


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

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

682/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/05/2024	<p>The appeal of Mr. Malik Habib Khan resubmitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 22.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Malik Habib Khan received today i.e on 06.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-A of the appeal is illegible which may be replaced by legible/better one.

No. 11/42 /S.T,

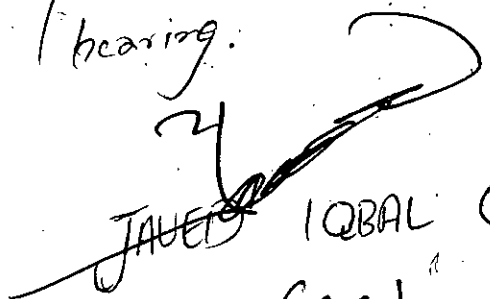
Dt. 8/5/2024.

  
8/5/24  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Javed Iqbal Gulbela Adv.  
High Court Peshawar.

Respected Sir;

Re-submitted after removal of  
above objection as per need of  
Kindly be fixed before this Honorable  
Court for hearing.

  
JAVED IQBAL GULBELA  
(ASC)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

S.A No- 622/2024

**Malik Habib Khan**

**Versus**

**IGP Khyber Pakhtunkhwa & Others**

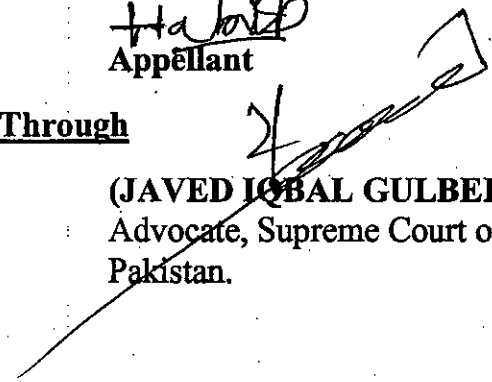
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Dated: 04/05/2024

  
Appellant

Through

  
**(JAVED IQBAL GULBELA)**  
Advocate, Supreme Court of  
Pakistan.

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

S.A No. 682 /2024

***Malik Habib Khan***, Acting DPO, South Waziristan, Upper

.....Appellant

**VERSUS**

1. ***Inspector General of Police*** Khyber Pakhtunkhwa, Peshawar.
2. ***Deputy Inspector General of Police Headquarter***, Peshawar.
3. ***Syed Amir Abbas***, Acting DSP Legal, CTD Headquarter Peshawar.  
(0332-9064579)
4. ***Muhammad Farooq Khan***, Acting DSP Legal, Bannu (0333-9394805)
5. ***Akhlaq Hussain Shah***, Acting DSP Legal, Mansehra (0316-5908450)

.....Respondents

**Appeal u/s 4 Of Khyber Pakhtunkhwa Services Tribunal Act 1974, Against The Impugned Seniority List No.2975 Dated.17-11-2023, Wherein The Appellant has been Wrongly Placed At Serial No.11 Instead Of His Due Place At Serial No.6**

**Respectfully Sheweth,**

1. That the Appellant is a naturally born bonafide citizen of the Islamic Republic of Pakistan & hails from a respectable family.
2. That the Public Service Commission through advertisement No. 01/2016 advertised various posts of SI Legal (BPS-14) in the respondent/Police Department. After completion of all formalities of selection process, the public Service Commission issued the recommendation of the appellant along with his other colleagues on 12-11-2009, and also assign them the inter se merit list amongst the recommendees, which were duly approved by the respondent department. (Copy of the Inter-Se Merit List is annexed as annexure "A").
3. That after the completion of the probation period, the appellant was confirmed as SI Legal, and after conformation the appellant was brought on list "F" and promoted to the rank inspector Legal vide Notification dated.

- 1-02-2014, but in that very notification the appellant name was not listed at his due place as well as in 2015 and 2016 impugned seniority list, as according to the inter se merit of Public Service Commission. (Copies of the Impugned Notification dated.11-02-2014 & Seniority lists of 2015 and 2016 are annexed as annexure "B, B/I & B/II" )
4. That it is pertinent to mention here that, the seniority lists of 2015 and 2016 of the appellant and his other colleagues of batch-2009 were issued according to the arrival made by the them in their respective regions, which is illegal and unlawful, and is not accordance with the law.
  5. That the appellant and his others colleagues being aggrieved from the said seniority lists, moved representation against the same seniority lists, and thereafter, the respondents addressed the grievances of the appellant, and revised the seniority list of the Inspector Legal vide Notification No.27-42/E-11 dated. 02-01-2017, wherein the seniority of the appellant and his other colleagues were placed at their due place. (Copy of the Seniority List dated.02-01-2017 is annexed as annexure "C")
  6. That the respondents No. 3, 4 and his other colleagues Usman Ali Khan feeling aggrieved, moved service appeal No.679, 702 & 703 of 2017 against the seniority list dated.02-01-2017, and challenge thereby that they have been shown junior to the appellant. The same three appeals had been decided through a single judgment dated.09-08-2020 and held that, *"it is declared in exercise of additional power under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 that the date of appointment of the appellants and the private respondents in pursuance to recommendation of Khyber Pakhtunkhwa Public Service Commission made vide letter No. N.W.F.P/PSC/SR/V/SI(Legal)/53420 dated.12-11-2009 shall be reckoned from the date of approval of their appointment by the Inspector General of Police vide his office letter No.29070-75/E-II dated.02-12-2009 conveyed to the addresses including CCPO, Peshawar and DIGs of the respective region. If not otherwise made by the competent authority (Provincial Police Officer) from a different date than the date of their appointment reckoned herein above, the conformation of the appellants and respondents shall be reckoned from the date i.e. 02-12-2009 automatically.* (Copy of the Judgment dated.09-08-2020 is annexed as annexure "D")
  7. That the aforesaid Judgment of Service Tribunal dated.09-08-2020 were challenged by the respondents in CPLA No.6367, which were disposed of vide order dated.02-02-2023 with the observations, that in case of seniority list is changed, it would certainly create fresh cause of action for which all the remedies under the law would be available to the respondents for redressal of their grievances. (Copy of the order dated.02-02-2023 is annexed as annexure "E")
  8. That meanwhile in the year 2020 the appellant had been promoted from the post of Inspector Legal to the rank DSP Legal (BPS) vide order No.CPO/E-I/Promotion/321 dated.07-02-2020 on regular basis in the light of seniority list of 2017, which were also challenged by the respondents and filed service appeals, which pending adjudication before this Hon'ble

Tribunal. (Copy of the Promotion Order Dated.07-02-2020 is annexed as annexure "F")

- 9. That now coming to the main epitome of the case, that during the pendency of series of lis before this Hon'ble Tribunal, the respondents issued the seniority list of DSPs Legal vides Notification No. CPO/E-I/Seniority List/849 dated.29-03/2023, wherein the appellant were placed at his due place in the seniority list. (Copy of the Seniority list dated.29-03-2023 is annexed as annexure "G" )
- 10. That yet again the respondents issued the impugned revised seniority list dated.17-11-2023 on the pretext of the Apex Court Judgment dated.02-02-2023, wherein the appellant has been deprived from his due place in the seniority list. It is also important to mention here that the seniority list dated.29-03-2023 was issued after the judgment of the Apex Court, which is illegal and unlawful and against the rules and procedure and show the malafide on part of the respondents. (Copy of the Impugned Seniority List Dated.17-11-2023 is annexed as annexure "H")
- 11. That the appellant filed representation against the seniority list to the concerned competent authority, but till date the same has been left undecided. (Copy of the Representation is annexed as annexure "I")
- 12. That feeling aggrieved the appellant prefers the instant appeal for correction of seniority list and for his due placement in the seniority list of the DSPs Legal (BPS-17), upon the following grounds, inter-alia:

**Grounds:-**

- A. That where the law requires a things in a particular manners then that is to be done in that manner & not otherwise.
- B. That the impugned Seniority List dated.17-11-2023 is Quorum non judice, vide illegal, unwarranted and is liable to be revised accordingly.
- C. That the impugned seniority list is unwarranted, illogical and against the Rules and judgment/order of the Service Tribunal and Apex Court, therefore not tenable in the eyes of law.
- D. That it is a cherished principle of law that where a law requires a thing to be done in a particular manner, the same is to be done in that manner and not otherwise.
- E. That from every angle the impugned seniority list 2023 is illegal, void and is liable to be revised and rectified as according to the seniority list dated.29-03-2023.
- F. That not only aforementioned decisions were held and law was interpreted, but rather not only the relief were extended, but at the same time directions were respectively issued to rectify and modify the seniority list by avoiding

the aforementioned extraneous and unwarranted conditions, but as the higher officials had their own axe to grind so every time only Individual Relief were extended while on the other hand the Respondents are still following the same extraneous conditions based policy of pick & choose & have kept and maintained the same malicious seniority list just to pave a way for their discriminations.

G. That it is pertinent to mention here, that there is a quota reserved for fast track recruitment promotion, for the promotion of Sub-Inspectors, Inspectors to the post of DSPs. The probation, seniority and ancillary matters of all officers, promoted under fast track promotion through Public Service Commission, their inter-se seniority shall be in accordance with the merit assigned by the Public Service Commission. (Copy of the Relevant Rules is annexed as annexure "J")

H. That it is pertinent to mention here that as the seniority of officers of the fast track promotion is reckoned through merit assigned by the Public Service Commission, exactly the same is the case of Sub-Inspector Legal. As Sub-Inspector Legal are inducted into service through competitive exam carried and conducted by the Public Service Commission and as the Police Rules, 1934 are silent over the subject in hand, so in this scenario the only mechanism is left to follow and reckoned the seniority of Sub-Inspector Legal in accordance with the merit assign by the Public Service Commission on the same lines as that of DSPs Legal of the fast track promotion.

I. That from every angle the unfettered discretionary powers of the Respondents or rather their unwarranted and extraneous acts/actions are required to be check down in order to keep the Police Force as well disciplined Force where all decisions, promotions, transfers& postings should entirely be based on merits and strictly as per the law i.ePolice Rules 1934 and should not be let to run and manage by caprices and whims of high ups, which would only meant the destructions and mal-management of this highly essential Service.

J. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

*It is, therefore, most humbly prayed that on acceptance of the instant service appeal, the acts and omissions of the respondents of issuing the impugned seniority list dated.17-11-2023 of the Deputy Superintendent of Police be declared illegal, void and kindly be struck down, and by doing the respondents be directed to issue the seniority list in accordance with inter-se merit assign by the Public Service Commission and by placing the appellant at his due place in the seniority list at serial No.8, with all back benefits.*

(3)

*Any other relief not specifically asked here be kindly be extended  
in the favor of the appellant.*

**Dated : 04/05/2024**

*Habib*  
**Appellants**

Through

*Javed Iqbal Gulbela*  
**Javed Iqbal Gulbela**  
Advocate, Supreme Court  
of Pakistan

*Saghir Iqbal Gulbela*  
**Saghir Iqbal Gulbela**  
Advocates, High Court,  
Peshawar

*Muhammad Arif Mohmand*  
**Muhammad Arif Mohmand**  
&  
**Junaid Swati**  
Advocates, Peshawar.

