

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 88/2024,
Ghani Ur Rehman,
LHC, Belt No.274,
Police Force, Karak

..... Appellant

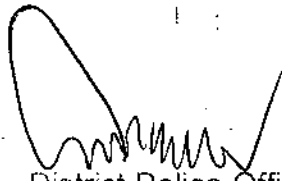
VERSUS

Inspector General of police,
Khyber Pakhtunkhwa & others

..... Respondents

AUTHORITY LETTER

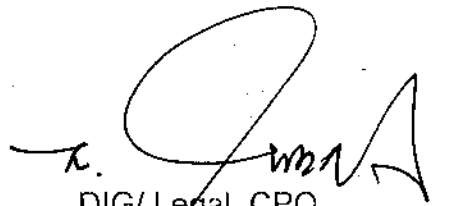
Mr. Malak Jan Inspector Legal Karak, is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 3.



District Police Officer,
Karak
(Respondent No.3)
(KHAN KHAIL KHAN) Provl:
Incumbent



Regional Police Officer,
Kohat
(Respondent No.2)
(SHER AKBAR) PSP, S.ST
Incumbent



DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(DR MUHAMMAD AKHTAR ABBAS)
Incumbent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
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12-06-2024



Respondents
Through
Representative

①

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 88/2024
Ghani UrRehman,
LHC, Belt No.274,
Police Force, Karak

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13459

Dated 12-06-2024

..... Appellant

VERSUS

Inspector General of police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS NO.1, 2 & 3

RESPECTFULLY SHEWETH:-

PRELIMINARY OBJECTIONS:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped by his own conduct to file the instant appeal.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached to this honorable Tribunal with clean hands.
- vi. That the appeal is barred by law and limitation.
- vii. That similar nature case has recently been dismissed by the Hon'ble Peshawar High Court.
- viii. That case of the appellant also attracts principle of res-judicataas same question of law has been decided by the august apex court.

FACTS:

1. Correct only to the extent that the appellant passed B-1 examination in the year 2012. However, rest of the appellant's contention regarding selection to the Lower Course at Police Training College, Hangu is denied as incorrect and misleading. Fact of the matter is that as per spirit of the Standing Order No. 03/2011 (copy attached as Annexure-A), the candidates passing B-1 exam were to be examined in the Departmental Selection Board at Regional level as per criteria contained in the Standing Order ibid before enlistment on promotion List-B. The appellant's case thus was examined in the light of the said criterion. However, being declared not fit for inclusion of his name ^{into} on promotion List-B as per the criterion, he was not notified on the Promotion List-B vide Regional Police Officer, Kohat Notification No. 2806-8/EC dated 22.03.2012 (copy attached as Annexure-B). As per sub-

rule 11 of rule 13.7 A of Police Rules 1934 (amended 2017), seats are allocated for districts according to total strength of Head Constables of the concerned district.

2. Pertains to this Hon'ble Court consolidated judgment dated 28.01.2014 which, however, was assailed before the august apex court by filing CPLA. The Hon'ble Supreme Court of Pakistan vide its order dated 23.09.2014(copy attached as Annexure-C) remitted the case to the respondent department with certain direction in the following terms;

"We accordingly propose to dispose of these petitions with the observation that the persons, who after age relaxation, are qualified to appear in the A-1 and B-1 examination shall be eligible to undergo the training and for that purpose, a Committee shall be constituted by the competent authority who shall determine their merit along-with other candidates strictly in terms of the Standing Order/ PPB as mentioned above".

In the light of the judgment *ibid*, the matter was discussed in the 13th Police Policy Board meeting dated 12.02.2014. Vide the said PPB meeting, it was decided to arrange special B-1 for the overage candidates who were selected to the Lower College Course subject to allotment of extra seats for them. Additionally, vide the Standing Order No. 14/2014(copy attached as Annexure-D), upper age limit for appearing in B-1 exam was also relaxed from 33 to 40 years with unlimited chances till that. Consequently, the appellant appeared in the B-1 exam consecutively from the year 2014 to 2017 getting benefit of such relaxation. Thus, directions of the hon'ble Supreme Court of Pakistan were duly complied in true letter and spirit. However, this was the case of the appellant who for the said period failed to qualify B-1 exam, one of the pre-requisites for selection to the Lower Course. It was only in the year 2019 that the appellant qualified B-1 exam, selected to the Lower Course and passed same for the term ending 10.03.2019(copy of the result is attached as Annexure-E).

3. Incorrect as already explained vide above para.
4. Correct to the extent of COC No. 625-P/2017 filed before the Hon'ble Peshawar High Court Peshawar. However, same was disposed of vide the Hon'ble High Court order dated 23.10.2018 in the light of vide CPO Peshawar Order No. 9015-22/ E-IV dated 22.10.2018(copy attached as Annexure-F) wherein one extra seat for Lower School Course in respect of the appellant was allotted by the respondent department. Rest is already explained vide para-2 above.
5. Already explained vide above para.
6. Already explained vide above para.
7. The appellant has not affixed any document as to attest to the departmental appeal filed by the appellant which he has to prove before this Hon'ble Tribunal. Moreover, the appellant's name was brought on Promotion List C-1 as per rule 13.8 of Police Rules, 1934 after passing Lower Course for the term ending 10.03.2019(result already attached as Annexure-E) and thus, his seniority was fixed by the District Police Officer, Kara vide Order No.1212-14/EC

dated 12.04.2023 as per the merit of the term ending 10.03.2019 as per law long with his colleagues (copy of the order is attached as Annexure-G).

- 8. Pertains to the judgment dated 22.11.2020 of this Hon'ble Tribunal passed in the Service Appeal No. 7240-P/2020 wherein the case was remitted to the respondent department with directions to decide the case by issuing a speaking order. Accordingly, speaking order was issued by the Regional Police Officer, Kohat vide Order Endst: No. 11655-5/ EC dated 07.11.2023 (copy of the order is attached as Annexure-II) in the light of adjustment of seniority of the appellant with his colleagues as per the merit of the term ending 10.03.2019 as per law vide District Police Officer, Karak Order dated 12.04.2023 highlighted in the para-7 above.
- 9. Pertains to the Execution Petition No. 494/2023 filed by the appellant. However, same was disposed of by this Hon'ble Tribunal vide its order dated 04.12.2023 in the light of the speaking order dated 07.11.2020 as mentioned in the preceding para. Moreover, the Hon'ble Peshawar High Court Peshawar vide its judgment dated 20.02.2024 has also dismissed similar nature case of Constable Muhammad Tariq of the same district Karak wanting benefits of the Hon'ble High Court judgment dated 28.01.2014, later on assailed by the respondent department (copy of the judgment dated 20.02.2024 is attached as Annexure-I).
- 10. Incorrect and misleading as the appellant's seniority has been adjusted as per law in the light of directions of this Hon'ble Tribunal and the matter is laid to rest also attracting the principle of res-judicata. Moreover, the appellant has not exhausted legal remedies available to him in law in the shape of departmental appeal against the impugned order dated 07.11.2023 as also reflected vide this Hon'ble Tribunal order dated 04.12.2023 wherein case of the appellant was disposed of once for all. Thus, at this score too, case of the appellant is pre-mature, not maintainable in the eyes of law and thus is liable to be dismissed on the following grounds;

GROUNDS:

