

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 279/2024

Muhammad Arshad LHC Belt No.178, Police Force Kohat.

.....Appellant.

Versus

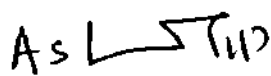
The Provincial Officer KPK, Peshawar & others.....Respondents.


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Appellant

Through

As 
 Ashraf Ali Khattak
 Advocate,
 Supreme Court of Pakistan

&

 Ali Bakht Mughal
 Advocate,
 High Court, Peshawar

Dated: ____/06/2024

03-06-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.279/2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13118

Dated 03-06-24

Muhammad Arshad LHC Belt No.178, Police Force Kohat.

Appellant.

Versus

The Provincial Officer KPK, Peshawar & others.....Respondents.

**REJOINDER ON BEHALF OF THE APPELLANT IN RESPONSE
TO THE PARAWISE REPLY SUBMITTED BY RESPONDENTS
1 TO 4.**

Respectfully Sheweth,

REJOINDER TO PRELIMINARY OBJECTIONS:

That the preliminary objections raised by the answering respondents are erroneous in nature and spirits rather self-created and flimsy. The answering respondents have failed to give legal and factual support to their contentions submitted in the shape of preliminary objections. No legal reasons have been submitted by the answering respondents as to why the appellant has no cause of action and locus standi? Why the appellant is estopped by his own conduct? Which necessary party have left and not arrayed as party? Why the appeal is bad in law? How the appellant has not approached this Hon'ble Tribunal with clean hands? In absence of legal support, proper rejoinder could not be filed and submitted therefore, preliminary objections raised by the answering respondents are liable to be struck down.

REJOINDER TO FACTS:-

1. That para No.1 of the appeal has fully been admitted by the answering respondents, however, it is pertinent to mention that in the year 2005 and 2006 when the Province of Khyber Pakhtunkhwa was under heavy terrorism activities. In order to cope with the situation, the Govt. of Khyber

Pakhtunkhwa decided to enhance the number of Police Constables etc. so as to face the situation. In this respect, the Govt. of Khyber Pakhtunkhwa relaxed age limit for recruitment against the posts of Constable and resultantly age limit was fixed from 18 years to 30 years. The Govt. of Khyber Pakhtunkhwa, in the light of required situation recruited 5 to 6 thousand Police Constables including those who were at the age of 26 – 30 years. According to Rule 13.7 of the Police Rules, 1937, the required age limit for undergoing promotion course (Lower School Course) was 33 years of age. Thus, anomaly was created as to how the Police Personals who have been recruited beyond the maximum age limit could be accommodated in the promotion hierarchy of the Department. This was decided by the Police Department to provide opportunity of promotion to the overage constables, who were on Promotion List B-1 to undergo promotion course (Lower School Course). It is worth mentioning that in this respect 180 seats were reserved for the overage Constables to undergo Lower School Course apart from their District wise quota. It is also worth mentioning that appellant was not failed in B-1 Examination (ETEA Exam). It is untrue that appellant was failed in B-1 Exam. Appellant could not be selected for Lower School Course against the specified reserved quota of the District Kohat, but later on, when 180 seats were created for those constables, who were recruited beyond their age limit, appellant was also enlisted among the selected candidates in overage quota. The name of the appellant reflects at Sr. No.131 of the list. Thus appellant was provided opportunity to undergo Lower College Course in term ending 20-03-2014. Copy of the selected overage candidates is attached as **Annexure/Rj-1**.

2. That reply to para No.2 of the appeal has also been admitted by the answering respondents with respect to Rule 13.8 of the Police Rules, 1934 wherein it has been provided that the seniority of those candidates, who have passed Lower School Course shall be reckoned from the date of the end of the term of passing Lower School Course. This mandatory provision of law is still in active operation which can be easily judged from the impugned seniority list of C-1 Constables. The rest of the reply of the answering respondents is incorrect, hence denied in toto. The detail answer has already been submitted in rejoinder to para.1. On this score, appellant is entitled to be placed at Seniority List of C-1 LHC and HC who has been given seniority position in term ending 20-03-2014. Appellant has passed his Lower School Course in

term ending 20-03-2014 which is evident from the result report of Lower College Course held at PTC Hangu in term ending 20-03-2014. The name of the appellant lies at Sr. No.217 (L-2618). Copy of Result report of Lower College Course held at PTC Hangu in term ending 20-03-2014 has already been attached with the memo of appeal as annexure-A.

3. That reply to para No.3 of the appeal by the answering respondents is incorrect, hence denied. The detail answer has already been submitted vide rejoinder to reply of para No.1 of the answering respondents. The selection of appellant for undergoing Lower School Course was made as per the decision of the respondent department which has already been explained. The decision of enlisting the appellant and other 180 candidates in the last term of 2014 was the outcome of Provincial Police Order No.2288-2320/E-IV/ dated 24-02-2015. This letter was subsequently assailed before the Hon'ble Peshawar High Court in W.P No.1952-P/2015. The Hon'ble Peshawar High Court vide Order / Judgment dated 24-01-2018 set aside the decision of the respondent department dated 24-02-2015. Thus the decision under which appellant and other LHCs were enlisted in the seniority List in the last term of 2014, remained no more in field thus, appellant could not be subjected to the decision of the respondent department dated 24-02-2015. Copy of the writ petition No.1952-P/2015 along with the Judgment is attached as **Annexure/Rj-2**. The decision of the Hon'ble High Court has got finality as no appeal was preferred by the department in the Supreme Court of Pakistan.
4. That reply to para No.4 of the appeal by the answering respondents is incorrect, hence denied. The respondents have failed to explain as to under what authority of law, they have disturbed the legal seniority of the appellant in term ending 20-03-2024 and whereas the basic order of the respondent department dated 24-02-2015 has already been set aside by the competent Court of law. The respondents have no valid reason for enlisting the appellant's seniority with those LHCs, who has passed their Lower School Course in the last ending term of 2014. It is worth mentioning that Rule 13.8 is still in active operation and has never been amended till the date and it is settled principle of law that "any policy or notification could not override statutory rules framed by the Government under the statute. Executive

instruments could not amend statutory rules” Wisdom may be derived from the Judgment reported as 2020 PLC (C.S) 747 citations (a) & (b).

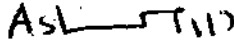
5. That reply to para No.5 of the appeal by the answering respondents is incorrect, hence denied. The case of the appellant does not come within the purview of the out of turn promotion which is evident from the Judgment of the Hon'ble Peshawar High Court Peshawar dated 29-08-2023. Copy of the Judgment is attached as **Annexure/Rj-3**.
6. That para No.6 to 9 of the appeal has been admitted by the answering respondents hence, no need to reply.
7. That reply to para No.10 of the appeal by the answering respondents is incorrect, hence denied. Appellant had qualified his B-1 examination conducted through ETEA. The respondents are under legal obligation to enclose the result report of the B-1 examination held on 10-03-2013. The answering respondents are the legal custodians of the result sheets therefore, burden of producing the result sheets lies on the shoulders of official respondents.
8. That reply to para No.11 of the appeal by the answering respondents is incorrect, hence denied. Appellant has highly been discriminated. His true seniority position with his colleagues in term ending 20-03-2014 has been disturbed and whereas juniors to him have not only been promoted to the post of Head Constables but have also been selected for undergoing inter college course which is evident from the impugned seniority list and the impugned promotion orders of the private respondents to the posts of HC dated 10-06-2022, 05-10-2022 and _____ which are attached again as **Annexure/Rj-4**.


REJOINDER TO GROUNDS:-

That reply to Grounds A to E by the answering respondents are incorrect, hence denied. However, it has categorically been admitted by the answering respondents that seniority of the LHCs and HCs are drawn in accordance

with the provisions of Rule 13.8 of the Police Rules, 1934. Seniority of the candidates, who are sent to their districts after passing Lower School Course, is to be determined on the basis of candidate's merit of qualifying Lower School Course among his colleagues of his district. The seniority of the appellant has to be fixed accordingly. It is also incorrect that appellant has any access to acquire his own personal documents. It is evident from the record that has been placed with the memo of appeal that appellant time and again requested the SRC (DPO, Kohat) office but was not handed over his documents and appellant and others were constrained to approach RTI for the purpose. It is also evident from the record that seniority list and other impugned orders of promotion were handed over to appellant and other in the light of directions of RTI, KPK. It is also worth mentioning that the decision taken by the official respondents vide order Ends. No.2288-2320/E-IV dated 24-02-2015 has already been struck down by the Hon'ble Peshawar High Court as explained in the rejoinder portion of facts. The appellant relies on his grounds already explained in the memo of service appeal.

Prayer: It is, therefore, most humbly prayed that the reply of answering respondents may kindly be rejected and the appeal of the appellant may graciously be accepted as prayed for, with all back benefits.

Appellant
 Through 
Ashraf Ali Khattak
 Advocate,
Supreme Court of Pakistan


Ali Bakht Mughal
 Advocate,
High Court, Peshawar

Dated: ____/06/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 279/2024

Ahmad Shah LHC Belt No.430, Police Force Kohat.

.....**Appellant.**

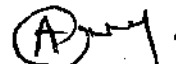
Versus

The Provincial Officer KPK, Peshawar & others.....

Respondents.

AFFIDAVIT

I, Muhammad Arshad LHC Belt No.178, Police Force Kohat. do hereby solemnly affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from the notice of this Hon'ble Tribunal.



DEPONENT



Anx-RJ/1 (7)

(X)

~~ANX B~~

SP- 48

OUT BY FAX TODAY

ORDER

180 Extra Seats were allotted to Lower School Course for the forthcoming term commencing from 01.10.2013 as per the recommendation of Commandant PTC Hangu to the following lower subordinates of Khyber Pakhtunkhwa Police as they are becoming overage for lower school course:-

S/No	Name & No.	District
1.	Const: Imran No. 1119/1199	Abbottabad
2.	Const: Fasil ur Rehman No. 885/126	Abbottabad
3.	Const: Khalid Mehmood No. 423	Abbottabad
4.	Const: Tariq Mehmood No. 454/1341	Abbottabad
5.	Const: Khurram Rushid No. 54	Abbottabad
6.	Const: Shoraz Khan No. 437	Haripur
7.	Const: Ishlaq Hussain Shah No. 704/2712	Haripur
8.	Const: Rizwan Ali No. 45	Haripur
9.	Const: Junaid Alam No. 768	Mansehra
10.	Const: Sajid Mehmood No. 500	Mansehra
11.	Const: Yas Nazir No. 265709	Mansehra
12.	Const: Asif Khan No. 891	Kohat
13.	Const: Ihsanullah No. 577/58	Tank
14.	Const: Muhammad Tariq No. 2888/EF	Tank
15.	Const: Muhammad Arshad No. 770	Kohat
16.	Const: Shabir Ahmed No. 1141	Kohat
17.	Const: Sagheer Hussain No. 213	Kohat
18.	Const: Asif Khan No. 891	Kohat
19.	Const: Ihsanullah No. 04	Karak
20.	Const: Sher Muhammad No. 67/EF	Karak
21.	Const: Shahid Rehman No. 1176	Karak
22.	Const: Shaeed ur Rehman No. 826/1176 EF	Karak
23.	Const: Asghar Ghulam No. 1113	Hangu
24.	Const: Kashif Ali No. 4079	Hangu
25.	Const: Zahoor Khan No. 328	Hangu
26.	Const: Shakoor Khan No. 229	Hangu
27.	Const: Farman Ali No. 12	Hangu
28.	Const: Asmatullah No. 2499	Hangu
29.	Const: Zahoor Khan No. 1078	Hangu
30.	Const: Inayatullah No. 194	Lakki Marwat
31.	Const: Noor Aslam No. 395	Lakki Marwat
32.	Const: Muhammad Tariq No. 2888/EF	Tank
33.	Const: Ihsanullah No. 577/58	Tank
34.	Const: Shafiqullah No. 421	Tank
35.	Const: Usmanullah No. 300	Tank
36.	Const: Irfanullah No. 3197	CCP/Peshawar
37.	Const: Ghulam Mustafa No. 5435	CCP/Peshawar
38.	Const: Sartaj No. 275	CCP/Peshawar

ATTES

PT

Copy of this order is being sent to all concerned for their information and for lower school course.

