

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

Service Appeal No. 510/2022

Muhammad Fayaz, Constable No. 414, District Karak.

******* VERSUS *******

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

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Dated: 09/05/2024


APPELLANT

Through

Malik Jan, Inspector

From: The District Police Officer, Karak.

To: The Additional Advocate General,
Khyber Pakhtunkhwa,
Service Tribunal, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12046

Dated 09-05-24

No. 1857 /LB, dated Karak the 06 / 05 /2024.

Subject: ORDER SHEET IN SERVICE APPEAL NO. 510, 511-512/2022.

Memo:

Kindly refer to the honourable Service Tribunal Peshawar order dated 18.04.2024 on the subject noted above.

It is submitted that a detail report of SRC Branch is enclosed for kind perusal, please.

DISTRICT POLICE OFFICER, KARAK

09-05-24
change to
27-06-24
Peshawar

Reference Attached

①

I/C Legal Branch Karak,

The DPC determining the seniority is concerned, in order to determine the merit/seniority of twenty seven (27) petitioners who succeeded in grant of relief from the Peshawar High Court/Service Tribunal as well as others 180 overage Police officials (from all over the province) who were selected for lower school course by the department, a committee chaired by Addl: IGP Special Branch, KP Peshawar, comprising of W/DIG HQ's, AIG Establishment & AIG Legal CPO Peshawar was constituted and a meeting was held in CPO Peshawar on 06.11.2014 to examine the cases of Constables of various districts who were selected for lower College Course under the overage quota as well as who were sent to lower school course by the order of the hon'ble PHC Peshawar/Service Tribunal.

On the recommendation of committee, the W/IGP KP Peshawar has accorded approval to the decision of the committee vide letter No. 2288-2320/E-IV dated 24.02.2015.

Therefore, 180 candidates from all over the province including twenty one (21) Police officials of this district who had undergone to Lower School Course (becoming overage before 01.04.2014 i.e. starting Lower Course in next year & those who have already availed three chances for B-1 and have no more chance to appear in B-1 exam and those twenty seven (27) petitioners who succeeded in grant of relief from Peshawar High Court/Service Tribunal including three (03) Police officials of this district) were put their seniority in the last term of 2014 as per instructions of the W/IGP KP Peshawar letter No. 2288-2320/E-IV dated 24.02.2015 and beneficiary of Commandant PTC vide Signal No. 1652-1700/GC dated 10.06.2013.

A committee headed by Mr. Tariq Habib the then DPO Karak comprising of the SP Inv: Karak, SDPO, Karak, SDPO, Takht-e-Nasrati, Inspector Legal etc: was constituted to review the seniority of C-I Constables and cases pertaining the seniority of LHC and their grievances vide this office order No. 2399-2403/EC, dated 25.03.2021 in the light of instructions of the W/IGP KP Peshawar letter No. 2288-2320/E-IV dated 24.02.2015.

The committee thoroughly perused their cases on merit, checking their relevant records & after threadbare discussion, the committee unanimously agreed to implement the committee decision held at CPO Peshawar on 06.11.2014 and accorded/ approval by worthy IGP, KP Peshawar vide No. 2288-2320/E-IV, dated 24.02.2015, therefore, the seniority of the three (03) officials of this district were fixed in the last term of 2014 in the light of above quoted reference.

W/DPO

Proceed
[Signature]

District Police Officer
Karak


[Signature]
Estt: Clerk 02/05/24

15.02.2024 1. Appellant along with his counsel present. Mr. Asif Masood Ali Shah learned Deputy District Attorney for the respondents present. Learned counsel for private respondent No.6 present.

2. Learned counsel for private respondent No.6 requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 18.04.2024 before D.B. P.P given to the parties.


RECORDED
INDEXED
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Kaleemullah



(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J) **SRC!**
n/a
DISTRICT POLICE OFFICER
KARAK

18th April, 2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. The matter in issue in this appeal is the final order dated ~~17.12.2021~~ minutes of the DPC meeting dated ~~02.04.2021~~ and promotion order dated ~~08.04.2021~~. When the case was opened, learned counsel for the appellant referred to the minutes of the DPC meeting dated ~~02.04.2021~~ which, astonishingly, show that the DPC has determined the seniority. When confronted whether DPC had any mandate of determination of the seniority, the learned District Attorney sought some time to place on record all the documents necessary for decision of this appeal and also to respond to the query of the Tribunal. He may place all the documents within fifteen days. To come up for arguments on ~~25.06.2024~~ before D.B. P.P given to the parties.