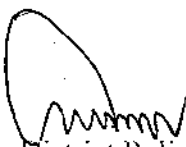
- A. Incorrect and misleading as the appellant on one hand quotes rule 13.8 of Police Rules, 1934 and on other hand, seeks refuge of the judgment dated 28.01.2014 of the Hon'ble Peshawar High Court Peshawar by wrongly interpreting same. However, as already explained above, the judgment ibid was assailed before the august apex court by filing CPLA. The Hon'ble Supreme Court of Pakistan vide its order dated 23.09.2014 had remitted the case to the respondent department with certain directions. Accordingly, in the light of the judgment ibid, the matter was discussed in the 13th Police Policy Board meeting dated 12.02.2014. Vide the said meeting, it was decided to arrange special B-1 for the overage candidates who were selected to the Lower College Course subject to allotment of extra seats for them. Additionally, vide the Standing Order No. 14/2014, upper age limit for appearing in B-1 exam was also relaxed from 33 to 40 years with unlimited chances till


that. Consequently, the appellant appeared in the B-1 exam consecutively from the year 2014 to 2017 getting benefit of such relaxation. Thus, the directions of the Hon'ble Supreme Court of Pakistan were duly complied in true letter and spirit. However, this was the case of the appellant who for the said period failed to qualify B-1 exam, one of the pre-requisites for selection to the Lower Course. It was only in the year 2019 that the appellant qualified B-1 exam, selected to the Lower Course in the same year and passed same for the term ending 10.03.2019. Accordingly, his seniority was fixed as per the merit of the term ending 10.03.2019 with the colleagues with whom he passed the Course by the respondent No.3 (DPO Karak) as per rule quoted by the appellant wherein also colleagues of the appellant stand to be those with whom he has qualified the Lower Course i.e. of the term ending 10.03.2019 and not of the year 2012. It is very astonishing and surprising that the appellant has qualified the Lower Course in the year 2019 and he is claiming seniority of the year-2012. His claim is devoid of rules and has no legal footing and no constitutional right of the appellant has been violated.

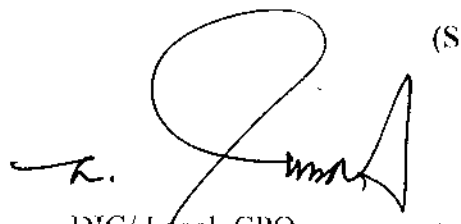
- B. Incorrect. Seniority of the appellant has been fixed with his colleagues as per the merit of the term ending 10.03.2019 as per law vide District Police Officer, Karak Order No.1212-14/EC dated 12.04.2023. Moreover, record indicates that all proceedings were open. Moreover, the appellate authority heard the appellant in person before passing the impugned order dated 07.11.2023 as per law, are lawful, bonafide, satisfy ends of law and justice, thus not open to be called in question.
- C. Incorrect as already explained vide above para. Moreover, the appellant has neither been discriminated nor deprived from his due promotion as alleged by the appellant. The appellant's claim of seniority from the year-2012 is not tenable in the eyes of law/rules.
- D. The respondent department may also be allowed to adduce additional grounds at the time of hearing before this Hon'ble Tribunal.

Prayer:-

In the light of above facts and circumstances, it is therefore requested that the appeal of the appellant, being devoid of merits, may kindly be dismissed with costs, please.


District Police Officer,
Karak
(Respondent No.3)
(KHAN KHAIL KHAN) Provl:
Incumbent


Regional Police Officer,
Kohat
(Respondent No.2)
(SHER AKBAR) PSP,S,ST
Incumbent


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(DR MUHAMMAD AKHTAR ABBAS)
Incumbent

STANDING ORDER NO. 3/2011
Promotion of Constable to the rank of Head Constable

In supersession of all standing orders on the subject, this standing order is issued to regulate promotion of constable to the rank of Head Constable in the province of Khyber Pakhtunkhwa.

1. Object

The object of this standing order is to prescribe and rationalize the criteria and syllabi for constables for promotion to the rank of Head Constable. Another object is to ensure transparency in the process of bringing names of the constables on promotion list A, B & C.

2. Applicability

B-I examination of 2012, marking system etc will be conducted on old pattern, but B-I examination of 2013 and subsequent selection to lower school courses of 2013 will be conducted according to principles laid down in this standing order. Portion of this standing order relating to professional courses will be effective from the day after the B-I exam 2012.

3. Distribution of posts of HC

Posts of head constables in a district shall be distributed as under for the purpose of promotion.

- i. 90 % of the total available seats/posts of head constables in a district shall be filled through departmental promotion of constables on the basis of merit position obtained in B-I examination, subsequent selection for lower school and successful completion of lower school course.
- ii. 10 % of the total available seats/posts of head constables shall be filled through promotion of constables on part B of list C.

Promotion lists A, B & C shall be maintained by the concerned DPOs in a district in the following manner.

4. List-A

Eligibility for list A examination

Constables fulfilling the following criteria are eligible to appear in this examination.

- a. Constables who have completed at least three years of police service starting from recruit training.
- b. Constables who have not been awarded a major punishment within the last two years.
- c. Constable who are medically and physically fit.

A-I examination, for bringing successful candidate on list-A, shall be held simultaneously in each district in the 1st month of a calendar year. This examination shall be conducted by Commandant PTC Hangu who will declare results by the end of January of each year. Qualifying marks shall be 50 % and the syllabus may include questions based on normal duties of a police constable and basic law which relates to the duties of a constable. Examination will be based on multiple choice questions (MCQ). There will be 100 MCQs, each carrying one mark, and time allowed will be one hour.

Ataul
Muhammad
Inspector legal
Karak

5. List B

List B shall be maintained by each DPO in two parts.

A. Constable considered suitable as candidates for lower school course at PTC Hangu.

B. Constables considered suitable for drill and other special courses at PTC Hangu.

Constables whose names are to be brought on part A of list B shall be made on the basis of merit determined by the Departmental Selection Board through B-I exam, marks obtained in courses etc.

Eligibility for B-I examination

Constables fulfilling the following criteria are eligible to compete for list B.

- a. Constables who have completed at least two years service on list A.
- b. Constables who have not been awarded any major punishment within the last two years preceding the B-I examination.
- c. Constables who have availed three attempts for B-I examination are not eligible.
- d. Maximum age limit for the candidates will be thirty three years.
- e. Constables must be medically & physically fit.

Written test of B-I examination will be conducted by Education Testing and Evaluation Agency (ETEA) each year at Peshawar in the month of February. Selection of constables for list B who will undergo lower school course in both the sessions at PTC Hangu shall be made on the basis of merit list prepared by the Departmental Selection Board. Departmental Selection Board established at regional level and Capital City Police area shall conduct interview of the passed candidates, award marks in other categories mentioned in this standing order and will draw final merit list for bringing the names of Constables on list B. Names on list B shall not exceed the number of seats allotted to each district for lower school course. The process of selection of constables on list B shall be finalized each year before 31st of March.

Composition of Departmental Selection Board will be as under:-

- i. CCPO/Regional DIG Chairman
- ii. DPO concerned /SSP Coord Pesh Member
- iii. SP (not posted any where in the concerned region) Member

Note: Name of the SP shall be notified each year by the PPO.

