

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 417/2024

Hussain Shah

LHC No. 585, 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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UM
Deponent

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Service Appeal No. 417/2024
Hussain Shah
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..... Appellant

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 15208

Dated 27/8/24

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

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 4

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is not maintainable in its present form.
- vi. That the appeal is bad in law and limitation as well.

Facts:-

1. Correct to the extent of passing Lower School Course in the term ending 31.07.2014. Hence, it is worth to mention that appellant was awarded opportunity to appear in the Lower School Course exam for the term ending 20.03.2014, but he failed in the said exam, therefore, he reappeared in the next term ending on 31.07.2014. It is worth to mention that appellant was becoming overage and he had not qualified B-1 examination which was mandatory for Lower School Course, therefore, on the recommendation of Commandant PTC Hangu, appellant alongwith other Constables were allotted extra seats for Lower School Course. In order to fix their seniority, in the light of august apex court judgment dated 23.09.2014 and minutes of DPC No. 13 meeting of 2014, a committee was constituted under the chairmanship of SP Investigation and these constables who were becoming overage and had not qualified B-1 examination they qualified Lower School Course for the term ending 20.03.2014 without qualifying B-1 examination.
The committee recommended that these Lower Course qualified shall appear in Special B-1 examination to be conducted by ETEA and their seniority shall be fixed with the candidates who qualified Lower School Course in the last term of 2014. The last term of 2014 ended in the month of March 2015. (Copy of letter and minutes of the committee meeting is **annexure A & B**).
2. Correct to the extent of Police Rules, however, case of the appellant is different one. He had not qualified B-1 examination which is mandatory for lower school course, however, as he was becoming overage, therefore, he alongwith other

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- constables were send for lower school course with the condition that they shall pass B-1 examination and their seniority will be fixed with those candidates who qualified lower school course in the last term of 2014.
3. As already explained above, the appellant was overage passed Lower Course with condition that he shall have to appear in special B-1 and his seniority shall be fixed with these candidates who qualified lower course in the last term of 2014 which ended in the month of March-2015.
 4. Incorrect, as the appellant passed lower school course without B-1 being mandatory for the course ibid in the light of august apex court judgment dated 23.09.2014, the committee so constituted had recommended that the such candidates shall appear in Special B-1 and their seniority shall be fixed with the last term mates of lower course of year 2014.
 5. Incorrect, seniority list of LHCs is duly prepared and published every year for any objections if any. (Copy of seniority list of consecutive terms 2014-2023 is **annexure C**).
 6. Incorrect, the available record is silent regarding any such application moreover, seniority list C-I is issued every year for general information of the officials concerned as already explained above.
 7. Needs no comments.
 8. Incorrect, as already explained above.
 9. That the appellant has been proceeded in accordance with law, therefore, the instant appeal being devoid of merit is liable to be dismissed on following grounds.


Grounds:-


- A. Incorrect, as the appellant's status has been highlighted in his seniority list that he was overage candidate and his seniority has been fixed with last term of 2014 in the light of recommendation of committee constituted on the direction of august apex court vide judgment dated 23.09.2014. (Copy of judgment dated 23.09.2014 is **annexure D**).
- 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.

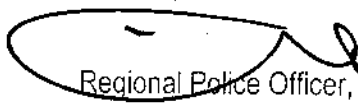
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- C. Incorrect, the appellant has not been discriminated. He has been treated equally with other colleagues and officials the respondent department has got no reason to shower blessings on one set of officials and disfavor to the other set of officials. All have been treated equally and without any discrimination.
- D. Correct to the extent of referred CPO Peshawar dated 24.02.2015 which highlights recommendation of committee so constituted in the light of august apex court judgment dated 23.09.2014. Rest of para is debatable as the Honorable Peshawar High Court Peshawar vide its judgment in COC No. 863-P/2019 in writ petition No. 3281-P/2013 in case titled Muhammad Tariq VS IGP KP has dismissed plea of alike petitioner seeking benefits of extra seats. The Honorable Court vide its another judgment dated 02.09.2020 in writ petition No. 2513-P/2020 has equaled allocation of extra seats to the out of term promotion deprecated by this august apex court in its land-oath judgments relating to out of term promotion reported as 2013 SCMR 1752.
- E. The committee was constituted in the light of august apex court judgment dated 23.09.2014. According to Article 190 of constitution of Pakistan all administrative and judicial authorities shall perform in aid of the Honorable Supreme Court of Pakistan. Thus, this recommendations of such committee were as per merit of the case of the petitioner as observed by this august apex court in the operative part of this judgment *ibid*.
- F. That the respondent department may also be allowed to advance additional grounds at the time of bearing before this Honorable Tribunal.

