

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

Service Appeal No. 280/2020  
**Ahmed Shah**  
LHC No. 430, District Kohat

..... Appellant

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat
3. District Police Officer, Kohat.
4. Commandant, Police Training College, Hangu

..... Respondents

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Deponent

10-05-24

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

---

Service Appeal No. 280/2023

Ahmed Shah

LHC No. 430, District Kohat

..... Appellant

Khyber Pakhtunkhwa  
Service Tribunal

**VERSUS**

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar,
2. Regional Police Officer, Kohat
3. District Police Officer, Kohat.
4. Commandant, Police Training College, Hangu

Diary No. 12694

Date: 10-05-24

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectfully Sheweth:-**

Parawise comments on behalf of respondent No. 1 to 4 are submitted as under:-

**Preliminary Objections:-**

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. That the appellant is estopped to file the instant appeal for his own act.
- iii. That the instant appeal is legally bad because appeal is not accompanied by the final order.
- iv. That in absence of the final departmental order, the appellant is legally barred from filling the instant appeal.
- v. That the appellant has not come to this Honorable Tribunal with clean hands.
- vi. That the appeal deserves to be dismissed in limine with heavy cost.

**Facts:-**

1. Correct to the extent of appellant's qualifying Lower College Course in term ending 20.03.2014.
2. Pertains to Rule 13.8 of Police Rules 1934 however, it is clarified that the appellant did not qualify his B-1 examination in accordance with Rule 13.7 A of rules 1934 amended 2017. It is pertinent to mention that appellant became overage for Lower College Course who filed an application for inclusion into Lower College Course. The competent authority decided the representation vide DPO Kohat order No. 265/SRC dated 12.08.2022 wherein it has been revealed that appellant alongwith others were erroneously selected for Lower College Course by the Commandant Police Training College Hangu as neither they had qualified the B-1 examination nor they were on merit of the concerned District / Unit for selection of Lower School course. Therefore, appellant's seniority has been fixed alongwith others, among candidates for the last term of 2014. (Copy of order is enclosed as **Annexure A**).
3. Pertains to record, however, as there is no provision to send overage officers for a legitimate course in Police laws while they were sent to courses in violation of Police Rules, 1934. Therefore, the petitioners undergone course with accelerated interval / out of turn course, hence, the same falls under the definition of out of turn promotion / seniority gain in violation of Police Rules, 1934 and Apex court Judgments reported as 2013 SCMR 1752, 2015 SCMR


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- 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and latest judgment dated 29.04.2024 in C.Ps No. 3582, 3583 of 2023. The seniority fixation claim on the basis of erroneous courses of the petitioners is thus devoid of law / rules and Apex Court Judgments as explained herein above”.
4. Incorrect, misleading and misconceived, it is clarified that the appellant did not qualify his B-1 examination in accordance with Rule 13.7 A of rules 1934 amended 2017. It is pertinent to mention that appellant became overage for Lower College Course who filed an application for inclusion into Lower College Course. The competent authority decided the representation vide DPO Kohat order No. 265/SRC dated 12.08.2022 wherein it has been revealed that appellant alongwith others were erroneously selected for Lower College Course by the Commandant Police Training College Hangu as neither they had qualified the B-1 examination nor they were on merit of the concerned District / Unit for selection of Lower School course. Therefore, appellant's seniority has been fixed alongwith others, among candidates for the last term of 2014. (Copy of order dated 01.10.2013 is enclosed as **Annexure B**).
  5. Pertains to record, however, as there is no provision to send overage officers for a legitimate course in Police laws while they were sent to courses in violation of Police Rules, 1934. Therefore, the petitioners undergone course with accelerated interval / out of turn course, hence, the same falls under the definition of out of turn promotion / seniority gain in violation of Police Rules, 1934 and Apex court Judgments reported as 2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and latest judgment dated 29.04.2024 in C.Ps No. 3582, 3583 of 2023. The seniority fixation claim on the basis of erroneous courses of the petitioners is thus devoid of law / rules and Apex Court Judgments as explained herein above”.
  6. Pertains to record, need no comments.
  7. Pertains to record, need no comments.
  8. Pertains to record, need no comments.
  9. Pertains to record, need no comments.
  10. Incorrect, misleading and misconceived. as the appellant did not qualify his B-1 exam mandatory under Rule 13.7 A of Police Rules 1934, amended 2014, therefore, upon application, the competent authority issued order No. 265/SRC dated 12.08.2022 (Copy enclosed). It was revealed that appellant alongwith others became overage for B-1 exam, however, all the overage candidates were sent for lower school course by DIG / HQrs order No. 24555-82/E-I dated 01.10.2013.
  11. Incorrect and misleading. Infact, appellant was neither discriminated nor deprived of this due seniority, rather he was overage and did not qualify his B-1 exam before undergoing lower course. Appellant seniority was re-fixed through competent authority vide OB No. 265/SRC dated 12.08.2022, wherein it has been clarified that appellant's seniority is fixed with the candidates for the last term of 2014.