Test & marking system

• Total marks	100 (hundred)	
i. Written test	75 (seventy five) marks	
ii. Professional courses	10 (ten) marks	x 6 Marks
iii. Professional abilities	10 (ten) marks	x CC-I, CC-II & CC-III
iv. Interview	05 (five) marks	$\frac{1}{1} \quad \frac{0.50}{0.50} \quad \frac{0.25}{0.25}$

Atiqul
MAM
Inspector legal
Karak

Arrangements for the written test

Written test for B-1 examination conducted by ETEA will consist of ~~seventy MCQs~~ carrying one mark. These MCQs will be based on the syllabus mentioned below. ~~Results of the~~ written test will be announced within twenty four hours after conducting test. Date of test ~~and~~ venue shall be notified well in time by the CPO.

Syllabus

- a. Knowledge of basic law, regulations and police duties of constables and head constables.
- b. Basic knowledge of arms & ammunition and other police equipments.
- c. Basic knowledge of terrorist organizations operative in the country.
- d. Basic knowledge of methods & techniques adopted by terrorists.
- e. Basic knowledge of explosives and other such substances.
- f. Basic knowledge of civil, judicial and police administrative setups in a district.
- g. General knowledge of the country in general and the province of K.P in particular.

Professional courses

To rationalize professional courses of the constables in various institutions, the old method of awarding marks to individual courses is done away with and replaced by a system based on duration of the course. Any course of less than 14 days will not carry any mark. Names of the institutions which are conducting courses are given below and courses only run by these institutions shall be considered for awarding marks. All courses of one subject but under different names shall be treated as one course (e.g civil defense courses under different names). Training imparted by foreign trainers in Pakistan or abroad will be considered for awarding marks according to duration of the training/course.

- 1. Police training college Hangu and other such training institutions in the country
- 2. Government run Elite training centers in Pakistan
- 3. IB Training school at Simly
- 4. Civil Defense department (federal & provincial)
- 5. Traffic school for police
- 6. Army training centers
- 7. Special branch
- 8. Recognized forensic science laboratories
- 9. Any other professional police course run by the provincial or federal government institutions.

<u>Duration of the course</u>	<u>Marks</u>
Fifteen to thirty days	1 (one)
More than one month and upto two months	2 (two)
More than two months and upto three months	3 (three)
More than three months and upto four months	4 (four)
Exceeding four months	5 (five)

A. Meera
M. M. M.
Inspector legal
Karak

Inspector legal
Karak
MAM
MAM

(MUHAMMAD AKILAH KHAN HOTI)
Provincial Police Officer,
Kyber Pakhtunkhwa, Peshawar.

In each district a list shall be maintained in two parts on the prescribed form. Part A will contain the names of all constables who have passed the lower school course at PTC Hangu and are considered eligible for promotion to head constable. This list shall be made according to the order of merit determined by PTC Hangu in the lower school course examination. Promotion of lower school passed constables to the rank of head constables shall be made by selection tempered by seniority.

Constables on part B of list B who have qualified drill and other special courses shall be promoted to the rank of head constables against the 10% quota of the posts of head constables reserved for them.

List C

- a. Marks earned in the above two categories i.e. professional courses and professional abilities shall not exceed 10 in each category.
- b. Marks earned through all types of commendation certificates shall not exceed 2.
- c. Training courses finally passed by the candidate up to 31st December of the year preceding the year of examination shall be taken into account while awarding marks.
- d. Best marksman shall be declared by a professional team of Elite inspectors/examiners notified by PPO for each course for conducting test at PTC before the declaration of recruits result. Marks obtained under the category of best marksmanship shall be availed only once.

Note

Inspectors in training institutes with "A" annual assessment report with the exclusion of those covered under Police Rules 1922.

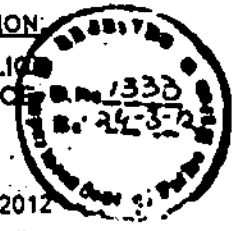
Category	Number	Weightage
Holder of 1 st & 2 nd positions in recruit course	3 (three)	10 (ten)
Best marksman in recruit course	1 (one)	5 (five)
1 st in grade in recruit course	1 (one)	1 (one)
Incremental marks (two per continuous calendar year and shall not exceed six)	0.25 (quarter)	0.5 (half)

Professional Abilities
Examination

POLICE DEPT.

KOHAT REGION

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA PESHAWAR POLICE GAZETTE PART-II ORDER BY THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION, KOHAT



(9)

NOTIFICATION

Dated Kohat the _____/2012

No. _____/EC, PROMOTION LIST "B-I" In accordance with Provincial Police Officer, KPK Peshawar Standing Order No.1/2004, the following Constables of Karak District Police are hereby brought on promotion list B-I on the basis of seats for Lower School course allotted to Karak District Police, during the year 2012 :-

S.No.	Name, Rank and Number	Term
1	Constable Muhammad Ali No. 189/3782	1 st Term
2	Constable Amjid Kamal No. 513	-d-
3	Constable Sardar Nawaz No. 68/58 E	-d-
4	Constable Khalid Rehman No. 1167 EF/850	-d-
5	Constable Saif ur Rehman No. 709	-d-
6	Constable Muhammad Adil No. 298	2 nd Term
7	Constable Amjid Ali No. 508	-d-
8	Constable Wasifullah No. 838/1288	-d-
9	Constable Hazratullah No. 673	-d-
10	Constable Faiz Ahmed No. 505	-d-

OB SRC/OAS Formulation

OB No 228
26/3/12

District Police Officer
3/1/2012

(MOHAMMAD IMTLAZ SHAH)
PSI, QPM
Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 2806-08/EC, dated Kohat the 22/3/2012

Copy of above is submitted to the :-

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar for favour of information please.
2. The Addl. Inspector General of Police, KPK, Peshawar Two spare copies of the notification are enclosed herewith for publication in the KPK Police Gazette Part-II.
3. The Commandant, PTC Hangu for information please.
4. The District Police Officer, Karak for information and necessary action. The Service Records of the (25) Constables, received with your Memo: No.1523/EC dated 08.03.2012 and Memo: No. 1563/EC, dated 09.03.2012 are returned herewith.

(Handwritten signature)

(MOHAMMAD IMTLAZ SHAH)
FSP, QPM
Dy: Inspector General of Police,
Kohat Region, Kohat.

Attn
Inspector
Karak

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI.
MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE QAZI FAEZ ISAH

C.P. No. 21-P, 46-P to 48-F, 56-P, 105-P, 113-P, 120-F, 171-P, 177-P, 187-J to
191-P, 195-P to 197-P, 213-P, 264-P to 266-P and 274-P of 2014

(On appeal against the judgment dated 30.10.2013, 12.11.2013, 27.11.2013, 13.12.2013,
11.12.2013, 12.1.2014, 28.1.2014, 11.3.2014, passed by the Peshawar High Court, Peshawar, in
W.P. Nos. 2503-P, 2614-P, 2616-P, 2883-P, 7581-A, 520-D, 2967-P, 2765-P, 2612-F, 2716-F, 2431-P,
1177-P, 3201-P, 3202-P, 3284-P, 2892-P, 3173-P, 1728-P, 3289-P, 3226-P, 2991-P, 2785-P, 1394-F,
1009-P, 2698-P of 2013)

