

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	03.10.2018	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Appeal No. 313/2016</p> <p>Date of Institution 24.03.2016 Date of Decision ... 03.10.2018</p> <p>Umar Zaman Sub-Inspector FRP/PR, Police Line, Peshawar. Appellant</p> <ol style="list-style-type: none"> 1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar. 2. Secretary Finance Department Government of Khyber Pakhtunkhwa Peshawar. 3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar. 4. Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar. <p align="right">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member (J) Mr. Hussain Shah-----Member (E)</p> <p align="center"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Learned</p> <p>counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for respondents present.</p> <p>2. The appellant (Sub-Inspector FRP) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 08.10.2015 of respondent No.3 whereby the prayer of the appellant for personal up-gradation was not acceded to rather rejected.</p> <p>3. Learned counsel for the appellant argued that the appellant</p>

served in the Frontier Reserve Police and remained posted in Malakand Range; that in the year 2009 Swat region remained in the control of militants but the appellant stood fast and performed his duties; that the army operation against the militants remained successful and when the peace prevailed in the area, the Chief Minister in recognition of the duties of the Police officials, issued directives for one step promotion as special case to all Police Officers who remained on active duty during the period of operation; that many colleagues of the appellant who remained in Swat filed Writ Petition No.2498/2010 before Hon'ble Peshawar High Court Peshawar and resultantly they were also allowed one step promotion; that the appellant throughout agitated for the grant of one step promotion however he remained deprived; that the appellant also submitted Writ Petition No.2040-P/2012 however the same was disposed of with the directions to the respondents to decide the representation of the appellant; that the representation of the appellant was regretted vide order dated 15.08.2013; that thereafter the appellant filed service appeal No.1298/2013 and the judgment passed in the said service appeal led to the issuance of the impugned order dated 08.10.2015; that while disposing of the execution petition bearing No.138/2015 in relation to the implementation of judgment passed in service appeal, this Tribunal observed that in case of any grievances against the departmental order the petitioner may agitate the issue before the prescribed forum in the prescribed manner if so advised, hence the present service appeal. Learned counsel for the

appellant argued that the appellant has been discriminated and illegally deprived of one step promotion. Further argued that the impugned order is without any lawful authority. Further argued that the matter has already been decided by the Hon'ble Peshawar High Court Peshawar. Learned counsel for the appellant prayed for the grant of benefit of one step promotion in accordance with the directives of Chief Minister conveyed vide letter dated 16.07.2009.

4. As against that learned Deputy District Attorney argued that out of turn promotion is against the constitution and against the injunctions of Islam. Further argued that through the present service appeal, the appellant indeed seeks one step up-gradation and as such this Tribunal has got no jurisdiction to entertain the present service appeal as the matter does not fall within the terms & conditions of his service and that some other police officials were allowed relief by the Hon'ble Peshawar High Court and not by this Tribunal.

5. Arguments heard. File perused.

6. Perusal of documents relied upon by the appellant available on file reflect that the Government of Khyber Pakhtunkhwa Finance Department vide letter No.SO(FR)FD/7/8/2010Vol-II dated 25.03.2010 accord sanction to the up-gradation of 14 posts of Sub-Inspector (BS-14) to Inspector (BS-16) as personal subject to condition that the post shall automatically stand downgraded to its original status on vacation by the concerned official by transfer, promotion or retirement. In this view of the matter the issue of up-gradation is involved in the present service appeal and admittedly


some other police officials were allowed relief as a result of their Writ Petition before the Hon'ble Peshawar High Court Peshawar. Moreover the appellant also earlier approached the Hon'ble Peshawar High Court Peshawar by filing Writ Petition for the same relief.

7. This Tribunal while relaying upon the judgments of august Supreme Court of Pakistan titled "**Regional Commissioner of Income Tax Company Zone, Income Tax Officer, Peshawar Vs. Syed Manawar Ali and others**" (2016-SCMR-859) and "**FEDERAL PUBLIC SERVICE COMMISSION through Secretary---Petitioner Versus ANWAR UL HAQ (PRIVATE SECRETARY) ISLAMABAD and others---Respondents** (2017 SCMR 890) has already held that this Tribunal has got no jurisdiction vis a vis the issue of up gradation.

8. This Tribunal has been established to exercise jurisdiction in respect of matters relating to the terms & conditions of service of civil servants. Learned counsel for the appellant could not demonstrate that as a result of the impugned order any of the terms & conditions of service of the appellant has been affected. Resultantly the present service appeal is hereby returned for want of jurisdiction. The appellant may approach the proper forum for the redressal of his grievance under the law, if so advised. Parties are left to bear their own costs. File be consigned to the record room.



(HASSAIN SHAH)
MEMBER



(MUHAMMAD HAMID MUGHAL)
MEMBER

ANNOUNCED
03.10.2018

19.06.2018

Appellant in person and Adll: AG for respondents present. Appellant seeks adjournment. Adjourned. To come up for arguments on 08.08.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

08.08.2018

Neither appellant nor his counsel present. Mr. Muhammad Jan, DDA for respondents present. Case to come up for arguments on 03.10.2018 before D.B.

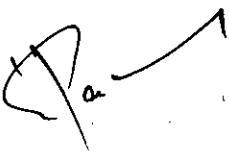

Member


Chairman

03.10.2018

Learned counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Vide separate judgment of today of this Tribunal placed on file, the present service appeal is hereby returned for want of jurisdiction. The appellant may approach the proper forum for the redressal of his grievance under the law, if so advised. Parties are left to bear their own costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED
03.10.2018

313/2016

11.12.2017


Appellant with counsel and Mr. Kabeerullah Khattak, for the respondents present. Rejoinder submitted. Learned counsel for the appellant seeks adjournment. Granted. To come up for arguments on 06.02.2018 before the D.B.



Member


Chairman

06.02.2018

Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. Member copy of the instant appeal is not available on file. The appellant is also directed to submit Member copy of the instant appeal on the next date fixed. To come up for arguments on 04.04.2018 before D.B.



(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

04.04.2018

Counsel for the appellant and Addl; AG for respondents present. Learned AAG seeks adjournment. Adjourned. To come up for arguments on 19.06.2018 before D.B.


(Ahmad Hassan)
Member


(M. Hamid Mughal)
Member


06.04.2017

Counsel for the appellant and Addl: AG for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 30.06.2017 before D.B.


Chairman

30.06.2017

Appellant alongwith his counsel present. Mr. Muhammad Jan Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 22.09.2017 before D.B.


(Gul Zeh Khan)
Member


(Muhammad Amin Khan Kundi)
Member

25/09/2017

Since ~~09~~ 11.09.2017 has been declared as a public holiday on account of first Muharram. Therefore cases adjourned to 11.12.2017, for the same.


READER

09.06.2016

Appellant in person and Mr. Ihsanullah, ASI alongwith Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 27.07.2016 before S.B.


MEMBER

27.07.2016

Counsel for the appellant and Mr. Ihsanullah, H.C alongwith Addl. AG for the respondents present. Written reply by respondents No. 1, 3 and 4 submitted. Learned Addl. AG relies on the same on behalf of respondent No. 2. The appeal is assigned to D.B for rejoinder and final hearing for 22.11.2016.


Chairman

22.11.2016

Counsel for the appellant and Assistant AG for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 6.4.17.


(MUHAMMAD AAMIR NAZIR)
MEMBER



(ABDUL LATIF)
MEMBER

26.4.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as S.I who was entitled to one step promotion in the light of directives of the Hon'ble Chief Minister and to earn the same, the appellant was constrained to file service appeal No. 1298/2013 which was decided vide judgment dated 06.07.2015 with the directions to the appellate authority to consider the grievances of the appellant. That the appellate authority has rejected the departmental appeal of the appellant vide order dated 08.10.2015 where-after the appellant filed execution petition No. 138/2015 which was disposed of by this Tribunal vide order dated 04.3.2016 and hence the instant service appeal on 24.03.2016.

That the appellant is entitled to one step promotion as per policy of the government and the impugned order is against facts and law.

Points urged need consideration. Admit subject to limitation. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 09.06.2016 before S.B.

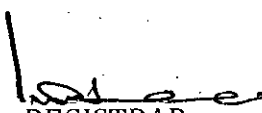



Chairman

Appellant Deposited
Security & Process Fee

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 313/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	30.03.2016	<p>The appeal of Mr. Umar Zaman resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	31-3-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>12.4.16</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	2.04.2016	<p>Agent of counsel for the appellant present. Seeks adjournment. Adjourned for preliminary hearing to 26.04.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Umar Zaman Khan Sub Inspector FRP Peshawar received today i.e. on 24.03.2016 is returned to the counsel for the appellant with the direction to submit one spare copy/set of the memorandum of appeal along with annexures i.e. complete in all respect within 15 days.