AT (Signature)

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39.	Const: Tanveer Ahmed No. 3290	Nowshera
40.	Const: Iqbal Hussain No. 414	Nowshera
41.	Const: Amjad Ali No. 1104/731	Nowshera
42.	Const: Murad Khan No. 2432/1258	Nowshera
43.	L/Const: Maria Anwar No. 242	Mardan
44.	Const: Arshad No. 2135/3778	Mardan
45.	Const: Murad Ali No. 405	Swabi
46.	Const: Ahmed Zeb No. 3154	Swabi
47.	Const: Muhammad Tufail No. 1147/1854	Dir Lower
48.	Const: Amir Zeb No. 480	Dir Lower
49.	Const: Muhammad Zahir No. 596	Dir Upper
50.	Const: Aziz-ud-Din No. 35	Dir Upper
51.	Const: Qareebullah No. 430	Shangla
52.	Const: Umar Rehman No. 621	Shangla
53.	Const: Khair-ur-Rehman No. 266	Shangla
54.	Const: Mehboob Ali No. 3403	Bunir
55.	Const: Fazal Elahi No. 616	Chitral
56.	Const: Qazi Shahzad No. 67	Haripur
57.	Const: Amir Hussain No. 84	Haripur
58.	Const: Hafeez Khan No. 253	Haripur
59.	Const: Arshad Khan No. 656	Haripur
60.	Const: Aftab Ahmed Khan	Haripur
61.	Const: Tanveer Ahmed	Haripur
62.	Const: Gul Zaman No. 727	Kohistan
63.	Const: Jehandad Khan No. 127	Kohat
64.	Const: Ahmed Shah No. 401	Kohat
65.	Const: Muhammad Tariq	Kohat
66.	Const: Yaqoob ur Rehman	Karak
67.	Const: Muhammad Fayaz	Karak
68.	Const: Khatid ur Rehman	Karak
69.	Const: Nazir Dad No. 618	Karak
70.	Const: Gul Haleem No. 1380	Karak
71.	Const: Arshad Iqbal No. 136	Karak
72.	Const: Saleem Khan No. 133	Karak
73.	Const: Umar Ayaz No. 19 EF	Karak
74.	Const: Muhammad Jamil No.	Karak
75.	Const: Arshad Habibullah	Karak
76.	Const: Zia ur Rehman	Karak
77.	Const: Bakhtiar Ali Shah	Karak
78.	Const: Abdullah No. 743	Karak
79.	Const: Muqtadir Ali	Hangu
80.	Const: Jamil-ur-Rehman	Hangu
81.	Const: Niamat-ur-Rehman	Bannu
82.	Const: Muhammad Ilyas	Bannu EF
83.	Const: Feroz Khan No. 1806	Bannu EF

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84.	Const: Imranullah No. 1523/930	Bannu EF
85.	Const: Sehar Gul No. 543	Lakki Marwat
86.	Const: Inamullah No. 1946	Lakki Marwat
87.	Const: Gul Bat Khan No. 46	Tank
88.	Const: Syed Mujtaba Hussain	Tank
89.	Const: Sehat Gul No. 1315	CCP/Peshawar
90.	Const: Nasir Jamil No. 197	Nowshera
91.	Const: Latif Jan No. 2258	Charsadda
92.	Const: Fayaz Ahmed No. 74	Charsadda
93.	Const: Hayatullah No. 1310	Charsadda
94.	Const: Muhammad Hayat	Charsadda
95.	Const: Sardar Alam No. 249	Charsadda
96.	Const: Sabihullah No. 127	Charsadda
97.	Const: Mustafa Kamal Shah	Charsadda
98.	Const: Muhammad Ilyas	Charsadda
99.	Const: Amjad Ali No. 2443	Mardan
100.	Const: Imran Khan No. 3072	Mardan EF
101.	Const: Haleem Khan No. 29	Mardan EF
102.	Const: Shah Khaliq No. 326	Swabi
103.	Const: Muhammad Haroon	Swabi
104.	Const: Iftikhar Ali No. 143	Swabi
105.	Const: Abdul Ali No. 2298	Swabi
106.	Const: Muhammad Ibrahim	Swabi
107.	Const: Zard Ali No. 2276	Swabi
108.	Const: Amjad No. 159	Swabi
109.	Const: Sheryar No. 1040	Swabi
110.	Const: Zahid Hussain No. 89	Swat
111.	Const: Shah Hussain No. 4434	Swat
112.	Const: Ali Sher No. 1749	Swat
113.	Const: Abidur Rehman	Swat
114.	Const: Ayaz ur Rehman	Swat
115.	Const: Zamrud Shah No. 3123	Swat
116.	Const: Muhammad Ambar	Dir Upper
117.	Const: Yasin Khan No. 726	Dir Upper
118.	Const: Darwaish Khan No. 56	Dir Upper
119.	Const: Iqbal No. 592	Dir Upper
120.	Const: Saïd Hayat No. 935	Shangla
121.	Const: Fakhruddin	Shangla
122.	Const: Gul Zaman No. 365	Shangla
123.	Const: Mukamil Shah	Shangla
124.	Const: Ali Akbar No. 581	Bunir
125.	Const: Muhammad Bahadar	Bunir
126.	Const: Safeel Khan No. 700	Haripur
127.	Const: Muhammad Riasat No. 378	Haripur
128.	Const: Musadq Shah No. 4847739	Haripur

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129.	Const: Muhammad Nasir Qureshi	Kohat
130.	Const: Khan Akbar No. 1088	Kohat
131.	Const: Hamid Raj Shah No. 76	Kohat
132.	Const: Abdur Rahim No. 426	Hangu
133.	Const: Fazal Ahmed No. 407	Lakki Marwat
134.	Const: Atiq-ur-Rehman No. 366	Lakki Marwat
135.	Const: Idrees Khan No. 139	CCP/Peshawar
136.	Const: Naseer Khan No. 2412	CCP/Peshawar
137.	Const: Muhammad Abbas No. 568	Swabi
138.	Const: Sher Akbar No. 56	Dir Lower
139.	Const: Sher Aman No. 406	Bunir
140.	Const: Akhtar Hussain No. 229	Chitral
141.	Const: Aftab No. 1873	Mardan
142.	Const: Sohail Ahmad Abbas No. 1005	Abbottabad
143.	Const: Muhammad Sajid No. 287/1390	Abbottabad
144.	Const: Ihsan No. 372	Haripur
145.	Const: Imran Khan Jadoon No. 103	Haripur
146.	Const: Muhammad Asif No. 456	Haripur
147.	Const: Muhammad Tauqeer No. 184/288	Haripur
148.	Const: Azhar Shahzad No. 709	Mansehra
149.	Const: Zakir Khan No. 701	Mansehra
150.	Const: Mornin Khan No. 228	Battagram
151.	Const: Atta ur Rehman No. 255	Battagram
152.	Const: Liaq Ali No. 3852	Battagram EF
153.	Const: M. Balhitar No. 298	Kohistan
154.	Const: Azmar Gul No. 234	Kohat
155.	Const: Muhammad Anees No. 1092	Kohat
156.	Const: Muhammad Nawaz No. 832	Karak
157.	Const: Zafar Iqbal No. 418	Karak
158.	Const: Qismatullah No. 192	Karak
159.	Const: Wali Rehman No. 502	Karak
160.	Const: Safdar Abbas No. 1116/10	Hangu
161.	Const: Mustafa Khan No. 41	Lakki Marwat
162.	Const: Younis Khan No. 378	Lakki Marwat
163.	Const: Shafiqullah No. 762/347	Lakki Marwat
164.	Const: Muhammad Ilyas No. 2174	CCP/Peshawar
165.	Const: Jawad Ali No. 350	Mardan
166.	Const: Muhammad Fayuz No. 729	Swabi
167.	Const: Zahid ul Haq No. 213	Swabi
168.	Const: Arshad Ali No. 1370	Swabi
169.	Const: Sher Ali No. 2173	Swabi
170.	Const: Asad Hussain No. 861	Swabi
171.	Const: Muhammad Jamil No. 1122/2070	Dir Lower
172.	Const: Amjad Ali No. 1137	Dir Lower
173.	Const: Muhammad Zeb No. 337	Dir Upper

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174.	Const: Muhammad Sher No. 259	Shangla
175.	Const: Tasneem Ali No. 274/351B	Shangla
176.	Const: Sayyar Ahmed No. 223/01	Shangla
177.	Const: Israr Ali No. 561	Chitral
178.	Const: Zahoor Ahmed No. 143/SB	Chitral
179.	Const: Muslim Zada No. 583	Dir Upper (Recommended by DIG/EE I.K.P)

sd/-
TARIQ JAVED
DIG/Headquarters
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar.

No. 24555-82 /E-I, dated Peshawar the 01/10 /2013.

Copy of above is forwarded for information and necessary action

to the:-

1. Addl: IGP/Special Branch Khyber Pakhtunkhwa, Peshawar.
2. Addl: IGP/Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer Peshawar.
4. Regional Police Officers, Kohat, Malakand, Hazara, D.I.Khan & Bannu
5. Commandant PTC Hangu w/r to his Memo No. 2654/GC dated: 21.09.2013
6. District Police Officers, Kohat, Hangu Dir Upper, Dir Lower, Chitral, Shangla, Bunir, Karak, Tank, Lakki Marwat, Haripur, Mansehra, Abbottabad, Kohistan Charsadda, Nowshera, Swabi & Mardan.

OFF/ERC
For information
miaq
Distt. Police Officer
Karak
4/10/13

(JAVED IQBAL)
Registrar
For Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

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ANX RJ/2/12

OFFICE OF
INSPECTOR GENERAL
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR

No. 2382-2397E-IV dated: 24/02/2015

- To: -
1. The Capital City Police Officer,
Peshawar.
 2. All Regional Police Officer,
Khyber Pakhtunkhwa.
 3. The Commandant,
CPC University Campus, Peshawar.
 4. All District Police Officers,
Khyber Pakhtunkhwa.

Subject:- COMPLIANCE WITH THE JUDGMENT OF HONORABLE SUPREME COURT OF PAKISTAN PASSED IN 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.

Memo:-

Appeal was lodged against the judgment dated 21.10.2013, 12.11.2013, 21.11.2013, 10.12.2013, 11.12.2013, 12.11.2014, 28.01.2014 and 11.03.2014 passed by the Peshawar High Court in Writ Petition 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, 3282-P, 3284-P, 2892-P, 3173-P, 3228-P, 3289-P, 3226-P, 2991-P, 2999-P, 3030-P, 1909-P and 2698-P of 2013.

The Honorable Supreme Court of Pakistan disposed of subject cited C.P's vide order dated 23.09.2014 and directed that a committee shall be constituted by competent authority who shall determine their (Respondents) merit along with other candidates strictly in terms of the standing order and Police Policy Board as mentioned above.

In compliance with the judgment of Honorable Court a committee was constituted which examined the cases of overage candidates selected by the department as pointed out by the Honorable Supreme Court of Pakistan and those who were granted relief by Peshawar High Court vide judgments impugned in the appeal before Supreme Court of Pakistan.