Inspector General of Police, Peshawar and others
Govt. of KPK thr. Chief Secy and others
Provincial Police Officer, Govt. of KPK Peshawar and others
Govt. of KPK thr. Secy Home and Tribal Affairs and others
Govt. of KPK thr. Chief Secy Peshawar and others,
In 21-P, 114)
In 46-P, 114)
In 47-P, 114)
In 48-F, 114)
In 56-P, 114)
Petitioner 1)

versus

Fakhrul Islam and others,
Sheh Wali Khan and another
Nasir Mahmood and others
Buzaki Abbas
Mazhar Ali Khan and others
Inayatullah and others
Sajid Ajeem
Suleman Shah and other
Mehboob Alam and others
Muhammad Jafar
Hazrat Ali and others
Sajid Iqbal and another
Ghulam Rehman
Muhammad Tariq
Nasirullah
Ibrahim Hussain
Yaqoob Khan
Rashid Ahmad
Wahid Gul
Hazrat Ahmad
Riaz Chishti
Aziz Ullah
Ghulam Ghalib Sahib Shah
Ghulam Nour Manan
Abdul Ali

For the petitioners,

Mr. Waqar Ahmed Khan, Addl. S. P. (Legal),
Mr. M. Younis, S. P. Legal (CPO, Pesh)
Tanis Khan, DSP (Legal) Abbotabad
M. Ismail DSP Karak

For the respondents,
(In support)

Mr. Ghulam Nabi Khan, ASC. In 177-1,
182-P, 190-P, 191-P, 196-P to 199-P and
213-P of 2014)

Date of hearing:

23.09.2014

ATTEST:

[Signature]
Secretary General
Supreme Court of Pakistan

[Signature]
Inspector legal
Karak

Legible Copy
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI.
 MR. JUSTICE EJAZ AFZAL KHAN.
 MR. JUSTICE QAZI FAEZ ISA.

C.Ps NO.21-P,46-P to 48-P,56-P,105-P,113-P,120-P,176-P,177-P,187-P to 191-P, 195-P to 199-P, 213-P,264-P to 266-P and 274-P of 2014.

(On appeal against the judgment dated 31.10.2013, 12.11.2013, 21.11.2012, 10.12.2013, 11.12.2013, 12.11.2014, 28.01.2014, 11.03.2014 passed by the Peshawar High Court Peshawar in W.P Nos. 2565-P, 2614-P, 2616-P, 2885-P, 758-A,520-D, 2967-P, 2765-P, 2615-P,2910-P,3104-P,3117-P, 3201-P, 3282-P, 3284-P,2892-P, 3173-P,3228-P, 3289-P, 3226-P,2991-P, 2909-P, 3130-P, 1909-P,2698-P of 2013).

Inspector General of Police, Peshawar & Others

Govt: of KPK through Chief Secretary and Others

Provincial Police Officer, Govt: of KPK Peshawar & Others

Govt: of KPK through Secretary Home & Tribal Affairs and Others

Govt: of KPK through Chief Secretary Peshawar and Others

Versus

Fakharul Islam and Others
 Shah Wali Khan and Others
 Nasir Mehmood and Others
 Burain Abbas
 Mazhar Ali Khan and Others
 Inayat Ullah and Others
 Sajid Alam
 Soleman Shah and Others
 Mehboob Alam and Others
 Muhammad Jasim
 Hazrat Ali and Others
 Sajid Iqbal and another
 Ghani ur Rehman
 Muhammad Tariq
 Naqeeb Ullah
 Ibrar Hussain
 Yaqoob Khan
 Rasheed Ahmad
 Wahid Gul

Riaz Khan
 Aziz ur Rehman

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Annex "F"
P-21

REPLY TO PETITIONERS

ORDER

SHAWAR JANJUA, J. All the above filed petitions for leave to appeal date out of merit judgments of identical nature passed in writ petitions No. 2514-P, 2514-P, 2616-P, 2665-P, 255-A, 520-C, 2957-P, 2712-P, 2534-P, 2919-P, 2911-P, 2911-P, 2852-P, 2784-P, 2892-P, 3173-P, 2917-P, 3250-P, 3226-P, 2991-P, 2992-P, 3011-P, 1909-P, 2626-P of 2013). Under the grievance agitated by the petitioners before the Peshawar High Court in regards their loss of one selection was redressed by the Court and stated in the following terms:

The petitioners, in view of Rule 137 of Police Rules 1934, were entitled to be given preference in the matter of selection for undergoing training of the requisite course because of their ages, but junior to them were selected hence not only violation of rules is apparent in their cases but discriminatory treatment is also evident on the other hand. The cases of petitioners are similar to the cases of those petitioners, who have been given preference by the Court in the above mentioned writ petitions, and the proper, this demands giving similar relief to petitioners.

Accordingly, these writ petitions are not entertained. The respondents to immediately arrange the winding up of petitioners to Hangu Training College for the requisite course without delay and without loss of time in the order as to costs.

The learned Additional G. J. has appeared before the Court and made reference to the standing order dated 11/03/2014 to show that the standing order has further addressed the issue of age relaxation agitated by the petitioners before the High Court. He therefore submits that to the extent now the petitioners have no grievance against the impugned judgment. He further submits that, however, while passing the impugned judgment, learned Division Bench of the Peshawar High Court have not taken into account the spirit and application of standing order No. 3 of 2014 and therefore, the mode of equality for examination etc. have not been satisfied by the petitioners with the object of all those is taken into account. The impugned judgment be modified only to the extent that all the age relaxations allowed by the Peshawar High Court, as claimed by the

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CP No.21-P/2014 etc

ORDER

ANWAR ZAHEER JAMALI:- All the above titled petitions for leave to appeal arise out of eight judgments of identical nature passed in Writ Petitions No.2565-P, 2614-P, 2616-P, 2885-P,758-A,520-D, 2967-P,2765-P,2615-P,2919-P,3104-P,3117-P,3281-P, 3284-P,2892-P,3173-P,3228-P,3289-P,3226-P,2991-P,2999-P,3030-P,1909-P,2698-P of 2013) whereby the grievance agitated by the petitioners before the Peshawar High Court as regards their issue of age relaxation was redressed by the court substantially in the following terms:-

1. *The petitioners in view of Rule 13.7 of Police Rules 1934, were entitled to be given preference in the matter of selection for undergoing training of the requisite course because of their ages, but juniors to them were selected hence not only violation of rules is apparent in their cases but discriminating treatment is also evident on the other hand. The cases of petitioners are similar to the cases of those petitioners, who have been given relief by this court in the above mentioned writ petitions and the propriety thus demands giving similar relief to petitioners.*

Accordingly these writ petitions are accepted with directions to respondents to immediately arrange the sending of petitioners to Hangu Training College for the requisite course without fail and without loss of time. No order as to costs”.

2. The learned Addl A,G KPK has appeared before the Court and made reference to the standing order dated 11.03.2014 to show that this standing order has further addressed the issue of age relaxation agitated by the petitioners before the High Court. He, therefore, submits that to this extent now the petitioners have no grievance against the impugned judgment. He further submits that, however, while passing the impugned judgments learned Division Benches of the Peshawar High Court have not taken into account the spirit and application of Standing Order No.3 of 2011 which provides for the mode of eligibility for examination etc. He submits that petitioners will be satisfied with the disposal of all these petitions in the terms that the impugned judgments are modified only to the extent that after the age relaxation allowed by the Peshawar High Court as affirmed by the

department wide Police Policy Board decision dated 12.02.2014. The selection of the candidates for A1 and B1 examination will be made on merit on the basis of the merit list prepared in PPB 12 of 2014 and that for this purpose a Committee will be constituted which will examine the merit list dated 11.7.2013 afresh as a whole.