No. 292 /S.T,

Dt. 24/03 /2016

Waseem
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

Sir

Re Submitted after completion

Waseem

Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. 313/2016

Umar Zaman Khan, Sub-Inspector FRP / PR, Police Line, Peshawar.
(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

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5	Orders dated 29.5.2012 & order dated 17.5.2012 with the list	D & E	10-18
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Appellant

Through



IJAZ ANWAR
Advocate Peshawar

Khyber Pakhtunkhwa Service Tribunal Peshawar

K.W.F. Province
Service Tribunal
Diary No. 263
Dated 24-3-2016

Appeal No. 313 / 2016

Umar Zaman Khan, Sub-Inspector FRP / PR, Police Line,
Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary, Finance Department, Govt of Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
4. Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar

(Respondents)

Prayer in Service appeal:

On acceptance of this service appeal, the order dated 08.10.2015 may please be set aside the respondents are directed to allow the benefit of one step promotion in accordance with the directives of the Chief Minister Khyber Pakhtunkhwa, conveyed vide letter dated 16.07.2009. Non consideration of the Appellant for one step promotion and treating him discriminately is illegal, unlawful and without lawful authority and of no legal effect and benefits or any other remedy deemed proper may also be allowed, the respondents are bound to follow the law and to implement the directive of the Chief Minister in letter and spirit and to allow one step promotion to the Appellant w.e.f the date when his junior / colleagues were promoted with all back benefits and arrears with all benefits or any other remedy deemed proper may also be allowed.

Filed to-
24/3/16

re-submitted to-
and filed.

30/3/16

Respectfully submitted:

1. That the Appellant is serving in the Frontier Reserve Police and remained posted in Malakand Range.
2. That in the year 2009, Swat Region remained in the control of the militants, the army operation was going on and in this situation, the Appellant stood fast and performed his active duties, maintaining peace in the area.
3. That the army operation against the militants remained successful and the situation of the Swat Region became normal, in this period the District Police and the Frontier Reserve Police throughout remained on their active duties side by side.
4. That when peace prevail in the area the then Chief Minister visited the Swat Area and was appraised about the velour and sacrifices of the Police Officers, he in recognition of their duties issued directives for one step promotions as a Special Case to all Police Officers who remained on active duty in the operational period. (Copy of the directives circulated vide letter dated 16.07.2009 is attached as Annexure A).
5. That at the initial stage the names of all the Police Officers of the District Police who remained on active duty were recommended for one step promotion, however, the Police Officers / Officials of the FRP Malakand Range were ignored.
6. That on the insistence of the FRP employees, vide letter dated 25.07.2009 the names of different employees /police officers of the FRP were sent to the Office of the Respondent No 2. In the meantime the Appellant was transferred to police lines FRP Peshawar on 21.8.2009.
7. That vide order dated 14.04.2010 sanction was accorded for one step promotion of Police Officers / Officials on active duty in operational period. It transpired that only the name of the Police Officers / Officials of the District Police were recommended and the FRP employees were deprived despite the fact that they were similarly placed and remained posted in the most volatile areas in the operational period. (Copies of the sanction letters of the Finance Department are attached as Annexure B).

8. That in the meantime some of the colleagues of the Appellant who remained at District Swat, filed writ Petition No 2498/2010, the writ petition was disposed of vide judgment and order dated 7.9.2010 with a direction to the respondents to pass an appropriate orders on the recommendations regarding the one step promotion. (Copy of the Judgment and Order dated 07.09.2010 is attached as Annexure C).
9. That those writ appellants later on filed COCs for the implementation of the judgment of the Honourable Peshawar High Court, and it was recently that they have also been allowed one step promotion. (Copy of the order dated 29.05.2012 & order dated 17.05.2012 with the list is attached as Annexure D & E)
10. That the Appellant throughout agitated for the grant of one step promotion however he remained deprived, recently he submitted a representation for the grant of promotion, however no action was taken thereon. (Copies of the correspondence, and representation are attached as Annexure F, G, H, & I)
11. That the appellant thereafter submitted Writ Petition No. 2040-P/2012 however it was disposed of vide judgment and order dated 15.11.2012 with a direction to the respondents to decide the representation of the appellant. (Copy of the order dated 15.11.2012 is attached as Annexure J)
12. That the Representation of the appellant was regretted vide order dated 15.08.2013, copy conveyed on 16.08.2013. (Copy of the order dated 15.08.2013 is attached as annexure K)
13. That thereafter the appellant filed Service Appeal No. 1298/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar, the Tribunal vide its judgment and order dated 06.07.2015 remanded the case of the Appellant to the respondents for reconsideration. The operative part of the judgment is reproduced below:

“in view of the circumstances the tribunal is constrained to indulge in the case by setting aside the order of respondent No.03 dated 15.08.2013, and to remit the case to the respondent No.3, who shall revisit it afresh to ascertain as to whether the appellant in fact is a similar placed official, and if so treat him similarly strictly in accordance with law, the respondents shall decide the case within two months of the receipt of this judgment. The appeal is disposed of accordingly.”

(Copy of the judgment of the Tribunal dated 06.07.2015, is attached as Annexure L)

14. The thereafter the Respondent No.3, without considering whether the Appellant was similarly placed to those who were granted the benefit of one step promotion of performing duties in swat during the period of insurgency, again vide order dated 08.10.2015, rejected the request of the Appellant. Copy of the order dated 08.10.2015, is attached as Annexure M)
15. That the Appellant also filed implementation petition before the Service Tribunal, however it was disposed vide order dated 04.03.2016, leaving the appellant at liberty to agitate a fresh in case of any grievance against the departmental order dated 08.10.2015. (Copy of the order dated 04.03.2016, is attached as Annexure N)
16. That the Appellant having been discriminated and deprived of one step promotion is aggrieved and have got no other adequate and efficacious remedy available in law, are constrained to invoke the Constitutional Jurisdiction of this Honourable Tribunal inter alia on the following grounds:-

GROUND OF APPEAL:

- A. That the Appellant has not been treated in accordance with law, and his right secured and guaranteed under the Law and Constitution have been violated.
- B. That the directives of the Chief Minister and subsequent orders of the Respondent No 2 were clear and made applicable to all the Police Officers / Officials remained on active duties in the operational period, denying to it to the Appellant is highly discriminatory and step mother treatment, is thus not tenable.
- C. That the Appellant has been treated discriminately among his colleagues serving in the District Police/ FRP though the Appellant remained on active duties in the most volatile / disturbed areas in the operational period, but due to his transfer he remained deprived of.
- D. That the acts and omissions of the respondents in denying one step promotion to the Appellant is illegal, unlawful and without lawful authority.

- E. That the Appellant is fit and eligible for promotion in accordance with the criteria set in the directives of the Chief Minister. Thus he is entitled to the benefit of the directive of the Chief Minister.
- F. That the respondents are bound to follow the law and to implement the directives of Chief Minister in letter and spirit.
- G. That the matter has already been decided by the Honourable High Court, hence the same benefit is also required to be extended to the Appellant as well.
- H. That the Appellant seek the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this petition.

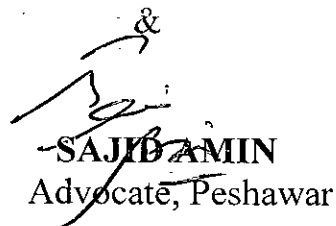
It is therefore prayed that on acceptance of the service appeal as prayed for may please be issued or any other remedy deemed proper in the circumstances of the case may also be allowed


Appellant

Through



IJAZ ANWAR
Advocate Peshawar

&

SAJID AMIN
Advocate, Peshawar

List of Books:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. Civil Servant Act, 1973.
3. APT Rules 1989.

Certificate:

Certified that no writ petition on the same subject and between the same parties has ever been filed.


Appellant

Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. _____ / 2016

Umar Zaman Khan, Sub-Inspector FRP / PR, Police Line, Peshawar.
(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

ADDRESSES OF PARTIES

Appellant

Umar Zaman Khan, Sub-Inspector FRP / PR, Police Line,
Peshawar.

Respondents

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar.
2. Secretary, Finance Department, Govt of Khyber Pakhtunkhwa,
Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
4. Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa,
Peshawar


Appellant

Through


IJAZ ANWAR
Advocate Peshawar

Khyber Pakhtunkhwa Service Tribunal Peshawar

Appeal No. _____ / 2016

Umar Zaman Khan, Sub-Inspector FRP / PR, Police Line,
Peshawar.