The committee made recommendations that 180 overage candidates selected for lower school course on recommendation of Commandant Police Training College Hangu were wrongly selected as neither they had qualified the B-I examination nor they were on merit of the concerned district/unit for selection of lower school course.

The wrong selection of overage candidates by the department was based by the P.C.

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High Court for grant of relief to others similar overage candidates. The commi recommended that age for B-I examination has been increased from 33 to 40 years an all the 180 candidates and those who were granted relief by the High Court are eligibl for appearing in B-I examination therefore, all of them shall appear in the B-I examination and their seniority shall be fixed with the candidates who qualified lower school course in the last term of 2014.

Competent authority has accorded approval to the decision of committee therefore, the 180 candidates and those who were grant relief by Honorable High Court shall appear in the special B-I examination to be announced soon and their seniority will be determined accordingly.

Ends. (2)

(Signature)

(Syed Fida Hassan shah)

AIG/Establishment

For inspector general of police.

Khyber Pakhtunkhwa,

Peshawar.

No. /E-IV dated Peshawar the: /2015

- 1. Copy of above is forwarded for information to the:-
- 2. Addl: IGP/HQs Khyber Pakhtunkhwa, Peshawar.
- 3. Addl: IGP/Special Branch Khyber Pakhtunkhwa, Peshawar.
- 4. Addl: IGP/Commandant FRP Khyber Pakhtunkhwa, Peshawar.
- 5. Addl: IGP/Elite Force Khyber Pakhtunkhwa, Peshawar.
- 6. Deputy Inspector General of Police, Headquarters, Peshawar.
- 7. Commandant PTC Hangu.
- 8. Registrar Supreme Court of Pakistan w/r to this decision dated 23.09.2014 letter No. C.As. 1488-1492-1512/14-SCJ dated 11.11.2014.
- 9. Registrar Peshawar High Court Peshawar w/r to Peshawar Court Peshawar decision dated 03.02.2015 letter No. 20559/Judl: dated 27.11.2014.
- 10. Section Officer (Courts) Govt. of KPK Home & TAs Department Peshawar w/r to his letter No. SO(Court) HD7-53/2013/Vol-I dated 22.12.2014.
- 11. AIG/Legal CPO, Peshawar w/r to his letter No. 820-25/Legal dated 12.02.2015.

(Syed Fida Hassan shah)

AIG/Establishment

For inspector general of police.

Khyber Pakhtunkhwa,

Peshawar.

(Signature)

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IN THE SUPREME COURT
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE ANWAR ZAHEER JAMALI

MR. JUSTICE EJAZ AFZA 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, 12.12.2013, 21.11.2013, 10.12.2013, 11.12.2013, 12.11.2014, 28.01.2014, 11.03.2014 passed by Peshawar High Court, Peshawar in WP No. 2565-P, 2614-P, 2616-P, 1885-P, 758-P, 520-D, 2967-P, 2765-P, 2615-P, 2919-P, 3030-P, 1909-P, 2698-P of 2013)

Inspector General of Police, Peshawar and others

(in 21-P/14)

Govt of KPK thr, Chief Secy, and others

(in 46-P/14)

Provincial Police Officer, Govt of KPK Peshawar & others

(in all cases)

Govt of KPK thr, Secy Home and Tribal Affairs

(in 48-P/14)

Govt of KPK thr, Chief Secy, Peshawar and others

(in 56-P/14)

..... Petitioner(s)

Versus

Fakhar ul Islam and others
Shah Wali Khan and another
Nasir Mehmood and others
Burair Abbas
Mazhar Ali Khan and others
Inayatullah and others
Shahid Alam
Saleeman Shah and others
Mehboob Alam and others
Hazrat Ali and others
Sajid Iqbal and another
Ghani ur Rehman
Muhammad Tariq
Naqeebullah
Ibrar Hussain
Yaqoob Khan
Rasheed Ahmad
Waheed Gul
Hazrat Samad
Riaz Khan
Aziz ur Rehman
Constable Gul Shaib Shah
Shaukat Ali

..... Respondents

For the Petitioners

Mr. Waqar Ahmad Khan, Addl. AG KPK
Mr. M. Younis S.P Legal (CPO, Pesh)
Janis Khan, DSP (Legal) Abbottabad
M. Ismail DSP, Karak

For the Respondents
On caveat)

Mr. Ghulam Nabi Khan, ASC (in 177-P, 187-P,
188-P, 190-P, 191-P, 196-P to 199-P and 213-P
of 2014

Date of hearing

23.09.2014

32 (14)

2014

(17)

Annexure

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ORDER

ANWAR JAKEER JAMALI: All the above titled petitioner for leave to appeal arise out of eight judgments of identical nature passed in Writ petitions Nos. 2565-P, 2614-P, 2616-P, 1885-P, 758-P, 520-D, 2967-P, 2765-P, 2615-P, 2919-P, 3104-P, 3117-P, 3281-P, 3282-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:

7. 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 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 relief by this Court in the above mentioned writ petitions and the propriety thus demands giving similar relief to petitioners.

8. 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 petitioner 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 vide police policy Board decision dated 12.02.2014. The Selection of the candidate for A1 and B1 examination will be made on merit

Attested

No. 17/11/14

SPICOMETS Lilliput
For Inspector General
Khyber Pakhtunkhwa

ATTESTED

(17)

ORDER

Anwar Zaheer Jamali, J: All the above titled Petitioner for leave to appeal arise out of eight judgments of Identical nature passed in Writ Petitions Nos. 2565-P, 2614-P, 2616-P, 1885-P, 758-P, 520-D, 2967-P, 2765-P, 2615-P, 2919-P, 3104-P, 3117-P, 3281-P, 3282-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:

7. 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 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 relief by this Court in the above mentioned Writ Petitions and the propriety this demands giving similar relief to Petitioners.

8. Accordingly, these writ Petitions are accepted with directions to Respondents to immediately arrange the sending of Petitioners to Hangu Training college for requisite course without fail and without loss of time no order as to costs.

2. The learned Addl. AG 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 Petitioner 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 Board decision dated 12.02.2014. The Selection of the candidate for A1 and B1 examination will be made on merit

NOTED

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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 11.7.2013 afresh as a whole.

3. In reply to the above, Mr. Ghulam-Nabi Khan, ASC 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 July, 2013. We are not much impressed with his submission of 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.C. 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 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 or the petitioners herein have any other grievance, they may agitate the same before the proper forum.

Sd/- Anwar Zaheer Jamali

Sd/- Ejaz Afzal Khan

Sd/- Qazi Fazl Isa

Islamabad
23-09-2014

ATTESTED

Police
Policy
Board
meeting

Age = 33 to

180
age

40
180 - H.C.
40
33


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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 11.7.2013 afresh as a whole.

3. In reply to the above, Mr. Ghulam Nabi Khan, ASC 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 July 2013. We are not much impressed with his submission of 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 AG 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.

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5. In view of the above, the delay in the filling 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 or the Petitioners herein have any other grievance, they may agitate the same before the proper forum.

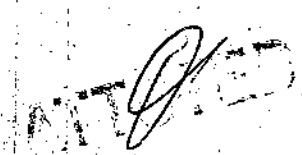
Sd/- Anwar Zaheer Jamali

Sd/- Ejaz Afzal Khan

Sd/- Qazi Fiaz Isa

Islamabad

23.09.2014



(16)
B
M

Annexure B

ANNEX
E

MINUTES OF THE MEETING HELD ON 06.11.2014 AT 14:00 HRS AT CPO, PESHAWAR.

1. A meeting of the committee was held in CPO, Peshawar on 06.11.2014 to examine the case of constables of various districts for selection to lower college course.

The following attended the meeting:

- 1. Mr. Shoukat Hayat
Addl. Inspector General of Police,
Special Branch KPK, Peshawar. Chairman.
- 2. Mr. Mubarak Zeb
Deputy Inspector General of Police,
HQs KPK, Peshawar. Member
- 3. Syed Fida Hassan Shah
Assistant Inspector General of Police,
Establishment CPO, Peshawar. Member
- 4. Mr. Mushtaq Ahmad,
Assistant Inspector General of Police,
Legal, CPO Peshawar. Member

2. As per the recommendation of Commandant PTC Hangu 180 Constables of various Districts who were becoming average for lower college course were selected for lower college course in the term 01.10.2013.

3. The constables mentioned at Annexure "C" who were averaged for lower college course in the term 01.10.2013 made writ petitions in the Peshawar High Court Peshawar for selection to lower college course.

4. Their writ petitions were accepted by the Honorable Peshawar High Court Peshawar with the direction that the petitioners may be selected to the lower college course in the term 01.10.2013.

5. In compliance with the court orders 27 constables at Annexure "A" were selected to lower college course while 03 constables at Annexure "B" appeared in B-1 examination 2014 and were selected to lower college course on their own merit.

6. The Police Department moved 25 CPLAs in the Honorable Supreme Court of Pakistan against the orders of Peshawar High Court Peshawar directing unfit Police personnel for lower college course at Annexure "C". All CPLAs have been accepted in terms of recognizing directives / decisions of Police Policy Board (PPB No. 13/2014) in which the age for B-1 examination was relaxed from 33 years to 40 years and it has been ordered to constitute committee to determine the merits of petitioners alongwith others strictly in accordance with PPB/ Standing Order.

7. In compliance with the Honorable Supreme Court of Pakistan order, the worthy IGP KPK Peshawar constitute a committee comprising the above officers to determine the merit of the petitioners alongwith others for selection to lower college course.

8. The opshot of the Honorable Supreme Court consolidated judgment dated 23.09.2014, passed in Civil Petitions No. 21-P-46-P to 48-P-56-P 105-B.

SR/Court & Litigation
For Inspector General of Police
Hydrabad, Peshawar

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MINUTES OF THE MEETING HELD ON 06.11.2014 AT 14:00 HRS AT CPO PESHAWAR

A meeting of the committee was held in CPO, Peshawar on 06.11.2014 to examine the case of constables of various districts for selection to lower college course.

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- 1. Mr Shoukat Hayat
Addl; Inspector General of Police
Special Branch KPK Peshawar. Chairman
- 2. Mr. Mubarak Zeb
Deputy Inspector General of Police
HQrs KPK Peshawar Member
- 3. Syed Fida Hassan Shah
Assistant Inspector General of Police
Establishment CPO, Peshawar Member
- 4. Mr Mushtaq Ahmad
Assistant Inspector General of Police
Legal, CPO Peshawar Member

3. As per the recommendation of Commandant PTC Hangu 180 constables of various Districts who were becoming overage for lower college course were selected for lower college course in the term 01.10.2013.

4. The constables mentioned at annexure "C" who were overaged for lower college course in term 01.10.2013 made writ petitions in the Peshawar High Court Peshawar for selection to lower college course.

5. The writ Petitions were accepted by the Hon'ble Peshawar High Court Peshawar with the direction that the Petitioners may be selected to the Lower College course in the term 01.10.2013.

6. In compliance with the court orders 27 constables at Annexure "A" were selected to lower college course while 03 constables at Annexure "B" appeared in B-1 examination 2014 and were selected to lower college course on their own merit.

7. The Police Department moved 25 CPLAs in the Hon'ble Supreme Court of Pakistan against the orders of Peshawar High Court Peshawar directing unfit police personnel for lower college course at Annexure "C". All CPLAs have been accepted in terms of recognizing directives/decisions of Police Policy Board (PPB No 13/2014) in which the age for B-1 examination was relaxed from 33 years to 40 years and it has been ordered to constitute committee to determine the merits of Petitioners along with others strictly in accordance with PPB/Standing order.

8. In compliance with the Hon'ble Supreme Court of Pakistan order, the worthy IGP KPK Peshawar constitute a committee comprising the above officers to determine the merit of the Petitioner along with others for selection to lower college course.

