

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1305/2023

Abdul Wahid.....(Appellant)

VERSUS


Provincial Police Officer, Khyber Pakhtunkhwa & Others (Respondents)

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DEPONENT

13-06-24
D-B
Peshawar


DSP/ Legal,
CPO, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1305/2023 .

Diary No. 13095

Abdul Wahid..... (Appellant)

Dated 31-05-24

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa & Others (Respondents)

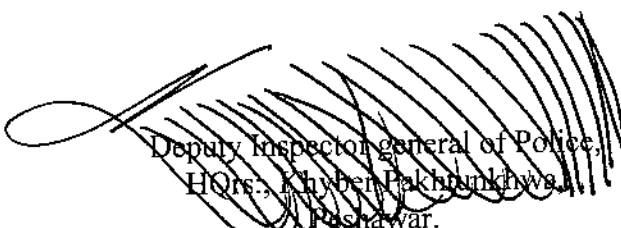
REQUEST FOR SUBMISSION OF ADDITIONAL DOCUMENTS

Respectfully She-weth:-

1. That the above titled case is pending adjudication before this Hon'ble Tribunal which was fixed on 14.02.2024 and the Hon'ble Tribunal adjourned the case with the direction to department to place working papers and minutes of the meeting on the next date of hearing on 13.06.2024.
2. That in compliance with the order dated 14.02.2024, the requisite documents are hereby submitted for placing the same on file.

Prayers:-

It is therefore, humbly prayed that the above noted documents as ordered vide order dated 14.02.2024 may please be placed on file for the just decision of the case.


Deputy Inspector general of Police,
HQrs. Khyber Pakhtunkhwa,
Peshawar.

(Respondent No.2)

(RIZWAN MANZOOR)PSP

Incumbent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1305/2023

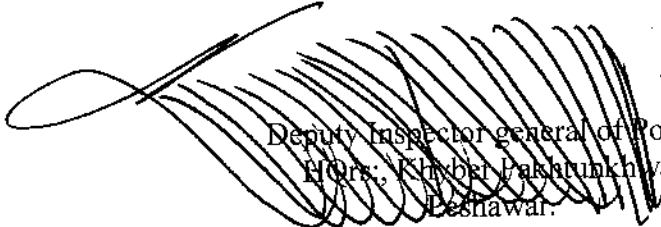
Abdul Wahid.....(Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa & Others (Respondents)

AFFIDAVIT

It is hereby affirmed and declared on oath that the additional documents are the true copies of the official record, duly attested by the representative of this department. All the additional documents are correct, to the best of my knowledge and nothing has been concealed from the Hon'ble Tribunal.


Deputy Inspector general of Police,
HQrs., Khyber Pakhtunkhwa,
Peshawar.

(Respondent No.2)

(RIZWAN MANZOOR)PSP


Incumbent


ATTESTED 31 MAY 2024

Date of Birth	14.02.1963
Date of joining Service	19.03.1986
Date of Promotion as Offg: Insp	23.02.2017
D.O Confirmation as Insp	23.02.2019
Present Posting	Malakand Region
Mandatory training	Exempted
Medically fit or Not?	Fit
Under enquiry / not under enquiry	Not under enquiry
Major Punishment	Nil
Minor Punishment	Nil
ACR Quantification	61.795

A	B		C
Percentage of Last five Years ACRs (60 %)	Percentage of Advance Course (20 %)	Total A+B	DSC Score (20 %)
37.077	00	37.077	

Note: He is above 58 years therefore, according to Standing Order No. 03/2016 he is exempted from Advance Course.

Attested


Mr. Abdul Wahid



Detail of posting according to amended Police Rule 13.16A dated 16.03.2017.

Place of posting	Period		Total Period
	From	To	
Investigation	31.12.2019	22.02.2021	01 year and 01 months

SYNOPSIS ACRs.

Period/year	Place of Posting	Grading
01.01.2017 to 31.03.2017	OII PS Koghuzi,	A
01.04.2017 to 27.04.2017	Police Lines Lakki Marwat (Period less than 03 months)	Certificate
28.04.2017 to 31.12.2017	Police line Laki Marwat	B
01.01.2018 to 22.05.2018	RI Police Line Laki	B
01.06.2018 to 31.12.2018	ASHO PS Wari	A
01.01.2019 to 31.12.2019	Not Available	
01.01.2020 to 31.12.2020	OII PS Dir+OII PS Warri+ OII PS Gandigar	A
01.01.2021 to 10.02.2021	OII PS Gandigar (Period less than 03 months)	Certificate
11.02.2021 to 31.12.2021	I/C Security Jail + SHO PS Drosh	A

Attested
AW

Deficiency:

1. ACR for the year 2019 is not available.

MINUTES OF THE DEPARTMENTAL SELECTION COMMITTEE MEETING HELD ON 08.12.2022 IN THE CONFERENCE ROOM-II, CENTRAL POLICE OFFICE, PESHAWAR.