(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

AFFIDAVIT

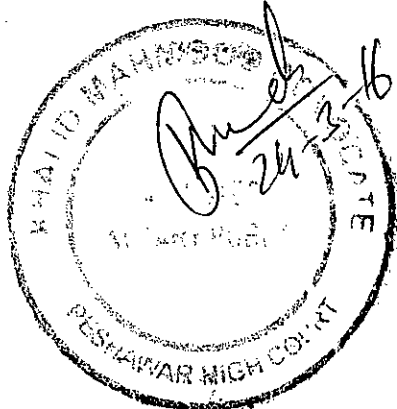
I, Umar Zaman Khan, Sub-Inspector FRP / PR, Police Line, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the above service appeal are true and correct and that nothing has been kept back or concealed from this Honourable Court.

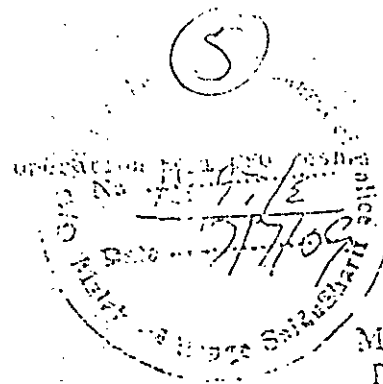

Deponent

Identified by



IJAZ ANWAR
Advocate, Peshawar





ANNEXURE A

MOST IMMEDIATE
Tele No. 091-9210345
Fax No. 091-9217492

Handwritten notes and signatures on the right side of the page, including "copy to all DPs for report today" and "report today".

From: The Provincial Police Officer,
N.W.F.P., Peshawar.

To: The Deputy Inspector General of Police,
Malakand Region, Swat.

No: 17846/PAI, dated Peshawar the 16th July, 2009

Subject: ONE STEP PROMOTION OF POLICE OFFICERS IN MALAKAND DIVISION AS PER DIRECTIVE OF CHIEF MINISTER (FOR OFFICERS ON ACTIVE DUTY IN OPERATIONAL PERIOD)

Memorandum

- As per directives of Hon'ble Chief Minister of N.W.F.P all Police Officers:
1. All the ranks of D/SsP are to be afforded one step promotion, as a special case.
 2. An exercise may please be carried in operational districts of Malakand Region and list of officers to be given one step promotions may be prepared.
 3. Number of existing vacancies shall be forwarded to the CPO, on priority, while to accommodate the officers in further substantive ranks will require sanction from the Provincial Government.
 4. The Budget Officer will prepare a proposal requesting for creation of extra vacancies and scales to accommodate such promotions.
 5. Finally, such promotions shall be regularized and vacancies of constables shall need to be filled later on.

ABDUL MAJEED KHAN MARWATI
PSP.
Addl. IGP H.Q.s,
For Provincial Police Officer,
N.W.F.P., Peshawar.

Handwritten notes: "DS", "copy to all DPs", "report today", "Sub-district for FPs", "Kandahar".

Handwritten signature at the bottom of the page.

(S)
Better copy
Better copy
11
MOST IMMEDIATE
Tele No. 091-9210345
Fax No. 091-9217492

From: The Provincial Police Officer
NWFP, Peshawar.

To: The Deputy Inspector General of Police
Malakand Region Swat

No.17846/Est dated Peshawar the 16th July, 2009

Subject: ONE STEP PROMOTION OF POLICE OFFICERS IN
MALAKAND DIVISION AS PER DIRECTIVE OF CHIEF
MINISTER (FOR OFFICERS ON ACTIVE DUTY BY
OPERATIONAL PERIOD)

Memorandum

1. As per directive of Honourable Chief Minister of NWFP all police officer till the rank of DSP are to be afforded one step promotion as a special case
2. An executive may please be carried in operational districts of Malakand Region list of officers to be given one step promotions may be prepared.
3. Number of existing vacancies shall be forwarded to the CPO on priority while to accommodate the officers in further substantive ranks will require sanction from the provincial government.
4. The Budget Officer will prepare a proposal requesting for creation of extra vacancies and scales to accommodate such promotions.
5. Finally such promotions shall be regularized and vacancies of constable shall need to be called later on.

ABDUL MAJEED KHAN MARWAT
PSP
Addi IGP HQs
For Provincial Police Officer
NWFP Peshawar.

4

APR 20 2009

Approved: B
 (6)

ORDER
 No. SO(P-II)HD/5-9/09/KC.

The Government of NWFP Finance Department has their letter No. FD/SO(FR)7-8/2010/Vol-II, dated 04.03.2010 is pleased to accord sanction for the up-gradation of the posts in District Swat for one step promotion of Police Officials on active duty in operation period as personal, subject to the condition that the posts shall automatically stand downgraded to its original rank on vacation by the concerned official by transfer, promotion or retirement, detail given below:-

S#	From	To	No. of Posts
1.	Constable BS-05	Head Constable BS-07	164
2.	Head Constable BS-07	Assistant Sub-Inspector BS-09	28
3.	Assistant Sub-Inspector BS-09	Sub-Inspector BS-14	18

SECRETARY TO GOVT. OF NWFP
 FINANCE DEPARTMENT

No. FD/SO(FR)7-8/2010/Vol-II, dated 14/1/2010

- Copy of above is forwarded for information and necessary action to the
1. Accountant General NWFP, Peshawar.
 2. District Accounts Officer, Swat.

Section Officer (FR)
 Finance Department

No. SO(P-II)HD/5-9/09/KC, dated 16/1/2010.

- Copy above is forwarded for information and necessary action to:-
1. The Provincial Police Officer, NWFP Peshawar.
 2. The Section Officer (FR) Government of NWFP Finance Department Peshawar.

Section Officer (Police-II)
 Home Affairs Department

OFFICE OF THE PROVINCIAL POLICE OFFICER, NWFP, PESHAWAR

No. 4458-64/A-3 dated Peshawar the 20/04/2010

- Copy of above is forwarded for information and necessary action to:-
1. The Deputy Inspector General of Police Malakand Region Saidu Sharif, Swat.
 2. The District Police Officer Swat.
 3. The Superintendent of Police Investigation, Swat.
 4. The Superintendents Establishment & Secret Branches: CPO, Peshawar.
 5. The Assistants I-A & B-II Establishment Branch, CPO, Peshawar.

(JAVED KHAN)
 Budget Officer,
 For Provincial Police Officer,
 NWFP, Peshawar.

(Handwritten signature)

Better copy. (7)

GOVT OF NWFP
HOME AND TA,S DEPARTMENT
PESHAWAR

ORDER:

No.SO(P-II) HD/5-8/09/KC

The Govt of NWFP Finance Department vide letter No.SO(FR)FD/7/8/2010/Vol-II dated 25.03.2010 is pleased to accord sanction to the upgradation of 14 posts of Sub-Inspectors (BS-14) to Inspector (BS-16) as personal subject to the condition that the posts shall automatically stand downgraded to its original status on vocations by the concerned official by transfer, promotion or retirement.

Chief Secretary,
Govt of NWFP, Peshawar.

No.SO(FR)FD/7/8/2010/Vol II dated 1.10.1.2010

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

1. The Accountant General NWFP, Peshawar.
2. The District Accounts Officer, Swat.

Section Officer (FR)
Finance Department

No.SO(P-II) HD/5-8/09/KC dated 16.04.2010

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

1. The Provincial Police Officer, NWFP, Peshawar.
2. The Section Officer (FR) Govt of NWFP, Finance Department Peshawar.

Section Officer (Police-II)
Home and TA,S Department

OFFICE OF THE PROVINCIAL POLICE OFFICER NWFP, PESHAWAR

No.4465-71/ A-3 dated at Peshawar 20.04.2010

Copy of above is forwarded for information and n/a to:

1. The D.I.G of Police Malakand Region Saidu Sharif Swat.
2. The D.P.O Swat.
3. The S.P Investigation, Swat.
4. The Superintendent Establishment and Secret Branch, CPO Peshawar.
5. The Assistant E-1 & E-II Establishment Branch, CPO, Peshawar.

Alleged

Javed Khan
Budget Officer
For Provincial Police Officer.

8

Telephone and Fax No. 0916 9011168

From: The Superintendent of Police FRP
Malakand Range Swat.

K

To: The Commandant
Frontier Reserve Police
NWFP, Peshawar.

No. 1165 /EC, Dated Saidu Shirat 23/07/10

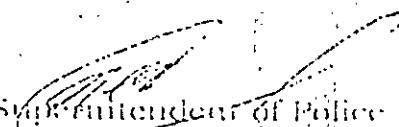
Subject: ONE STEP PROMOTION OF POLICE OFFICERS IN MALAKAND DIVISION
AS PER DIRECTIVE OF CHIEF MINISTER (FOR OFFICERS ON ACTIVE DUTY
IN OPERATIONAL PERIOD)

Memorandum.