9. The upshot of the Hon'ble Supreme Court consolidated judgment dated 23.09.2014, passed in Civil Petitions No. 21-P, 46-P to 48-P, 56-P, 105-P.

(17)

(2)

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 the year 2014 is that a committee constituted by competent authority shall determine the merit of the person, alongwith other candidates who after age relaxation are qualified to appear in A-I and B-I examination. The Honourable Court has based the order on the proposal submitted by Additional Advocate General as mentioned in Para 7 of the judgment that a committee will be constituted who will examine the merit list dated 11.07.2013 afresh as a whole.

There is no merit list dated: 11.07.2013 and the Honourable Court has referred to letter No. 8903/EC dated: 11.07.2013 of District Police Officer Karak addressed to Commandant Police College Hangu allegedly produced by the respondents before the Court during hearing of the case wherein 21 candidates of district Karak were recommended for selection to lower college course in addition to selection of candidates already made on merit of B-I examination of the year 2013. Copy of the letter is enclosed. It merits mention here that Commandant PTC Hangu made recommendation for selection of 180 candidates for lower college course of different district who were becoming overage for B-I examination on 01.10.2013 and 31.03.2014 and CPO accorded sanction accordingly.

The list of 180 candidates selected for lower college course is placed on file which also shows district wise merit of the candidates. Discussing and mentioning merit of the individual candidate is difficult for the committee however, to exemplify the matter it is pointed out that Imran Constable No. 1119 of District Abbottabad is at S.No. 01 of the list and his merit position in the district is at S.No. 63. Total 09 seats of lower college course were allotted to district Abbottabad in the year 2013 and a person at S.No. 63 of the merit succeeded in getting selection for lower college course and crossed 54 candidates. The same is the case of remaining 179 candidates of the list as their merit was also very low in the district but they were selected to lower college course. Furthermore, let alone merit of the candidates of the list, the bulk of the candidates did not even qualify the B-I examination but find way to lower college course.

The selection of 180 candidates opened a flood gate for filing writ petitions by the other candidates including overage and within age and the Honourable High Court accepted the writ petitions on ground that the petitioners have been discriminated. CPO selected 27 candidates for lower college course in compliance with the judgments of Honourable High Court and legal branch filed 25 CPLA against such orders of Peshawar High Court and the same were disposed of by the Honourable Supreme Court vide order mentioned above.

The examination of the record reveals that the candidates who succeeded in grant of relief from the Honourable High Court were also not on merit of the promotion list B-I and most of them had not qualified B-I examination. This is worth mentioning that Ghani-ur-Rehman FC No. 274 district Karak and Yaqoob Khan FC No. 2025 district Mardan even did not appear in B-I examination but succeeded in grant of relief from the Honourable High Court. It is proved from the record that the

14/07/2014 DELHI

M. A. Mirza
SP/Court & Litigation
Inspector General of Police
Hyderabad, Peshawar

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113-P, 120-P, 176-P, 177-P, 187-P to 191-P, 195-P to 199-P, 2013-P, 264-P to 266-P and 274-P of the year 2014 is that a committee constituted by competent authority shall determine the merit of the person, along with other candidates who after age relaxation are qualified to appear in A-1 and B-1 examination. The Hon'ble Court has based the order on the proposal submitted by Additional Advocate General as mentioned in Para 2 of the judgment that a committee will be constituted who will examine the merit list dated 11.07.2013 afresh as a whole.

10. There is no merit list dated 11.07.2013 and the Hon'ble Court has referred to letter No: 8983/EC dated 11.07.2013 of District Police Officer Karak addressed to Commandant Police College Hangu allegedly produced by the Respondents before the court during hearing of the case wherein 21 candidates of district Karak were recommended for selection to lower college course in addition to selection of candidates already made on merit of B-1 examination of the year 2013. Copy of the letter is enclosed. It merits mention here that commandant PTC Hangu made recommendation for selection of 180 candidates for Lower college course of different district who were becoming overage for B-1 examination on 01.10.2013 and 31.03.2014 and CPO accorded sanction accordingly.

11. The list of 180 candidates selected for lower college course is placed on file which also shows district wise merit of the candidates. Discussing and mentioned merit of the individual candidate is difficult for the committee however, to exemption the matter it is pointed out that Imran Constable No 1119 of District Abbottabad is at S. No 01 of the list and his merit position in the District is at S. No 63. Total 09 seats of lower college course were allotted to district Abbottabad in the year 2013 and a person at S. No 63 of the merit succeeded in getting selection for lower college course and crossed 54 candidates. The same is the case of remaining 179 candidates of the list as their merit was also very low in the district but they were selected to lower college course. Furthermore, let alone merit of the candidates of the list, the bulk of the candidates did not even qualify the B-1 examination but find way to lower college course.

12. The Selection of 180 candidates opened a flood gate for filing writ Petitions by the other candidates including overage and within age and the Hon'ble High Court accepted the writ petitions on ground that the Petitioners have been discriminated, CPO selected 27 candidates for lower college course in compliance with the judgments of Hon'ble High court and legal branch filed 25 CPLA against such orders of Peshawar High Court and the same were disposed of by the Hon'ble Supreme Court vide order mentioned above.

13. The examination of the record reveals that the candidates who succeeded in grant of relief from the Hon'ble High Court were also not on merit of the promotion list B-1 and most of them had not qualified B-1 examination. This is worth mentioning that Ghani ur Rehman FC No. 274 district Karak and Yaqoob Khan FC No 2025 district Mardan even did not appear in B-1 examination but succeeded in grant of relief from the Hon'ble High Court. It is proved from the record that 180

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candidates as well as the candidates who succeeded in grant of relief from High Court were not approved for promotion list B-1 in accordance with laid down procedure and criteria as envisaged in Police Rules 13-7 read with Standing Order No. 03/2011. Therefore, their selection for lower college course was illegal ab-initio.

In view of the position explained above, the committee makes the following recommendations.

- Upper age limit has already been increased from 33 years to 40 years vide decision of Police Policy Board dated: 12.02.2014 as observed in the Honourable Supreme Court order mentioned above. Therefore, all the 180 candidates and candidates who have managed relief from the High Court are eligible for appearing in the coming B-1 examination. As such all the 180 candidates who had undergone lower college course in the 2nd term of 2013 and those candidates who had gone for lower college course without passing the mandatory B-1 examination shall re-appear in the forth coming B-1 examination to be held on 08th March 2015. However, the seniority of the all those candidates who qualify the B-1 examination shall be placed at the bottom of candidates who qualified lower college course in the last term of 2014.
- As regard the case of petitioners/candidates who want to lower college course in violation of Police Rules, for not qualifying B-1 test, but managed through courts/tribunal and completed lower college course shall also appear in forth coming B-1 examination to be held on 08th March 2015. After qualifying B-1 examination, they will not undergo lower college course again and their seniority shall be placed at the bottom of candidates who qualified lower college course in the last term of 2014.

20-03-2013

PPB
90

(Ann-C)
of reply
impugned
letter -

(SHUKAT HAYAT)
Chairman

Add: Inspector General of Police,
Special Branch Khyber Pakhtunkhwa Peshawar

10
TED

(MUBARAK ZEB)
Member

Deputy Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

(SYED FIDA HASSAN SHAH)
Member

Assistant Inspector General of Police,
Establishment CPO Peshawar

(MUSHTAQ AHMAD)
Member

Assistant Inspector General of Police,
Legal CPO Peshawar

seniority list

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candidates as well as the candidates who succeeded in grant of relief from High Court were not approved for promotion list B-1 in accordance with laid down procedure and criteria envisaged in Police Rule 13-7 read with Standing order No 03/2011. Therefore, their selection for lower college course was illegal ab initio.

14. In view of the position explained above, the committee makes the following recommendations.

1. Upper age limit has already been increased from 33 years to 40 years vide decision of Police Policy Board dated 12.02.2014 as observed in the Hon'ble Supreme Court order mentioned above. Therefore all the 180 candidates and candidates who have managed relief from the High Court are eligible for appearing in the coming B-1 examination. As such all the 180 candidates who had undergone lower college course in the 2nd terms of 2013 and those candidates who had gone for lower college course without passing the mandatory D-1 examination shall re-appear in the forth coming B-1 examination to be held on 08th March 2015. However, the seniority of the all those candidates who qualify the B-1 examination shall be placed at the bottom of candidates who qualified lower college course in the last term of 2014.
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Submitted for approval please.

(SHOUKAT HAYAT)

Chairman

**Adatl: Inspector General of Police
Special Branch Khyber Pakhtunkhwa Peshawar**

(MUBARAK ZEB)

Member

**Deputy Inspector General of Police
HQrs Khyber Pakhtunkhwa Peshawar**

(SYED FIDA HASSAN SHAH)

Member

**Assistant Inspector General of Police
Establishment CPO Peshawar**

(MUSHTAQ AHMAD)

Member

**Assistant Inspector General of Police
Legal CPO Peshawar**

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(Signature)

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LIST OF LHC'S WHO QUALIFIED LOW INCOME FOOD COURSE IN THE YEAR 2013
IN COMPLIANCE WITH THE ORDER OF PESHAWAR HIGH COURT PESHAWAR

DISTRICT MARDAN

- 1. LHC Nasir Khan No. 450
- 2. LHC Shami Ullah No. 1814
- 3. LHC Sulaman Shah No. 250
- 4. LHC Noor Ullah No. 1805
- 5. LHC Gul Amin No. 1825
- 6. LHC Zahid Shah No. 1442

DISTRICT NOWSHERA

- 7. LHC Shah Wali No. 1238
- 8. LHC Muhammad Kazim No. 1238

DISTRICT KOHAT

- 9. LHC Hussain Shah
- 10. LHC Hasrat Khan No. 269
- 11. LHC Faridoun Khan
- 12. LHC Sikandar Nadeem
- 13. LHC Abbas Khan No. 270
- 14. LHC Burhan Abbas
- 15. LHC Tufail Khan

DISTRICT HANGU

- 16. LHC Mehboob
- 17. LHC Muhammad
- 18. LHC Zeena Gul
- 19. LHC Noor Wali

DISTRICT

- 20. LHC
- 21. LHC
- 22. LHC

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**LIST OF LHCS WHO QUALIFIED LOWER SCHOOL COURSE IN THE YEAR 2013
COMPLIANCE WITH THE ORDER OF PESHAWAR HIGH COURT PESHAWAR**

DISTRICT MARDAN	
1.	LHC Nasir Khan No 1450
2.	LHC Sharif Ullah No 1814
3.	LHC Sulaman Shah No 250
4.	LHC Noor ul Haq No 1805
5.	LHC Gul Amin No 1825
6.	LHC Zahid Shah No 1442/1892
DISTRICT NOWSHERA	
7.	LHC Shah Wali No 1238
8.	LHC Muhammad Kazim No 1227
DISTRICT KOHAT	
9.	LHC Hussain Shah
10.	LHC Hasam Khan No 269
11.	LHC Faridoon Khan
12.	LHC Sikandar Nadeem No 28
13.	LHC Abbas Khan No 1254
14.	LHC Burair Abbas
15.	LHC Tufail Khan No 1296
DISTRICT HANGU	
16.	LHC Mehboob Alam No 66
17.	LHC Muhammad Jasim / IBH
18.	LHC Zeenat Gul No 35
19.	LHC Noor Wazir No 826
DISTRICT KARAK	
20.	LHC Sher Muhammad No 67
21.	LHC Umar Hayat No 589
22.	LHC Nasir Muhammad No 173/FF