**Note:-**

No such like Service Appeal for the same Appellant upon the same subject matter  
has earlier been filed by me.

**ADVOCATE**



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In S.A \_\_\_\_\_/2024

Malik Habib Khan

**VERSUS**

IGP Khyber Pakhtunkhwa & others

**AFFIDAVIT**

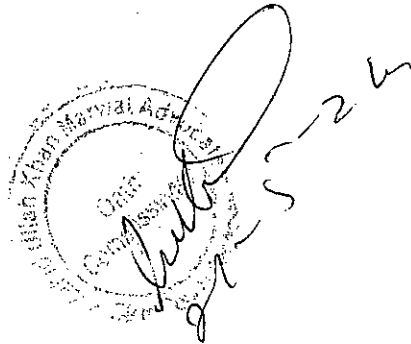
I, **Malik Habib Khan Acting DPO South Waziristan Upper**, do hereby solemnly affirm and declare on oath that the contents of this **petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**DEPONENT**

**CNIC:  
Cell No.**

**Identified by :-**

**Javed Iqbal Gulbela  
ASC**



7

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES  
TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_\_/2024

Malik Habib Khan

**VERSUS**

IGP & Other

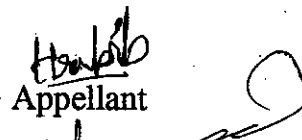
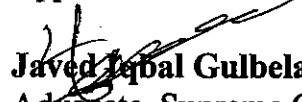
**Application For Temporary Injunction**

**Respectfully Sheweth,**

1. That the Appellant is filing the accompanying service appeal, the contents of which may graciously be considered as integral part & parcel of the instant application.
2. That the Respondents have issued an Impugned Seniority list dated.17-11-2023 of DSPs legal, in the light of which the respondents are going to promote the DSPs to the rank of SP Legal, which are illegal and unlawful and utter violation of law. And also directed the respondents to not take any adverse action against the appellant.
3. That prima facie case exists in favor of the Appellant/ Petitioner.
4. That balance of convenience also lies in favor of Appellant and is pertinently sanguine of its success.
5. That if the instant Application is not allowed, the Appellant shall suffer irreparable loss.

***It is therefore, most humbly prayed that on acceptance of the instant application, the respondents be restrained from carrying any promotion to the post of Superintendent of Police Legal, and from taking any adverse action against the appellant, till the final disposal of the accompanying service appeal.***

Dated: 04/05/2024

*Through*  
  
Appellant  
  
Javed Iqbal Gulbela  
Advocate, Supreme Court  
Pakistan

**Affidavit: -**

I, the Appellant, do hereby solemnly affirm and declare on oath that the contents of this application is true and correct to the best of my knowledge and belief.

  
Deponent

8

**Office No. B-1, 2<sup>nd</sup> Floor Al-Nimra Centre Qazi Plaza Govt College Chowk Faqirabad**  
**Peshawar**

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES**  
**TRIBUNAL PESHAWAR**

S.A No- \_\_\_\_\_/2024

**Malik Habib Khan**

**Versus**

**IGP Khyber Pakhtunkhwa & Others**

**ADDRESSES OF PARTIES**

**ADDRESS OF APPELLANT**

*Malik Habib Khan, Acting DPO, South Waziristan, Upper*

**ADDRESSES OF RESPONDENTS**

1. *Inspector General of Police Khyber Pakhtunkhwa, Peshawar.*
6. *Deputy Inspector General of Police Headquarter, Peshawar.*
2. *Syed Amir Abbas, Acting DSP Legal, CTD Headquarter Peshawar.  
(0332-9064579)*
3. *Muhammad Farooq Khan, Acting DSP Legal, Bannu (0333-9394805)*
4. *Akhlaq Hussain Shah, Acting DSP Legal, Mansehra (0316-5908450)*

Dated :04.05.2024

**Appellant**

**Through**

**Javed Iqbal Gulbela**  
Advocate, Supreme Court of  
Pakistan.

DEPUTY SECRETARY  
 (GENERAL ADMINISTRATION)  
 GOVT. OF PUNJAB

SAVED  
 SUPPLY

Sl. No.	Name with Father's Name	Grade
1	Abdul Wahid S/O Muhammad Ali	Q.A. II
2	Abdul Wahid S/O Muhammad Ali	Q.A. II
3	Abdul Wahid S/O Muhammad Ali	Q.A. II
4	Abdul Wahid S/O Muhammad Ali	Q.A. II
5	Abdul Wahid S/O Muhammad Ali	Q.A. II
6	Abdul Wahid S/O Muhammad Ali	Q.A. II
7	Abdul Wahid S/O Muhammad Ali	Q.A. II
8	Abdul Wahid S/O Muhammad Ali	Q.A. II
9	Abdul Wahid S/O Muhammad Ali	Q.A. II
10	Abdul Wahid S/O Muhammad Ali	Q.A. II
11	Abdul Wahid S/O Muhammad Ali	Q.A. II
12	Abdul Wahid S/O Muhammad Ali	Q.A. II
13	Abdul Wahid S/O Muhammad Ali	Q.A. II
14	Abdul Wahid S/O Muhammad Ali	Q.A. II
15	Abdul Wahid S/O Muhammad Ali	Q.A. II
16	Abdul Wahid S/O Muhammad Ali	Q.A. II
17	Abdul Wahid S/O Muhammad Ali	Q.A. II
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21	Abdul Wahid S/O Muhammad Ali	Q.A. II
22	Abdul Wahid S/O Muhammad Ali	Q.A. II
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45	Abdul Wahid S/O Muhammad Ali	Q.A. II
46	Abdul Wahid S/O Muhammad Ali	Q.A. II
47	Abdul Wahid S/O Muhammad Ali	Q.A. II
48	Abdul Wahid S/O Muhammad Ali	Q.A. II
49	Abdul Wahid S/O Muhammad Ali	Q.A. II
50	Abdul Wahid S/O Muhammad Ali	Q.A. II

N.W.F.P. PUBLIC SERVICE COMMISSION

APPENDIX-A

INTER-SERVICE OF 16 (SIXTEEN) POSTS OF SUB-INSPECTOR  
 LEGAL (M-10) (ADVISE REQUISMENT No. 01/2009) S.No. 35

Ann-A

(B)

Ann A

Battery Copy

N.W.F.P. PUBLIC SERVICE COMMISSION

APPENDIX-A.

Subject: INTER RE MERIT OF 16 (SIXTEEN) POSTS OF SUB INSPECTOR  
LEGAL (B-14) (ADVERTISEMENT No. 01/2009) S.No.38

<u>Merit Order</u>	<u>Name with father's Name</u>	<u>District</u>	<u>Adts</u>
01	Rashied Ahmad S/o Munawar Khan	Dir	Own Quota
02	Wisal Ahmad S/o Aman Ullah	Peshawar	Own Quota
03	Malik Habib Khan S/o Malik ... Khan	Peshawar	Own Quota
04	Sami Ullah Khan S/o Said Khan	Kohat	Own Quota
05	Akhlaq Hussain S/o Farhad Ali Shah	Mathra	Own Quota
06	Imran Ullah S/o Ikram Shah	Buner	Own Quota
07	Naeem Hussain S/o Ghulam Noman	Swat	Own Quota
08	Ghulam Hamid S/o Ghulam Noman	Swat	Own Quota
09	Muhammad Shafiq Khan Mohmand S/o Muhammad Asim Khan Mohmand	Mardan	Own Quota
10	Faheem Khan S/o Naveed Khan	Swabi	Own Quota
11	Muhammad Zahoor S/o Rustam Khan	Haripur	Own Quota
12	Siraj ud Din S/o Jamshid	Kohitan	Own Quota
13	Syed Aamir Abbas S/o Syed Jamil Hussain	Kohat	Own Quota
14	Usman Ali Khan S/o Sher Ali	Charsadda	Own Quota
15	Muhammad Farooq Khan S/o Muhammad Haroon Khan	Buner	Own Quota
16	Sher Muhsin Ul Mulk S/o Muhammad yaqoot Khan	Chitral	Own Quota

(FAZAL BADSHAH)

Depute Secretary-I

If no order of the initial probationer is deemed to have been extended.

If no orders have been made by the day on which the maximum period of probation expires, the probationer shall, subject to sub-clause (4), be deemed to have been confirmed in his appointment.

A probationer who has satisfactorily completed his period of probation shall be confirmed with effect from the date of his continuous appointment in the service in a substantive vacancy; provided that where the period of his probation has been extended under the provisions of sub-clause (3) (c) of this clause, the date of confirmation shall, subject to the other provisions of this clause, be the date on which the period of probation was last extended.

No person shall be confirmed in the Service unless he successfully undergoes such training and passes such departmental examinations as may be prescribed by the Commission from time to time.

If a member of the Service fails to complete successfully any departmental examination prescribed under sub-clause (4) in such number of attempts as may be prescribed by the appointing authority may—

(a) in case he has been appointed by initial recruitment, dispense with his services; or

(b) in case he has been appointed by promotion, revert him to his former post, and if there be no such post, dispense with his services.

