office Memo: No.16604/E, dated 16-06-2023, this office vide Memo: No.8998-99/E, dated 20-06-2023 approached CPO, Peshawar for necessary guidance as to whether the same falls in the ambit of Out of Turn Promotion or otherwise.

The CPO Peshawar vide letter No.2718/Legal, dated 19-07-2023 has intimated that "the official had been selected for lower college course on the PTC Hangu seat not through B-1 examination. Hence, he got benefit of out of turn by bypassing his colleagues. In this regard the judgments passed in purview of out of turn promotion are clear, stating that any legislative instrument that benefit out of turn promotion shall be void-ab-initio. Hence, he falls in the ambit of out of turn promotion".

In view of the above, the District Police Officer, Swat vide his office letter No.21036/E, dated 24/08/2023 intimated that the officer concerned has availed the benefit of Out of Turn Promotion in shape of selection for Lower College Course on the strength of PTC vacancy in light of PTC Hangu Manual 1982 under Rule 08 instead of under PR 19.22 with the request to issue corrigendum order in light of guidance received from CPO, Peshawar vide ibid letter.

Therefore, in light of position explained above, the withdrawal of Out of Turn Promotion Order issued over this office Endst: No.3550-52/E, dated 14/03/2023 of the concerned officer is hereby amended and may be read as "beneficiary of Out of Turn Promotion under PTC, Hangu Manual 1982 Rule-08 instead of PR-19.22 (Drill Instructor) as he has qualified Lower School Course on the strength of PTC, Hangu".



Regional Police Officer,
Matakand at Saidu Sharif, Swat.

No. 16606-08 /E,

Dated 30-11- /2023.

Copy for information and necessary action to the:-

1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
2. PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. District Police Officer, Swat.

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ATTESTED

Deputy Superintendent of Police, Swat

Swat