**Grounds:-**

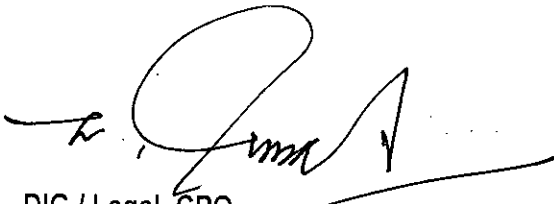
- a) No doubt Rule 13.8 is very clear on the subject but the appellant has to point out his own status in the seniority list and shall further point out that through which of the seniority list, his legal right has been infringed and at which serial number the appellant was required to be placed but the appellant has neither highlighted his status nor he has pointed out his due place in the seniority list. The appellant has given general version instead of specific one, hence on the basis of such vague and speculative claim no relief can be provided to him under the circumstances.
- b) Incorrect, the respondent department never kept any list as secret. Each and every person is having access to such lists and they are never kept secret. Lists were accordingly published within the time but it seems that the appellant was not interested to pursue his case. Whenever any official / officer feels aggrieved he is allowed to file representation against such list. The appellant himself displayed lukewarm attitude in pursuing his case but he is blaming the respondent department. It is well established and universally accepted maxim of the equity that law helps those who are vigilant and not the indolent. Upon the appellant, the said maxim is applicable and thus he should face consequences of his personal conduct. If the appellant was having any reservations, he could file representation within time prescribed by the lists but he failed to display his vigilance and is also not certain about the relief which he has sought from this Honorable Tribunal. This para being incorrect, misleading and having got no substance may be brushed aside.
- c) Incorrect, the appellant has not been discriminated. He has been treated equally with other colleagues and officials the respondent department has got no reason to shower blessings on one set of officials and disfavor to the other set of officials. All have been treated equally and without any discrimination.
- d) Incorrect, letter referred by the appellant has not been annexed with the appeal hence no reply can be furnished by the respondents. Moreover, when the appellant was having objection upon respondents No. 5 to 10, however, in the list of respondents he has mentioned 23 more officials as respondents thus the appellant has not only made his case doubtful but also made his case standing on weak footings.
- e) Incorrect, that all the respondents from 05 to 10 including the appellant have been given their due rights and promoted at their own turn. The respondent department has not reason whatsoever, to give preference one officer / official to another officer / official.
- f) This para is legal.


**PRAYER:-**

It is prayed that since the appellant has failed to substantiate the claim being raised in the instant appeal, therefore, it may be dismissed with costs.

  
District Police Officer,  
Kohat  
(Respondent No. 3)  
**(MUHAMMAD OMER KHAN) PSP**

  
Regional Police Officer,  
Kohat.  
(Respondent No. 2)  
**(SHER AKBAR) PSP, S.St**

  
DIG / Legal, CPO  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)  
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**

  
Commandant,  
Police Training College,  
Hangu.  
(Respondent No. 4)  
**(Dr. FASIHUDDIN KHAN) PSP**

P-5

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
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..... Respondents

**AFFIDAVIT**

I, Muhammad Omer Khan, District Police Officer, Kohat Respondent No. 3 do hereby solemnly affirm and declare on oath that the contents of reply to the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

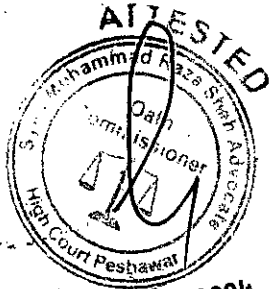
It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense is struck off.

*Muhammad Omer Khan*

**(MUHAMMAD OMER KHAN) PSP**

District Police Officer,  
Kohat

(Respondent No. 3)



13 0 MAY 2024

ORDER

This order is passed on the application of the following LHCs of this district police requesting therein for fixation of their seniority in Lower College Course into their colleagues: -

1. LHC Hameed Badshah No.01
2. LHC Ahmed Shah No.430
3. LHC Muhammad Arshad No.178
4. LHC Azmar Gul No.708
5. LHC Muhammad Tariq No.1044

Facts are that the name of the above officials are included in 180 candidates which 180 extra seats were allotted to Lower School Course and they were overage for the said course vide W/IGP KP Peshawar order Endst: No.24555-82/E-I dated 01.10.2013 vide at flag "A".