11. Seniority.---(1) The seniority inter-se of the holders of the posts determined—

(a) in the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission, if the appointment is made on the basis of a competitive examination, and in other cases, in accordance with the order of merit assigned by the appointing authority, provided that persons

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

Explanation:

- (i) If no orders  
Of the initial probationary  
Deemed to have been extended.
  - (ii) If no orders have been made by the day on which the maximum period of probation expires, the probationer shall, subject to sub-section clause (4), be deemed to have confirmed in his appointment.
  - (iii) A probationer who has satisfactorily completed his period of probation, shall be confirmed with effect from the date of his continuous appointment in the service in a substantive vacancy; provided that where the period of his probation has been extended under the provisions of sub-clause (3) (c) of this clause, the date of confirmation shall, subject to the other provisions of this clause, be the date on which the period of probation was last extended.
  - (iv) No person shall be confirmed in the Service unless he successfully such training and passes such departmental examinations may be passed by the Commission from the time to time.
  - (v) If a member of the Service falls to complete successfully any training or pass any departmental examination prescribed under sub-clause (4) as such period or in such number of attempts as may be prescribed by the appointing authority may-.
  - (vi) In case he has been appointed by initial recruitment, dispense with his services; or.
  - (vii) In case he has been appointment by promotion, revert him to his former post, and if there be no such post, dispense with his services.
11. **Seniority.**---(1) The seniority inter-se of the holders of the posts

**Examined---**

- a. In the case of persons appointed by initial recruitment, in accordance with the order of merit assigned by the Commission, if the appointment is made on the basis of a competitive examination, and in other cases, in accordance with the order of merit assigned by the appointing authority; provided that persons

ATTESTED

P. 14

JAVED HOSAIN SUBBIA  
Suppl. Secy. to Secy. for Peshawar  
Peshawar

- 1. Addn IGP/HQs Khyber Pakhtunkhwa, Peshawar
- 2. Capital City Police Officer, Peshawar
- 3. Deputy Inspectors General of Police, Peshawar
- 4. Deputy Inspectors General of Police, (Hazara, Malakand, Bannu, Kohat, Peshawar)
- 5. Office Suptt: Secret CPO, alongwith their regional counterparts
- 6. O.P. File

11/2/2014  
Addn IGP/HQs Khyber Pakhtunkhwa  
Inspector General of Police  
(MIAN MUHAMMAD ASIF)

ATTESTED

S/NO	NAME & RANK	REGION/UNIT
1.	SI/Legal Rashid Ahmad No. 483/W	Malakand Region
2.	SI/Legal Syed Amir Abbas	Kohat Region
3.	SI/Legal Muhammad Farooq Khan No. 8/35	Bannu Region
4.	SI/Legal Akhtar Hussain Shah No. 11/52	Hazara Region
5.	SI/Legal Waqar Habib Khan No. P/168	Hazara Region
6.	SI/Legal Wajid Ahmad No. P/205	CCP, Peshawar
7.	SI/Legal Usman Ali Khan No. P/199	CCP, Peshawar
8.	SI/Legal Muhammad Shafiq No. MR/49	CCP, Peshawar
9.	SI/Legal Muhammad Zameer No. 11/51	Warden Region
10.	SI/Legal Sifat-Ud-Din No. H/53	Hazara Region
11.	SI/Legal Naqam Hussain No. H/52	Hazara Region
12.	SI/Legal Farooq Khan No. MR/13	Warden Region
13.	SI/Legal Imtiaz Khan No. 483/W	Warden Region

As per recommendation of the DPC in its meeting held on 07.02.2014 duly approved by the W/IGP Khyber Pakhtunkhwa the names of the following confirmed sub-inspectors legal of Khyber Pakhtunkhwa Police are hereby brought on list "F" with immediate effect:

E-II PROMOTION LIST-F

No. 4125  
Date: 11/02/2014

NOTIFICATION

FOR PUBLICATION IN THE KHYBER  
PAKHTUNKHWA POLICE GAZETTE PART-II,  
ORDERS BY THE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA, PESHAWAR



11



REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA POLICE AS IT STOOD ON 30.06.2015

1694  
 16-11-2015: The seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.06.2015 is hereby published for information to all concerned.

S.NO	NAME & NO.	EDUCAT ION	HOME DIST:	D.O BIRTH	D.O ENLISTM ENT	D.O CONFIR MATION	D.O PROMOTIO N TO LIST	D.O PROMOTIO N AS INSPECTO R LEGAL	D.O CONFIR MATION AS INSPECTO R LEGAL	REMARKS
1	Muhammad Saif No. B/62	B.A/LB	Bannu	07.03.1958	31.03.1983	31.03.1983	09.07.1991	30.12.1995	24.05.2008	
2	Abdul Samir No. K/02	B.A/LB	Kashk	20.11.1962	23.01.1990	23.01.1990	12.01.1997	14.03.2006	31.10.2013	
3	Abdul Samir No. B/34	B.A/LB	Bannu	20.06.1958	01.06.1992	01.06.1992	12.04.1997	19.11.2007	31.10.2013	
4	Ali Faraz No. B/35	D.A/LB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013	
5	Muhammad Asif No. B/68	B.A/LB	Lakki	31.01.1970	17.04.1993	17.04.1993	12.01.1997	13.07.2008	31.10.2013	
6	Schahid Aftab No. B/33	B.A/LB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013	
7	Faruk Ahmed No. P/09	B.A/LB	Dt	19.07.1959	09.09.1992	09.09.1992	10.03.2008	19.07.2008	31.10.2013	
8	Muhammad Ishaq Aslam No. K/98	B.A/LB	Kohat	17.08.1965	08.10.1992	08.10.1992	30.07.2004	10.03.2008		
9	Abdul Samir No. K/58	B.S.C/LB	Kohat	10.04.1968	25.03.1999	25.03.1999	10.07.2004	10.07.2008	31.10.2013	
10	Imran Khan No. K/55	B.A/LB	Kohat	29.10.1969	26.07.1999	26.07.1999	30.07.2004	30.07.2008	31.10.2013	
11	Fazl Muhammad No. B/62	B.A/LB	Suabi	01.01.1969	20.04.1999	20.04.1999	30.07.1999	21.05.2008	31.10.2013	
12	Sahid Iftikhar	B.A/LB	Kohat	13.04.1969	25.03.1992	25.03.1992	10.06.2004	10.06.2008		
13	Muhammad Nisar No. B/34	B.A/LB	Dt Upper	02.04.1980	05.12.2009	05.12.2009	14.04.2014	11.07.2014		
14	Muhammad Ali No. B/34	B.A/LB	Kohat	15.06.77	05.12.09	05.12.09	11.07.2014	11.07.2014		
15	Muhammad Farooq No. B/34	B.A/LB	Bannu	30.12.1978	08.12.2007	08.12.2007	11.07.2014	11.07.2014		
16	Muhammad Nisar No. B/34	B.A/LB	Muzfhar	02.01.1982	09.12.2009	09.12.2009	11.07.2014	11.07.2014		
17	Muhammad Nisar No. B/34	B.A/LB	Peshawar	10.01.1982	12.12.2009	12.12.2009	11.07.2014	11.07.2014		
18	Muhammad Nisar No. B/34	B.A/LB	Peshawar	12.04.1982	12.12.2009	12.12.2009	11.07.2014	11.07.2014		
19	Muhammad Nisar No. B/34	B.A/LB	Charsadda	23.12.1983	12.12.2009	12.12.2009	11.07.2014	11.07.2014		

AMMIRAL CHIBBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC #5317)

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S.NO.	NAME & NO.	EDUCATION	HOME DISTT.	D.O BIRTH	D.O ENLISTMENT	D.O CONFIRMATION AS INSPECTOR LEGAL	D.O PROMOTION TO LIST "F"	D.O PROMOTION AS INSPECTOR LEGAL	D.O CONFIRMATION AS INSPECTOR LEGAL	REMARKS
20.	Muhammad Shafiq No. MR/19	BA/LLB	Mardan	15.03.1979	15.12.2009	15.12.2009	11.02.2014	11.02.2014		
21.	Muhammad Zahoor No. H/51	MA/LLB	Haripur	05.01.1930	21.12.2009	21.12.2009	11.02.2014	11.02.2014		
22.	Siraj-ud-Din No. H/53	MA Pol. Science MA I.R LLB	Kohistan	03.04.1932	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
23.	Nasim Hussain No. H/52	BA/LLB	Mardan	21.04.1984	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
24.	Faheem Khan No. MR/15	BSc/LLB	Swabi	02.08.1983	12.01.2010	12.01.2010	11.02.2014	23.02.2015		
25.	Imranullah No. 450/M	BA/LLB	Buner	15.04.1983	02.12.2009	17.07.2013	11.02.2014	23.02.2015		

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JAVED IQBAL GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 5317)

(MIAN MUHAMMAD ASIF)  
 Addl. IGP/Headquarters  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa  
 Peshawar

No. 1695 - 1715 /E-II, dated Peshawar, the 12 / 08 / 2015.

Copy of above is forwarded for information and necessary action to the:-

1. Additional IGP Investigation Khyber Pakhtunkhwa Peshawar
2. Addl. Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar
3. Commandant PTC Hanjoor
4. Capital City Police Officer Peshawar
5. All Regional DisG in Khyber Pakhtunkhwa
6. Director ACE Khyber Pakhtunkhwa, Peshawar
7. Registrar CPO, Peshawar
8. Office Superintendent Establishment CPO Peshawar
9. Office Superintendent Secret CPO Peshawar

They are requested to please inform all officers serving under their command. Any officer who have objection on his seniority/correction, he should submit his representation within one month after the issue of the list otherwise no representation will be accepted.

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REVISED SENIORITY LIST OF INSPECTORS LEGAL ON LIST "F" OF KHYBER PAKHTUNKHWA POLICE AS IT STOOD ON 30.04.2016

No. 1306 /E-II, Seniority List - The seniority list of Inspector Legal on List "F" of Khyber Pakhtunkhwa Police as it stood on 30.04.2016 is hereby published for information to all concerned-

S.NO.	NAME & NO.	EDUC.	HOME DISTT.	D.O BIRTH	D.O ENLISTMENT	D.O CONF. SI LEGAL	D.O PROMOTION TO LIST	D.O PROMOTION AS INSP. LEGAL	D.O CONF. AS INSP. LEGAL	REMARKS
1.	Mir Faraz No. B/38	BA/LLB	Bannu	02.11.1967	17.04.1993	17.04.1993	12.01.1997	08.10.2009	31.10.2013	
2.	Muhammad Asif No. B/36	BA/LLB	Lakki	31.03.1970	17.04.1993	17.04.1993	12.01.1997	15.02.2008	31.10.2013	
3.	Sohail Atzal No. B/33	BA/LLB	Bannu	23.12.1964	17.04.1993	09.12.1993	12.01.1997	19.11.2007	31.10.2013	
4.	Bashir Ahmad No. P/100	BA/LLB	Dir	19.02.1959	09.09.1992	09.09.1992	30.07.2008	30.07.2008	31.10.2013	
5.	Muhammad Ibrahim Azhar No. K/98	BA/LLB	Kohat	17.04.1965	08.10.1992	08.10.1992	30.07.2008	30.07.2008	31.10.2013	
6.	Kamal Hussain No. K/11	BA/LLB	Kohat	15.04.1969	25.03.1999	30.05.2003	21.05.2009	21.05.2009	31.10.2013	Assigned revised seniority by DPC in his meeting held on 19.11.2015, Notification No: 2783-2808/E-II, dated 17.12.2015.
7.	Ishaq Gul No. K/53	B.S/LLB	Kohat	10.04.1963	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013	
8.	Ibrahimullah No. K/55	BA/LLB	Kohat	29.10.1959	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013	
9.	Raza Muhammad No. P/03	MA/LLB	Swabi	01.01.1969	20.04.1999	20.04.1999	30.07.2008	30.07.2008	31.10.2013	
10.	Rashid Ahmed No. 448/M	MA/LLB	Dir Upper	02.04.1980	05.12.2009	05.12.2009	11.02.2014	11.02.2014	11.02.2016	
11.	Syed Amir Abbas	MA/LLB	Kohat	15.06.82	05.12.2009	05.12.2009	11.02.2014	11.02.2014	11.02.2016	
12.	Muhammad Farooq Khan No. B/35	MA/LLB	Bannu	30.12.1978	08.12.2009	08.12.2009	11.02.2014	11.02.2014	11.02.2016	
13.	Akhatq Hassan Shah No. 1150	BA/LLB	Mansehra	07.03.1982	09.12.2009	09.12.2009	11.02.2014	11.02.2014	11.02.2016	
14.	Matik Habib Khan No. P/168	BA/LLB	Peshawar	10.01.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
15.	Wisal Ahmad No. P/200	BA/LLB	Peshawar	12.01.1982	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
16.	Usman Ali Khan No. P/199	MA/LLB	Charsadda	25.12.1983	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	
17.	Muhammad Shafiq No. MR/49	BA/LLB	Mardan	15.03.1979	15.12.2009	15.12.2009	11.02.2014	11.02.2014	11.02.2016	
18.	Muhammad Zahoor No. 1151	MA/LLB	Haripur	05.01.1980	21.12.2009	21.12.2009	11.02.2014	11.02.2014	11.02.2016	

