

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**  
**FAREEHA PAUL** ... **MEMBER(Executive)**

*Service Appeal No. 168/2018*

Date of presentation of Appeal.....17.01.2018  
Date of Hearing.....07.06.2024  
Date of Decision.....07.06.2024

**Mr. Mohammad Hanif**, Assistant Sub Inspector N.233, Police Lines Kohat, presently posted at PTC Hangu.....(**Appellant**)

Versus

1. **The Inspector General of Police**, Khyber Pakhtunkhwa, Peshawar.
2. **The Deputy Inspector General of Police** Kohat Region, at Kohat.
3. **The Commandant** Police Training College, Hangu, District Hangu, and 19 other private respondents.....(**Respondents**)

Present:

Mr. Umar Farooq Mohmand, Advocate.....For the appellant  
Mr. Asif Masood Ali Shah, Deputy District Attorney ....For respondents

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**SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATE D04.07.2017, WHEREBY THE PRIVATE RESPONDENTS BEING JUNIOR TO THE APPELLANT HAS BEEN RANKED SENIOR ON LIST "E" IN UTTER VIOLATION OF LAW THE RULES AND AGAINST THE APPELLATE ORDER DATED 11.12.2017 COMMUNICATED TO THE APPELLANT ON 08.01.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Brief facts of the case are that appellant was appointed as Constable in the year 1995 in the Police Department; that after promotion to Head Constable, he was further promoted as Officiating Assistant Sub Inspector he was promoted to the post of Assistant Sub Inspector vide order dated 27.08.2010; that vide order dated 06.02.2015, he was confirmed as ASI; that vide impugned

order dated 04.04.2017 his alleged juniors were ranked senior to him; that feeling aggrieved, he filed departmental appeal, which was rejected on 11.12.2017, hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).

5. Perusal of record reveals that on lien, he was transferred to Kohat Region on 22.10.2010 and he was placed at Serial No.36 i.e. below Mr. Khalil Usman and above Mr. Saeed Khan. In the impugned seniority list, he was placed at Serial No.120 while other juniors were placed senior to him on the ground that on acceptance of a joint appeal for correction of seniority list, the said list was prepared. It is to be observed that joint representation is otherwise, not maintainable.

6. Mr. Usman Khan, DSP (Legal), representative of the respondents as well as learned Deputy District Attorney could not justify nor could they refer to any rule or law for relegating the appellant in seniority.

Service Appeal No. 168/2018 titled "Mohammad Hanif -vs- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others" declared on 07.06.05.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

7. In view of the above, we are unison to allow this appeal and direct that the appellants be placed at the place according to the seniority list of 2011. Costs shall follow the event. Consign.

8. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 7<sup>th</sup> day of May, 2023.



**KALIM ARSHAD KHAN**  
Chairman



**FAREEH PAUL**  
Member (Executive)

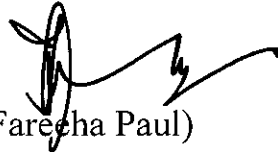
\*Mutazem Shah\*

S.A No.168/2018

ORDER

7<sup>th</sup> June. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Vide our detailed judgment of today placed on file, we are unison to allow this appeal and direct that the appellant be placed at the place according to the seniority list of 2011. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 7<sup>th</sup> day of June, 2024.*



(Fareeha Paul)  
Member (E)



(Kalim Arshad Khan)  
Chairman