3 In reply to the above Mr. Ghulam Nabi Khan, A.S.C. has insisted that the selection of remaining candidates should be taken up on merit on the basis of the merit lists already prepared at the departmental level in Jul, 2013. We are not much impressed with his submission for the reason that the list of candidates who are to be selected for the forthcoming training programme is to be prepared by the department on an annual basis. There remains no doubt in this regard especially in the light of the statement to this effect made by the learned Addl. A.G. that after the decision on the issue of age relaxation, the merit criteria in terms of standing order by PPB Order No. 13 of 2014 will be followed strictly across the board and for that purpose

treatment to all the petitioners before the High Court and others in similar position will be just, fair, equitable and without any discrimination.

4 We accordingly propose to dispose of these petitions on the observation that the persons, who after age relaxation are qualified to appear in A1 and B1 examination shall be eligible to undergo the training and for that purpose a Committee shall be constituted by the competent authority who shall determine their merit along with other candidates strictly in terms of the standing order/PPB as mentioned above.

5 In view of the above, the delay in the filing of these petitions is condoned and all these petitions are converted into appeal and disposed of as such along with other pending applications. Henceforth, if the respondents write petitioners herein have any other grievances, they may agitate the same before the proper forum.

Asst. Secy. (Legal) Karak
F. No. 100/2014
12/12/2014

15/12/2014
23/12/2014

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Legible CopyCP No.21-P/2014 etc

Department vide Police Policy Board decision dated 12.02.2014. The selection of the candidate for A1 and B1 examination will be made on merit as per criteria laid down in PPB 13 of 2014, and that for this purpose a Committee will be constituted who will examine the merit list dated 11.02.2013 afresh as a whole.

3. In reply to the above Mr. Ghulam Nabi Khan, ASC has insisted that the selection of the remaining candidates should be taken up on merit on the basis of the merit lists already prepared of the departmental level in July, 2013. We are not much impressed with his submission for the reason that the list of candidates who are to be selected for the forthcoming training programme is to be prepared by the department on an annual basis there remains no doubt in this regard especially in the light of the statement to this effect made by the learned Addl A.G that after the decision on the issue of age relaxation, the merit criteria in terms of standing order by PPB Order No.13 of 2014 will be followed strictly across the board and for that purpose treatment to all the petitioners before the High Court and others in similar position will be just fair equitable and without any discrimination.

4. We accordingly propose to dispose of these petitions with the observation that the persons, who after age relaxation are qualified to appear in A1 and B1 examination shall be eligible to undergo the training and for that purpose a Committee shall be constituted by the competent authority who shall determine their merit alongwith other candidates strictly in terms of the standing order /P.P.B as mentioned above.

5. In view of the above, the delay in the filing of three petitions is condoned and all these petitions are converted into appeal and disposed of as such alongwith other pending applications. Henceforth, if the respondents on the petitioners herein have any other grievance they may agitate the same before the proper forum.

ISLAMABAD

23.09.2014



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

STANDING ORDER NO. 14/2014

Upper Age Limit for A-1 and B-1 Exams and
Selection Criteria for the Lower Course

This Standing Order is issued under Article 10(3) of Police Order 2002 in pursuance of the Police Policy Board decision taken in its 4th meeting held on 29th January 2014.

2. **Aim:-** Presently, the upper age limit for A-1 and B-I Examination is very low due to which a large number of Constables cannot avail the opportunity of further promotion and get retired as Constables. This state of affairs also results in creating frustration amongst the Constabulary, affecting their performance for the rest of their career. Similarly, there are a number of anomalies in the selection criteria for Lower School Course. This Standing is aimed at streamlining and addressing these two issues.

3. **Upper age-limit for A-1 and B-1 Exams:-** The upper age limit for appearing in A-1 and B-I Examinations shall be as under:

- a) A-I Exam: 37 years;
- b) B-I Exam: 40 years.

4. The cut-off date for calculating the upper age limit for either of the above Examinations shall be the 31st day of the month of December falling before the respective Examination.

5. **There shall be no bar on the number of attempts for a candidate to appear either in A-I or B-I Examination within the prescribed age limit.**

6. Both A-1 and B-1 Examinations shall be conducted through EATA or any other well-reputed testing agency approved by the Inspector General of Police.

7. The entire process of both A-1 and B-1 Examinations shall be completed before the 15th day of March every year.

8. A Constable shall be eligible to appear in A-1 Examination if he has completed three years service, counted from the date of enlistment, and has qualified Recruit Course.

9. Qualifying marks for A-1 and B-1 Examinations shall be as under:

- a) A-1 Examination: Not less than 40% of the total;
- b) B-1 Examination: Not less than 50% of the total.

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9.1 The Inspector General of Police may, by a general or special order, raise the minimum qualification marks for A-1 or B-1 Examination from time to time if so required due to any reason.

9.2 B-1 qualified Constables shall be selected for the Lower Courses of the same year in the order of merit of B-1 Examination against the available number of Lower Course seats. The B-1 Examination merit list shall not be valid for the next year.

10. Constables qualifying A-1 Examination shall stand eligible for appearing in B-1 Examination, subject to the fulfillment of other requirements.

11. A candidate shall be eligible to appear in B-1 Examination, subject to fulfilling other requirements, if he has earned minimum 6 marks, at any stage after recruitment, in the "Graded Professional Courses" or any other course so determined by the Inspector General of Police. However, a candidate obtaining 4 marks in the "Graded Professional Courses" or any other course so determined by the Inspector General of Police shall be eligible to appear in B-1 Examination conducted during the year 2015.

12. **Selection Criteria for Lower School Course:-** Those Constables who qualify B-1 Examination shall be eligible for the Lower School Course on the basis of seniority and order of merit.

13. The number of seats for the Lower School Course shall be fixed every year by the Inspector General of Police on the recommendation of the following committee.

- a) The Additional IGP Headquarters;
- b) The DIG Training;
- c) The AIG Establishment.

14.1 The above Committee shall also allocate seats for the Lower School Course to each District in accordance with the ratio of the total strength of Constables in that District worked out against the total number of seats.

14.2 No seats of the Lower School Course shall be allocated to any Police unit except Districts.

15. A consolidated seniority list of all Constables enlisted in a District, or having domicile of the District in case of Constables serving in FRP, shall be maintained in that District which shall include seniority-wise names of all Constables of the District whether such Constables are serving in that District or they have been transferred to or working in other Police Units, e.g. Special Branch, FRP, CTD, Investigation, Elite Force, Range Officer, CPO, etc.

15.1 The concerned Heads of District Police shall select B-1 qualified candidates for Lower Course strictly in accordance with the seniority and merit position as reflected in the consolidated seniority list mentioned in section 15 above; whether the Constables are, at the

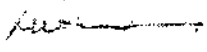
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ime of selection, serving in that District or have been transferred to or working in any other Police Unit, e.g. Special Branch, FRP, CTD, Investigation, Elite Force, Range Officer, CPO, etc.

6. **Power to remove difficulties:-** If any difficulty arises in giving effect to this order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.

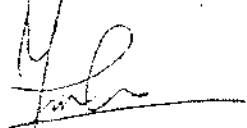
7. **Amendment:-** All previous Standing Orders on the subject, to the extent of the provisions of this order, shall stand amended.