**ATTESTED**

JAVED GULBELA  
 Supdt. of Police  
 P.S.O # 5317

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S. NO.	NAME & NO.	EDU.	HOME DIST.	D.O. BIRTH	D.O. ENLISTMENT	D.O. GONE SL. LEGAL	D.O. PROMOTION TO LIST	D.O. PROMOTION TO SENIOR LEGAL	D.O. CONFIRMATION AS INSPECTOR LEGAL	REMARKS
19.	Siraj-ud-Din No. H/51	MA Pol. Science MA IIR LLB	Kohistan	01.04.1982	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
20.	Naeem Hussain No. H/52	BA/LLB	Mardan	21.04.1984	21.12.2009	21.12.2009	11.02.2014	23.02.2015		
21.	Fateem Khan No. MR/13	BSc/LLB	Swabi	02.08.1981	12.01.2010	12.01.2010	11.02.2014	23.02.2015		
22.	Imranullah No. 150/M	BA/LLB	Buner	15.04.1981	02.12.2009	17.07.2013	11.02.2014	23.02.2015		
23.	Sher Mohsin-ul-Mulk No. 449/M	MA/LLB	Chitral	06.05.1979	09.01.2010	09.01.2010	19.01.2015			

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(MIAN MUHAMMAD ASIF)  
 Addl. IGP/Headquarters  
 For Inspector General of Police  
 Khyber Pakhtunkhwa  
 Peshawar

ADVOCATE  
 GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 5317)

No. 13071-21 / E-II dated Peshawar the 25 / 05 / 2016

Copy of above is forwarded for information and record to the following:

- 1. Additional IGP/Inspector Khyber Pakhtunkhwa Peshawar
- 2. Addl. Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar
- 3. Commandant, P.O. Peshawar
- 4. Capital City Police Officer Peshawar
- 5. All Regional DIs in Khyber Pakhtunkhwa
- 6. Director ACP, Khyber Pakhtunkhwa Peshawar
- 7. Registrar, GRC, Peshawar
- 8. Office Supdt. Establishment, GRC, Peshawar
- 9. Office Supdt. Special and CPB, GRC, Peshawar

They are requested to please inform all officers serving under their command. Any officer who have objection on his seniority correction should submit his representation within one month after the issue of the list otherwise no representation will be accepted.

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OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR  
Ph# 091 - 9210239/091 - 9210245

No. /E-II, dt: 2/01/2017

**FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II,  
ORDERS BY THE INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA, PESHAWAR  
NOTIFICATION**

No. 26 /E-II, **REVISED SENIORITY LIST OF INSPECTORS LEGAL**:- The competent authority has been pleased to approve the decisions taken in the DPC meeting held on 30.11.2016 on the representations made by Inspectors Legal Raza Muhammad Khan No. P/03, Malik Habib Khan No. P/168 and Wisal Ahmad No. P/200. The seniority of the following legal Inspectors has been revised as per Inter-See Merit list provided by the Public Service Commission.

S.No	Name & No.	Appointed Through	Inter-Se Merit	Date Of Appointment By CPO	Brought On List "F"	D.O promotion as Insp. Legal	D.O Confirmation as Ins Legal
1	Muhammad Ibrahim Azhar No.K/98	DIG/Kohat		8.10.1992	30.7.2008	30.07.2008	31.10.201
2	Ibrahim Ullah Khan No.K/55	PSC	02	20.3.1999	30.7.2008	30.07.2008	31.10.201
3	Raza Muhammad No.P/03	PSC	05	20.3.1999	30.7.2008	30.07.2008	31.10.201
4	Kamal Hussain No.K/11	PSC	07	20.3.1999	21.5.2009	21.05.2009	31.10.201
5	Ishaq Gul No.K/58	PSC	15	20.3.1999	30.7.2008	30.07.2008	31.10.201
6	Rashid Ahmed No.M/448	PSC	01	2.12.2009	11.2.2014	11.02.2014	11.2.201
7	Wisal Ahmad No.P/200	PSC	02	2.12.2009	11.2.2014	11.02.2014	11.2.201
8	Malik Habib Khan No.P/168	PSC	03	2.12.2009	11.2.2014	11.02.2014	11.2.201
9	Akhter Hussain Shah No.M/50	PSC	05	2.12.2009	11.2.2014	11.02.2014	11.2.201
10	Imran Ullah No.M/450	PSC	06	2.12.2009	11.2.2014	23.02.2015	
11	Naeem Hussain No.H/52	PSC	07	2.12.2009	11.2.2014	23.02.2015	
12	Muhammad Sharif No.MR/49	PSC	11	2.12.2009	11.2.2014	11.02.2014	11.2.201
13	Faheem Khan No.MR/13	PSC	13	2.12.2009	11.2.2014	23.02.2015	
14	Muhammad Zaidor No.H/51	PSC	14	2.12.2009	11.2.2014	11.02.2014	11.2.201
15	Siraj-ud-Din No.H/53	PSG	18	2.12.2009	11.2.2014	23.02.2015	
16	Syed Amir Abbas	PSC	19	02.12.2009	11.2.2014	11.02.2014	11.2.201
17	Usman Ali Khan No.P/199	PSC	21	02.12.2009	11.2.2014	11.02.2014	11.2.201
18	Muhammad Farooq Khan No.B/35	PSC	22	02.12.2009	11.2.2014	11.02.2014	11.2.201
19	Sher Mohsin-Ul-Mulk No.M/449	PSC	23	02.12.2009	19.1.2015		

Imranullah No.M/450, Naeem Hussain No. H/52, Faheem Khan No. MR/13, Siraj-ud-Din No.H/53 and Sher Mohsin-ul-Mulk No.M/449 mentioned above. Their seniority is tentative and is subject to confirmation as Inspector Legal in light of Rule 12.2(3) of Police Rules 1934.

Sd/-  
(NASIR-KHAN DURRANI)  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

- No. 27 /E-II
- Copy of above is forwarded for information and necessary action to the:-
1. All Inspectors General of Police/ KPK.
  2. All Regional Police Officers KPK.
  3. Regional Police Officer Kohat Region with respect to his letter No.14641/EC, dated 20.12.2016.
  4. Capital City Police Officer Peshawar.
  5. Commandants FRP and PTC Hangu.
  6. Director A.G.E Khyber Pakhtunkhwa, Peshawar.
  7. Registrar CPO, Peshawar.
  8. Office Supply, Secret and CMB CPO, Peshawar.
  9. BOPs.

ATTESTED

(NAJEEB UR-REHMAN BUGVI) PSP  
AIG/Establishment

JAVED TAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC 12317)

(7) (17)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 679/2017

Date of Institution ... 22.06.2017

Date of Decision ... 09.08.2021



Ann-D<sup>2</sup>

Syed Aamir Abbas (Inspector Legal) CTD, Headquarters, Peshawar.  
... (Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.  
...(Respondents)

Present.

Mr. Muhammad Asif Yousafzai,	...	For appellant.
Mr. Usman Ghani, District Attorney,	...	For official respondents
Mr. Javed Iqbal Gulbela, Advocate	...	For private respondents No. 6 & 7.
MR. AHMAD SULTAN TAREEN MRS. ROZINA REHMAN,	...	CHAIRMAN MEMBER(J)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- Through the above titled appeal described in the heading and two others i.e. Service Appeal No. 702/2017 titled "Muhammad Farooq Khan Versus Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and others" and Service Appeal No. 703/2017 titled "Usman Ali Khan Versus the Provincial Police Officer, Khyber Pakhtunkhwa and others"; the appellants have invoked the jurisdiction of this Tribunal challenging thereby order dated 02.01.2017, whereby they have been shown junior to the private respondents purporting the same being against the law/rules on the subject. This single judgment shall stand to dispose of all the three appeals in one place as in all of them common questions of facts and law are involved.

2. The facts and ground in each of the above mentioned appeals are verbatim. The factual account as gathered from the memorandum of appeal

ATTESTED

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

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and copies of record annexed therewith, Khyber Pakhtunkhwa Public Service Commission on requisition of the respondent department advertised 18 posts of Sub Inspector (Legal) vide advertisement No. 01/2009 at Its Sr. No. 38. In the said advertisement, two posts were allocated to each of the districts Peshawar and Kohat whereas one post was allocated to each of districts Mardan, Swabi, Charsadda, Nowshera, Shangla, Dir Upper, Chitral, Buner, Haripur, Nowshera, Battagram, Kohistan and Bannu. The appellants applied to the post of Sub Inspector Legal through proper channel and qualified the test/interview. Thereafter, the Public Service Commission issued recommendations on 12.11.2009 which were duly approved by respondent No. 1 on 02.12.2009 and directed the Regional Police Officers to issue appointment order of the qualified/recommended candidates. In pursuance to the said recommendations of Public Service Commission, the appellants were appointed as Sub Inspector (Legal) by the Deputy Inspector General (DIG) of Police of respective regions and subsequently confirmed from the date of their appointment in respective regions under chapter 19 sub rule 26 of Police Rules, 1934; and then they were brought on list "F" above the names of private respondents. Later on, vide impugned notification dated 02.01.2017 of respondent No. 1, the names of the appellants were placed below the name of private respondents. Feeling aggrieved, the appellants filed representation separately, which were rejected and communicated to them on 20.06.2017. In furtherance of their pursuit for remedy, they separately filed the present appeals on 22.06.2017 and 23.06.2017. After admission of the appeal for regular hearing on 10.08.2017, the respondents were given notices. On 13.09.2017, private respondents No. 5 to 14 were not in attendance despite proper service, and they were proceeded against ex-parte on 24.10.2017. The respondents No. 1 to 4 submitted their joint parawise comments raising several factual and legal objections to rebut the claim of the appellants and asserted for

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APPROVED  
*[Handwritten signature]*  
Khyber Pakhtunkhwa  
Public Service Commission

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dismissal of appeals with cost. Respondents No. 6 & 7 also turned up and submitted application for setting aside ex-parte proceedings dated 13.09.2017 against them to which the appellants had raised no objection and ex-parte proceedings against respondents No. 6 & 7 were set aside. On 09.11.2017, respondents No. 6 and 7 submitted written reply through their counsel.