ATTESTED

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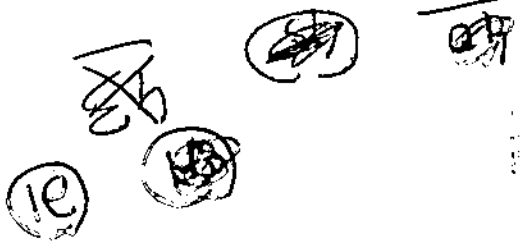
DISTRICT KOHAT	
37	LHC Amirrooz Gul No. 234
38	LHC Muhammad Nasir Qureshi No. 356
39	LHC Khan Akbar No. 1086
40	LHC Hamid Badshtai No. 1261
41	LHC Muhammad Ali No. 1092
42	LHC Muhammad Ali No. 1078
43	LHC Jandad Khan No. 1270
44	LHC Ahmad Shah No. 1401/1600/EF
45	LHC Shabeer Ahmad No. 1141
46	LHC Sagheer Hussain No. 213
47	LHC Muhammad Iqbal No. 1603/EF
48	LHC Asif Khan No. 251
49	LHC Azmor Gul No. 284
DISTRICT HAJERA	
50	LHC Ashgar Ghaffar No. 1113
51	LHC Kashif Ali No. 1009/EF
52	LHC Zahoor Khan No. 528
53	LHC Shakoor Khan No. 332
54	LHC Farman No. 122
55	LHC Asmatullah No. 2499/EF
56	LHC Zahoor Khan No. 1078
57	LHC Muqtader Khan No. 528
58	LHC Jamil Khan No. 141
59	LHC Abdur Rahman No. 126/IBH
60	LHC Safdar Khan No. 124/EF
61	[Obscured]
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LEGIBLE COPY

DISTRICT KOHAT	
37.	LHC Amrooz Gul No 234
38	LHC Muhammad Nasir Qureshi No 356
39	LHC Khan Akbar No 1088
40	LHC Hamid Badshah No 1261
41	LHC Muhammad Anees No 1092
42	LHC Muhammad Arshad No 1078
43	LHC Jandad Khan No 1270
44	LHC Ahmad Shah No 401/1600/EF
45	LHC Shabeer Ahmad No 1141
46	LHC Sagheer Hussain No 213
47	LHC Muhammad Tariq No 1603/EF
48	LHC Asif Khan No 891
49	LHC Azmor Gul No 234
DISTRICT HANGU	
50	LHC Asghar Ghulam No 1113
51	LHC Kashif Ali No 4079/EF
52	LHC Zahoro Khan No. 328
53	LHC Shakoor Ahmad No. 332
54	LHC Farman Ali No 12
55	LHC Asmat Ullah No 2499/EF
56	LHC Zahoor-Khan No 1078
57	LHC Muqtader Ali No 528
58	LHC Jamil Khan No 441
59	LHC Abdur Raheem No 126/IBH
60	LHC Safdar Ali No 1124/EF
DISTRICT KARAK	
61	LHC Khalid ur Rehman No 615
62	LHC Nazeer Dad No 618
63	LHC Arshid Iqbal No 1364
64	LHC Saleem Khan No 1332/87
65	LHC Umar Ayaz No 19/EF
66	LHC Muhammadd Jamil No 96/EF
67	LHC Arshid Habib No 1182/EF
68	LHC Zia ur Rehman No. 759
69	LHC Bakhtiar Ali Shah No 579
70	LHC Abdullah No 743
71	LHC Ihsan Ullah No. 04
72	LHC Shaheed ur Rehman No 826/1176/EF
73	LHC Zafar Iqbal No 418
74	LHC Qismat Ullah No 192
75	LHC Wali Rehman No 502
76	LHC Gul Haleem No. 1380/254

ATD-123

95	LHC Dabb Ullah No. 430		
96	LHC Umar Rehman No. 474		
97	LHC Umar Rehman No. 488		
98	LHC Saif Ullah No. 935		
99	LHC Saif Ullah No. 935		
100	LHC Saif Ullah No. 935		
101	LHC Saif Ullah No. 935		
102	LHC Saif Ullah No. 935		
103	LHC Saif Ullah No. 935		
DISTRICT SHANGLA			
94	LHC Shah Ullah No. 347/1988		
93	LHC Young Khan No. 378		
92	LHC Muhammad Mustafa No. 411		
91	LHC Aig ul Rehman No. 366		
90	LHC Faza Ahmad No. 407		
89	LHC Inam Ullah No. 1946/EF		
88	LHC Sahar Gul No. 5437/1900/EF		
87	LHC Noor Aslam No. 395		
86	LHC Inayat Ullah No. 194		
DISTRICT LAKHNAWAT			
85	LHC Kamran Khan No. 1423		
	LHC Mati Ullah No. 24		
	LHC Naiman Ullah No. 431		
	LHC Zahoor Ullah No. 183		
	LHC Raza Ullah No. 1058		
	LHC Inqar Ullah No. 1523/930		
	LHC Feroz Khan No. 1806/EF		
	LHC Muhammad Iqbal		
	LHC Nizam ul Rehman		
DISTRICT BANNU			



DISTRICT BANNU	
77	LHC Naimat ur Rehman
78	LHC Muhammad Ilyas
79	LHC Feroz Khan 1806/EF
80	LHC Imran Ullah No 1523/930
81	LHC Raza Ullah No. 1058
82	LHC Zaheer Ullah No 183
83	LHC Naimat Ullah No. 431
84	LHC Mati Ullah No 24
85	LHC Kamran Khan No 1421
DISTRICT LAKKI MARWAT	
86	LHC Inayat Ullah No 194
87	LHC Noor Aslam No 395
88	LHC Sahar Gul No 543/1900/EF
89	LHC Inam Ullah No. 1946/EF
90	LHC Fazal Ahmad No 407
91	LHC Atiq ur Rehman No 366
92	LHC Muhammad Mustafa No 41
93	LHC Younas Khan No 378
94	LHC Shafi Ullah ZNo 347/762/EF
DISTRICT SHANGLA	
95	LHC Qarib Ullah No 430
96	LHC Umar Rehman No 621
97	LHC Khair ur Rehman No 266
98	LHC Said Hayat No 935
99	LHC Fakhur ud Din
100	LHC Gul Zaman No 365
101	LHC Mukamil Shah
102	LHC Taimoor Hussain No 300
103	LHC Muhammad Sher No 259
104	LHC Tasneem Ali No 274/3518
105	LHC Siyar Ahmad No 223/01
106	LHC Habib Ahmad No 327
DISTRICT BUNER	
107	LHC Mehboob Ali No. 220/3404
108	LHC Ali Akbar No 581
109	LHC Muhammad bahadar
110	LHC Sher Aman No 406
DISTRICT CHITRAL	
111	LHC Fazal Elahi No 616
112	LHC Akhtar Hussain No. 229
113	LHC Israr Ali No. 561
114	LHC Zahoor Ahmad No 143

SPECIAL B-1 EXAM: FOR KP-POLICE DEPARTMENT (06-06-2015)
(PROVINCIAL MERIT-LIST)

ROLL NO	NAME	BELT NO	DISTRICT/ UNIT	MARKS/ 353	%AGE	
1	00084	TANVEER AHMAD	3293	NOWSHERA	324	90.00
2	00126	ISAM KHAN	429	HANGU	320	88.89
3	00085	AMJAD ALI	721	NOWSHERA	316	87.78
4	00003	NASIR MEHMOOD	1173	KARAK	312	86.67
5	00039	ZAHID UL HAQ	2131	SWABI	308	85.56
6	00079	MUHAMMAD HAYAT	2253	CHARSADDA	304	84.44
7	00099	MUSADDIQ SHAH	484/1435	HARIPUR	295	82.22
8	00048	MUHAMMAD IBRAHIM	325/1044	SWABI	288	80.00
9	00005	HAZEER DAD	618	KARAK	284	78.89
10	00043	SHER ALI KHAN	2173	SWABI	272	75.56
11	00023	MUHAMMAD ARSHAD	178	KOHAT	268	74.44
12	00001	SHER MOHAMMAD	67	KARAK	264	73.33
13	00038	SHAH KHALID	326	SWABI	264	73.33
14	00086	MURAD KHAN	2281	NOWSHERA	260	72.22
15	00100	IMRAN KHAN	103	HARIPUR	260	72.22
16	00118	ASGHAR GHULAM	1113/358	HANGU	260	72.22
17	00119	SAFDAR ABBAS	1114/10	HANGU	260	72.22
18	00011	ZIA UR RAHMAN	759	KARAK	256	71.11
19	00040	ARSHAD ALI KHAN	1020/1570	SWABI	256	71.11
20	00094	USHTIAQ MUSSAIN SHAH	2712	HARIPUR	256	71.11
21	00034	KHAN AKBAR	1088	KOHAT	252	70.00
22	00065	MARIA ANWAR	305	MARDAN	252	70.00
23	00020	SIKANDAR NADEEM	28	Kohat	248	68.89
24	00055	NASIR KHAN	1450	MARDAN	248	68.89
25	00127	ASMAT ULLAH KHAN	2459EF	HANGU	248	68.89
26	00010	ARSHAD HABIB ULLAH	1182	KARAK	244	67.78
27	00026	BURAIR ABBAS	1573	KOHAT	240	66.67
28	00044	IFTIKHAR ALI	141	SWABI	240	66.67
29	00045	ZARD ALI KHAN	2276	SWABI	240	66.67
30	00092	MUHAMMAD ASIF	456	HARIPUR	240	66.67
31	00123	MAHBOOB ALAM	66	HANGU	240	66.67
32	00009	MOHAMMAD JAMIL	96	KARAK	236	65.56
33	00061	SALEMAN SHAH	250	MARDAN	236	65.56
34	00064	ZAHID SHAH	462	MARDAN	236	65.56
35	00097	MUHAMMAD TUQEER	2585	HARIPUR	236	65.56
36	00002	UMAR HAYAT KHAN	589	KARAK	232	64.44
37	00006	ARSHAD IQBAL	1364/169	KARAK	232	64.44

SPECIAL B-1 EXAM: FOR KP-POLICE DEPARTMENT (06-06-2015)
(PROVINCIAL MERIT-LIST)

ROLL NO	NAME	BELT NO	DISTRICT/UNIT	MARKS/360	%AGE
00013	ABD ULLAH KHAN	743	KARAK	232	64.44
00059	SHARIF ULLAH	1814	MARDAN	228	63.33
00095	HAFEEZ KHAN	2536	HARIPUR	228	63.33
00012	BAKHTIAR ALI SHAH	579	KARAK	224	62.22
00022	TUFAIL AHMED KHAN	1296	KOHAT	224	62.22
00024	MUHAMMAD TARIQ	1503	KOHAT	224	62.22
00070	SYED MUJATABA HUSSAIN SHAH	185	TANK	224	62.22
00083	NASIR JAMIL	197	NOWSHERA	224	62.22
00050	MUHAMMAD RIYASAT	378	HARIPUR	224	62.22
00120	SHAKOOR AHMAD	232	HANGU	224	62.22
00064	KHALID KHAN	615	KARAK	220	61.11
00028	ASIF KHAN	891	KOHAT	220	61.11
00058	AFTAB MUHAMMAD KHAN	1873	MARDAN	220	61.11
00086	RIZWAN ALI	45	HARIPUR	220	61.11
00008	UMAR AYAZ	19	KARAK	216	60.00
00030	AHMAD SHAH	1600/401(OLD)	KOHAT	216	60.00
00049	ABDUL ALI	781	SWABI	216	60.00
00076	HAYAT ULLAH KHAN	1310	CHARSADDA	212	58.89
00054	JAWAD ALI	350	MARDAN	212	58.89
00067	SHAFI ULLAH	421	TANK	212	58.89
00081	MUHAMMAD KAZIM	1227	NOWSHERA	212	58.89
00115	MUHAMMAD JASIM	349/18H	HANGU	208	57.78
00031	AZMAR GUL	34	KOHAT	208	57.78
00037	MUHAMMAD ANEES	1092	KOHAT	208	57.78
00077	LATIFJANI	2258	CHARSADDA	208	57.78
00105	AKHTAR HUSSAIN	229	CHITRAL	204	56.67
00007	SALEEM KHAN	87	KARAK	204	56.67
00018	WALI UR REHMAN	502	KARAK	204	56.67
00051	ANSAN SHAH	372	HARIPUR	204	56.67
00053	KHURRAM RASHID	54	HARIPUR	204	56.67
00029	HUSSAIN SHAH	451 ELITE	KOHAT	196	54.44
00036	HAMEED BADESHAH	1161	KOHAT	196	54.44
00069	GULBAT KHAN	46	TANK	196	54.44
00117	ZAHOOR KHAN	328	HANGU	196	54.44
00016	ZAFAR IQBAL	418	KARAK	192	53.33
00021	JANDAD KHAN	1270	KOHAT	192	53.33
00042	MUHAMMAD AKBAS	563	SWABI	192	53.33