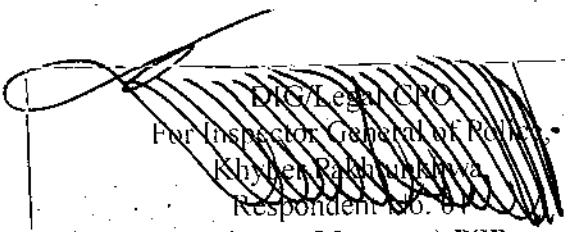
PRAYER:-

In view of the above, it is humbly prayed that the appeal, being devoid of merits and badly time barred may graciously be dismissed with costs, please.


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


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 Inspector General of Police
Khyber Pakhtunkhwa
Respondent No. 1
(Rizwan Manzoor) PSP
Incumbent

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
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LHC No. 585, District Kohat

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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 parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.



Muhammad Omer Khan
District Police Officer,
Kohat

(Respondent No. 3)
(MUHAMMAD OMER KHAN) PSP

Annex - A
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MINUTES OF THE COMMITTEE MEETING

In compliance of the W/DPO Kohat order Endst: No. 4447-49/SRC, dated 11.07.2024, the Committee comprised of the following Police officers / officials, held meeting on 22.07.2024:-

- | | | |
|------|---|------------|
| i. | SP Investigation, Kohat | (Chairman) |
| ii. | Deputy Superintendent of Police, Legal | (Member) |
| iii. | Deputy Superintendent of Police, City Kohat | (Member) |
| iv. | Service Roll Clerk (SRC) | (Member) |
| v. | OHC | (Member) |

The Committee called all the concerned LHCs including overage and heard them patiently. The plea of regular LHCs is that overage LHCs have been made senior to them by placing their names in the Seniority List C-I for the 2nd term of the year 2014 while their names were required to be put in the said list for the last term of 2014 in accordance with the directives of CPO Peshawar received under reference No. 2288-2320/E-IV, dated 24.02.2015.

Bare perusal of the relevant record and above directives of CPO Peshawar reveals / indicates that in the year 2013, total 180 Constables of KPK including Kohat were allotted extra seats for Lower College Course on the recommendation of Commandant PTC Hangu as they were becoming overage.


- They qualified Lower Course for the term ending 20.03.2014 without qualifying B-1 Exam.
- A Committee was constituted by the Worthy IGP regarding fixation of their Seniority.
- The Committee recommended that all these LHCs shall appear in Special B-1 Exam to be conducted by ETEA and their Seniority shall be fixed with the candidates who qualified Lower School Course in the last term of 2014.
- The last term of 2014 ended in the month of March 2015.
- The dealing hands at that time misinterpreted / misunderstood the directives of CPO Peshawar and put the names of overage LHCs in the Second Term of 2014, which ended on 30.11.2014.

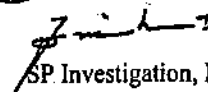
Both the parties were comprehensively briefed and the directives of CPO Peshawar were made explicit to them. The Committee unanimously agreed / decided that the names of overage LHCs may be put in the seniority list of C-I for the last ^{3rd} term of 2014 instead of 2nd term as per the directives of CPO Peshawar issued under above quoted reference in order to ensure merit, justice and transparency.


OHC Kohat


SRC Kohat


SDPO City Kohat


DSP Legal Kohat


SP Investigation, Kohat
(Chairman)


Attested

Annex - B
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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.

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

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 the term 01.10.2013 made writ petitions in the Peshawar High Court Peshawar for selection to lower college course.

5. 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.

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 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.

8. 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.

9. The upshot 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-P.

Attested
Mubarak

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 Honorable 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 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 01.10.213 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.

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 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.

13. 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 Yaqub 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 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-I 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.

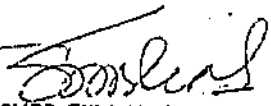
1. Upper age limit has already been increased from 33 years to 40 years vide decision of Police Policy Board dated, 12.02.2014 as observed in the Honourable Supreme Court order mentioned above. Therefore, all the 180 candidates and candidates who have managed relief from the High Court are eligible for appearing in the coming B-I 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-I examination shall re-appear in the forth coming B-I examination to be held on 08th March 2015. However, the seniority of those candidates who qualify the B-I 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-I test, but managed through courts/tribunal and completed lower college course shall also appear in forth coming B-I examination to be held on 08th March 2015. After qualifying B-I 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.


Submitted for approval please.