3. We have heard the arguments of learned counsel for the parties and have also gone through the available record with their assistance.

4. It is an undeniable fact substantiated by record that the Khyber Pakhtunkhwa Public Service Commission (Commission - for short) vide a consolidated advertisement No. 01/2009 invited applications for the posts enumerated therein for different departments including the Police Department. At serial No. 38 in the said advertisement, eighteen (18) posts of Sub Inspector (Legal) of Police were offered with prescribed qualification, age limit and allocation of seats. Consequent upon recommendations of the Commission vide letter No. NWFP/PSC/R-V/S.I (Legal)/53420 dated 12.11.2009, the appointment of following candidates were approved as Sub Inspector (Legal) BPS-14 (4920-380-16320) by the Provincial Police Officer, Khyber Pakhtunkhwa Peshawar vide his office letter No. 29-70-75/E-II, dated 02.12.2009:-

*[Handwritten signature]*

S.No.	Name & Parentage	Address
1.	Akhlaq Hussain Shah son of Farzand Ali Shah	District and Tehsil Mansehra Village & post office Bherkund.
2.	Ghulam Hamid son of Ghulam Noman	Village & Post Office Behrain Tehsil & District Swat.
3.	Imraullah son of Ikram Shah	Village & Post Office Nawagai Moh: Akazai Tehsil Daggar District Buner.
4.	Malik Habib Khan son of Malik Fateh Khan	Malik House 11 No. 372 St: No. 05 Ashrafia Colony EidGah Road, Peshawar.
5.	Muhammad Farooq Khan S/O Muhammad Banoor Khan	Kotka Buland Dakhali Fatima Khil Tehsil and District Bannu.
6.	Rashid Ahmad s/o Munawar Khan	Village & P/O Wari District Upper Dir, new Forest Check Post (old) Wari Payeen.
7.	Sami Ullah Khan s/o	House No. 477, Street New Abadi

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*[Handwritten signature]*  
 Provincial Police Officer  
 Khyber Pakhtunkhwa Peshawar



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	Saidal Khan	JanleKhelTeshil& District Kohat.
8.	Syed Aamir Abbas s/o Syed Jamil Hussain	Village & p/O Usterzi Payan Tehsil and District Kohat.
9.	Usman Ali Khan s/o Amanullah	Sher Ali, Bolier Engineer, Khyber Teaching Hospital, Peshawar.
10.	Wisai Ahmad s/o Amanullah	Shop No. 06, Hafeez Medicose Jumat P/O University Town, Peshawar.
11.	Muhammad Shafiq Khan Mohmand s/o	C/O Bakht Zada P/O Baghdada District Mardan.

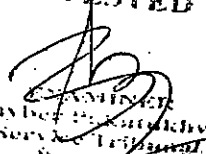
It is provided in the same letter i.e. letter dated 02.12.2009 as above that on appointment, the above named recommendees were posted/allotted the Region/District as noted against their names in the following order:-

S.No.	Name	Region/District
1.	Akhlaq Hussain Shah	Hazara Region/Mansehra District.
2.	Ghulam Hamid	Malakand Region/Swat District.
3.	Imraullah	Malakand Region/Buner District.
4.	Malik Habib Khan	CCP/Peshawar.
5.	Muhammad Farooq Khan	Bannu Region/Bannu District.
6.	Rashid Ahmad	Malakand Region/Dir Upper District.
7.	Samil Ullah Khan	Kohat Region
8.	Syed Aamir Abbas	Kohat Region
9.	Usman Ali Khan	CCP/Charsadda District.
10.	Wisai Ahmad	CCP/Peshawar.
11.	Muhammad Shafiq Khan Mohmand	Mardan Region/Mardan District

It was also directed in the letter dated 02.12.2009 that necessary notification regarding their appointment be issued subject to medical test under the relevant rules and prescribed manner under intimation to all concerned. Their applications together with other relevant documents were sent to the respective addressees of the said letter for placing in their character rolls/service rolls.

5. Certainly, individual appointment orders of the above named recommendees were issued in the respective region of their posting/allotment. The appointment order of the appellants, as evident from their face, were issued in pursuance to the recommendations of Public Service Commission pertaining to the appointment of Sub Inspector (Legal) and in pursuance to the order of Provincial Police Officer bearing No. 29070-75/E-II dated 02.12.2009. If a question arises as to why region-wise posting/allotment of the above named recommendees was made after

ATTESTED

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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approval of their appointment by the Provincial Police Officer; the answer simply lies in sub rule (4) of Rule 12.1 of the Police Rules, 1934. According to sub rule (4) *ibid*, Inspectors shall be borne on a provincial roll and shall receive the provincial constabulary numbers. Sub Inspectors and Assistant Sub Inspectors shall be borne on range rolls and shall receive range constabulary numbers.

6. The official respondents No. 1 to 4 in their parawise comments while admitting Para-I of the appeals additionally asserted that seniority list of Sub Inspector (Legal) is maintained at CPO level and no promotion List "E" of Sub Inspector Legal is maintained at Region level and their names are brought on promotion List-F by CPO, Peshawar on the recommendations of concerned Regional Police Officer. It was also asserted by the said respondents in reply to Para-2 of the appeal that the Khyber Pakhtunkhwa Public Service Commission recommended the names of appellants and other candidates vide letter No. NWFP/PSC/SR-I(Legal)5340, dated 12.11.2009. The Provincial Police Officer being appointing authority for direct recruitment of Sub Inspector Legal approved the recommendation of Public Service Commission and issued appointment order vide No. 2907-75/E-II, dated 02.12.2009 which was circulated to Regions for issuance of necessary gazette notification of appointment of Sub Inspector Legal. In reply to Para-3 of the appeal, it was asserted by the official respondents that the District Police Officer, Bannu issued order in compliance with the approval already granted by the Provincial Police Officer. District Police Officer Kohat has clearly mentioned in the order that the order was issued in compliance with the approval of the Provincial Police Officer. The official respondents also asserted that appointment of directly recruited Sub Inspector (Legal) are confirmed in their rank after successful completion of three years mandatory probation period and their names are not borne on list-E at Regional level as their appointments are confirmed after successful completion of

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 District Police Officer  
 Bannu

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probation period and then their names are recommended for promotion to List-F by Regional Police Officer. With the given assertion, the official respondents took the plea that seniority of Sub Inspector (Legal) was wrongly fixed on the pattern of Executive Cadre of Police Officers without taking into account the merit already fixed by the Public Service Commission. Therefore, the CPO Peshawar on the recommendations of Departmental Promotion Committee rectified the seniority of Sub Inspector Legal in accordance with the merit list received from Public Service Commission.

7. If the version of the appellants as to appointment and fixation of seniority of Sub Inspector (Legal) is juxtaposed with version of the official respondents, the main point for determination is that whether the mode and manner for determination of seniority of Sub Inspector (Legal) is similar to that of executive cadre of the police officers, or otherwise it is to be determined in sequence to their merit assigned to them by the Public Service Commission.

8. Chapter XII of the Police Rules, 1934 deals with appointments and enrolments of police officers. Irrespective of the appointment being one made by promotion or direct recruitment, all appointments of enrolled police officers, within meaning of Sub Rule (3) of Rule 12.2 of the Police Rules, 1934 are considered on probation. According to Rule 12.8, Inspectors, Sergeants, Sub Inspectors and Assistant Sub Inspectors who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time within the period of their probation. The same Rule i.e. 12.2(3) provides that seniority, in the case of upper subordinates, will be reckoned in the first instance from date of first appointment. Seniority shall, however be finally settled by date of confirmation, the seniority *inter se* of several officers confirmed on the same date being that allotted to them on first appointment remains the

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K. M. A. Khan  
Secretary, Peshawar  
Peshawar

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same. It is also provided in Rule 12.2(3) that the seniority of lower subordinates shall be reckoned from dates of appointment, subject to the conditions of rule 12.24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.

9. Chapter XXIII of Volume-II of Police Rules, 1934 contains the provisions describing mode and manner of promotions for the ranks comprising Constable, Head Constable (HC), Assistant Sub Inspector (ASI), and Sub Inspector (SI) of Police. Sub Rule (3) of Rule 13.1 provides that for the purposes of regulating promotion amongst enrolled police officers, six promotion lists A, B, C, D, E and F will be maintained. It is further provided thereby that lists A, B, C, D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8, and 13.9 respectively. Rule 13.10 of the ibid rules provides for maintaining of List "E" at regional level and Rule 13.15 for maintaining of List "F" at provincial level. According to scheme of the said lists, they are meant for the ranks of Constable, HC, ASI, and SI of Police to maintain their seniority for the purpose of promotion. Among the said ranks, appointment to the post of ASI and SI besides by way of promotion from the lower ranks is also made through direct recruitment. List "D" is maintained for the rank of HC for their promotion to the rank of ASI while list "E" is maintained for the rank of ASI for their promotion to the rank of SI and List "F" for the rank of SI for their promotion to the rank of Inspector.

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10. The dispute for our adjudication relates to inter se seniority of the direct appointees to the rank of SI (Legal) in one batch on recommendation of the Commission. According to the underlying facts, on receipt of said recommendation, the appointment of recommendees including the appellants and the private respondents was approved by the Provincial Police Officer followed by their region-wise posting/allotment as noted against their names in the approval letter dated 02.12.2009 already

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Sub-Inspector  
Police

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discussed in detail herein above. It is noteworthy that further orders of the individual appointment of recommendees were issued by the respective Regional Police Officers in different dates in pursuance to recommendation of the Commission and approval of the Provincial Police Officer conveyed to them vide letter dated 02.12.2009. It is a regulated fact by the rules discussed herein before that directly recruited police officers have to remain on probation for three years and they become entitled for confirmation, of course, on satisfactory completion of probation period. The appellants and the private respondents being directly recruited SIs Legal had become entitled for confirmation on completion of three years of their probation period. The very fact which seems to have become the bone of contention is the difference in date of appointment of the Appellants and of the private respondents in their respective regions. The grounds in all the three appeals are almost common which include: That the posts were originally advertised for the districts and appointment orders were issued by the concerned Regional Police Officers, on various dates. This ground is extended with an argument that first date as per law is to be taken as date of confirmation for seniority and not the *Inter se* merit of the Commission. This argument is augmented with further argument that in each district there was a single post and confirmation order was also issued separately. Moreover, seniority list upto "E" was prepared and maintained by the concerned RPOs and the appellants were on top of seniority list in their respective region being a single post holder. That as per law i.e. Police Rules, 1934, the seniority has to be reckoned from the date of confirmation. The argument in extension of this ground is that the confirmation of appellants was earlier than the private respondents; therefore, they were enjoying senior positions than the private respondents for many years. That the private respondents were confirmed much after the confirmation of the appellants and being satisfied with those orders, they never challenged any seniority list till the issue of

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disputed seniority list dated 02.01.2017; and that confirmation orders of the private respondents are still intact meaning thereby that the impugned seniority list was issued on malafide basis. One may not be able to deny the proposition that List "E" under 13.10 of the Police Rules, 1934 contains the names of confirmed ASIs for their promotion to the post of SI. So, List "E" is nothing to do with the SIs appointed through direct recruitment. The submission of the appellants as to maintaining of list "E" exclusively for them at regional level is beyond comprehension in view of the legal position expounded herein above in light of relevant rules. Certainly, the appellants and private respondents by virtue of their direct recruitment on the post of SI Legal were to be admitted directly to the List "F".

