

Service Appeal No.1305/2023 titled "Abdul Wahid versus Inspector General of Police, office address Sahibzada Abdul Qayyum Road Civil Secretariat Peshawar, Khyber Pakhtunkhwa and others", decided on 13.06.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**MUHAMMAD AKBAR KHAN... MEMBER (Executive)**

*Service Appeal No. 1305/2023*

Date of presentation of Appeal.....01.06.2023  
Date of Hearing.....13.06.2024  
Date of Decision.....13.06.2024

**Abdul Wahid** Son of Muhammad Raheem, Resident of ourghoch~  
District and Tehsil Lower Chitral .....*Appellant*

Versus

1. Inspector General of Police, office address Sahibzada Abdul Qayyum Road Civil Secretariat Peshawar, Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police Headquarter CPO, Peshawar Khyber Pakhtunkhwa.
3. Mr. Muhib Ullah Resident of Village Amir Abad Tangi District Charsadda.
4. Mr. Sher Muhammad Resident of Village Talaash Ziarat Dheari District Lower Dir Temargira.....(*Respondents*)

Present:

Mr. Shakir Uddin Shahid, Advocate.....For the appellant  
Mr. Muhammad Jan, District Attorney .....For respondents

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**APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE NON PROMOTION OF THE  
APPELLANT TO THE RANK OF DSP FROM THE  
RANK OF INSPECTOR.**

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**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** According to the facts gathered from the record are that vide order dated 15.02.2023, the appellant was retired from service with effect from 13.02.2023 on attaining the age of superannuation; that after his retirement, the appellant submitted an application on 08.03.2023 before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for his

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proforma promotion from the rank of Inspector to the rank of Deputy Superintendent of Police on the ground that juniors to him were promoted to the rank of Deputy Superintendent of Police even after their retirement; that the said application of the appellant was forwarded to the District Police Officer, who vide letter dated 29.03.2023, forwarded the same to the Regional Police Officer, Malakand Region at Saidu Sharif Swat; that the Regional Police Officer, Malakand Region forwarded letter dated 10.04.2023 and recommended the appellant for proforma promotion to the rank of DSP, which had not been acted upon, therefore, feeling aggrieved, the appellant has approached this Tribunal through filing of instant appeal on 01.06.2023 for redressal of his grievance.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance through their respective representative and contested the appeal by way of filing para-wise reply, raising therein numerous legal as well as factual objections. The defence setup by the respondents was a total denial of the claim of the appellant

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

4. The appellant was deferred from promotion before his retirement on the sole reason that his ACR of 2019 was not produced. The respondents have themselves annexed the said missing ACR with the comments. This is the case of deferment and deferment is always because of some hurdles either on the part of the civil servant or on the part of the respondent department and

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whenever that hurdle is removed the appellant has to be promoted from the date he was so eligible and entitled. There is nothing told whether the ACR was not produced because of any fault of the appellant or the department.

5. Therefore, we would like to direct the respondents to reconsider the case of the appellant for the relief prayed for in this appeal within a period of 60 days of receipt of copy of this judgment. Disposed of accordingly. Costs shall follow the event. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 13<sup>th</sup> day of June, 2024.*

  
**KALIM ARSHAD KHAN**  
Chairman

  
**MUHAMMAD AKBAR KHAN**  
Member (Executive)

*\*Mutazem Shah \**