A meeting of Departmental Selection Committee was held on 08.12.2022 at 10:30 hours in the Conference Room-II of CPO under the Chairmanship of Dr. Ishtiaq Ahmed PSP/PPM, Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa to discuss the following cases:-

- i). Confirmation in the rank of Inspectors.
- ii). Promotion of Inspectors (BPS-16) to the rank of DSsP (BPS-17) (Executive).
- iii). Retired Sub Inspector Jan Bahadar (Court case).

2. The following officers attended the meeting:-

1.	Addl: Inspector General of Police, Investigation Khyber Pakhtunkhwa.	Chairman
2.	Addl: Inspector General of Police, HQrs., Khyber Pakhtunkhwa.	Member
3.	Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa.	Member
4.	Addl: Inspector General of Police, Operations, Khyber Pakhtunkhwa.	Member
5.	Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa.	Member
6.	Asstt: Inspector General of Police, Legal, Khyber Pakhtunkhwa.	Member

3. Total 104 vacancies of DSsP BPS-17 (Executive) were available which are required to be filled as per Section 29(1)(i) and (ii) of Khyber Pakhtunkhwa Police Act 2017 in the following manner:-

i.	As per rules, twenty five percent (25%) vacancies will be reserved for Fast Track Promotion subject to competitive examination from amongst graduates Inspectors, on the recommendation of Public Service Commission in the prescribed manner, and	25
ii.	Seventy five percent (75%) vacancies will be filled by promotion from Inspectors on the recommendation of Departmental Selection Committee in the prescribed manner	76

4. The DIG/HQrs apprised the Committee that as per above mentioned rules vacancies are sent to Khyber Pakhtunkhwa Public Service Commission for recruitment against Fast Track Promotion quota in 2019 & 2021. However, these seats are still vacant due to slow recruitment process. These vacancies would be filled by promotion from amongst senior most Inspectors and finally to cater for the shortage of officers in the rank of Inspectors to mention the 227 numbers of seats of DSsP will be filled due to the retirement of DSsP by December 2022. The Committee agreed to promote 104 Inspectors against 104 vacancies.

5. The Committee was apprised of two Court cases regarding Out of Turn promotion and appointment of Police Officers/Officials:-

- i. The Honorable Supreme Court of Pakistan vide judgments SCMR2013-1752 and SCMR2017-206 titled Shahid Pervez VS Ijaz Ahmad and others, Intra Court appeal 2017/2018 dated 13.05.2018 and in Civil Petition No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 dated 20.06.2020, in Criminal Original Petition No. 89 of 2011. The Honorable Supreme Court vide judgment in Civil Review Petition No. 193/2013 reported in (SCMR 2015-456) declared all the out of turn promotion including gallantry, incentive under Validation Act or Rules ab-initio void & null; unconstitutional, un-Islamic. The Board unanimously agreed that those Inspectors who are declared under the category of "Out of Turn Promotion" as per reports of their concerned R/Os/CCP, will not be considered for promotion to the next higher rank until the decision of Provincial Cabinet, Ministerial Selection Committee and Supreme Court directions.

Attested Registrar.

Attested DMR

ii. Similarly, the Board unanimously agreed to not consider the cases of those Inspectors who are absorbed in Khyber Pakhtunkhwa Police from other Provinces/units as per Criminal Review Petition No. 207/2016, Criminal Original Petition No. 62/2016, Criminal Original Petition No. 22/2017 and Criminal Original Petition No. 69/2017 in Criminal Original Petition No. 89 of 2011. The Honorable Supreme Court vide judgment in Civil Review Petition No. 193/2013, reported in (SCMR, 2015-456) declared that neither a person can be absorbed nor a civil servant or non civil servant or deputationist could be allowed to travel horizontally outside his cadre to penetrate into a different cadre, service or post through an appointment by transfer.