(7)

SPECIAL B-1 EXAM: FOR KP-POLICE DEPARTMENT (06-06-2015)
[PROVINCIAL MERIT-LIST]

ROLL NO	NAME	BELT NO	DISTRICT/ UNIT	MARKS/ 360	%AGE
74	00087	437	HARIPUR	192	53.33
76	00052	1040	SWABI	188	52.22
77	00104	816E/755	CHITRAL	188	52.22
78	00025	1579	KOHAT	184	51.11
79	00032	1141	KOHAT	184	51.11
80	00047	805	SWABI	184	51.11
81	00121	12	HANGU	184	51.11
82	00017	192	KARAK	180	50.00
83	00053	1825	MARDAN	180	50.00
84	00089	700	HARIPUR	180	50.00
85	00106	606/561	CHITRAL	180	50.00
86	00019	1380/754	KARAK	164	45.56
87	00035	355	KOHAT	164	45.56
88	00082	1238	NOV'SHERA	164	45.56
89	00015	826/1176	KARAK	160	44.44
90	00014	04	KARAK	156	43.33
91	00033	55	KOHAT	156	43.33
92	00057	1846	MARDAN	156	43.33
93	00060	1805	MARDAN	156	43.33
94	00096	638	HARIPUR	152	42.22
95	00107	143	CHITRAL	152	42.22
96	00116	4879	HANGU	152	42.22
97	00122	126/15H	HANGU	152	42.22
98	00098	445	HARIPUR	148	41.11
99	00050	159	SWABI	144	40.00
100	00114	441	HANGU	136	37.78
101	00101	551/3245	HARIPUR	128	35.56
102	00073	1270	CHARSADDA	120	33.33
103	00124	528	HANGU	120	33.33
104	00027	1254	KOHAT	116	32.22
105	00066	300	TANK	108	30.00
106	00103	678	HARIPUR	89	24.44

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IN THE PESHAWAR HIGH COURT PESHAWAR



W. P No: 1952-P/2015

1. Amjid Ali, 2443/HC, District Mardan.
2. Haleem Khan, 2208 / HC, District Mardan.
3. Arshad Ali, 2135 / HC, District Mardan.
4. Sharif Ullah 1814 / HC, District Mardan.
5. Zahid Shah, 462/HC, District Mardan.
6. Aftab, 1873/HC, District Mardan.
7. Salman Shah 250/HC, District Mardan.
8. Nasir, 1450/HC, District Mardan.
9. Imran, 1846/HC, District Mardan.
10. Gul Amin, 1825/HC, District Mardan.
11. Noor Ul Haq, 1805/HC, District Mardan.
12. Fayaz Ahmed No.747 / LHC, District Charsadda.
13. Mustafa Kamal, 1415/ LHC, District Charsadda.
14. Hayat Ullah 1310 / LHC, District Charsadda.
15. Sardar Alam 249/ HC, District Charsadda.
16. Asad Hussian, 851 / HC, District Swabi.
17. Muhammad Fayaz, 729 / HC, District Swabi.
18. Amjid, 1131/HC, District Lower Dir.
19. Sher akbar, 56/HC, District Lower Dir.
20. Tufail, 1147/HC, District Lower Dir.
21. Amir Zeb, 480/HC, District Lower Dir.
22. Ismail, 1122/HC, District Lower Dir.
23. Muhammad Zeb, 337/HC, District Upper Dir.
24. Yaseen Khan, 726/HC, District Upper Dir.
25. Muslim Zada, 583/HC, District Upper Dir.
26. Muhammad Zahir 596/HC, District Upper Dir.
27. Muhammad Ambar, 300/292/HC, District Upper Dir.
28. Darwaish Khan, 564/HC, District Upper Dir.

FILED TODAY
28 MAY 2015

ATTESTED
EXAMINER
Peshawar High Court
13 FEB 2018

ATTACHED

29. Aziz Ud Din, 35/HC, District Upper Dir.
 30. Iqbal, 592/HC, District Upper Dir.
 31. Mehboob Ali, 220/HC, District Bunner.
 32. Ali Akbar, 582/HC District Bunner.
 33. Sher Aman, 406/HC, District Bunner.
 34. Muhammad Bahar, District Bunner.
 35. Qarib Ullah, 430/HC, District Shangla.
 36. Umer Rehman, 621/HC, District Shangla.
 37. Khairo Rehman, 266/HC, District Shangla.
 38. Said Hayat, 935/HC, District Shangla.
 39. Fakhar ud din, District Shangla.
 40. Gul Zaman, 365/HC, District Shangla.
 41. Mukamal Shah, LHC, District Shangla.
 42. Taimur Hussain, 300/HC, District Shangla.
 43. Muhammad Sheikh, 259/HC, District Shangla.
 44. Siyar Ahmed, 223/1/HC, District Shangla.
 45. Tanseem Ali, 247/3518/LHC, District Shangla.
 46. Habib Ul Hameed, 327/HC, District Shangla.
 47. Ayaz Ur Rehman, 85/RR/HC, District Swat.

Petitioners
 no 48 to 56
 implemented
 in case of
 orders 9-16
 of 15-3-16

48. Aliq ur Rehman
 Constable no 366

49. Imayal Ullah
 Constable no 194

50. Noor Aslam
 Constable no 395

51. Babar Gul
 Constable no 543/EF

52. Imam Ullah
 Constable no 1946/EF

53. Fazal Ahmad
 Constable 407

54. Mustafa Karam
 Constable 412

55. Yamin Karam
 Constable 378

56. Shafiq Ullah
 Constable 762/EF

ALL - District Police
 (AKKI Mardana)
 (Petitioners)

VERSUS

1. Govt. Of Khyber Pakhtunkhwa through Chief Secretary KPK, Civil Secretariat Peshawar.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police, Establishment Khyber Pakhtunkhwa Police Lines Peshawar.
4. Deputy Director ETEA, Khyber Pakhtunkhwa, Peshawar.
5. District Police Officer, Mardan.
6. District Police Officer, Charsadda
7. District Police Officer, Swabi.
8. District Police Officer, Lower Dir.
9. District Police Officer, Upper Dir.
10. District Police Officer, Bunner
11. District Police Officer, Shangla.
12. District Police Officer, Swat.

FILED TODAY

Deputy Registrar

28 MAY 2015

ATTESTED

EXAMINER
Peshawar High Court

(Respondents)

13 FEB 2016

ATTESTED

WRIT PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973

PRAYER IN WRIT PETITION:

On acceptance of this Writ Petition an appropriate Writ may please be issued declaring the decision of the committee dated 24.02.2015 whereby the Petitioners are required to again appear in B-I examination scheduled to be held on 06.06.2015; is illegal unlawful without lawful authority and of no legal effect, the Petitioners having undergone the B-I examination besides qualified the lower course from PTC Hangu and have been promoted as Head Constables, are not required to again appear in B-I examination.

Or any remedy deems just and proper may also be awarded in favour of the petitioner and against the respondents.

seriousity should be placed in last session
Police Policy Board meeting decision
Ann - C
Reply

INTERIM RELIEF:

The Operation of the report dated 24.02.2015, and letter dated 18.05.2015 may please be suspended till the decision of the titled petition.

Respectfully Submitted:

1. That the petitioners were initially enlisted as Constables in the Police Department in their respective districts.
2. That the next post in the Channel of Promotion to the Post of Constable is Head Constable, however, in order to come up for the eligibility criteria, a Police Constable is required to qualify A-I and B-I examinations. Those constables who have qualified A-I and B-I, are thereafter selected for lower school course of 6 months at Police Training College (PTC) Hangu.

FILED TODAY
Deputy Registrar
28 MAY 2015

TESTED
EXAMINER
High Court
13 FEB 2015

ATTACHED

3. That the Petitioners have qualified A-I examination, unfortunately, when they have applied for the B-I examination at the relevant time they crossed the maximum age limit of 33 years specified of that course. Besides some of the Petitioners have their last Chance to qualify the B-I examination.
4. That in view of the above the Provincial Police Office, allocated additional seats for those candidates / Petitioners. The respondents arranged B-I examination in the year 2013, through the testing Agency ETEA. Accordingly the Petitioners appeared in the B-I examination and thereafter the then Provincial Police Officer nominated the Petitioners for Lower Course by allotting 180 additional seats vide order dated 01.10.2013. *(Copy of the B-I examination Result and order dated 01.10.2013, are attached as Annexure A and B)*
5. That thereafter the Petitioners duly undergone the 6 months Lower Course at PTC, Hangu and on completion of the Lower Course the Petitioners also qualified the Lower Course final Examination again held by testing agency ETEA. *(Copy of the Lower Course Result Sheet is attached as Annexure C)*
6. That after qualifying the lower course the Petitioners were again sent to their respective districts, they started performing their duties since the Petitioners have full filled the prescribed qualification to the Post of Head Constable, they were duly considered by the respective Departmental Promotion Committees at their respective Districts, accordingly the petitioners were promoted as Head Constables except few who were of District Charssadda. *(Copies of the Promotion orders are attached as Annexure D)*
7. That recently a committee was constituted to examine the cases of overage candidates selected by the department for lower course. Allegedly the said committee was made in pursuance of the decision of the judgments of the Honourable High Court Peshawar and Supreme Court of Pakistan. The committee while submitting its report dated 24.02.2015, held that the said 180 constables (including the

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 EXAMINER
 Peshawar High Court
 13 FEB 2018

FILED TODAY
 Deputy Registrar
 28 MAY 2015

ATTESTED

petitioners) wrongly selected for lower Course. It was also wrongly held by the committee that the Petitioners did not qualify B-I Exam before their selection for lower course and recommended that they shall appear for B-I Examine. (Copy of the report dated 24.02.2015, is attached as Annexure E)

8. That to the great surprise of the petitioners, the respondents issued letter dated 18.05.2015, whereby a test of B-I Examination has been scheduled on 06.06.2015, the petitioners are also directed to appear on the test though they have duly undergone the said examination and have qualified the lower course and are promoted to next higher posts. (Copy of the letter dated 18.05.2015, is attached as Annexure F)

9. That aggrieved from the decision of the respondents, the petitioners having left with no other adequate and efficacious remedy available in law is constrained to invoke the Constitutional Jurisdiction of this Honourable Court inter alia on the following grounds:-

GROUND OF WRIT PETITION:

A. That the petitioner has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.

B. That the judgment of the Honourable High Court has wrongly been interpreted to the disadvantage of the Petitioners, the present Petitioners were not party to any of the proceedings besides the matter was referred to the department for determination of the merit and not to dislodge or disturb those who have already under gone the course.