Kindly refer to the Provincial Police Officer, NWFP, Peshawar
office Memo: No. 17846/E-II dated 16-07-2009 addressed to the DCG, Police
Malakand Range Swat. (Photo Copy enclosed).

As per directives of honorable chief Minister of NWFP, list of all
Police officers/ Ministerial staff of FRP, Malakand Range Swat who performed
active duties during the tense situation in District Swat for granting them one
step promotion are submitted herewith for further process please.

Encls: (03)

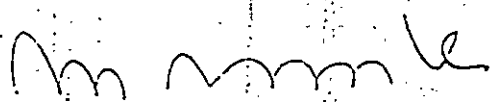

Superintendent of Police FRP,
Malakand Range Swat.

OFFICE OF THE PROVINCIAL POLICE OFFICER N.W.F.P PESHAWAR

NO: 1423 /E-II dated Peshawar the 16/11/2010

Copy of above with its enclosure is
forwarded to the Dy:Inspector General of Police Malakand
Region-III Swat for Comments please.

2 @


(MUHAMMAD SULAMAN KHAN)
DIG/EQRS
FOR PROVINCIAL POLICE OFFICER
NWFP PESH:



(8)

Bdws copy

78

From: The Superintendent of Police
Malakand Region Swat.

To: The Commandant
Frontier Reserve Police
NWFP Peshawar.

No. 1165/DC, Dated Sharif Swat the 25/07

Subject: ONE STEP PROMOTION OF POLICE OFFICERS IN
MALAKAND DIVISION AS PER DIRECTIVE OF CHIEF
MINISTER (FOR OFFICERS ON ACTIVE DUTY BY
OPERATIONAL PERIOD)

Memorandum

Kindly refer to the provincial police officer, NWFP Peshawar office
memo no. 17846/E-II dated 10.07.2009 addressed to the Dir Police Malakand
Range Swat (Photocopy attached)

As per directives of honourable Chief Minister of NWFP, list of all
police officers/ Ministerial staff of FRP Malakand Range Swat who performed
active duties during the tense situation in Dist. Swat for granting them one step
promotion are submitted herewith for further process please.

Supdt. Of Police
FRP Malakand Range
Swat.

OFFICE OF THE PROVINCIAL POLICE OFFICER NWFP, PESHAWAR.

NO. 1423 /E-II dated Peshawar the 17.1.2010

Copy of the above with its enclosure is forwarded to the Dy Inspector
General of Police Malakand Range- III Swat for comments please.

MUHAMMAD SULAMAN KHAN
DIG/HQRS
FOR PROVINCIAL POLICE OFFICER
NWFP PESHAWAR.

ATTESTED

9 ANNEX C

IN THE PESHAWAR HIGH COURT PESHAWAR



W.P No. 2498/2010

1. Mohabat Khan SI/ PC Platoon No. 71 Police Station Khwaza Khela District Swat.
2. Mian Gul Badshah HC No. 3377 Platoon No. 71 Police Station Khwaza Khela.
3. Muhammad Ismail HC No.4288, Platoon No.71 Thana Khawaza Khela.
4. Zahir Rehman HC No.4655, Platoon No.71, Thana Khawaza Khela.
5. Sultan Muhammad HC No.4247, Platoon No.71, Thana Khawaza Khela.
6. Ajab Khan FC No.4281, Platoon No.71, Thana Khawaza Khela.
7. Shahid Ali FC No.4249, Platoon No.71, Thana Khawaza Khela.
8. Fazal-Qadir Khan SI/Platoon Commander, Platoon No.72, Civil Court Gul Kada, Saidu Sharif.
9. Yousaf Khan HC No.4449, Platoon No.72 Civil Courts Gulkada, Saidu Sharif.
10. Aziz ur Rehman HC Platoon No. 72 Civil Courts at Gulkada Saidu Sharif Swat.
11. Bacha Rehman HC No.4403, Platoon No.72, Civil Courts Gulkada, Saidu Sharif.
12. Waheed Khan HC No.2079, Platoon No.72, Civil Courts Gulkada, Saidu Sharif.
13. Akbar Khan FC No.4407, Platoon No.72, Gul Kada Swat.
14. Anwar Zeb FC No.4392, Platoon No.72, Gul Kada Swat.
15. Amim Khan, SI/Platoon Commander, Platoon No.76, Thana Mingora.
16. Muhammad Zarin, HC No.4492, Platoon No.76, Thana Mingora.
17. Muhammad Gul, HC No.4494, Platoon No.76, Thana Mingora.
18. Khalid Khan, HC No.4491, Platoon No.76, Thana Mingora.
19. Salim Khan, HC No.4271, Platoon No.76, Thana Mingora.
20. Said Zamin, FC No.4519, Platoon No.76, Thana Mingora.
21. Abdul Sattar, FC No.4502, Platoon No.76, Thana Mingora.
22. Akhun Zada, FC No.4505, Platoon No.76, Thana Mingora.
23. Gul Namroz, FC No.4451, Police Line FRP Saidu Sharif, Swat.
24. Nail Hussain, SI/Platoon Commander, Platoon No.77, Mal Khana Saidu Sharif.
25. Noor Rehman, HC No.4632, Platoon No.77, Mal Khana Saidu Sharif.

ATTESTED

EXAMINER
Anwar Zeb

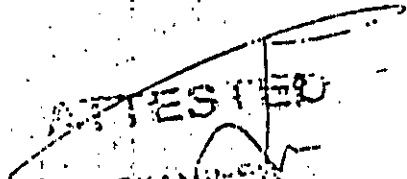
PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Serial No. of Order of Proceedings	Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	ORDER 07.09.2010	<p style="text-align: right;">3</p> <p><u>Writ: Petition No.2498/2010</u></p> <p>Present: Mr. Ijaz Anwar, Advocate, for Mohabat Khan etc., petitioners.</p> <p style="text-align: center;">*****</p> <p>EJAZ AFZAL KHAN, CJ.-By this single order, we propose to decide Writ Petitions No.2498 & 2658 of 2010, wherein, petitioners have asked for the issuance of an appropriate writ directing the respondents to include their names in the list of those who were to be given one-step promotion on account of their seniority and better performance during insurgency in district Swat, Malakand Division.</p> <p>2. We have gone through the available record carefully and considered the submissions made by the learned counsel for the petitioners.</p> <p>3. The case of the petitioners in essence was that they too were to be given one-step promotion under the order of the Chief Minister dated 16.07.2009 and</p>


 EXAMINER
 PESHAWAR HIGH COURT

Said

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that denial there of is discrimination clear and simple. When during the course of arguments, we confronted the petitioners whether they filed any memorandum in this behalf to the concerned authority, the answer was that they not only approached the concerned authority in this behalf but the recommendations have also been forwarded thereto but no order has so far been passed thereon. In this view of the matter, we instead of stepping in at this stage, direct the concerned authority to pass an appropriate order on the recommendations, thus, sent thereto within a period of one month. These petitions are disposed of accordingly.

Announced.
07.09.2010

sdi- Ejaz Afzal Khan - C

Office
11/9/10

sdi. Maqbool Ahsan Khan

CERTIFIED TO BE TRUE COPY

Examiner
Peshawar High Court Peshawar
Authorized Under Section 76 Act 1973

Handwritten signature/initials

2-10

3686

Date of Presentation of replication 2-10-10
No of Pages 31
Copying Fee

Total 6.00
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Approved

ORDER

In pursuance of Government of Khyber Pakhtunkhwa order No. SO (Police) HD/5-8/2012/09/KC, dated: 02.05.2012 and CPO Endst: No. 4499-4506/A-3, dated: 04.05.2012.

The following Sub Inspectors/SI/PC of Swat District /FRP, Malakand Region Police on active duty in operation period are hereby promoted to the rank of Inspector (BPS-16) with immediate effect subject to the condition that in future no such case/claim of other Police officials/officers of Swat Region will be honored, the post shall automatically stand downgraded as and when vacated by the present incumbents.

S/No	Name	Posting at the time of Operation	Present Posting Remarks
1.	SI Muhammad Hanif	Swat District	Swat District
2.	SI Pir Zar Badshah	Swat District	Investigation Swat
3.	SI Rehmat Ali	FRP Swat	FRP Swat
4.	SI /PC Ghulam Ahad Khan	FRP Swat	FRP Swat
5.	SI/PC Bad Shah Khan	FRP Swat	FRP Swat
6.	SI/PC Abdul Hameed	FRP Swat	FRP Swat
7.	SI/PC Mohabat Khan	FRP Swat	FRP Swat
8.	SI/PC Fazal Qadir	FRP Swat	FRP Swat
9.	SI/PC Amin Khan	FRP Swat	FRP Swat
10.	SI/PC Naik Hussain	FRP Swat	FRP Swat
11.	SI /PC Munjra Khan	FRP Swat	FRP Swat
12.	SI/PC Adalat Khan	FRP Swat	FRP Swat

On promotion the services of officials from S/No. 01 to 12 are place at the disposal of DIG/Malakand Region/Addl: IGP/Commandant FRP Khyber Pakhtunkhwa/DIG/Investigation Swat respectively.