All mentioned 180 candidates have not qualified B-I examination. In this regard the W/IGP KP Peshawar has constituted a committee which examined the cases of overage candidates selected by the department as pointed out by the Honorable Supreme Court of Pakistan 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 committee recommended that age for B-I examination has been increased from 33 to 40 years and all the 180 candidates and those who were granted relief by the High Court are eligible 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.

In compliance with the directives, the seniority of overage official have been fixed with the name of candidates for the last term of 2014. The above mentioned applications are unjustified and filed.

OB NO. 265 /SRC  
Dated. 12/8/2022

*Attested*  
*Muhammad*

(MUHAMMAD SULEMAN) PSP  
District Police Officer,  
Kohat

*11/8/22*

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 Rashid NO. 54	Abbottabad
6.	Const: Shoraiz Khan No. 437	Haripur
7.	Const: Ishliq 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. 265/09	Mansehra
12.	Const: Aftab Ahmed No. 690/10	Mansehra
13.	Const: Shams-ul-Haq No. 293	Battagram
14.	Const: Muhammad Tariq No. 3887/EF	Battagram
✓ 15. ✓	Const: Muhammad Arshad No. 178	Kohat
<del>16.</del>	<del>Const: Shahir Ahmed No. 1141</del>	<del>Kohat</del>
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
<del>28.</del>	<del>Const: Asmatullah No. 2492</del>	<del>Hangu</del>
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. 377/SB	Tank
34.	Const: Shafiullah No. 421	Tank
35.	Const: Usmanullah No. 300	Tank
36.	Const: Irfanullah No. 3197	CCP/Peshawar
37.	Const: Ghulam Mustafa No. 5435	CCP/Peshawar

Attested  
Muhammad



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. 2422/1258	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. 340	Bunir
55.	Const: Farid Elahi No. 610	Chitral
56.	Const: Qasim Shahzad No. 67	Haripur
57.	Const: A. ...	Haripur
58.	Const: F. ...	Haripur
59.	Const: A. ... No.	Haripur
60.	Const: A. ... Kha.	Haripur
61.	Const: Tariq ...	Haripur
62.	Const: Gul ... an No. 727	Haripur
63. ✓	Const: Je ... No.	Kohistan
64. ✓	Const: A. ... No. 401	Kohat
65. ✓	Const: M. ...	Kohat
66.	Const: Ya. ... hman	Kohat
67.	Const: Muhamma ... ayaz	Karak
68.	Const: Khalid ur ... anjan	Karak
69.	Const: Nazir Dac ... 618	Karak
70.	Const: Gul Hale ... 1330	Karak
71.	Const: Arsaht ... No. 136	Karak
72.	Const: Saleem ... No. 133	Karak
73. ✓	Const: Umar Av ... 19 EF	Karak
74.	Const: Muham ... mil No.	Karak
75.	Const: Arsaht ... ullah	Karak
76.	Const: Zia ur ...	Karak
77.	Const: Bakhtiar Ali Shah	Karak
78.	Const: Abdullah No. 743	Karak
79.	Const: Muqtadir Ali	Karak
80.	Const: Jamil-ur-Rehman	Hangu
81.	Const: Niarnat-ur-Rehman	Hangu
82.	Const: Muhammad Ilyas	Bannu
		Bannu EF

83.	Const: Feroz Khan No. 1806	Bannu EF
84.	Const: Imranullah No. 1523/930	Bannu EF
85.	Const: Sehar Gul No. 543	Lakki Marwat
86.	Const: Inamullah No. 1046	Lakki Marwat
87.	Const: Gul Bat Khan No. 46	Tank
88.	Const: Syed Mujtaba Hussain	Tank
89.	Const: Sihat 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. 244	Mardan
100.	Const: Imran Khan No. 3072	Mardan EF
101.	Const: Haleem Khan No. 29	Mardan EF
102.	Const: Shah Khalid No. 326	Swabi
103.	Const: Muhammad Haroon	Swabi
104.	Const: Iftikhar Ali No. 143	Swabi
105.	Const: Abdul Ali No. 2293	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: Said 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