C. That the petitioners have been selected for lower course by the competent authority, they never manipulated any order, nor introduced any pressure and qualified the same courses. Thus how can the petitioners be again directed to appear in the B-I examination.

FILED TODAY
Deputy Registrar
28 MAY 2015

ATTESTED
EXAMINER
Peshwar High Court
13 FEB 2018

ATTESTED

D. That the creation of 180 seats was due to the hardships faced by the petitioners or their consequence, thus order was issued in order to have service career of the petitioners, because if the petitioners were not allowed and under the lower course, would have been deputed of their promotions for all times to come, thus the decision of the committee is uncalled for and illegal.

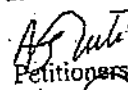


E. That the holding fresh B-I Examination is in fact required for those constable candidates who are deprived of their selection for the lower course, the same can under no circumstance be applicable and the petitioners.

F. That petitioners also seek permission of this Honourable Court and rely on additional grounds at the time of hearing of the instant petition.

It is, therefore, prayed that on acceptance of this Writ Petition an appropriate Writ may please be issued as prayed for in the heading of this Petition.

INTERIM RELIEF:

The operation of the report dated 24.02.2015, and letter dated 18.05.2015 may please be suspended till the decision of the titled petition.

Through

 Petitioners

 IJAZ ANWAR
 & 
 SAJIB AMIN
 Advocates, Peshawar

List of Books:

- 1. Constitution, 1973.
- 2. Books according to need.

CERTIFICATE

Certified that no Writ Petition on the same subject and between the same parties has been filed previously or concurrently.


 Petitioners

ATTESTED
 EXAMINER
 Peshawar High Court
 13 FEB 2015

ATTESTED

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IN THE PESHAWAR HIGH COURT PESHAWAR

W. P No. 1952-P /2015

AMJID ALI & OTHERS
VERSUS
GOVT. OF KHYBER PAKHTUNKHWA & OTHERS

ADDRESSES OF PARTIES

PETITIONERS:

1. Amjid Ali, 2443/HC, District Mardan.
2. Haleem Khan, 2208 / HC, District Mardan.
3. Arshad Ali, 2135 / HC, District Mardan.
4. Sharif Ullah 1814 / HC, District Mardan.
5. Zahid Shah, 462/HC, District Mardan.
6. Aftab, 1873/HC, District Mardan.
7. Salman Shah 250/HC, District Mardan.
8. Nasir, 1450/HC, District Mardan.
9. Imran, 1846/HC, District Mardan.
10. Gul Amin, 1825/HC, District Mardan.
11. Noor Ul Haq, 1805/HC, District Mardan.
12. Fayaz Ahmed No.747 / LHC, District Charsadda.
13. Mustafa Kamal, 1415/ LHC, District Charsadda.
14. Hayat Ullah 1310 / LHC, District Charsadda.
15. Sardar Alam 249/ HC, District Charsadda.
16. Asad Hussian, 851 / HC, District Swabi.
17. Muhammad Fayaz, 729 / HC, District Swabi.
18. Amjid, 1131/HC, District Lower Dir.
19. Sher akbar, 56/HC, District Lower Dir.
20. 2Tufail, 1147/HC, District Lower Dir.
21. Amir Zeb, 480/HC, District Lower Dir.
22. Ismail, 1122/HC, District Lower Dir.
23. Muhammad Zeb, 337/HC, District Upper Dir.
24. Yaseen Khan, 726/HC, District Upper Dir.
25. Muslim Zada, 583/HC, District Upper Dir.
26. Muhammad Zahir, 596/HC, District Upper Dir.
27. Muhammad Ambar, 300/292/HC, District Upper Dir.
28. Darwaish Khan, 564/HC, District Upper Dir.
29. Aziz Ud Din, 35/HC, District Upper Dir.
30. Iqbal, 592/HC, District Upper Dir.
31. Mehboob Ali, 220/HC, District Bunner.
32. Ali Akbar, 582/HC District Bunner.
33. Sher Aman, 406/HC, District Bunner.
34. Muhammad Bahar, District Bunner.
35. Qarib Ullah, 430/HC, District Shangla.

RECEIVED
23 MAY 2015

ATTESTED
EXAMINER
Peshawar High Court
13 FEB 2018

ATTESTED

36. Umer Rehman, 621/HC, District Shangla.
37. Khairo Rehman, 266/HC, District Shangla.
38. Said Hayat, 935/HC, District Shangla.
39. Fakhar ud din, District Shangla.
40. Gul Zaman, 365/HC, District Shangla.
41. Mukamal Shah, LHC, District Shangla.
42. Taimur Hussain, 300/HC, District Shangla.
43. Muhammad Sheikh, 259/HC, District Shangla.
44. Siyar Ahmed, 223/1/HC, District Shangla.
45. Tanseem Ali, 247/3518/LHC, District Shangla.
46. Habib Ul Hameed, 327/HC, District Shangla.
47. Ayaz Ur Rehman, 85/RR/HC, District Swat.

RESPONDENTS:

1. Govt. Of Khyber Pakhtunkhwa through Chief Secretary KPK, Civil Secretariat Peshawar.
2. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police, Establishment Khyber Pakhtunkhwa Police Lines Peshawar.
4. Deputy Director ETEA, Khyber Pakhtunkhwa, Peshawar.
5. District Police Officer, Mardan.
6. District Police Officer, Charsadda.
7. District Police Officer, Swabi.
8. District Police Officer, Lower Dir.
9. District Police Officer, Upper Dir.
10. District Police Officer, Bunner.
11. District Police Officer, Shangla.
12. District Police Officer, Swat.

A. J. Khan
Petitioner

Through

Ijaz Anwar
IJAZ ANWAR
Advocate Peshawar

FILED TODAY
[Signature]
Deputy Registrar
28 MAY 2015

ATTESTED
EXAMINER
Peshawar High Court
13 FEB 2015

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[Signature]

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No. 1953/2015

AMJID ALI & OTHERS
VERSUS
GOVT. OF KHYBER PAKHTUNKHWA & OTHERS

AFFIDAVIT

I, AMJID ALI S/o Gul Nawaz R/o P.O Dheri
Lakpani, Mardan, do hereby solemnly affirm
and declare that the contents of the above Writ
Petition are true and correct to the best of my
knowledge and belief and that nothing has been
kept back or concealed from this Honourable
Court.

Deponent

4241-3147801-3

Identified by:-

LJAZANWAR
Advocate, Peshawar

No. 16968
 Certified that the above was verified on solemnly
 affirmation before me in office, this 27th
 day of March 2008 by Amjad Ali
 s/o Gul Nawaz R/o P.O Dheri Lakpani
 who was identified by Amjad Ali
 who is personally known to me.
 Oath Commissioner
 Peshawar High Court, Peshawar.

FILED TODAY
Deputy Registrar
28 MAY 2015

ATTESTED
EXAMINER
Peshawar High Court
13 FEB 2018

ATTESTED

ANX RJ/31/34

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
(JUDICIAL DEPARTMENT)

WP No. 1952-P/2015

JUDGMENT.



Date of hearing: 24.01.2018.

Petitioner: (Amild Ali and others) by Mr. Zartaj Anwar, Advocate.

Respondent: (Govt. of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others) by Mr. Mujahid Ali Khan, AAG, along with Abdul Rehman, DSP/CPO.

WAOAR AHMAD SETH, J:- Through the instant

Writ Petition, petitioners have prayed for issuance of an appropriate writ with the following prayer:-

"On acceptance of this Writ Petition an appropriate Writ may please be issued declaring the decision of the committee dated 24.02.2015, whereby the petitioners are required to again appear in B-1 examination scheduled to be held on 06.06.2015, is illegal unlawful without lawful authority and of no legal effect, the petitioners having undergone the B-1 examination besides qualified the lower course from PTC Hangu and have been promoted as Head Constables, are not required to again appear in B-1 examination".

2. In essence, case of the petitioners is that initially, they were enlisted as Constables in the police department and subsequently, promoted to the post of Head Constables by the departmental promotion committee at their respective districts, after qualifying B-1 examination and lower course from PTC

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Hangu. However, recently a committee was constituted in pursuance of judgments of this Court as well as Supreme Court of Pakistan to examine the cases of overage candidates selected by the department for lower course, who vide report dated 24.02.2015 held that 180 constables including the petitioners were wrongly selected for lower course and as such, the respondents issued a letter dated 18.05.2015, whereby the petitioners were directed to appear for B-1 examination on 06.06.2015; hence, the instant Writ Petition.

3. Respondents No. 2 & 3 have furnished comments and denied the assertion of petitioners by stating that petitioners were not on the merit of B-1 examination of their respective districts and they were selected for lower school course as they were becoming overage. Subsequently, age was enhanced upto forty (40) years and the matter was reconsidered in light of judgment of Hon'ble Apex Court wherein the selection of petitioners and others were found against rules and merit policy, thus, they were directed to appear in special B-1 examination.

4. Arguments heard and record perused.

5. For the purpose of promotion of constables to the post of Head Constables one has to qualify A-1 and B-1

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Peshawar High Court
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examinations and thereafter, their selection for lower school course of six months at Police Training College, Hangu is mandatory. Record suggests that petitioners have qualified A-1 examination but at the time when they applied for B-1 examination, they had crossed the maximum age limit of 33 years, specified for that course. It is important to mention here that it's the department who is supposed to allow them in time for B-1 examination and in the instant case there is no allegation against the petitioners that they themselves avoided or delayed for B-1 examination and crossed the maximum age limit of 33 years. The Provincial Police Officer allocated additional seats for all those who have crossed the age limit for B-1 and accordingly arranged B-1 examination in the year 2013 through testing agency ETA. All the petitioners appeared in the B-1 examination and subsequently they were nominated for lower course by allotting 180 additional seats vide order dated 1.10.2013 of Provincial Police Officer. Petitioners have undergone the six months lower course at Police Training College, Hangu and thus qualified the lower course final examination again held by ETA. After qualifying the same petitioners became fully eligible for promotion to the post of

HC and the Departmental Promotion Committee promoted to

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them to the post of Head Constable, vide promotion order dated 8.5.2014, 27.5.2014, 30.5.2014, 10.6.2014, 19.11.2014 & 18.12.2014.

6. Record suggests that this Court on different dates allowed certain writ petitions, the date and numbers of writ petitions are given in the comments filed by respondents No.2 and 3 wherein relief was granted to the petitioners in those writ petitions for selection to lower school course, against that order, the Government of Khyber Pakhtunkhwa filed CPs before the apex Court and the apex Court while allowing the petitions and converting into appeals directed the Government / Department with following observations:-

"We accordingly, propose to dispose of these petitions with the observations that the person, who after age relaxation are qualified to appear in 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 alongwith other candidates strictly in terms of the standing order / P.P.B as mentioned above."

7. Accordingly, Committee was constituted and following recommendations were made:-

1. Upper age limit has already been increased from 33 years to 40 years vide decision of Police Policy Board dated

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Peshawar High Court
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12.2.2014 as observed in the Honourable Supreme Court order mentioned above. Therefore, all the 180 candidates and candidates who have managed relief from the High Court are eligible for appearing in the coming B-1 examination. As such all the 180 candidates who had undergone lower college course in the 2nd term of 2013 and those candidates who had gone for lower college course without passing the mandatory B-1 examination shall reappear in the forth coming B-1 examination to be held on 8th March 2013, However, the seniority of the all those candidates who qualify the B-1 examination shall be placed at the bottom of candidates who qualified lower college course in the last term of 2014.