(KHALID MASOOD)

Add: IGP/Headquarters,
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 10862-68 /E-II, dated Peshawar the 29 / 5 /2012

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

1. Deputy Inspector General of Police, Malakand Region, Swat.
2. Deputy Inspector General of Police, Investigation, Swat w/r to his office letter No. 1096/EC dated: 27.02.2012.
3. SO (Police-II) Home & T As Department Govt. of Khyber Pakhtunkhwa, Peshawar.
4. District Police Officer Swat.
5. Superintendent of Police, FRP Range Swat.
6. District Accounts Officer, Swat.
7. Budget Officer CPO Peshawar.

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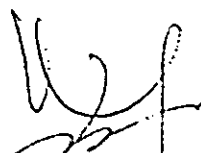
ORDER

In pursuance of Government of Khyber Pakhtunkhwa order No. SO (Police) HD/5-8/2012/09/KC, dated: 02.05.2012 and CPO Endst: No. 4499-4506/A-3, dated: 04.05.2012.

The following Ministerial staff, Assistant Grade Clerks, Senior Clerks, Junior Clerks, Daftari, and N/Qasid of Swat district and FRP Swat, Malakand Region. on active duty in operation period are hereby promoted to the rank as noted against each with immediate effect subject to the condition that in future no such case/claim of other Police officials/officers of Swat Region will be honored, the post shall automatically stand downgraded as and when vacated by the present incumbents.

S/No	Name & Rank	Present BPS	After one step promotion BPS
1.	Assistant Grade Clerk Muhammad Riaz	14	16
2.	Assistant Grade Clerk Ahmad Ghani	14	16
3.	Senior Clerk Akbar Ali	09	14
4.	Senior Clerk Mian Said Wahab	09	14
5.	Senior Clerk Yar Muhammad Khan	09	14
6.	Junior Clerk Shoukat Ali	07	09
7.	Junior Clerk Mian Said Wahid	07	09
8.	Daftary Riaz Ahmad	05	07
9.	Naiib Qasid Muhammad Ismail	02	03

On promotion the services of officials from S/No. 01 to 09 are place at the disposal of DIG/Malakand Region/Addl: IGP/Commandant FRP Khyber Pakhtunkhwa/DIG/Investigation Swat respectively.


(KHALID MASOOD)

Addl: IGP/Headquarters,
For Provincial Polide Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 10861-75/E-III, dated Peshawar the 29/15/2012
Copy of above is forwarded for information and necessary action

to the:-

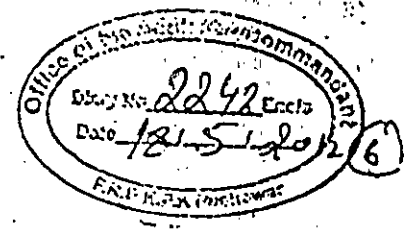
1. Deputy Inspector General of Police, Malakand Region, Swat.
2. Deputy Inspector General of Police, Investigation, Swat w/r to his office letter No. 1096/EC dated: 21.02.2012.
3. SO (Police-II) Home & T.As Department Govt. of Khyber Pakhtunkhwa, Peshawar.
4. District Police Officer Swat.
5. Superintendent of Police, FRP Range Swat.
6. District Accounts Officer, Swat.
7. Budget Officer CPO Peshawar.

14 ANNEX: E

Telephone & Fax: 0946-9240258.

From:- The Superintendent of Police, FRP,
Malakand Range, Swat.

To:- The Addl: I.G.P/Commandant,
Frontier Reserve Police,
Khyber Pakhtoon Khwa Peshawar.



No. 544/OSI, Dated Saidu Sharif the 17/5/2012.

Subject:- ONE STEP PROMOTION.

Memorandum.

Kindly refer to your office signal No. 2746/SI/Legal, dated 15/05/2012.

The requisite information is submitted herewith for favour further process is desired please.

Encls: (06)

[Signature]
Superintendent of Police, FRP,
Malakand Range, Swat.
17/05/2012

LIST SHOWING UPPER/LOWER SUBORDINATE OF FRP, MALAKAND RANGE GRANTED ONE STEP PROMOTION

S. No.	Rank	Name & No	One step promotion	Remarks
1	SI	Rahmat Ali Khan No. 362/M	Inspector	Present in FPR, Malakand Range
2	SI/PC	Adalat Khan	Inspector/PC	Present in FPR, Malakand Range
3	SI/PC	Bacha Khan	Inspector/PC	Present in FPR, Malakand Range
4	SI/PC	Ghulam Ahad Khan	Inspector/PC	Present in FPR, Malakand Range
5	SI/PC	Abdul Hamid Khan	Inspector/PC	Present in FPR, Malakand Range
6	SI/PC	Mohbat Khan	Inspector/PC	Present in FPR, Malakand Range
7	SI/PC	Fazal Qadir Khan	Inspector/PC	Present in FPR, Malakand Range
8	SI/PC	Naik Hussain Khan	Inspector/PC	Present in FPR, Malakand Range
9	SI/PC	Munjara Khan	Inspector/PC	Present in FPR, Malakand Range
10	SI/PC	Amim Khan	Inspector/PC	Present in FPR, Malakand Range on loan from Kohat Range
11	HC	Lal Zada No 4299	ASI	Present in FPR, Malakand Range
12	HC	Shair Hussain No. 5009	ASI	Present in FPR, Malakand Range
13	HC	Shah Zada No. 4227	ASI	Present in FPR, Malakand Range
14	HC	Jan Tab No. 4037/687	ASI	Present in FPR, Malakand Range
15	HC	Mukamil Shah No. 5017	ASI	Present in FPR, Malakand Range
16	HC	Yousaf Khan No. 4449	ASI	Present in FPR, Malakand Range
17	HC	Aziz Ur Rahman No. 4493	ASI	Present in FPR, Malakand Range
18	HC	Bacha Rahman No. 4403	ASI	Present in FPR, Malakand Range
19	HC	Mian Gul Bacha No. 4227	ASI	Present in FPR, Malakand Range
20	HC	Wahid Khan No. 2079/3416	ASI	Present in FPR, Malakand Range
21	HC	Mohammad Zarin No. 4292	ASI	Present in FPR, Malakand Range
22	HC	Muhammad Gul No. 4494	ASI	Present in FPR, Malakand Range
23	HC	Khalid Khan No. 4491	ASI	Present in FPR, Malakand Range

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S. No.	Rank	Name & No	One step promotion	Remarks
24	HC	Habib Ur Rahman No. 4406	ASI	Present in FPR, Malakand Range
25	HC	Noor Rahman No. 4432	ASI	Present in FPR, Malakand Range
26	HC	Lal Mohammad No. 4536/3603	ASI	Present in FPR, Malakand Range
27	HC	Fazal Mohammad No. 4450	ASI	Present in FPR, Malakand Range
28	HC	Saauddin No. 4405	ASI	Present in FPR, Malakand Range
29	HC	Abdul Hamid No. 4997	ASI	Present in FPR, Malakand Range
30	HC	Mukamil Khan No. 4996	ASI	Present in FPR, Malakand Range
31	HC	Behram Khan No. 5011	ASI	Present in FPR, Malakand Range
32	HC	Gul Mohammad No. 5014	ASI	Present in FPR, Malakand Range
33	HC	Islam Khan No. 5013	ASI	Present in FPR, Malakand Range
34	HC	Perviz No. 5105	ASI	Out Range
35	FC	Mohammad Zahir No. 4345	HC	Present in FPR, Malakand Range
36	FC	Sher Alam No. 4806	HC	Present in FPR, Malakand Range
37	FC	Gul Namroz No. 4451	HC	Present in FPR, Malakand Range
38	FC	Mohammad Ishaq No. 4735	HC	Present in FPR, Malakand Range
39	FC	Farhad Ali No. 4241	HC	Transfer to District Police Swat vide Addl: I.G.P HQrs: order Endst No. 18502-5/E-II, dated 03/08/2010
40	FC	Aziz Ul Hayat No. 4505	HC	Transfer to District Police Swat vide Addl: I.G.P HQrs: order Endst No. 18502-5/E-II, dated 03/08/2010
41	FC	Anwar Zeb No. 4392	HC	Transfer to District Police Swat vide Addl: I.G.P HQrs: order Endst No. 18502-5/E-II, dated 03/08/2010
42	FC	Ajab Khan No. 4281	HC	Transfer to District Police Swat vide Addl: I.G.P/DIG HQrs: order Endst No. 26676-80/E-II, dated 23/10/2010
43	FC	Shahid Ali No. 4249	HC	Transfer to District Police Swat vide Addl: I.G.P/DIG HQrs: order Endst No. 26676-80/E-II, dated 23/10/2010