(NASIR KHAN DURRANI)
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar

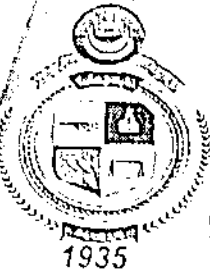
No:- 920-990/GB dated Peshawar the 17th October 2014

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

1. All Heads of Police Offices in Khyber Pakhtunkhwa;
2. PRO to PPO;
3. Registrar CPO.


(MUBARAK ZEB) PSP
DIG Headquarters
Khyber Pakhtunkhwa
Peshawar


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Office of the Commandant, Police Training College, Hangu.

Ph # 0925-621886
Fax # 0925-620586

**FOR PUBLICATION IN KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERS BY THE COMMANDANT POLICE TRAINING COLLEGE HANGU.**

**NOTIFICATION
Dated /3 /03/2019.**

No. 882 /S/RESULT: The result of the following Officers, of your Distt/Units, who appeared in the final examinations of Lower College Course, held at PTC Hangu for the term ending 10.03.2019, is hereby announced and given below. Their Order of Merit is noted against each. The Original Performance Reports/History sheets, of the Passed Candidates shall be issued and sent separately for necessary action. The receipt may be acknowledged please.

Result of top 10 candidates of Lower College Course Term Ending 10.03.2019

S#.	Comp#.	Name	Belt#.	District.	Merit No
1	L-11152	Majid Khan	41	Swabi	1
2	L-11340	Shams Ur Rehman	593	Tank	2
3	L-11499	Sami Ur Rehman	4640	FRP Abbottabad	3
4	L-11257	Muhamamd Salman Khan	1625	FRP HQ Pesh:	4
5	L-11298	Abdul Wahab	1403	Elite Mardan	5
6	L-11272	Muhammad Zubair	2491	Mardan	6
7	L-11180	Rahmat Ali	2852	Swat	7
8	L-11521	Sana Ullah	2629	Charsadda	8
9	L-11530	Amir Khan	2799	Swat	9
10	L-11224	Aftab Ahmad	2742	Mardan	10
11	L-11489	Abdullah	4158	FRP-Swat	11
12	L-11324	Bakht Ali	287	Dir Lower	12

Result of re-appeared candidates of Lower College Course Term Ending 31.10.2018

13	L-10962	Naseer Khan	2483	CCP Pesh:	13
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Result of Lower College Course Term Ending 10.03.2019

14	L-11194	Cheragh Ud Din	5238	Elite Chitral	14
15	L-11330	Raza Ullah	49229	FRP, D.I. Khan	14
16	L-11153	Murad Ali	513	Swabi	15
17	L-11315	Riaz Ahmad	5205	Elite Chitral	16
18	L-11394	Muhamamd Amin	2579	MW Mardan	17
19	L-11151	Imran Khan	891	Swabi	18
20	L-11107	Rauf	37	PTC Hangu	19
21	L-11428	Roman Ali	2177	Dir Lower	20
22	L-11566	Shakir Ullah	88	PTC Hangu	21
23	L-11544	Ashiq Ali	1036	CTD Nowshera	22
24	L-11485	Suleman	126	Swabi	22
25	L-11337	Mustafa Amin	459	Chitral	23
26	L-11299	Zuhaib Hassan	72	Kohat	24
27	L-11545	Sher Alam	888	FRP HQ Pesh:	25
28	L-11506	Aman Ullah	727	Kohistan	25
29	L-11483	Adnan	5013	Elite Pesh:	26
30	L-11279	Khayal Nuiyab	298	Anti Corp Toor Ghar	27
31	L-11300	Umer Khan	1228	Musehra	28
32	L-11379	Tariq Ur Rehman	1366	Chitral	29
33	L-11177	Farooq Shah	1526	FRP HQ Pesh:	29
34	L-11160	Shahenshah	2707	CCP Pesh:	30
35	L-11487	Shakir Ahmad	5315	Elit Swat	31
36	L-11500	Liaqat Ali Shah	417	Battagram	32

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Sl. No.	Comp. No.	Name	Roll No.	District	Merit No.
91	L-11215	Juhar Ali	2466	Elite Dir Upper	68
92	L-11274	Atta Ullah Khan	79	Dattagram	68
93	L-11492	Muhammad Siyah	3430	FRP Swat	69
94	L-11113	Fahcem Ullah	846	Nowshera	70
95	L-11412	Fardad Alam	4307	Elite Chitral	71
96	L-11362	Almad Hussain	2729	Swat	72
97	L-11525	Muhammad Jan	2783	Swat	72
98	L-11210	Wazir Ahmad	859	Chitral	72
99	L-11590	Nizam Ud Din	1165	Elite Buner	72
100	L-11382	Ikhlas Ud Din	1174	Chitral	73
101	L-11129	Shahid Khan	482	Nowshera	73
102	L-11568	Abdullah	2383	Dir Lower	74
103	L-11246	Shams Uz Zaman	309	Karak	74
104	L-11532	Naveed Khan	5260	CCP Pesh:	75
105	L-11458	Jamshed Usman	660	Karak	76
106	L-11277	Shahid Ullah	FRP 5289	FRP Kohat	76
107	L-11569	Azeem Khan	1506	Dir Lower	77
108	L-11370	Muhammad Zaman	566	Elite Pesh:	77
109	L-11275	Saeed Ullah	FRP 5304	FRP Kohat	78
110	L-11567	Sardar Ayub	1211	PTC/Chitral	79
111	L-11185	Azeem Said	1014	Swabi	79
112	L-11306	Asad Nawaz	738	Haripur	80
113	L-11431	Muhammad Shafqat	1219	CTD Hangu	81
114	L-11317	Mahboob Ali	2085	Swat	81
115	L-11273	Qayum Khan	671	Dir Upper	81
116	L-11335	Zeesha Haider	FRP 5821	FRP Kohat	81
117	L-11179	Jawad Ali	5278	Elite Swat	82
118	L-11109	Sami Ullah	426	Shangla	82
119	L-11417	Hafeez Ul Amin	1078	Chitral	82
120	L-11130	Majid Hussain	1386	Abbottabad	83
121	L-11401	Khalil Ur Rehman	1910	Dir Lower	84
122	L-11237	Ghani Ur Rehman	2741	Karak	85
123	L-11291	Asghar	2440	Dir Lower	85
124	L-11507	Abdul Qadir	396	Kohistan	86
125	L-11504	Muhammad Israr	6483	FRP Bannu	86
126	L-11191	Noor Ul Qamar	949	Buner	87
127	L-11441	Muhammad Kashif Manzoor	439	Abbottabad	88
128	L-11486	Akhtar Zada	1422	Dir Upper	88
129	L-11594	Laiq Zada	5696	Elite Dir Upper	88
130	L-11533	Shakir Muhammad	1337	Chitral	89
131	L-11132	Mir Alam Khan	1862	FRP HQ Pesh:	90
132	L-11587	Behramand	2256	Elite Pesh:	91
133	L-11601	Noman Sadiq	50	Dir Upper	91
134	L-11290	Muhammad Ibrahim	698	Dir Lower	92
135	L-11408	Saleh Muhammad	654	Chitral	93
136	L-11255	Syed Bilal Shah	1431	Elite Bannu	94
137	L-11189	Yasir Ali	804	Buner	94
138	L-11548	Asif Ali	648	Swabi	95
139	L-11421	Gulzar Ahmad	5400	Elite Dir Lower	96
140	L-11497	Khan Sher	630	Shangla	97
141	L-11223	Hassan Said	2492	Dir Lower	97
142	L-11316	Umar Ali	1922	Swat	98
143	L-11427	Muhammad Nawaz	290	Dir Lower	98
144	L-11514	Sheraz Ali	60	Traffic Pesh:	99
145	L-11208	Khalid Wahid	1791	D.I.Khan	99
146	L-11119	Fakhre Alam	2192	Nowshera	100
147	L-11423	Aman Ullah	5550	Elite Dir Lower	100
148	L-11176	Asif Jan	1146	FRP HQ Pesh:	101
Result of re-appeared candidate of Lower College Course Term Ending 31.10.2018					
149	L-10977	Abdur Rehman	112	CTD Lakki Marwat	102