6. According to Standing Order No. 03/2022, Khyber Pakhtunkhwa Police Promotion Policy 2021, the following eligibility criteria, grounds for deferment and Supercession will be considered for promotion of Inspectors to the rank of DSsP:-

a. ELIGIBILITY CRITERIA

- Seniority.
- Satisfactory completion of probation period i.e confirmation as Inspector according to Police Rules 13.18.
- Mandatory Period one (01) year as per amended Police Rules 13.15A/2017.
- Five years Service as Inspector.
- Medical Fitness.
- Advance Course as per Standing Order No. 03/2016.

b. GROUND FOR DEFERMENT

- Non-availability of ACR(s).
- Adverse ACR(s) in the last three years (if his representation is pending)
- Under Enquiry.
- Deputation abroad / Long leave.
- Inter-se-Seniority is Sub-judice.
- Not completed mandatory period as per amended Police Rules 13.16A/2017.
- Not qualified Advance Course as per Standing Order No. 03/2016.

c. GROUND FOR SUPERSESSION

- Adverse ACR during the last three years (not expunged after representation).
- The officer has failed to qualify or failed to appear in the prescribed departmental examination (within the prescribed attempts) or mandatory training.
- 01 Major Punishment Awarded within last 03 years.
- 05 or more Minor penalties during the last 03 years.
- The officer has been deferred by three consecutive DSCs.

d. EFFECT OF SUPERSESSION

- An officer who is superseded on any account shall lose his seniority and if he subsequently promoted, his seniority will be fixed at the top of the officers with whom he is promoted.
- An officer who is superseded on any account shall not be considered for promotion unless he has earned one more PER for one full year.
- First supersession shall be for one year and the case of the officer shall be brought up before the DSB, DSC or DPC after the lapse of that period. If the officer/official is superseded again, the supersession shall be for three years and if he is superseded again (third time) then it shall be treated as permanent supersession.

Attested
QML

e. **MINIMUM THRESHOLD MARKS & QUANTIFICATION:**

The minimum threshold marks for promotion to Basic Scale 17, shall be calculated as per weightage in the following table:-

Basic Scale	Last 05 Years PER/ACR	Training Score	DSC Score
BS 17	60 % weight	20 % weight	20 % weight

7. The Committee further decided that:-

a) Those Inspectors who attained 58 years of age would be exempted from Advance Course as per Standing Order No. 03/2016, however, they will be granted 50% passing marks while considering their case for promotion to the rank of DSsP.

b) If any officer has acquired only Certificates due to period less than three months in whole year than his ACR quantification for that year will be considered as average of the remaining quantification of years considered for promotion.

8. The details of the cases discussed in today's meeting as tabulated below:-

Sr. No.	Details	Total
1.	Cases upto Sr. No. 186 were considered for promotion to the rank of DSsP.	186
2.	Inspectors recommended for promotion.	89
3.	Inspector deferred from promotion.	46
4.	Case of Suppression.	01
5.	Cases of "Out of Turn Promotion"	26
6.	Inspector confirmed in their substantive rank	28

9. The promotion of officers in the list of "Promoted Inspectors" from Sr. No. 77 to 89 shall be conditional, subject to the availability of seats falling vacant on retirement of DSsP before the selection of officers on fast track by Khyber Pakhtunkhwa Public Service Commission as ear marked for them at Para No. 03.

10. The Committee thoroughly examined the following cases in the light of laid down procedure spelt in Para 06 and 07. The recommendations of the Departmental Selection Committee are noted against each officer:-

Promoted Inspectors

Sr. No	Seniority Position	Name of Inspectors	Recommendations of the DSC
1.	04	Adil Abdal No. P/20	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
2.	07	Bahar Ali No.MR/85	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
3.	08	Haider Ali No. MR/91	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
4.	09	Atta Muhammad No. MR/93	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
5.	11	Razeem Khan No. H/01	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
6.	12	Hastam Khan No. P/226	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
7.	13	Javed Khan No. P/215	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
8.	14	Muhammad Hanif No.P/216	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
9.	16	Badshah Khan No: P/204	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.
10.	17	Ibad ur Rehman No. P/254	The DSC examined his case and recommended him for promotion to the rank of DSP (BPS-17) on regular basis.