Y/B

(17)

S. No.	Rank	Name & No.	One step promotion	Remarks
44	FC	Rashid Ali No. 4548	HC	Transfer to District Police Swat vide Addl: I-G-P/DIG HQrs: order Endst No. 26676-80/E-II, dated 23/10/2010
45	FC	Akbar Khan No. 4407	HC	Transfer to District Police Shangla vide Addl: I-G-P/DIG HQrs: order Endst No. 26676-80/E-II, dated 23/10/2010
45	FC	Liaqat Ali No. 4687	HC	Transfer to District Police Swat vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010
47	FC	Akhun Zada No. 4504	HC	Transfer to District Police Dir Lower vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010
48	FC	Rooh Ul Amin No. 1363	HC	Transfer to District Police Dir Lower vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010
49	FC	Ijaz Hussain No. 4953	HC	Transfer to District Police Chitral vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010
50	FC	Said Bacha No. 4918	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010
51	FC	Ali Rahman No. 4919	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010
52	FC	Zahoor Ahmad No. 4926	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 27165-31/E-II, dated 03/12/2010

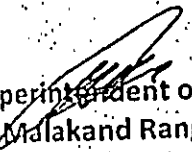
S.No.	Rank
53	FC
54	FC
55	FC
56	FC
57	FC
58	FC
59	FC
60	FC
61	FC

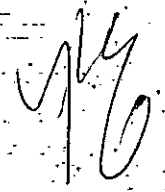


S. No.	Rank	Name & No.	One step promotion	Remarks
62	FC	Mohammad Ali No. 4470	HC	Transfer to District Police Shangla vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
63	FC	Shoukat Ali No. 1560	HC	Transfer to District Police Swat vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
64	FC	Aziz Ullah No. 1732	HC	Transfer to District Police Shangla vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
65	FC	Sultan Zeb No. 4455	HC	Transfer to District Police Dir Lower vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
66	FC	Nawab Khan No. 4554	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
67	FC	Mohammed Hayat No. 4488	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
68	FC	Moheb Ullah No. 4440	HC	Transfer to District Police Dir Lower vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
69	FC	Manzor Akbar No. 4646	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
70	FC	Jan Zeb No. 4643	HC	Transfer to District Police Dir Upper vide Addl: I-G-P/DIG HQrs: order Endst No. 30523-31/EC dated 17/12/2009
71	FC	Ihsan Ali No. 3739	HC	Transfer to Elite Force vide AIG Establishment order Endst No. 24861-64-31/E-II dated 23/11/2011
72	FC	Zakoor Ahmad No. 4722	HC	Transfer to Elite Force vide AIG Establishment order Endst No. 24861-64-31/E-II dated 23/11/2011
73	FC	Alam Zeb No. 4781	HC	Transfer to Elite Force vide AIG Establishment order Endst No. 24861-64-31/E-II dated 23/11/2011
74	FC	Nisar Ahmad No. 5444	HC	Out Range

20

S. No.	Rank	Name & No.	One step promotion	Remarks
75	FC	Wajid Gul No. 5112	HC	Out Range ✓
76	FC	Asif No. 5334	HC	Out Range ✓
77	FC	Tariq No. 5128	HC	Out Range ✓
78		Senior Clerk Yar Mohammad Khan	Assistant Grand Clerk	Present in FPR, Malakand Range
79		Junior Clerk Mian Said Wahid	Senior Clerk	Present in FPR, Malakand Range


Superintendent of Police, FRP,
Malakand Range, Swat.



تقریباً 12 ابر 1802ء کو حوالہ 1802/54 No. حوالہ 1802/54 اس وقت درج ہے

Amir: F

مدد 12 روایتیں لکھی گئی ہیں۔ صفحہ 1802/54 کو حوالہ 1802/54 اس وقت درج ہے

پلاٹوں نمبر 1802/54 کا حوالہ آرڈر نمبر 1802/54 No. حوالہ 1802/54 اس وقت درج ہے

صفحہ 1802/54 سے صفحہ 1802/54 تک تمام صفحات پر پلاٹوں کے صفحہ نمبر

فیس: H.C. 05 - 02 - 01 نو بفرس سینڈ ٹریڈ صفحہ نمبر 1802/54 اس وقت درج ہے

جیٹا سنگھ، راجوڑ، 813، گلبرگ، 815، نصر خان، 817، کھلیت، 823

امین خان، 818، طارق، 793، ساج، 805، محمد سعید، 806، شہل، 337

محمد علی، 571، بولسہ، 530، عطیہ علی، 545، راجوڑ، 232، صلیب، 808

شاہ ذبیب، صفحہ عرفان، 346، صفحہ الحفی، 14، رومان، 145، نو عبید، 145

تقریباً نو صفحہ مناسب کارروائی ارسال کی جائے گی

صفحہ 1802/54

تقریباً نو صفحہ

MM 2-09

Forwarded
1802/54

11

صنعتی

22

از دفتر MR

تقلید و تصدیق
21/08/09

ANNEX: G

از این کشور آمدن در وقت ۱۱:۰۰ صبح روز پنجشنبه ۲۱/۸/۰۹ در وقت دراصل در حیدرآباد نقل فرستاده شد

531 بعد از نوبت لان فست صورت من بخیرت و اللین در این

در این روزها در کل این ۵۳۱ نفر ۶۵ نفر (۴۵-۱۲-۲-۱)

مراغه این صورت من این ۴۵ نفر ۱۲-۲-۱

صنعتی

تقلید و تصدیق

MR

21-8-2009

تقلید و تصدیق

21/08/09

Handwritten signature

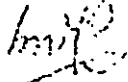
(23)

ANNEX: H

جناب عالی!

بحوالہ مشمولہ پھٹی انگریزی نمبری، 2169/EB مورخہ 11/02/2011 معروض خدمت
میں کہ پلاٹوں نمبر 65 آمد ایف آر۔ پی پٹا، رینج کاروژنامیہ درخواہ۔ دہندہ نے پیش کر کے
چیک کرنے پر معلوم ہوا کہ یہیں ملازم بحیثیت سب انسپکٹر/پلاٹوں کمانڈر نمبر 04 روزنامیہ
13.02/2009 کے مطابق اس پلاٹوں میں بحیثیت انچارج حاضری کی رپورٹ کی تھی۔ جو کہ اس
وقت مذکورہ پلاٹوں بنگلہ DIG صاحب ملاکٹر ریجن سوات سید و شریف میں تعینات تھا۔ اس طرح مذکورہ
پلاٹوں کمانڈر اپنے پلاٹوں سرحدی کے ہمراہ زیر بحث روزنامیہ کے نمبر 03 روزنامیہ
21/08/2009 کے مضموع سوات سے اپنے جانی تعیناتی FRP پٹا در رینج پٹا در رہا نہ ہو چکا ہے۔ علاوہ
ازیں اس بارے میں محرر بنگلہ سوات DIG صاحب ملاکٹر ریجن سید و شریف کا رپورٹ بھی
صفحہ 5 پر قابل ملاحظہ ہے۔ جو کہ درخواست دہندہ کے درخواست کی تائید کرتا ہے۔

رپورٹ عرض ہے۔



RI/SI FRP, Swat.



عنوان: درخواست بمراد (One Step Promotion)

جناب عالی:

- 1- گزارش ہیکہ سائل مورخہ 18.02.2009 کو بصورت تبادلہ پلاٹون نمبر 65 کے ہمراہ کثثیت انچارج بحوالہ Order No.54/OSI مورخہ 16.02.2009 ایمر جنسی ڈیوٹی کے لئے ضلع سوات گیا ہوا تھا۔ اور یہ کہ اس وقت سوات میں حالات کافی کشیدہ تھے۔
- 2- چونکہ اس وقت جناب وزیر اعلیٰ صاحب کے جانب سے بحوالہ چھٹی انگریزی نمبر CMD/2-22/2008/sawt مورخہ 25.06.2009 اعلامیہ جاری ہوا تھا۔ کہ ضلع سوات میں آپریشن کے دوران ڈیوٹی پر مامور پولیس اہلکاران کو ایک درجہ ترقی دی جائیگی، جس پر عمل درآمد ہوا اور میرے ساتھ ڈیوٹی سرانجام دینے والے Sub-Inspectors بحوالہ آرڈر نمبر 10862-68/E-II مورخہ 29.05.2012 کو ترقی دے کر Inspectors کے عہدے پر فائز کئے ہیں، لیکن سائل کا تاحال کسی قسم کی ترقی نہ ہو پائی۔ (پرڈموشن آرڈر کا پی اور وزیر اعلیٰ صاحب کی چھٹی انگریزی کی فوٹو کاپیاں ہمراہ لف شدہ ہے)
- 3- سائل نے اس سے قبل جناب DIG/DPO سوات کی خدمت میں ترقی یابی کے لئے تحریری درخواستیں گزاری تھی۔ اور دفتر جناب SP/FRP سوات سے من سائل کے اس وقت ضلع سوات میں ڈیوٹی کی انجام دہی کے لئے موجودگی کی تصدیق بھی کی گئی تھی، لیکن زیر بحث درخواستوں پر تاحال کوئی عمل درآمد نہیں ہوا ہے۔
- 4- لہذا استدعا ہے کہ چونکہ سائل درجہ بالا اعلامیہ کے مطابق اگلے درجے میں ترقی کے لئے آہل اور موزوں ہے، لہذا اس سلسلے میں CPO کو سفارشات تحریر کی جائے اور سائل کو SI/PC سے انسپکٹر کے عہدے پر ترقی دی جائے، سائل ساری عمر دعا گو رہے گا۔