(Muhammad Akbar Khan)
Member(E)


(Kalim Arshad Khan)
Chairman



OFFICE OF
INSPECTOR GENERAL
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR

No. 2938-2327E-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, Peshawa
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 31.10.2013, 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.Ps 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 on the

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INSF League

High Court for grant of relief to others similar overage candidates. The comm recommended that age for B-I examination has been increased from 33 to 40 years in 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.

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)

(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 Hanjoor.
- 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.

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(Syed Fida Hassan shah)
AIG/Establishment
For inspector general of police.
Khyber Pakhtunkhwa,
Peshawar.

ORDER

In compliance with the directives issued by the W/DIG Kohat Region Kohat letter No. 3892-94/EC dated 24.03.2021, a Departmental Promotion Committee headed by the undersigned comprising of the following Police Officers/Officials is hereby constituted for the promotion of most Senior/deserving lower school course passed constables on promotion list "C" of this district Police to the next rank of Head Constables (BPS-09) Regular/Acting Charge basis in the District. The meeting will be held on 30/03/2021 in the Office of the undersigned. The committee shall review all types of cases pertaining to the subject matter and will dispose of the cases under the law, if any.

- 1. Mr. Zahir Shah
(SP Investigation Wing Karak)
- 2. Mr. M. Ismail
(DSP Hqrs Karak)
- 3. Mr. Abid Khan Afridi
(DSP Takhte Nasrati)
- 4. Insp: Ghulam Murtaza
(Incharge/Inspector Legal Karak)
- 5. ASI Ghulam Farid
(OASI Karak)

Member

Member

Member

Member

Member

[Signature]
District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 2398-03 /EC, dated Karak the 25-3- /2021.

Copy of above is submitted for favour of information & n/action to:-

- 1. The Dy. Inspector General of Police Kohat Region Kohat w/r to his office letter quoted above, please.
- 2. The Superintendent of Police Investigation Wing Karak
- 3. The SDPO Karak & Takhte Nasrati.
- 4. Incharge, Legal, Branch Karak
- 5. OASI.

} For n/action

Attested
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District Police Officer Karak

POLICE DEPTT:

KARAK DISTT:

MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE
HELD ON 02.04.2021, IN DISTRICT POLICE OFFICE KARAK

On 02.04.2021, a meeting of Departmental Promotion Committee was held in the Office under the Chairmanship of the undersigned. The following Police Officers participated in the subject meeting. Due to the transfer of DSP HQrs Karak, Head Clerk Waheed Zaman attended the meeting.

- | | | |
|----|----------------------|-----------------------------------|
| 1. | Mr. Zahir Shah | SP, Investigation Wing Karak |
| 2. | Mr. Abid Khan Afridi | DSP Takthe Nasrati |
| 3. | Mr. Ghulam Murtaza | Inspector, I/C Legal Branch Karak |
| 4. | Mr. Waheed Zaman | Head Clerk DPO Office Karak |
| 5. | Mr. Ghulam Farid | OASI Karak |

There are 10 vacancies of Head Constables are available for promotion in this district. The cases of senior most Lower College Course passed Constables were considered for promotion to the rank of C-I Head Constables. The promotions have been done on the basis of seniority according to Police Rules. Moreover, LHC Arif Ullah No. 188 & 09 other LHCs preferred written applications requesting therein that their seniority is affected vide the AIG Legal CPO Peshawar letter No. 1836/Legal dated 16.04.2020, in which the following LHCs have been brought senior from them. They requested for fixation of their seniority as per guidelines laid down by CPO committee and Police Rules:-


1. Muhammad Fayaz No. 414.
2. Muhammad Nawaz No. 832.
3. Muhammad Yaqoob No. 773


The committee thoroughly perused their cases on merit. Earlier the seniority of above mentioned 03 Police officials were fixed as per official correspondences made in this regard with CPO Peshawar, seeking guidance vide letter No. 1381/EC dated 24.02.2020, letter No. 1427/Legal dated 05.03.2020, letter No. 1836/GC dated 19.03.2020 and letter No. 1836/Legal dated 16.04.2020. After going through official correspondences issued by CPO Peshawar about overage Constables selected for the Lower College Course and approval of the committee decision vide letter No. 2288-2320/E-IV dated 24.02.2015, wherein the seniority of 180 (21 officials of this district) Lower Passed Constables (including the above mentioned 03 officials) are fixed in the last term of 2014.

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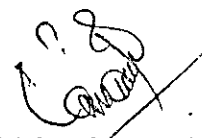
The committee thoroughly reviewed the cases of all Lower College Course passed constables. The seniority List was rechecked and fresh seniority list is prepared in the light of letter No. 2288-2320/E-IV dated 24.02.2015. The Police Officials mentioned above at S. No. 1 to 3, who got seniority from the CPO, their names are brought to their original positions in the seniority list as per letter No. 2288-2320/E-IV dated 24.02.2015.