11. We are mindful of the claim of appellants that dates of their appointment in their respective regions were prior to the dates of appointment of private respondents in their respective regions; and with the import of their appointment being prior in time than the private respondents, their confirmation was also made earlier than confirmation of private respondents. Factually, the said proposition of the appellants is well placed, if taken in light of the appointment and confirmation orders issued at the regional level. However, we are afraid to concur with the said proposition of the appellants, if viewed in light of rules having already been discussed herein above and are again discussed at the cost of repetition. According to Rule 12.8, directly appointed SIs are considered to be on probation for three years. The said rule provides that such probationers are liable to be discharged at any time within the period of their probation. However, neither in the said rule nor in any other rule it is provided that on satisfactory completion of probation period of three years, confirmation is required to be notified by any specific order. According to Rule 12.2(3), seniority is to be reckoned in the first instance from date of first appointment but it is to be finally settled by date of confirmation. Factually,

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we are clear in our minds that date of appointment of the appellant and private respondents is to be reckoned as date of approval of their appointment by the Provincial Police Officer contained in his office letter No. 29-70-75/E-II dated 02.12.2009 addressed to the Regional Police Officers. The individual appointment orders in respective regions were an extension of the letter dated 02.12.2009 issued in compliance with the direction therein for issuing of necessary notification regarding their appointment. So, the individual appointment orders of the appellants and private respondents as issued in their respective Regions were just meant to formalize the approval of their appointment by a formal notification, which in any way, are not workable for determination of *Inter se* seniority of the said parties by reckoning the appointment date there-under. Conversely, date for determination of seniority of the appellants and the private respondents is to be reckoned as 02.12.2009 when their appointment was approved by the Provincial Police Officer in pursuance to the recommendations of the Commission. Needless to say that after satisfactory completion of probation period of three years by the appellants and private respondents, there was no requirement under the rules to substantiate their confirmation by any written order which otherwise had taken effect automatically by operation of law.

12. The forgoing discussion has followed the question formulated within purview of the divergent versions of the appellants and the official respondents; whether the mode and manner for determination of seniority of Sub Inspector (Legal) is similar to that of executive cadre of the police officers, or otherwise it is to be determined in sequence to their merit assigned to them by the Public Service Commission. As far as scheme of the promotion lists under rules contained in Chapter XIII of Volume II of the Police Rules, 1934 is concerned, the first part of the formulated question can safely be answered that the mode and manner for determination of

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seniority of Sub Inspector (Legal) is not similar to that of executive cadre of the police officers. For answer to the remaining part of said question that what would be the other way to determine the seniority of directly recruited SIs Legal, it is apt to observe that Police Rules are not efficacious on this subject. Rule 12.2(3) undoubtedly provides that seniority is to be reckoned in the first instance from date of first appointment but it is to be finally settled by date of confirmation but the said rule also provides that the seniority of officers appointed directly on the same date is to be reckoned according to age. Again, the age as a determinative factor for reckoning of seniority becomes anomalous in case of police officers appointed directly in pursuance to the selection and recommendation of the Public Service Commission. This is because, the general rules and principles of seniority settled by the precedent law and the established departmental practices do not provide a room for altering the seniority assigned by the Commission. **(Reliance: "Zia-ul-Haq and others Vs. Secretary Ministry of Education, Islamabad and others reported as 1991 SCMR 1632).** However, there is no specific rule in the Police Rules to provide for determination of *inter se* seniority of the direct appointees on the same date in pursuance to the recommendation of the Commission. It is well settled law that seniority is an incident of service and where the rules prescribe the method of its computation, it is squarely governed by such rules. If the Police Rules being special law do not clearly provide for a mechanism for determination of seniority in the case like one at hand, then recourse to the general rules of service of the government servants and the precedents law laid down by the Superior Courts becomes viable. Rule 17 (1)(a) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 provides that *inter se* seniority, in case of persons appointed by initial recruitment, shall be determined in accordance with the order of merit assigned by the Commission. Fortified by the said general

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rule and the principle laid down by the august Supreme Court of Pakistan in the case cited herein before for reliance, we hold that by mere fortuitous chance of reporting to duty earlier would not alter the ranking given by the Commission in order of merit. The case of the appellants in nutshell is the same that their appointment and joining date in the respective regions vis-à-vis the private respondents was earlier and consequently they were confirmed earlier than latters; and it is their vehement argument that first date of appointment as per law is to be taken as date of confirmation for seniority and not the *inter se* merit of the Commission. The date of appointment of the appellants and the private respondent has already been declared as 02.12.2009 being one and the same when their appointment was approved by the Provincial Police Officer; and after satisfactory completion of probation period, the same date has been reckoned as the date of their confirmation. The appellants in view the inevitable legal and factual reasoning herein above have not been able to make out a case for the relief as set up in their prayer in the appeals. Therefore, all the three appeals are disposed of in light of forthcoming declaration.

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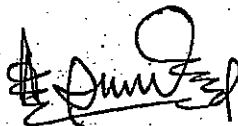
13. It is declared in exercise of additional powers under Rule 27 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 that the date of appointment of appellants and the private respondents in pursuance to recommendation of Khyber Pakhtunkhwa Public Service Commission made vide letter No. N.W.F.P/PSC/SR/V/SI(Legal)/53420 dated 12.11.2009 shall be reckoned from the date of approval of their appointment by the Inspector General of Police vide his office letter No. 29070-75/E-II dated 02.12.2009 conveyed to the addresses including CCPO, Peshawar and DIGs of respective regions. If not otherwise made by the competent authority (Provincial Police Officer) from a different date than the date of their appointment, reckoned

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 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

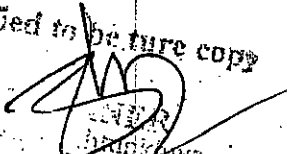
herein above, the confirmation of the appellants and private respondents shall be reckoned from the date i.e. 02.12.2009 automatically. There is no order as to costs. File be consigned to the record room.

  
(ROZINA REHMAN)  
Member(J)

  
(AHMAD SULTAN TAREEN)  
Chairman

**ANNOUNCED**  
09.08.2021

Date of Presentation of Application 09-8-2021  
 Number of Words 500  
 Copying Fee 54/-  
 Urgent \_\_\_\_\_  
 Total 54/-  
 Name of Applicant \_\_\_\_\_  
 Date of Completion of Copy 04-11-21  
 Date of Delivery of Copy 04-11-21

Certified to be true copy  
  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

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**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

Mr. Justice Sayyed Mazahar Ali Akbar Naqvi  
Mr. Justice Jamal Khan Mandokhall  
Mr. Justice Athar Minallah

**Civil Petition No.6367 of 2021**  
(Against the judgment dated 9.8.2021 of the  
K.P. Service Tribunal, Peshawar passed in  
Appeal No.679 of 2017)

Muhammad Farooq Khan ...Petitioner(s)

Versus

The Provincial Police Officer, K.P.  
Peshawar and others ...Respondent(s)

For the petitioner(s): Mr. Muhammad Shoaib Shaheen, ASC  
Mr. Ahmed Nawaz Chaudhry, AOR

For the respondent(s): Mian Shafaqat Jan, Addl. A.G.  
Tariq Usman, DSP (Legal)

For respondents Nos.6-7: Mr. Javed Gulbela, ASC

Respondents Nos.5, 8-14: N. R.

Date of hearing: 02.02.2023

**ORDER**

**Sayyed Mazahar Ali Akbar Naqvi, J.-** At the very outset, the learned counsel for the petitioner states that the matter pertains to the seniority list which was issued on 2<sup>nd</sup> of January, 2017. He further contends that in view of the latest situation, they are prepared to revisit the seniority list in conformity with Section 12(2) of the Police Rules, 1934. The learned counsel appearing on behalf of respondents Nos.6 and 7 has shown his anxiety that the said respondents would be affected if the seniority list is prepared afresh. We consider that in case the seniority list is changed, it would certainly create fresh cause of action for which all the remedies under the law would be available to the respondents for redressal of their grievances.

2. The petition is disposed of with the foregoing observations.

Sd/-J

Sd/-J

Sd/-J

**Certified to be True Copy**

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 5317)

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07-Feb-2023 10:45

**ATTENDED**

(ZABULLAH KHAN) Pst  
For Inspector General of Police  
Khyber Pakhtunkhwa  
Peshawar

- 17. Superintendent, Government of Peshawar
- 16. District Officer, Peshawar
- 15. District Officer, Mardan and Swat
- 14. District Officer, Peshawar
- 13. District Officer, Mardan and Swat
- 12. District Officer, Peshawar
- 11. District Officer, Peshawar
- 10. District Officer, Peshawar
- 9. District Officer, Peshawar
- 8. District Officer, Peshawar
- 7. District Officer, Peshawar
- 6. District Officer, Peshawar
- 5. District Officer, Peshawar
- 4. District Officer, Peshawar
- 3. District Officer, Peshawar
- 2. District Officer, Peshawar
- 1. District Officer, Peshawar

(DR. ISHTIAQ AHMAD) Pst/PPM  
Additional Inspector General of Police  
Headquarters, Khyber Pakhtunkhwa  
Peshawar

The posting notification will be issued separately.

Sr	Name & No.
1	Mr. Rashid Ahmed
2	Mr. Wajid Ahmad
3	Mr. Habib Khan

In pursuance of the provision contained in Section 10(1) of the Civil Servants Act, 1973 read with Rule 13(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989, the promotion shall take effect from the date they actually assume charge of their respective responsibilities.

The officers on promotion shall remain on probation for a period of one year from the date of their promotion. The following Inspector (BS-16) Legal of Khyber Pakhtunkhwa Police are hereby promoted to the rank of Deputy Superintendent of Police (BS-17) on regular basis with immediate effect.

**NOTIFICATION**

Dated Peshawar 07 February, 2020  
Fax: 091-9210927

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR



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Amn-F



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

Phone #091-9212326—Email:elbranchno@gmail.com

Dated Peshawar 29 / 03 / 2023.

**SENIORITY LIST OF DSsP LEGAL BS-17 OF KHYBER PAKHTUNKHWA POLICE**

No. CPO/E-I/Seniority List/ 849, The Seniority List of DSsP Legal BS-17 of Khyber Pakhtunkhwa Police is hereby published for information of all concerned.