عین نوازش ہوگی۔

العارض



آپکا تابع فرمان: SI/PC عمر زمان خان FRP/PR پشاور۔

I - (25)

ANNEX: J

IN THE PESHAWAR HIGH COURT PESHAWAR

W P No. 2040 / 2012

Umar Zaman Khan Sub Inspector FRP /PR, Peshawar.

(Petitioner)

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary Finance Department Govt of Khyber Pakhtunkhwa Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Commandant frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.

(Respondents)

Writ petition under Article 199 of the Constitution
of the Islamic Republic of Pakistan 1973

Prayer in Writ petition:

On acceptance of this petition an appropriate writ may please be issued declaring the acts and omission of the respondents in not allowing the benefit of one step promotion in accordance with the directives of the Chief Minister Khyber Pakhtunkhwa, conveyed vide letter dated 16.07.2009. Non consideration of the Petitioner for one step promotion and treating him discriminately is illegal, unlawful and without lawful authority and of no legal effect and benefits or any other remedy deemed proper may also be allowed. The respondents are bound to follow the law and to implement the directive of the Chief Minister in letter and spirit and to allow one step promotion to the petitioner with all benefits.

RESPECTFULLY SUBMITTED:

1. That the petitioner is serving in the Frontier Reserve Police and remained posted in Malakand Range.
2. That in the year 2009, Swat Region remained in the control of the militants, the army operation was going on and in this situation, the petitioner stood fast and performed his active duties, maintaining peace in the area.

ATTACHED

Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Court of.....

Case No.....of.....

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
<p>15.11.2012</p>	<p><u>W.P.No. 2040-P/2012.</u></p> <p>Present: Mr. Ijaz Anwar, Advocate, for the petitioner. ***</p> <p><u>DOST MUHAMMAD KHAN C.J.</u>- Respondents 3 & 4</p> <p>are directed to decide the departmental appeal / representation of the petitioner positively within one month after receiving the copy of this order, however, the decision shall be based on sound reasons and the order, to be passed, must be a speaking one.</p> <p>Petition stands disposed of.</p> <p><i>sd/- Dost Muhammad Khan - CJ</i> <i>sp/- Jashal Quiser - J</i></p>

CERTIFIED TO BE TRUE COPY

SP 17-11-12

President
 Authority
 The Court of Sessions, Peshawar
 1934

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15/11/12

Date of Presentation of Application.....

No of Pages..... *2*

Copying fee.....

Urgent Fee.....

Total.....

Date of Preparation of Copy..... *17-11-12*

Date when Copy Given For Delivery..... *17-11-12*

Date when Copy of Copy..... *19-11-12*

ANNEX :- 1C

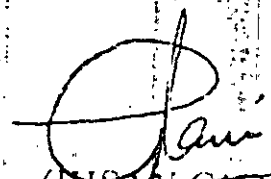
97

ORDER

Umar Zaman Sub Inspector FRP/PR, Peshawar had filed writ petition No. 2040-P/2012, praying therein that he participated in the Swat operation but he was ignored from one step promotion in accordance with direction of Chief Minister Khyber Pakhtunkhwa. The Honorable Court disposed of the writ petition vide order dated 15.11.2012, directing therein that Respondent No. 3 and 4 shall decide the departmental appeal of the petitioner.

Regional Police Officer, Malakand, was consulted into the matter. He has submitted that according to the report of District Police Officer Swat, that a committee was constituted for considering one step promotion cases of Police Officers but Umar Zaman SI did not appear before the committee and the committee so constituted is no more in existence. Furthermore, immediate supervisory officer is the best judge to evaluate the performance of subordinate officer. No recommendations in respect of Umar Zaman SI (Petitioner) on the part of supervisory officer are available on record. While at the same time out of turn promotions have been declared illegal by the Honorable Supreme Court vide judgment passed in CRL original petition No. 89/2011 etc.

In view of the position explained above, the prayer of Umar Zaman SI (Petitioner) is not tenable, hence filed.


(IHSAGHANI)
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

No. 24154 /Legal, Dated Peshawar the: 15 / 8 /2013.

- 1. Addl: IGP / Commandant FRP Peshawar.
- 2. Deputy Inspector General of Police Malakand Region.
- 3. District Police Officer Swat.
- ✓ 4. Umar Zaman SI Petitioner FRP Peshawar.



(IHSAGHANI)
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

298-16

1161
Approved

No. Date of order proceedings
2

Order or other proceedings with signature of Judge Magistrate



28

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.**

Service Appeal No. 12.5.2013.

Umar Zaman Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar etc.

JUDGMENT

06.07.2015

ABDUL LATIF, MEMBER. Appellant with

counsel (Mr. Ijaz Anwar, Advocate) and Government Pleader (Mr. Ziaullah) for the respondents present.

2. The instant appeal has been filed by Mr. Umar Zaman, Sub Inspector FRP under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 15.08.2013 of respondent No. 3 whereby the departmental appeal for the grant of one step promotion to the appellant had been regretted. The appellant prayed that the impugned order may be set aside and one step promotion may be granted to him w.e.f. the date his junior colleagues were promoted with all back benefits and arrears.

3. Facts giving rise to the instant appeal are that appellant is serving in the FRP and remained posted in Malakand in the year, 2009 when Swat Region remained in the grip of militancy and Army Operation was conducted against the same. The then Chief Minister announced one step promotion to all police officers who remained on active duty

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Signature

during the operation period. That at the initial stage all the police officers of the District Police were recommended for one step promotion however, the officers officials of FRP Malakand Range were ignored. That some of the colleagues of the appellant who remained in District Swat during the operation filed Writ Petition in the Hon'ble Peshawar High Court who vide judgment dated 07.09.2010 directed for passing appropriate orders on recommendations of the committee on one step promotion. His representation was decided on the intervention of Peshawar High Court in Writ Petition No. 2040/2010 and regretted by the department, hence the instant appeal.

4. The learned counsel for the appellant argued that the appellant was not treated according to law and his rights secured under the law and the Constitution were violated by the respondents. That the appellant was discriminated against as his similarly placed colleagues were given the benefit but he was deprived due to his transfer out of Swat District. He further argued that appellant was fit and eligible for promotion in accordance with the criteria set in the directive of the Chief Minister for the one step promotion and prayed that accepting the appeal, the impugned order may be set aside relied on 2009-SCMR-1.

5. The learned Government Pleader on behalf respondents argued that case of the appellant was examined the department in pursuance of the Writ Petition filed

ATTESTED
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

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and he was not found fit for the benefit as his relevant authorities did not recommend him. He stated that his case was unlike those FRP officials who were granted the one step promotion and prayed that the appeal being devoid of any merits may be dismissed.