Moreover, the date is fixed i.e 08 /04/2021 for promotion of lower passed officials to the next rank of Head Constables as per letter received from the W/RPO Kohat letter No. 3892-94/EC dated 24.03.2021.


(Zahir Shah)
SP, Investigation Wing Karak



(Abid Khan Afridi)
SDPO Takth-e-Nasrati


(Ghulam Murtaza)
Inspector, I/C Legal Branch Karak


(Waheed Zaman)
Head Clerk DPO Office Karak


(Ghulam Farid)
OASI Karak


(Tariq Nabib)
District Police Officer Karak

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MINUTES OF THE MEETING OF DEPARTMENTAL PROMOTION COMMITTEE
(DPC) HELD ON 08.04.2021 IN DISTRICT POLICE OFFICE KARAK

On 08.04.2021, a meeting of Departmental Promotion Committee was held in the Office under the Chairmanship of the undersigned. The following Police Officers participated in the subject meeting. Due to the transfer of DSP HQrs Karak, Head Clerk Waheed Zaman attended the meeting.

- | | | |
|----|----------------------|-----------------------------------|
| 1. | Mr. Zahir Shah | SP, Investigation Wing Karak |
| 2. | Mr. Abid Khan Afridi | DSP Takthe Nasrati |
| 3. | Mr. Ghulam Murtaza | Inspector, I/C Legal Branch Karak |
| 4. | Mr. Waheed Zaman | Head Clerk DPO Office Karak |
| 5. | Mr. Ghulam Farid | OASI Karak |

There are 13 vacancies of Head Constables are available for promotion in this district. The cases of senior most Lower College Course passed Constables were considered for promotion to the rank of C-I Head Constables. The promotions have been done on the basis of seniority according to Police Rules.

Moreover, LHC Arif Ullah No. 188 & 09 other LHCs has preferred written applications requesting therein that their seniority is affected vide the AIG Legal CPO Peshawar letter No. 1836/Legal dated 16.04.2020, in which the following LHCs have been brought senior from them. All the Police officials who had grievances regarding their seniority were called to this office and heard in person. Wherein they requested for fixation of their seniority as per guidelines laid-down by the CPO committee and Police Rules:-

1. Muhammad Fayaz No. 414.
2. Muhammad Nawaz No. 832.
3. Muhammad Yaqoob No. 773

The committee thoroughly perused their cases on merit. Earlier the seniority of above mentioned 03 Police officials were fixed as per official correspondences made in this regard with CPO Peshawar, seeking guidance vide letter No. 1381/EC dated 24.02.2020, letter No. 1427/Legal dated 05.03.2020, letter No. 1836/CC dated 19.03.2020 and letter No. 1836/Legal dated 16.04.2020. After going through official correspondences issued by CPO Peshawar about overage Constables

Attended
M. Zaman
Asst. Legal

selected for the Lower College Course and approval of the committee decision vide letter No. 2288-2320/E-IV dated 24.02.2015, wherein the seniority of 180 (21 officials of this district) Lower Passed Constables (including the above mentioned 03 officials) are fixed in the last term of 2014.

The committee thoroughly reviewed the cases of all Lower College Course passed Constables. The seniority List was rechecked and fresh seniority list is prepared in the light of letter No. 2288-2320/E-IV dated 24.02.2015. The Police Officials mentioned above at S. No. 1 to 3, who got seniority from the CPO, their names are brought to their original positions in the seniority list as per letter No. 2288-2320/E-IV dated 24.02.2015.

Moreover, the committee unanimously recommended that the following 13 senior most officials (from SNo. 01 to 13) are promoted to their next rank i.e. Head Constable on regular basis while 11 officials (from 14 to 24) are brought into the list of acting charge basis. So that the promotion of senior most lower passed officials to the next rank of Head Constables are recommended in compliance of the W/RPO Kohat letter No. 3892-94/EC dated 24.03.2021.