Attested  
Nabeem

127.	Const: Muhammad Riasat No. 378	
128.	Const: Musadiq Shah No. 484/739	Kohat
129.	Const: Muhammad Hasir Qureshi	Kohat
130.	Const: Khan Akbar No. 1088	Kohat
131.	Const: Hamid Bad Shah No. 76	Kohat
132.	Const: Abdur Rahim No. 126	Kohat
133.	Const: Fazal Ahmed No. 407	Hangu
134.	Const: Atiq-ur-Rehman No. 366	Lakki Marwat
135.	Const: Idrees Khan No. 139	Lakki Marwat
136.	Const: Naseer Khan No. 2412	CCP/Peshawar
137.	Const: Muhammad Abbas No. 568	CCP/Peshawar
138.	Const: Sher Akbar No. 56	Swabi
139.	Const: Sher Aman No. 406	Dir Lower
140.	Const: Akhtar Hussain No. 229	Bunir
141.	Const: Aftab No. 1873	Chitral
142.	Const: Sohail Ahmad Abbas No. 1005	Mardan
143.	Const: Muhammad Sajid No. 287/1390	Ahrotahad
144.	Const: Ihsan No. 372	Abbottabad
145.	Const: Imran Khan Jadoon No. 103	Haripur
146.	Const: Muhammad Asif No. 456	Haripur
147.	Const: Muhammad Tauqeer No. 184	Haripur
148.	Const: Azhar Shahzad No. 709	Haripur
149.	Const: Zakir Khan No. 701	Mansehra
150.	Const: Momin Khan No. 228	Mansehra
151.	Const: Atta ur Rehman No. 255	Battagram
152.	Const: Liaqt Ali No. 3852	Battagram
153.	Const: M. Bakhtiar No. 298	Battagram EF
154.	Const: Azmar Gul No. 234	Kohistan
155.	Const: Muhammad Anees No. 1092	Kohat
156.	Const: Muhammad Nawaz No. 832	Kohat
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	Karak
161.	Const: Mustafa Khan No. 41	Hangu
162.	Const: Younis Khan No. 378	Lakki Marwat
163.	Const: Shafiullah No. 762/347	Lakki Marwat
164.	Const: Muhammad Ilyas No. 2174	Lakki Marwat
165.	Const: Jawad Ali No. 350	CCP/Peshawar
166.	Const: Muhammad Fayaz No. 729	Mardan
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
174.	Const: Taimour Hussain No. 300	Shangla
175.	Const: Muhammad Sher No. 259	Shangla
176.	Const: Tasneem Ali No. 274/3518	Shangla
177.	Const: Sayyar Ahmed No. 223/01	Shangla
178.	Const: Israr Ali No. 561	Chitral
179.	Const: Zahoor Ahmed No. 143/SB	Chitral
180.	Const: Muslim Zada No. 583	Dir Upper (Recommended by DIG/E& I K.P)

sd/-

**TARIQ JAVED**

DIG/Headquarters

For Provincial Police Officer,

Khyber Pakhtunkhwa

Peshawar.

No. 24555-82 E-I. dated Peshawar the 1/10 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 & Banru
5. Commandant PTC Hangu with his Memo No. 2654/GC dated: 21.09.2013
6. District Police Officers, Kohat, Hangu Dir Upper, Dir Lower, Chitral, Shangla, Bunir, Karak, Tori, Lakki Marwat, Haripur, Mansehra, Abbottabad, Kohistan, Jharsedda, Muzhara, Swabi & Mardan.

*Attested  
P. Javed*

(JAVED IQBAL)

Registrar

For Provincial Police Officer,

Khyber Pakhtunkhwa

Peshawar

P-10

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

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**Ahmed Shah**  
LHC No. 430, District Kohat

..... Appellant

**VERSUS**

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4. Commandant, Police Training College, Hangu

..... Respondents

**AUTHORITY LETTER**

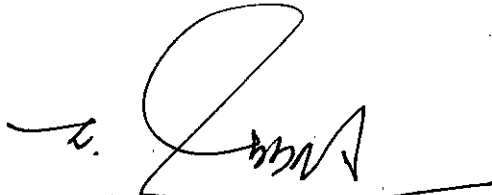
Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.



District Police Officer,  
Kohat  
(Respondent No. 3)  
**(MUHAMMAD OMER KHAN) PSP**



Regional Police Officer,  
Kohat  
(Respondent No. 2)  
**(SHER AKBAR) PSP, S.St**



**DIG / Legal, CPO**  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)  
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**



Commandant,  
Police Training College,  
Hangu  
(Respondent No. 4)  
**(Dr. FASIHUDDIN KHAN) PSP**