S. #	Name of Officer	Education	Domicile	D. O. Birth	Date of promotion as DSP/Legal	Promotion of Notification
1.	Mr. Muhammad Ibrahim Azhar	BA/LLB	Kohat	17.04.1965	07.03.2017	Notification No. 201/SE-I, dated 07.03.2017 Revised seniority was granted vide Notification No.827/CPB, dated 12.10.2017
2.	Mr. Ibrahim Ullah Khan	BA/LLB	Kohat	20.10.1969	30.01.2018	Notification No. 116/SE-I, dated 30.01.2018
3.	Mr. Raza Muhammad Khan	MA/LLB	Swabi	01.01.1969	30.01.2018	Notification No. 116/SE-I, dated 30.01.2018
4.	Mr. Kamal Hussain	BA/LLB	Kohat	15.04.1969	24.09.2018	Notification No. 873/SE-I, dated 24.09.2018
5.	Mr. Ishaq Gul	B.Sc/LLB	Kohat	10.04.1968	24.09.2018	Notification No. 873/SE-I, dated 24.09.2018
6.	Mr. Rashid Ahmed	MA/LLB	Upper Dir	02.04.1980	07.02.2020	Notification No. 321/SE-I, dated 07.02.2020
7.	Mr. Wisal Ahmad	BA/LLB	Peshawar	12.04.1982	07.02.2020	Notification No. 321/SE-I, dated 07.02.2020
8.	Malik Habib Khan	BA/LLB	Peshawar	10.01.1982	07.02.2020	Notification No. 321/SE-I, dated 07.02.2020

JAVED IQBAL GULBELA  
Advocate  
Supreme Court of Pakistan  
(ASC # 537)

Endst: No. & date even.  
Copy to all concerned

(DR. ZAHID ULLAH) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa

AWM  
GSI

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**KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.**


**NOTIFICATION**

No. 2975 /E-II/Revised Seniority of Police Officers (Legal). In compliance of the judgment dated 02.02.2023 of the Honorable Supreme Court of Pakistan in Civil Petition No. 6367/2021, this Office Notification issued vide No. 26/E-II, dated 02.01.2017, so far it relates to the seniority list of Police Officers (Legal) of Khyber Pakhtunkhwa is hereby withdrawn with immediate effect. Consequent upon above cancellation, the revised seniority list in accordance with Rules 12.2(3) of Police Rules, 1934 in respect of the following Police Officers (Legal) shall remain intact until further orders:-

S.No.	Name & No.	Date of Birth	Domicile	Date of Appointment as SI/Legal	Date of Confirmation as SI/Legal	List 'F'	DOP as Insp:	DOC as Insp:	DOP as DSP	DOP as SP	Remarks
1.	Muhammad Ibrahim Azhar	17.04.1965	Kohat	08.10.1992	08.10.1992	30.07.2008	30.07.2008	31.10.2013	07.03.2017	-	
2.	Mr. Kamal Hussain	15.04.1969	Kohat	25.03.1999	25.03.1999	21.05.2009	21.05.2009	31.10.2013	24.09.2018	-	
3.	Mr. Ishaq Gul	10.04.1968	Kohat	25.03.1999	25.03.1999	30.07.2008	30.07.2008	31.10.2013	24.09.2018	-	
4.	Mr. Ibrahim Ullah	20.10.1969	Kohat	26.03.1999	26.03.1999	30.07.2008	30.07.2008	31.10.2013	30.01.2018	-	
5.	Mr. Raza Muhammad	01.01.1969	Swabi	20.04.1999	20.04.1999	30.07.2008	30.07.2008	31.10.2013	30.01.2018	-	
6.	Mr. Rashid Ahmad	02.04.1980	Dir Upper	05.12.2009	05.12.2009	11.02.2014	11.02.2014	11.02.2016	07.02.2020	-	
7.	Syed Amir Abbas	15.06.1982	Kohat	05.12.2009	05.12.2009	11.02.2014	11.02.2014	11.02.2016	-	-	Nil
8.	Muhammad Farooq Khan No. B/35	30.12.1978	Bannu	08.12.2009	08.12.2009	11.02.2014	11.02.2014	11.02.2016	-	-	Nil
9.	Mr. Akhlaq Hussain Shah No. H/50	07.03.1982	Manshera	09.12.2009	09.12.2009	11.02.2014	11.02.2014	11.02.2016	-	-	Nil
10.	Malik Habib Khan	10.01.1982	Peshawar	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	07.02.2020	-	

JAWAN  
Supreme Court of Pakistan  
(ASC # 5317)

S.No.	Name & No.	Date of Birth	Domicile	Date of Appointment as SI/Legal	Date of Confirmation as SI/Legal	List 'F'	DOP as Insp:	DOC as Insp:			Remarks
11.	Mr. Wisal Ahmad	12.04.1982	Peshawar	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	07.02.2020	-	
12.	Mr. Usman Ali Khan No. P/199	25.12.1983	Charsadda	12.12.2009	12.12.2009	11.02.2014	11.02.2014	11.02.2016	-	-	
13.	Muhammad Shafiq No. MR/49	15.03.1979	Mardan	15.12.2009	15.12.2009	11.02.2014	11.02.2014	11.02.2016	-	-	Nil
14.	Muhammad Zahoor No. H/51	05.01.1980	Haripur	21.12.2009	21.12.2009	11.02.2014	11.02.2014	11.02.2016	-	-	Nil
15.	Mr. Siraj Ud Din No. H/53	03.04.1982	Kohistan	21.12.2009	21.12.2009	11.02.2014	23.02.2015	23.02.2017	-	-	Nil
16.	Mr. Naeem Hussain No. H/52	21.04.1984	Mardan	21.12.2009	21.12.2009	11.02.2014	23.02.2015	23.02.2017	-	-	Nil
17.	Mr. Faheem Khan No. MR/13	02.08.1983	Swabi	12.01.2010	12.01.2010	11.02.2014	23.02.2015	23.02.2017	-	-	Nil
18.	Sher Mohsin ul Mulk No. 449/M	06.05.1979	Chitral	09.01.2010	09.01.2010	19.01.2015	23.02.2017	23.02.2019	-	-	Nil
19.	Mr. Ijaz Hussain No. MR/100	05.07.1971	Nowshera	03.12.2011	03.12.2011	13.03.2017	13.03.2017	13.03.2019	-	-	Nil

  
 (DR. ZAHID ULLAH), PSP  
 AIG/Establishment,  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa,  
 Peshawar.

JAVED JOBAL GULBELA  
 Advocate  
 Supreme Court of Pakistan  
 (ASC # 5317)

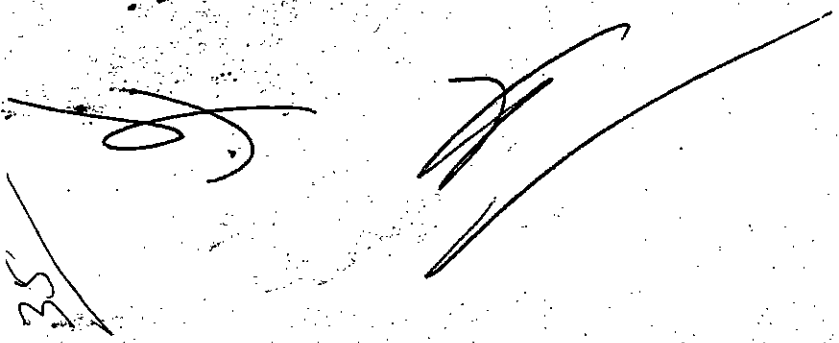
No 2975 /E-I, dated Peshawar, the 17/11/2023

Copy of above is forwarded for information and necessary action to the:-

1. All Addl: IsGP in Khyber Pakhtunkhwa.
2. All DisG in Khyber Pakhtunkhwa.

- All Regional Police Officers in Khyber Pakhtunkhwa.
- Capital City Police Officer, Peshawar.
- Commandants/ ETC Hangu and FRP.
- AIG/Legal, Khyber Pakhtunkhwa.
- Registrar CPO.
- Office Supdt: Establishment-I, Secret and CPB CPO.

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Supreme Court of Pakistan  
(ASC # 5317)

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Ann-I

Subject: REPRESENTATION

Respected Sir,

It is most humbly submitted that:-

1. That the applicant was appointed as Sub. Inspector Legal through Public Service Commission Khyber Pakhtunkhwa Peshawar in the year 2009 and after completion of probation period he was confirmed and subsequently promoted as Inspector Legal.
2. It is pertinent to mention here that seniority of the applicant's batch was fixed according to the arrival made by them in different Regions/Districts.
3. Hence, representation was filed whereupon committee was constituted and after threadbare discussion by the committee members, seniority was revised and the same was fixed in light of Inter-se seniority accorded by the Public Service Commission Khyber Pakhtunkhwa Peshawar vide dated 02.01.2017.
4. It is noteworthy that those who felt aggrieved from the said revision, filed representation and the issue in question was discussed 03 times in the committees constituted at Central Police Office Peshawar but each time, the committees ibid did not recommend to revise the seniority fixed in light of Khyber Pakhtunkhwa Public Service Commission result/ Inter-se seniority.
5. Hence, feeling aggrieved some of the officers approached Khyber Pakhtunkhwa Service Tribunal through service appeals but the same were decided in favor of the department/applicant.
6. It is worthwhile that the department as well as one of the aforementioned appellant whose grievances were not redressed, challenged the order of Khyber Pakhtunkhwa Service Tribunal in the Supreme Court of Pakistan. However, the department withdrew the appeal because the same was decided in favor of the department while appeal filed in private capacity was disposed off by remitting the same to the department to decide the same in light of Police Rules 1934 Chapter 12 Rule 2.
7. In compliance with the order mentioned above, the seniority list has again been revised through notification vide No. 2975/E-I/Revised Seniority of Police Officers (Legal) dated 16<sup>th</sup> November 2023 without delving deep into the rules already issued vide notification No. 09/Legal dated 02.01.2019, the relevant rule is reproduced as under:-

**12.6.E**

**"The probation, seniority and ancillary matters of all officers, promoted under the fast track promotion and directly recruited Assistant Sub Inspector shall be governed by these rules. The inter-se seniority of such officers shall be accordance with the merit of Public Service Commission".**

Hence, the seniority revision made is totally against the rule ibid which is liable to be set at naught.

Keeping in view the above, it is therefore, most respectfully submitted that notification vide No. 2975/E-I/Revised Seniority of Police Officers (Legal) dated 16<sup>th</sup> November 2023 may please be revisited and revised the same in light of above mentioned rule.

Yours obediently

Hadib

JAVED IQBAL GULBELA  
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EXTRAORDINARY  
GOVERNMENT



REGISTERED NO. PIII  
G A Z E T T E

## KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 07<sup>th</sup> JANUARY, 2019.

OFFICE OF THE PROVINCIAL POLICE OFFICER  
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

### NOTIFICATION

Peshawar, dated 02.01.2019.