Regular Basis

S.#	Name & Rank	Description
1.	HC Amjad Kamal No.513/EF	Regular basis
2.	HC Abdul Jabbar No.751	Regular basis
3.	HC Hazrat Ullah No.400	Regular basis
4.	Wasif Ullah No.838/LHC	Regular basis
5.	Farman Ullah No.828/LHC	Regular basis
6.	Amjad Ali No.506/LHC/BDU	Regular basis
7.	Abid ur Rehman No.54/LHC	Regular basis
8.	Najeeb Ullah No.46/LHC/EF	Regular basis
9.	Muhammad Arif No.4717/LHC/EF	Regular basis
10.	Umar Badshah No.690/LHC	Regular basis
11.	Muhammad Jabbar No.236/LHC	Regular basis
12.	Lal Rehman No. 729	Regular basis
13.	Majid Khan No. 558	Regular basis

Acting Charge Basis

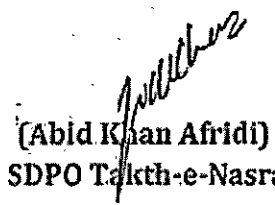
S.#	Name & Rank	Description
14	Mohib Ullah No.514	Acting Charge basis
15	L/Const: Gohar Kaisoom No. 557	Acting Charge basis
16	Muhammad Zafran No. 276	Acting Charge basis
17	Naseeb Ullah No. 1136/CTD	Acting Charge basis
18	Hidayat Ullah No. 379/Inv	Acting Charge basis

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19	Umer Zada No.611	Acting Charge basis
20	Arif Ullah No. 188	Acting Charge basis
21	Sajjad Iqbal No.515	Acting Charge basis
22	Akhtar Hayat No.639	Acting Charge basis
23	Siraj ud Din No.519	Acting Charge basis
24	Raheem Jan No.226	Acting Charge basis



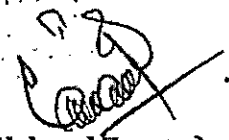
(Zahir Shah)
SP, Investigation Wing Karak



(Abid Khan Afridi)
SDPO Takth-e-Nasrati



(Ghulam Murtaza)
Inspector, I/C Legal Branch Karak



(Waheed Zaman)
Head Clerk DPO Office Karak



(Ghulam Farid)
OASI Karak



(Tariq Habib)
District Police Officer Karak

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ORDER

In compliance of the W/RPO Kohat Region Kohat letter No. 3892-94/EC dated 24.03.2021 and on the recommendation of the District Departmental Promotion Committee (DPC) held on 08.04.2021 in the office of the undersigned. The following HCs as on acting charge basis at serial No. 01-13 are hereby regularized as Regular Head Constables against the existing vacancies of Head Constables in the district with immediate effect.

S.#	Name & Rank	Description
1.	HC Amjad Kamal No.513/EF	Regular basis
2.	HC Abdul Jabbar No.751	Regular basis
3.	HC Hazrat Ullah No.400	Regular basis
4.	Wasif Ullah No.838/LHC	Regular basis
5.	Farman Ullah No.828/LHC	Regular basis
6.	Amjad Ali No.506/LHC/BDU	Regular basis
7.	Abid ur Rehman No.54/LHC	Regular basis
8.	Najeeb Ullah No.46/LHC/EF	Regular basis
9.	Muhammad Arif No.4717/LHC/EF	Regular basis
10.	Umar Badshah No.690/LHC	Regular basis
11.	Muhammad Jabbar No.236/LHC	Regular basis
12.	Lal Rehman No. 729	Regular basis
13.	Majid Khan No. 558	Regular basis

While the following Constables on list "C" of this district Police mentioned at serial No. 14 to 24 are promoted to the rank of Head Constables on acting charge basis subject to conditions listed below.

1. The promotion shall be purely temporary.
2. They shall be liable for reversion to the original rank of constable at any time.
3. They shall not challenge their reversion or claim seniority as well as a benefit on the basis of adhoc/acting charge basis promotion before any forum including court.
4. The period served on adhoc/acting charge basis shall not be counting as officiating / probation period at any cost.
5. They shall execute an affidavit to the effect of above condition.

S.#	Name & Rank	Description
14.	Mohib Ullah No.514	Acting Charge basis
15.	L/Const: Gohar Kalsoom No. 557	Acting Charge basis
16.	Muhammad Zafran No. 276	Acting Charge basis
17.	Naseeb Ullah No. 1136/CTD	Acting Charge basis
18.	Hidayat Ullah No. 379/Inv	Acting Charge basis
19.	Umer Zada No.611	Acting Charge basis
20.	Arif Ullah No. 188	Acting Charge basis
21.	Sajjad Iqbal No.515	Acting Charge basis
22.	Akhtar Hayat No.639	Acting Charge basis
23.	Siraj ud Din No.519	Acting Charge basis
24.	Raheem Jan No.226	Acting Charge basis

O.B.No. 124
Dated 15/4/2021

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W.P.
District Police Officer, Karak

AUTHORITY LETTER

12

Mr. Malak Jan, Inspector Legal of this District Police is hereby authorized to represent the undersigned before the KP, Service Tribunal, Peshawar in various Service appeals/Execution petitions and to assist the Additional Advocate General in day to day cases hearing before the Honorable court, please.



DISTRICT POLICE OFFICRE,
KARAK