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No	Comp No:	Name	Belt No	District	Failed Sub:
<u>Result of failed re-appeared candidate of Lower College Course Term Ending 31.10.2018</u>					
540	L-10806	Khalid Hussain	1298	Dir Upper	AC
<u>Result of failed re-appeared candidate of Lower College Course Term Ending 20.06.2018</u>					
541	L-9887	Sartaj Ali	1131	Kohat	PPC, PR, MJ, Ist, AC, FP

Dr. Masood Saleem (PSP)
 Commandant,
 Police Training College, Hangu.

No. 883-927/S dated Hangu, the 13 /03/2019.

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Addl IGP HQrs Khyber Pakhtunkhwa Peshawar.
3. The Addl: IGP/Commandant FRP HQrs, Khyeber Pakhtunkhwa, Peshawar.
4. The Addl: IGP/Commandant Elite Force, Khyeber Pakhtunkhwa, Peshawar.
5. The Addl: IGP/SB, Khyeber Pakhtunkhwa, Peshawar.
6. The Capital City Police Officer, Peshawar.
7. The DI, sG of Police Bannu, D.I.Khan, Kohat, Mardan, Malakand and Hazara Regions.
8. The DI, sG Training, Traffic and CTD, Khyber Pakhtunkhwa, Peshawar.
9. The Commandant Campus Peace Corps University of Peshawar.
10. The DPO's, Abbottabad, Bannu, Battagram, Buner, Charsadda, Chitral, D.I.Khan, Dir Lower, Dir Upper, Hangu, Haripur, Karak, Kohat, Kohistan, Lakki Marwat, Mansehra, Mardan, Nowshera, Swabi, Swat, Shangla, Tank & Toor Ghar.
11. The S, sP FRP/SPL Bannu, Peshawar, D.I.Khan, Hazara, Malakand and Kohat.
12. The Office Superintendent. PTC Hangu.

Dr. Masood Saleem (PSP)
 Commandant,
 Police Training College, Hangu.

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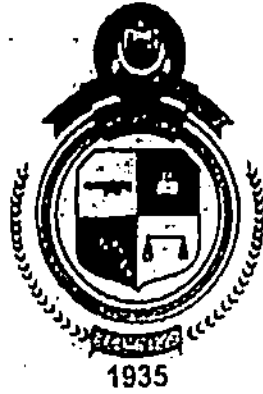
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 Prepared by In-charge Secrecy,

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 Checked and found correct.

Asrar d
 Controller of Examinations

Asrar d
 Inspector legal
 Karak

Police Training College Hangu



PERFORMANCE REPORT

Starting Date : 07.11.2018
 College Course : Lower
 District/Unit : Karak
 Belt No. : 274
 Education : FA
 Term Qualifying : 10.03.2019

Ending Date : 10.03.2019
 Name : Ghani Ur Rehman
 Comp# : L-11247
 Company : Suleman
 Merit : 85

Subjects	Marks obtained	Marks allotted	Subjects	Marks obtained	Marks allotted	Remarks	
Paper No: I			Parade	25	/50.00	Declared Passed	
PPC	254	/400.00	PT	15	/30.00		
PR			FC	26	/50.00		
MJ/AC			DPA	42	/70.00		
Is/FP			A.Fire SMG	200	/200.00		
Paper No: II			G3.Fire	70	/100.00		
CrPC	288	/400.00	AC	69	/110.00		
LSL			R.On P.O's	16	/30.00		
FCT			Ambush	14	/30.00		
PPWP			Naka Bandi	16	/30.00		
PEW/OS			Total	493	/700.00		
Total	542	/800					Overall %age is: 69.00
Grand Total 1035 / 1500.00							

Leave: 1 day. M. Rest: Nil. Absence: Nil. Punishment: Nil. Reward: Nil

(Signature)
 Checked and found correct
(Signature)
 Incharge Secrecy

(Signature)
 Inspector legal
 Karak

(Signature)
 Controller of examinations
 For Commandant,
 Police Training College, Hangu.



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

No: 9015-22 /E-IV

No: 9015-22 /E-IV

dated

Peshawar the 22 /10/2018

ORDER

In compliance with the order dated 28.01.2014 passed by Peshawar High Court Peshawar in Writ Petition No. 3117-P/2013 and subsequent COC 625-P/2017, one extra seat for Lower School Course is hereby allotted to the petitioner namely Ghani-ur-Rehman No. 274 of District Karak provisionally subject to the outcome of CPLA. His seniority will be reckoned with his colleagues who will be undergoing the Lower School Course with him. The timings of course shall not violate seniority of others.

-Sd/-
SALAH-UD-DIN KHAN
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. and dated even

Copy forwarded to the:-

1. Registrar, Peshawar High Court Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat.
3. Commandant Police Training College Hangu with the direction to make entry in his service record.
4. PSO to worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
5. Asstt: Inspector General of Police, Legal, Khyber Pakhtunkhwa, Peshawar.
6. District Police Officer Karak with the direction to make entry in his service record.
7. Supdt: of Police, Courts and Litigation, CPO Peshawar.

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A
(ZAIB ULLAH KHAN) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

ORDER

21

In compliance with the W/DIG HQrs KP Peshawar vide letter No. 387/Legal dated 02/02/2023 received under the W/RPO Kohat Endst: No. 2238/EC dated 20/02/2023, the Lower School Course seniority of LHC Ghani Ur Rehman No. 274 is hereby fixed below LHC Zeeshan Haidar No. 5821/FRP and above LHC Altaf Ahmad No. 5103/FRP as per term ending i.e. 10.03.2019 and merit with immediate effect.

O B No 174

Dated 14-04 /2023


District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 1212-14 /EC dated Karak the 12/04 /2023

Copy of above is submitted for favour of information to:-

- 1 The Dy. Inspector General of Police, HQrs Khyber Pakhtunkhwa Peshawar w/r to his letter quoted above, please.
- 2 The Regional Police Officer, Kohat Region Kohat w/r to his letter quoted above, please
- 3 The Registrar, KP Service Tribunal, Peshawar w/r to Service Appeal No 7240/2020
- 4 LHC Ghani Ur Rehman No 274


District Police Officer, Karak


Inspector legal
Karak

ORDER

This order will dispose of the departmental representation of LHC Ghani ur Rehman No. 274 of district Karak. The brief, yet revealed, facts of the matter are that the petitioner LHC Ghanir ur Rehman No. 274 filed service appeal in the Service Tribunal KP Peshawar for revision of his seniority. The Services Tribunal KP Peshawar remitted the departmental representation / appeal to this office with the direction to decide the same through a speaking order strictly in accordance with law and rules.