**No. 08/Legal.**-In exercise of the powers conferred by section 140 of the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017), the Provincial Police Officer, with the approval of Government of the Khyber Pakhtunkhwa, is pleased to direct that the Khyber Pakhtunkhwa Sub-Inspector and Inspector Service Rules, 2015, notified vide its Notification No. 177/PA, AIG T, dated: 20.03.2015 are hereby repealed, with immediate effect.

Sd-xxx  
(SALAH-UD-DIN KHAN)  
INSPECTOR GENERAL OF POLICE  
PROVINCIAL POLICE OFFICER,  
KHYBER PAKHTUNKHWA, PESHAWAR.

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AGYD  
Sub-Officer, COURT OF PAKISTAN  
(ASC # 5317)

- (d) **Chest:**  
For male 33x34<sup>1</sup>/<sub>2</sub> inches; and  
For female Nil.

(4) All the eligible candidates, applying for initial recruitment for the post of Assistant Sub-Inspector, shall qualify the following physical endurance tests to be conducted by a team of three members, two from the Public Service Commission and one from the police department to be nominated by the Provincial Police Officer:

<u>Categories</u>	<u>Race</u>
Male candidate:	1600 meter in 8:00 minutes.
Female candidate:	1000 meter in 8:00 minutes.

(5) Candidate who qualify physical endurance test shall be eligible for written examination to be conducted by the Public Service Commission as per Syllabus specified below:

**Syllabus for Direct/Initial recruitment Examination of Assistant Sub-Inspector:**

S.No.	Subjects.	Total Marks.	Qualifying Marks.
1.	Urdu Essay and Comprehension.	75	40%
2.	English Essay and Comprehension.	75	40%
3.	General Knowledge and Current Affairs.	50	40%
4.	Basic Proficiency in Computer Literacy like MS Word, MS Power Point, MS Excel, Internet Surfing and email.	50	40%
5.	Viva Voce / Interview.	50	40%
	<b>Total:</b>	<b>300</b>	

(6) Candidates who qualify written examination shall be called by the Public Service Commission for psychological test to be conducted by certified psychologist of the Public Service Commission. The result of this test shall be a guide for the interview panel whether or not a candidate is suitable for the job.

(7) Psychological test shall be followed by viva voce exam to be conducted by the Public Service Commission. Failure or absence from viva voce shall mean that the candidate has failed to qualify the examination for the post of Assistant Sub-Inspector.

(8) Candidates, who qualify physical endurance test, written examination and viva voce, shall undergo medical examination, to be conducted by the Director Health Services Government of Khyber Pakhtunkhwa.

**12.6.C. Fast track promotion to the rank of Inspectors.**-(1) Twenty-five (25) percent posts of the Inspectors, reserved for fast track promotions, under clause (i) of sub-section (1) of section 30 of the Khyber Pakhtunkhwa Police Act, 2017, shall be filled in by the Competent Authority, on the recommendation of the Public Service Commission.

(2) For the purpose of sub-rule (1), the Provincial Police Officer shall separately make a reference to Public Service Commission to fill up (25%) twenty-five percent posts of Inspectors.

(3) Eligibility of candidates for fast track promotion to the rank of Inspector shall be as under:

- (a) he must possess at least second class Bachelor's Degree or equivalent qualification from a recognized University;
- (b) he must satisfactorily completed the probation period and has been confirmed in the rank of Sub-Inspector; and
- (c) he has not been awarded any major penalty during the last three years.

**12.6.D. Fast Track promotion to the rank of DSP.**---(1) Twenty-five (25) percent post of the Deputy Superintendent of Police, reserved for fast track promotions, under clause (i) of sub-section (1) of section 29 of Khyber Pakhtunkhwa Police Act, 2017, shall be filled in by the Competent Authority on the recommendation of the Public Service Commission.

(2) For the purpose of sub-rule (1), the Provincial Police Officer shall separately make a reference to the Public Service Commission to fill up the twenty-five percent (25%) of posts Deputy Superintendent of Police.

(3) Eligibility of candidates for fast track promotion to the rank of Deputy Superintendent of Police shall be as under:

- (a) he must possess at least second class Bachelor's Degree or equivalent qualifications from a recognized University;
- (b) he must satisfactorily completed the probation period and has been confirmed in the rank of Inspector;
- (c) he has not been awarded any major penalties during the last three years;
- (d) he has qualified two weeks basic course from any four of the Police Specialized Schools during service as junior officer.

(4) The qualified candidates shall have to undergo Advance Course, if he has not qualified earlier as Inspector.

**12.6.E. Probation and seniority.**---(1) The probation, seniority and ancillary matters of all officers, promoted under the fast track promotion and directly recruited Assistant Sub-Inspector, shall be governed by these rules. The inter-se seniority of such officers shall be in accordance with the merit of Public Service Commission.

**12.6.G. Procedure for appointment under fast track promotion.**---(1) The Provincial Police Officer shall annually send requisition of the posts of Deputy

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**APPENDIX 12.1A****I. Syllabus for Fast Track Promotional Examination for the Post of Assistant Sub-Inspector:**

S. No.	Subjects.	Total Marks.	Qualifying Marks.
1.	Urdu Essay and Comprehension.	75	40%
2.	English Composition and Comprehension: (i) answering questions raised from a crime incident report (English version of FIR); (ii) writing of official Applications relating to Police practical work; (iii) sentence formations; and (iv) fill in the blanks.	75	40%
3.	Police Practical Work.	100	40%
4.	Selected parts of Basic Recruit Course.	50	40%
5.	General Knowledge and Pakistan Affairs.	50	40%
6.	Computer literacy basic proficiency in computer literacy like MS Word, MS Power Point, MS Excel, Internet Surfing and email.	50	40%
7.	Viva Voce/ Interview.	50	40%
	Total.	450	40%

**II. Syllabus for Fast Track Promotional Examination For the Post of Sub-Inspector**

S. No.	Subjects.	Total Marks.	Qualifying Marks.
1.	Selected Parts of Major Acts: (i) Pakistan Penal Code, 1860; (ii) Criminal Procedure Code, 1898; and (iii) Qanoon-e-Shahadat Order, 1984.	100	40%

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	<p>Loud Speakers and Sound Amplifiers Ordinance, 1965; and</p> <p>(xv) the Prevention of Corruption Act, 1947.</p> <p><b>II. Selected parts of Police Laws and Rules:</b></p> <p>(i) Khyber Pakhtunkhwa Police Act, 2017; and</p> <p>(ii) Selected Parts of Police Rules.</p> <p><b>III. Human Rights and Fundamental Rights as given in the Constitution of Pakistan.</b></p>		
3.	<b>Case Files Preparation (Practical):</b> Offences of Local and Special Law and Pakistan Penal Code punishable up to 7 years imprisonment.	100	40%
4.	<b>PPW and Forensics Science and Medical Jurisprudence (Theory).</b>	100	40%
5.	<b>Intelligence and Surveillance and Security.</b>	50	40%
	<p>(i) Sources of intelligence;</p> <p>(ii) method of surveillance of bad character and Schedule IV;</p> <p>(iii) security advisory under relevant law for vulnerable places and persons like sensitive establishments, educational institutions, banks, religious places; and</p> <p>(iv) Salient features of security arrangements for religious congregation, festivals and public meetings.</p>		

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<p>(iv) the Khyber Pakhtunkhwa Vulnerable Establishments and Places Act 2015;</p> <p>(v) the Khyber Pakhtunkhwa Explosives Substances Act, 2013;</p> <p>(vi) the Khyber Pakhtunkhwa Arms Act, 2013;</p> <p>(vii) the Anti-Terrorism Act, 1997;</p> <p>(viii) the Gambling Ordinance, 1978;</p> <p>(ix) the Motor Vehicle Ordinance, 1965;</p> <p>(x) the Control of Narcotics Substances Act;</p> <p>(xi) the West Pakistan Maintenance of Public Order Ordinance, 1960;</p> <p>(xii) the Telegraph Act, 1885;</p> <p>(xiii) the Electricity Act, 1910;</p> <p>(xiv) the Prohibition/Enforcement of Hadd Order, 1979 (IV of 1979);</p> <p>(xv) the West Pakistan Regulation and Control of Loud Speakers and Sound Amplifiers Ordinance, 1965; and</p> <p>(xvi) the Prevention of Corruption Act, 1947.</p> <p><b>II. Selected parts of Police Laws and Rules:</b></p> <p>(i) Khyber Pakhtunkhwa Police Act, 2017; and</p> <p>(ii) selected parts of Police Rules.</p> <p><b>III. Human Rights and Fundamental Rights as given in the Constitution of Pakistan.</b></p>		
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 (ASC # 5317)

**IV. Syllabus for Fast Track Promotion For the Post of Deputy Superintendent of Police:**

S. No.	Subjects.	Total Marks.	Qualifying Marks.
1.	<b>Criminal case studies based on Advance Course.</b>	100	40%
2.	<p><b>I. Selected Parts of Local and Special Laws:</b></p> <p>(i) the Khyber Pakhtunkhwa, Prohibition of Interest on Private Loan Act, 2016;</p> <p>(ii) the Khyber Pakhtunkhwa Restriction of Rented Buildings (Security) Act, 2014;</p> <p>(iii) the Khyber Pakhtunkhwa Hotels Restriction Act, 2014;</p> <p>(iv) the Khyber Pakhtunkhwa Vulnerable Establishments and Places Act, 2015;</p> <p>(v) the Khyber Pakhtunkhwa Explosives Substances Act, 2013;</p> <p>(vi) the Khyber Pakhtunkhwa, Arms Act, 2013;</p> <p>(v) the Anti-Terrorism Act, 1997;</p> <p>(vi) the Control of Narcotics Substances Act;</p> <p>(vii) the West Pakistan Maintenance of Public Order Ordinance, 1960;</p> <p>(viii) the Prohibition/enforcement of Hadd Order, 1979 (IV of 1979);</p> <p>(ix) the West Pakistan Regulation and Control of Loud Speakers and Sound Amplifiers Ordinance, 1965;</p> <p>(x) the Prevention of Corruption Act, 1947;</p> <p>(xi) the Right to Information Act, 2013;</p> <p>(xii) the Prosecution Act, 2013;</p> <p><b>II. Selected Parts of Police Laws and Rules:</b></p> <p>(i) the Khyber Pakhtunkhwa Police Act, 2017;</p> <p>(ii) selected parts of Police Rules; and</p>	100	40%

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 Advocate  
 Supreme Court of Pakistan  
 (ASC # 5317)



### وکالت نامہ

عدالت: KP Service Tribunal

IGP KPK & others نام malik Habib Khan

Service Appeal دعویٰ Appellant منجانب

تاریخ 03-05-2024

Malik Habib Khan

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام جسٹس ایچ بی ایچ کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پر داختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و گرانہی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخ 2024-05-03 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

دستخط

Habib

Accepted by

[Signature]

[Signature]

23-6-24