Attested
and

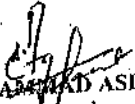
9.	Niaz Hussain No.MR/45	The DSC examined his case and recommended him to be deferred from promotion due to under enquiry.
10.	Shafi-Ur-Rehman No.MR/111	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016.
11.	Syed Zaman Shah No. 286/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not completed mandatory period to amended Police Rule 13.16A dated 16.03.2017 and his ACR for the year 2021 is not available.
12.	Muhammad Islam No.116/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because his ACRs for the years 2018 and 2021 are not available.
13.	Sher Wazir No. 133/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not completed mandatory period as per amended Police Rule 13.16A dated 16.03.2017.
14.	Imtiaz Alam No. P/260	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016.
15.	Saif-ur- Rehman No. P/261	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016.
16.	Nabi Shah B/37	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not completed mandatory period as per Standing Order No. 03/2016. Moreover, his ACRs for the years 2017, 2018, 2019, 2020 and 2021 are not available.
17.	Said Noor Shah No. 351/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because his ACR for the year 2020 is not available.
18.	Wazir Hussain No. 452/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016.
19.	Aziz-ud-Din No. 453/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016. Moreover, his ACRs for the period from 26.06.2018 to 31.12.2018, 01.01.2019 to 28.05.2019 and 03.02.2021 to 31.12.2021 are not available.
20.	Sher Bahadur No.462/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because his ACRs for the years 2020 and 2021 are not available.
21.	Abdul Wahid No.465/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because his ACR for the year 2019 is not available.
22.	Ghani-ur-Rehman No. M/470	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because his ACR for the period from 03.09.2021 to 31.12.2021 is not available.
23.	Muhammad Fayaz No. 474/M	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016.
24.	Haroon Khan No.MR/63	The DSC examined his case and recommended him to be deferred from promotion to the rank of DSP (BPS-17) because he has not qualified Advance Course as per Standing No. 03/2016.

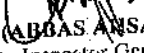
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C.M.K.

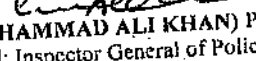
21.	Imran Farooq No. MR/62	The DSC did not consider him for promotion because has availed "Out of Turn Promotion" vide RPO/Mardan No. 4728-39/ES, dated 13.07.2022.
22.	Fazal Sher No. MR/07	The DSC did not consider him for promotion because has availed "Out of Turn Promotion" vide RPO/Mardan No. 4728-39/ES, dated 13.07.2022.
23.	Sabz Ali No. P/238	The DSC did not consider him for promotion because has availed "Out of Turn Promotion" vide CCP/Peshawar No. 22466/EC-I, dated 06.12.2022.
24.	Amjad Hussain No.K/116	The DSC did not consider him for promotion because has availed "Out of Turn Promotion" vide RPO/Kohat No.6158/EC, dated 11.04.2022.
25.	Ali Ahmad No.K/108	The DSC did not consider him for promotion because has availed "Out of Turn Promotion" vide RPO/Kohat No.6158/EC, dated 11.04.2022.
26.	Nazcef-ur-Rehman No.P/36	The DSC did not consider him for promotion because has availed "Out of Turn Promotion" vide CCP/Peshawar No. 22466/EC-I, dated 06.12.2022.

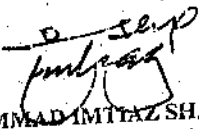
11. The case of Retired Sub Inspector Jan Bahadar No. MR/28 was considered and the Committee has recommended his promotion in compliance of court orders.

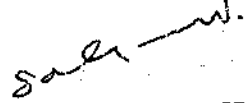
12. Meeting ended with vote of thanks to all.


(MUHAMMAD ASIF)
AIG/Legal
Khyber Pakhtunkhwa



(ABBAS ANSAN) PSP
Deputy Inspector General of Police,
HQrs: Khyber Pakhtunkhwa


(MUHAMMAD ALI KHAN) PSP
Add: Inspector General of Police,
Operations, Khyber Pakhtunkhwa


P. 1 sep
(MUHAMMAD IMTIAZ SHAH) PSP
Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa


(SABIR AHMED) PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa

Approved


(DR. ISHTIAQ AHMED) PSP/PPM
Add: Inspector General of Police
Investigation, Khyber Pakhtunkhwa

Attested


Police No 99

POLICE DEPARTMENT
Annual Confidential Report on the working of Inspector, Sub Inspector and Assistant Sub
Inspector for the year ending December 2019

DISTRICT DIR UPPER

Name Provincial or Rang & Grade	INSPECTOR ABDUL WAHID NO.M/465
Father Name.	Muhammad Rahim
Where and on what duties employed during The past 12 months:	From: 01.01.2019 to 31.12.2019 SHO PS Kalkot.
Class of Superintendent of Police's report i.e "A" or "B"	A
Is he honest	No Complaint

Remarks by:-
1) Superintendent of Police,

An efficient and loyal police officer. He knows his job very well

(MIAN NASIB JAN)
District Police Officer,
Dir Upper.

Period from 01.01.2019 to 31.12.2019.

(Muhammad Saeed) PSP
2) Regional, Deputy Inspector General
of Police, Malakand

Attested
and