The appellant passed B-I examination in the year 2012 but due to allocation of 10 seats for district Karak, he was not selected for Lower School Course as he stood at S No. 12. The petitioner, alongwith others, filed a writ petition in Peshawar High Court vide No. 3117-P/2013 for selection to Lower School Course, which was allowed in 2013. The said judgment was challenged by the department through CPLA in Apex Court. In the meanwhile, CPO Peshawar increased the age limit for B-I examination from 33 to 40 years with unlimited attempts for B-I. After this extension in age, the petitioner continuously failed in the exam of B-I since 2014 to 2017. Later, he filed a CoC No. 3117-P/2013, in the aforementioned Writ Petition in Peshawar High Court. In pursuance thereof, the CPO Peshawar allotted one extra seat to him for Lower School Course with the conditions that his seniority will be reckoned with his colleagues who will be undergoing the Lower School Course with him. The timing of course shall not violate seniority of others.

The appellant was called and heard in person on 06.11.2023. The relevant record was perused which transpired that he passed Lower College Course in the year 2019. After passing Lower School Course, his name was brought on list C-1 alongwith other colleagues who had passed Lower School Course in the term ending 10.03.2019. Moreover, his seniority has been fixed by the DPO Karak vide order No. 1212-14/EC dated 12.04.2023 with his colleagues. The contention of the petitioner for granting him ante dated seniority from the year 2012 will amount to out of turn promotion which have been declared null and void by the Supreme Court of Pakistan.

Foregoing in view, the representation of the petitioner is hereby dismissed, being without substance and merit.

Order Announced
06.11.2023

Regional Police Officer,
Kohat Region

No. 11655-5/EC, Dated Kohat the 7/11/2023

Copy of above is submitted for favour of information to Inspector General of Police, Khyber Pakhunkhwa Peshawar.

2. District Police Officer, Karak.

Attard
W. M. M.
Inspector legal
Karak

[Signature]
Regional Police Officer,
Kohat Region

23

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
PESHAWAR,
JUDICIAL DEPARTMENT

COC No.863-P/2019 in W.P No.3281-P/2013.

Muhammad Tariq
Vs
Dr. Muhammad Naeem Khan, IGP KPK & others

For petitioner: Mr. Ashrif Ali Khattak, Advocate

For Respondents: Mr. Kamran Murtaza, AAG.

JUDGMENT

MUHAMMAD FAHEEM WALL, J.- Through the instant

petition, petitioner, has sought the following relief:

It is, therefore, prayed that on acceptance of this petition, the respondents/contemnors may kindly be directed to implement the worthy order/judgment of this Honorable Court dated 28.01.2014 and create extra seat for lower school course in the forthcoming training at PTC Hangu by treating the petitioner at par with Ghani ur Rahman and Faizullah and contempt of court proceedings may also be initiated against the respondents/contemnors to punish them according to law.

2. In essence, grievance of the petitioner is that he, being qualified, remained unsuccessful to be selected for Lower School Course; resultantly, he filed a Writ Petition No. 3281-P/2013, which was allowed by this Hon'ble Court, directing the respondents to include his name in the list of the candidates for the next Lower

School Course; however, on reluctance of respondents; he, filed this petition.

3. Respondents were put on notice to file reply which they have submitted, wherein, they have opposed the stance taken by the petitioner.

4. Arguments of learned counsel for the petitioner and learned AAG were heard and record perused.

5. The record would show that petitioner seeks implementation of the Order of this Court dated 28.01.2014 with direction to the respondents to create an extra seat for Lower School Course in the next coming training programme at PTC, Hangu by treating him at par with Ghani ur Rehman and Faizullah with further prayer to punish respondents by initiating contempt of court proceeding against them under the relevant law. Since, the petitioner prays for implementation of the Judgment passed by this Court in Writ Petition No.2698-P/2013, whereby through a consolidated Judgment, a number of writ petitions has been given alike treatment including the writ petition filed by him in Writ Petition No.3281-P/2013, therefore, it would not be out of place to reproduce its operative part as mentioned in Para No.6 of the Judgment:-

"Accordingly, for the reasons stated hereinabove, all the writ petitions are allowed and the respondents are directed to include the names of the petitioners in the list of candidates of their respective Districts, for the forthcoming course,

scheduled to be commenced with effect from 01.04.2014, as the current course, which commenced from 04.10.2013 is about to conclude just after a month."

6. The respondents, being aggrieved of the aforesaid Judgment knocked at the doors of the Apex Court, whereby, petitions for leave to appeal were converted into appeal and disposed of with the following observation:-

"that the persons, who after age relaxation are qualified to appear in A1 and B1 examination shall be eligible to undergo the training and for that purpose a Committee shall be constituted by the competent authority who shall determine their merit alongwith other candidates strictly in terms of the Standing Order/P.P.B No.13 of 2014."

7. For the purpose of explanation, P.P.B No.13 of 2014 is Police Policy Board's decision dated 12.02.2014 which is the criteria following which, the selection of candidates for A1 & B1 examination is made on merit.

8. Considering the above yardstick, the respondents were required to follow the aforesaid judgments in its true letter and spirit and in this regard, perusal of the record reveals that the petitioner has been provided more than ample opportunities to pass the requisite exams but it appears that the petitioner despite having been provided numerous opportunities, has not appeared in the B1 exam in the year 2014 thus declared absent. Though, he appeared for the aforesaid

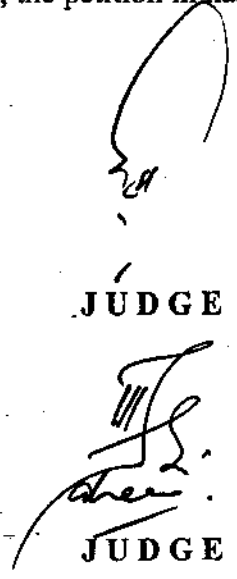
test in the year 2015, but failed but failed to qualify the same. The clock does not stop here and the history kept on repeating itself, as the petitioner has regularly taken up the exams conducted for the B1 course but did not make any impact and failed to pass the requisite exam held for the purpose since the year 2016 till filing the instant contempt of Court petition.

9. Conjoint effect of the aforesaid discussion leads us to a conclusion that the department had been constantly providing opportunities to the petitioner to qualify the requisite test and thus, be able to upgrade his career but unfortunately, he has not been able to clear the requisite examination on regular basis, the responsibility whereof cannot be shouldered by the respondents nor they have apparently violated any of the orders passed by this Court, thus, no case of contempt for court has been made out against the respondents.

10. For what has been discussed above, the petition in hand being meritless stands dismissed.

Announced:
20.02.2024

JUDGE



JUDGE

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 88/2023
Ghani-Ur Rehman,
LHC, Belt No.274,
Police Force, Karak

..... Appellant

VERSUS


Inspector General of police,
Khyber Pakhtunkhwa & others

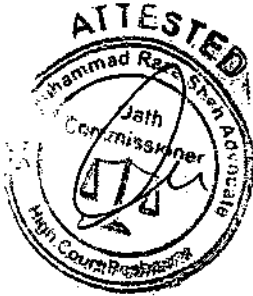
..... Respondents

AFFIDAVIT

I, Khan Khail Khan District Police Officer, Karak do hereby solemnly affirm on oath that the contents of Para-wise comments on behalf of respondent's No. 1 to 3 are correct to the best of my knowledge/ belief. Nothing has been concealed from this Hon'ble Service Tribunal.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.


District Police Officer,
Karak
(Respondent No.3)
(KHAN KHAIL KHAN) Provl:
Incumbent



12 JUN 2024