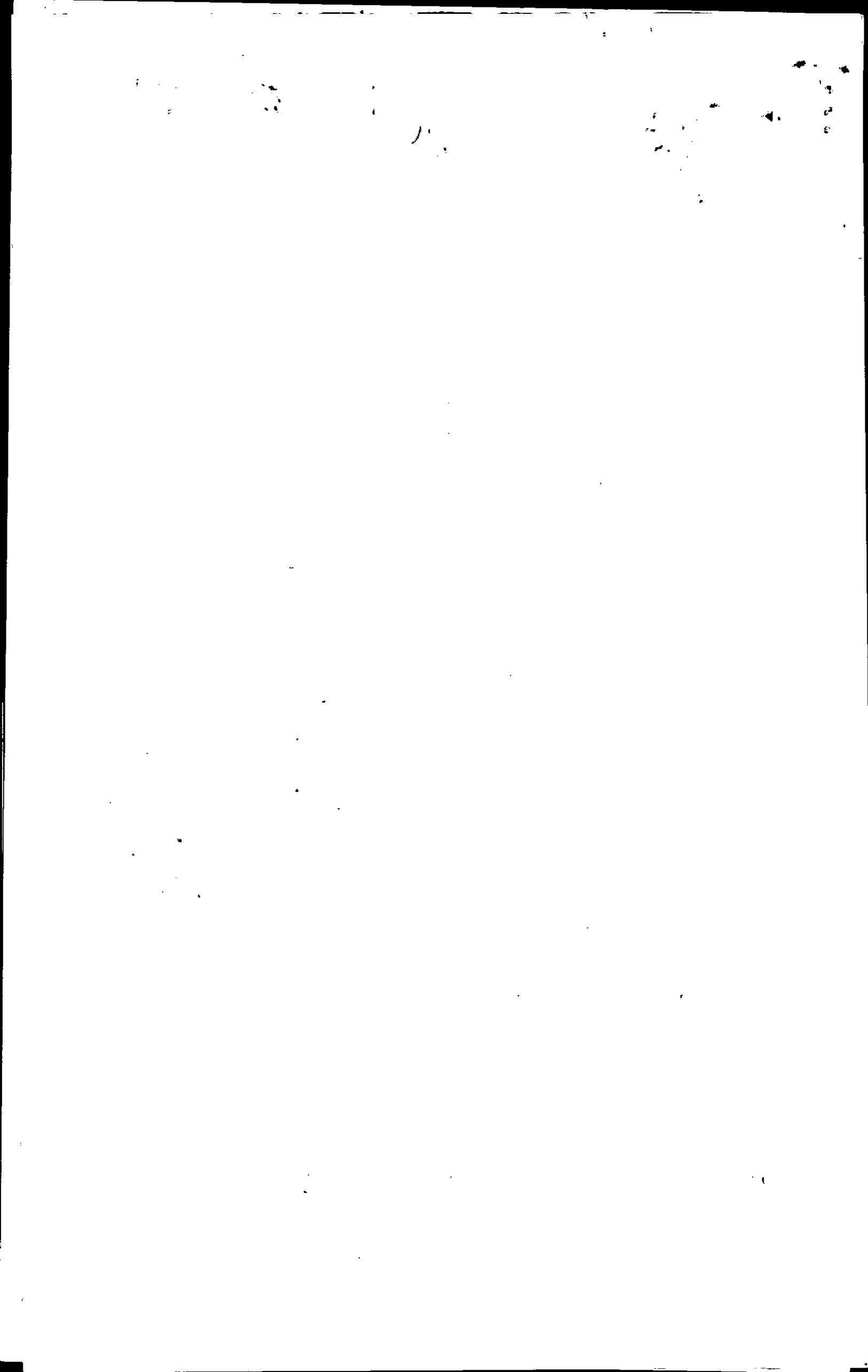
6. Arguments of the learned counsels for the parties heard and record perused with their assistance.

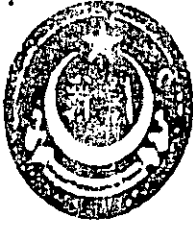
7. From perusal of the record of the case, it transpired that in pursuance of sanction of Finance Department dated 14.04.2010 benefit of one step promotion was granted to officers/officials of the District Police who remained stick to their duties during the Military operation against the militancy in the year, 2009. Officers/officials of the FRP who were initially ignored from the said benefit were subsequently considered in pursuance of directions of the Peshawar High Court in Writ Petition No. 2498/2010 as consequence whereof certain committee was constituted, details whereof are not available on this record. It is however, not clear as to whether any officer/official other than those in the above cited Writ Petition No. 2498/2010, were allowed the one step promotion on the ground of being similarly placed personnel and as to why and on what ground the appellant was denied the benefits. It is also not amply clear as to whether recommendations of supervisory officer was the sole criterion for grant of one step promotion or it was subject to any clearly laid down criteria and appellant's case was ever tested on the touchstone thereof.

ATTESTED

EX-AMINER
FRP
Service Tribunal
Peshawar

[Handwritten Signature]





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

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ANNEX 'M'

ORDER.

This order is passed in compliance with the direction of Service Tribunal KPK dated 06.07.2015 passed in service appeal No. 1998/2013 title Umer Zaman SI/PC VS Govt: & etc.

Tribunal has directed that the case of SI/PC Umer Zaman may be re-considered whether appellant is a similar placed official who were allowed personal up-gradation in-recognition of performing duties during Operation at Swat or not.

The relevant record was examined which revealed that the appellant was not recommended by the committee constituted for the said purpose. Furthermore, personal up-gradation of the police officials was allowed by the Govt. of KPK Finance Department. Various cases of left over Police personal from personal up-gradation were recommended to the Provincial Govt: vide this office Endst: No. 10862/E-II, dated 29.05.2012 regretted all the cases and directed that no other cases will be entertained (copy enclosed).

This is last but not the least that the Honorable Supreme Court of Pakistan has conveyed copies of the Judgment to all the Govt. functionaries of the reported Judgments 2010 (PLC (CS) 924.2013 SCMR-1752) that out of turn promotion shall be stopped.

Keeping in view of the above facts the prayers of appellant could not be acceded, to therefore rejected.

(ASIF IQBAL MOHMAND) vsr
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. 2973-78 /E-III. Dated Peshawar, the 08 / 10 / 2015.

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

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
2. Commandant FRP, Khyber Pakhtunkhwa Peshawar w/r to his letter No. 6186 SI-Legal, dated 29.07.2015.
3. Regional Police Officer Malakand Region Swat.
4. Registrar, Services Tribunal Khyber Pakhtunkhwa Peshawar.
5. AIG/Legal CPO, Peshawar.
6. Incharge Central Registry Branch CPO Peshawar.



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Execution Petition no. 132/2015

In the matter of
Appeal No. 1298//2013
Decided on 06.07.2015

ln
Appeal No. 1298/13

S.W.P. Provincial
Service Tribunal
Diary No. 132/15
Dated 19-11-15

**Umer Zaman Khan, Sub Inspector FRP / PR, Police Line,
Peshawar.**

(Applicant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary Finance Department, Government of Khyber Pakhtunkhwa, Peshawar.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
4. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

**Application for the implementation of the
Judgment and Order dated 06.07.2015 of
this Honourable Tribunal.**

Respectfully Submitted:

1. That the above titled service appeal was pending adjudication in this Honourable Tribunal and was decided vide judgment and order dated 06.07.2015. (Copy of the memo of appeal is attached as Annexure A)
2. That vide judgment and order dated 06.07.2015, this Honourable Tribunal while setting aside the impugned order dated 15.08.2013, remitted the case of the appellant for revisiting it afresh. The operating Para of the Judgment and order dated 06.07.2015, is reproduced below:

"....in view of the circumstances, the tribunal is constrained to indulge in the case by setting aside the order of respondent No. 3 dated 15.08.2013, and to remit the case to the respondent No. 3 who shall revisit it afresh to ascertain as to whether the appellant in fact is a similarly placed official and if so to treat him similarly strictly in accordance with la. The respondents shall decide the case within two months of the receipt of this judgment. The appeal is disposed of accordingly....."

(Copy of the judgment and order dated 06.07.2015, is attached as Annexure B)

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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Execution Petition No. 138/2015
Umar Khan

04.03.2016

Petitioner with counsel and Mr. Kabirullah Khan Khattak,

Assistant AG for respondents present. Arguments heard and record perused.

This Tribunal vide judgment dated 6.7.2015 directed that respondent No. 3 i.e Provincial Police Officer, Khyber Pakhtunkhwa shall revisit the case of the petitioner vis-a-vis the position of similarly placed official and extend him similar treatment. Vide order dated 8.10.2015 the said authority reconsidered the case of the petitioner and his claim was rejected as such the judgment of this Tribunal referred to above stood implemented. It is, however, observed that in case of any grievances against the said departmental order the petitioner may agitate the issue before the prescribed forum in the prescribed manners, if so advised. The petition is disposed of in the above manners. File be consigned to the record room.

Sd/-
Chairman

ANNOUNCED
04.03.2016

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 15-03-2016
Number of Words 800
Copying Fee 6-00
Urgent 2-00
Total 8-00
Name of Copyist [Signature]
Date of Completion of Copy 15-03-2016
Date of Delivery of Copy 15-03-2016

POWER OF ATTORNEY

In the Court of 1C PK Service Tribunal Peshawar

Umar Zaman Khan } For
} Plaintiff
} Appellant
} Petitioner
} Complainant

VERSUS

Govt of KPK w/others } Defendant
} Respondent
} Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Adv my true and lawful attorney, for me in my name and on my behalf to appear at Pesh to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Pesh
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

Sajid Amin Adv