2. As regard the case of petitioners / candidates who want to lower college course in violation of Police Rules, for not qualifying B-1 test, but managed through courts / tribunals and completed lower college course shall also appear in forth coming B-1 examination, they will not undergo lower college course again and their seniority shall be placed at the bottom of candidates who qualified lower college course in the last term of 2014."

3. In the observations, so quoted above, it was not directed to put the petitioners for fresh course, rather a Committee was directed to determine their merit alongwith other candidates, strictly in terms of the standing order / PPB, but the committee instead of determining merits etc alongwith other candidates, vide impugned recommendations put the

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petitioners for reappearing in B-1 examination. The judgment of the apex Court is dated 23.9.2014 and the recommendations of the Committee are dated 6.11.2014. The petitioners never approached this Court nor any appeal has been filed in the cases of petitioners before the apex Court of the country, the overage 180 candidates were sent for lower school course under the orders of any court of law rather due to hardship cases duly realized by the department itself, they qualified the same and it was implemented even before the judgment of the apex Court what to say of the recommendations.

9. The order / result of B-1 examination and order dated 1.10.2013, whereby 180 extra sheets were allowed to lower school course, were never / ever challenged before any forum. Moreover, qualifying a test successfully, permitted by the departmental authorities could not be recalled requiring that successful candidates to do the same freshly. Under the law of locus poenitentiae they have the protection, as petitioners were allowed to undergo all the courses, which they successfully completed and they were promoted to the post of Head Constables BPS-7 much before the judgment of apex Court as well as the impugned recommendations and the impugned order dated 24.2.2015. The order of promotion of

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the petitioners of the year 2014 have been acted upon and as such cannot be withdrawn through a single order in general. Even otherwise, by now the age limit has been increased from 33 to 40 years and all the petitioners are now within age and asking them to reappear in all the courses / examinations, seem to be not a reasonable order, in view of which this writ petition is allowed as prayed for.

sd/ Wagon Anand Kumar J
H/ Muzumdar Khera S

ANNOUNCED.
Dated: 24.01.2018.

judgment in Rem

JUDGE

JUDGE

No. 10295
 Date of Presentation of Application 13/2/18
 No of Pages 10
 Copying 10
 Urgent Fee 100
 Total 110
 Date of Presentation of Copy 13/2/18
 Date of Delivery of Copy 13/2/18
 Received By A. R. Raj

CERTIFIED TO BE TRUE COPY
 Peshawar Bench
 13 FEB 2018

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Judgment Sheet

PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.

W.P.No. 1587-P/2022

Shah Mumtaz and others Versus The
Government of Khyber Pakhtunkhwa and
others.

Date of hearing 21.06.2023 and 22.06.2023

Date of Announcement 29-08-2023.

Petitioner (s) by:

Barrister Syed Mudasser Amcer, Ahmad
Shah Afridi, Barrister Adnan Khan, Inqilab
Ali, Sajeed Khan Afridi, Saad Ullah Khan
Marwat, Ashraf Ali Khattak, Jonaid Anwar
Khan, Saif Ullah Mangol, Muhammad
Arshad Khan Tanoli, Bilal Ahmad Kakizai,
Qazi Jawad Ihsan Ullah Qureshi, Shumail
Ahmad Butt, Abid Ali Khan, Nadeem
Qayyum, Tariq Khan Heti, Amin U
Rehman Yousafzai, Shahid Raza, Waqas U
Rehman, Muzammil Khan, Javed Iqbal
Gullbela and Asad Mehmood, Advocates.

Respondent (s) by:

Mr. Amir Javed, Advocate General, Mr.
Mubashir Manzoor and Mr. Hasnain Tariq
AAGs along with Mr. Rizwan Manzoor,
DIG(HQrs), Khyber Pakhtunkhwa Police,
Muhammad Asif, AIG(Legal), Muhammad
Tariq Usman, Inspector (Legal), (TPO)
Peshawar.

JUDGEMENT

ANWAR, J:- Through this single
judgment, we intend to decide the instant writ

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the reversion orders and remit the cases of the petitioners to the respondent department to reconsider the decision after scrutinizing the record of each promotee and to see whether while allowing them promotions, such female officers have undergone the requisite training, if so, their promotion orders shall stand and be retained, otherwise, the respondent department would be at liberty to withdraw the same.

POLICE OFFICERS NOMINATED FOR TRAINING ON ADDITIONAL SEAT

23. We have before us cases of some of the police officers who have though undergone the requisite training courses but their promotion was termed as out of turn on the only ground that they were sent for training on additional seats over and above the prescribed quota for the training courses. It is pertinent to mention here that these police officers were otherwise holding their substantive rank and

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were eligible to be deputed for such training however, either on account of limitation of quota seats or on account of their age hurdles they could have deprived forever from these courses as such at the relevant time if any of such petitioner is send on additional seat for such training and have then undergone such courses and thereafter gained promotion alongwith their colleagues cannot be termed as out of turn promotion, as it has nowhere been shown that such police officers have disturbed the seniority of their batch mates, all such identical matters are allowed and disposed of in the above manner. /

TRANSFER FROM OTHER PROVINCES
AND ABSORBED IN KHYBER
PAKHTUNKHWA POLICE.

29. We have noted that different persons, permanent residents of this Province, on account of temporary residence got domiciles in other Provinces of this country, have in

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43. Writ petitions filed against the Orders dated 14.04.2022 and 21.04.2022 issued after the decision of the larger bench judgment stand disposed of in the above manner.

44. In view of the above-detailed reasons so recorded, this and the connected writ petitions are decided in the following manners:-

- I. *The police officers who were declared as Cadet and Cadet Instructors pursuant to the provisions of the Police Rules, Standing Order No.11 of 1987, Standing Order No.7 of 2003 and duly protected under the Khyber Pakhtunkhwa Validation of Standing Orders Act 2005 and Chapter 13.7 A and 13.7 B of the Police Rules, they are not hit by the judgment of the Hon'ble Supreme Court of Pakistan relating to out of turn promotions, and as such, demotion/reversion orders of all such police officers are set aside and they are restored to their original positions.*
- II. *Promotions/ upgradations made on account of gallantry acts are hit by the judgments of the Hon'ble apex Court, as such, all such upgradations/promotions made on account of gallantry acts or allegedly as they stood fast in the*

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performance of duties during the waves of terrorism are not protected and are hit by the judgment of the Apex Court, therefore, all such writ petitions are dismissed in the light of para 25 of this judgment.

III. Cases of Women police officers send for trainings/courses and allowed promotion under Standing Order No. 4 of 2014 are remitted back to the respondent department to reconsider their positions in term of para 27 of this judgment.

IV. Police officers nominated for training on additional seats are considered as not hit by the judgment of the Hon'ble Supreme Court of Pakistan, and as such, their writ petitions are allowed and the impugned order of reversion/demotion is set-aside.

V. Officers transferred from other provinces and absorbed in Khyber Pakhtunkhwa Police or transferred and absorbed within the same police force from other cadre are also considered to be in accordance with law and not hit by the judgment of the Hon'ble Supreme Court of Pakistan, the impugned repatriation orders are thus set aside in the light of para 35 of this judgment.


VI. Cases of absorption of Class-IV employees against the post of Constables are disposed of and their cases are remitted back to the respondent

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department to reconsider its decision in accordance with detailed reasons given in para 37 of this judgment.

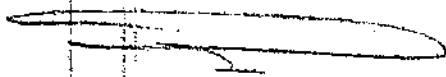
VII. Contempt of Court cases stand disposed of as the judgment of a larger bench decided on 09.12.2021 has since been complied with vide letter dated 21.04.2022.

VIII. Writ petitions questioning vires of orders dated 12.03.2022, 14.04.2022, 21.04.2022 are disposed of considering it as a policy decision of the Provincial Government, however, their letters to the extent of setting aside the Khyber Pakhtunkhwa Validation of Standing Order Act 2005 is set aside, and the impugned letters are held to have prospective effect as held in para 32 of this judgment.


JUDGE


JUDGE

Announced;
Dt: 29.08.2023



(DB)

Hon'ble Mr. Justice Ijaz Ahmad and Hon'ble Mr. Justice Saeed Muhammad Amir here;

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POLICE DEPARTMENT

DISTRICT KOHAT

ORDER

On the recommendation of departmental promotion committee, in its meeting held in DPO Office Kohat on 08.06.2022, the following senior most / eligible LHCs on list "C-1" of this district are hereby approved for promotion as offg: Head Constables (BPS-09) against the existing vacancies of this district, with immediate effect.

1. LHC Ahmad Shah No.619
2. LHC Faiz Ullah No.1316
3. LHC Fazal Naeem No.925
4. LHC Shakir Ullah No.4209/EF
5. LHC Ameen Khan No.1193
6. LHC Muhib Ullah No.641
7. LHC Lal Marjan No.1155
8. LHC Muhammad Asif No.1616/EF
9. LHC Muhammad Aman No.646
10. LHC Muhammad Shahid No.415

CB NO. 176 /SRC
Dated. 9-6 /2022

(MUHAMMAD SULEMAN) PSP
District Police Officer,
Kohat

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No. 5349-57 /SRC, dated Kohat the 10/6 /2022.

Copy of above is submitted for favour of information to the Regional Police Officer, Kohat Region, Kohat, please.

2. The Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar.
3. Pay Officer / OHC.

(MUHAMMAD SULEMAN) PSP
District Police Officer,
Kohat

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~~APPROVED~~

POLICE DEPARTMENT

DISTRICT KOHAT

ORDER

On the recommendation of departmental promotion committee, in its meeting held in DPO Office Kohat on 04.10.2022, the following senior most / eligible LHCs on list "C-1" of this district are hereby approved for promotion as off: Head Constables (BPS-09) against the existing vacancies of this district, with immediate effect.

Sr	Rank Name & No	Remarks
1.	LHC Hidayat Ullah No.98	Promoted conditionally/ provisionally subject to outcome of CPLA filed in Supreme Court of Pakistan against judgement dated 17.01.2022 of KP service tribunal in service appeal No.647/2019.
2.	LHC Faiz Noor No.4236/EF	-
3.	LHC Shahid Noor No.1499/CTD	-
4.	LHC Sheran Gul No. #98/CTD	-
5.	LHC Aftab Ahmed Khan No. 30/KBI	-
6.	LHC Amir Muhammad No. 698	-
7.	LHC Saheel Muhammad No.537	-
8.	LHC Muhammad Bilal No.29 /KBI	-
9.	LHC Zahen Shah No.29	Promoted conditionally/ provisionally subject to outcome of CPLA filed in Supreme Court of Pakistan against judgement dated 09.12.2021 of KP service tribunal in service appeal No.1387/2020.
10.	LHC Aftab Khan No.74	-
11.	LHC Farhan Shah No.5320/FRP	-
12.	LHC Javed Khan No.339	-
13.	LHC Ahmed Khan No.233	-
14.	LHC Noor Shoaib No.1232	-
15.	LHC Muhammad Abid No.675	-
16.	LHC Zaher Shah No.136	-
17.	LHC Abbas Haider Mir No. 74/KBI	-
18.	LHC Sher Nawaz No.345	-
19.	LHC Muhammad Kamran No.1328/CTD	-

OB NO. 452 /SRC
Dated. 4.10 /2022

DISTRICT POLICE OFFICER,
KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

No 9370-75 /SRC, dated Kohat the 5-10 /2022.

Copy of above is submitted for favour of information to the Regional Police Officer, Kohat Region, Kohat, please.

- The Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar.
- The Superintendent of Police Investigation Wing, Kohat
- The Superintendent of Police FRP, Kohat Range, Kohat.
- The Superintendent of Police CTD Kohat.
- Pay Officer / OHC.

DISTRICT POLICE OFFICER,
KOHAT

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