 (SHOUKAT HAYAT)
 Chairman

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


 (MUBARAK ZEB)
 Member
 Deputy Inspector General of Police,
 HQs Khyber Pakhtunkhwa Peshawar


 (SYED FIDA HASSAN SHAH)
 Member
 Assistant Inspector General of Police,
 Establishment CPO Peshawar


 (MUSHFAQ AHMAD)
 Member
 Assistant Inspector General of Police,
 Legal CPO Peshawar



Annex - C
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PROBATIONARY SENIORITY LIST OF LHC

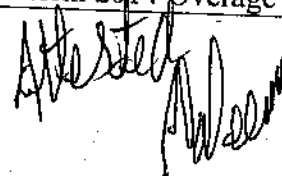
EFFECT FROM TERM ENDING DATE 31.07.2014.

جن اہلکاران کو لوئر سنیاریٹی لسٹ پر کوئی اعتراض ہو تو وہ تحریری درخواست SRC/OHC آفس میں اندر میعاد 7 یوم میں جمع کرادیں۔ تاکہ لسٹ فائنل ہو سکے۔

S/No.	Name & No.	D.O.B	D. O. A	Edu	D.O. Lower Passed	Remarks
1.	HidayatUllah 881 / 98	12.04.1979	11.3.2001	FA	20.03.2013	Awarded punishment reduction from the Rank of LHC to Foot Constable vide OB No.294 dated 17.10.2019. His case is under litigation, hence, not approved.
2.	Faiz Noor 4236/EF	12.02.1987	26.07.2007	10 th	31.07.2014	
3.	Shahid Noor 1499/CTD	25.01.1981	06.06.2007	BA	31.07.2014	
4.	Sheran Gul 1498/CTD	10.09.1985	06.06.2007	FA	31.07.2014	
5.	Aftab Ahmed Khan 79/ 30/KBI	01.04.1989	26.07.2007	10 th	31.07.2014	
6.	Amir Muhammad 698	25.02.1976	13.12.1994	10 th	31.07.2014	
7.	Sabeel Muhammad 537	25.05.1983	25.06.2007	10 th	31.07.2014	
8.	Muhammad Bilal 565				31.07.2014	
9.	Zaheen Shah 1561/EF / 36	05.12.1985	06.06.2007	10 th	31.07.2014	Dismissed
10.	Atif Khan 74/KT	05.04.1986	19.06.2008	10 th	31.07.2014	
11.	Farhan Shah 1519/EF 1001				31.07.2014	Present posting FRP Kohat
12.	Javed Khan 45/KBI 339/KT	17.03.1978	20.10.2004	BA	31.07.2014	
13.	Ahmed Khan 36/ 233	24.10.1984	06.06.2007	FA	31.07.2014	
14.	Noor Shoaib 1598/EF 1222	15.04.1986	02.06.2006	10 th	31.07.2014	
15.	Muhammad Abid 1534/EF 675	02.03.1987	23.06.2007	FA	31.07.2014	
16.	Zaheer Shah 1524/EF 136	03.05.1981	02.06.2006	10 th	31.07.2014	
17.	Abbas Haider Mir 49/ 535	29.05.1988	23.06.2007	BA	31.07.2014	
18.	Sher Nawaz 1590/EF 345	18.07.1985	02.06.2006	FA	31.07.2014	
19.	Muhammad Kamran 1328/CTD	31.12.1987	06.06.2007	FA	31.07.2014	
20.	Yasir Mehmood 1527/EF 1058	03.06.1987	23.06.2007	10 th	31.07.2014	
21.	Habib Ullah Shah 4199/EF				31.07.2014	
22.	Danish Rehman 1170/EF 413	23.12.1982	20.10.2004	10 th	31.07.2014	
23.	Darvish Khan 1582 1110/CTD	12.04.1982	02.06.2006	10 th	31.07.2014	
24.	Muhammad Shabir 1556/EF 597	09.02.1979	02.06.2006	10 th	31.07.2014	

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26.	Imam Shah 1591/EF 591	05.01.1984	23.06.2007	10 th	31.07.2014	
27.	Minhajud Din 1055/EF 358	03.10.1985	02.06.2006	10 th	31.07.2014	
28.	Arif Mehmood 1327/CTD	22.02.1985	02.06.2006	FA	31.07.2014	
29.	Sami Ullah 1080	11.10.1986	26.06.2007	10 th	31.07.2014	
30.	Muhammad Imran 952	08.05.1983	10.02.2002	BA	31.07.2014	
31.	Mohammad Rubah 4215					
32.	Amir Shehzad 1494/EF / 575/KT	16.03.1981	06.06.2007	10 th	31.07.2014	
33.	Muhammad Tariq 1072	22.02.1983	02.06.2006	10 th	30.11.2014 (S#- 14)	Re-appeared ex-Term 20.03.14
34.	Shakir Ullah 826	02.02.1979	10.02.2002	10 th	30.11.2014 (S#- 49)	
35.	Atta Ullah Khan 4234/EF				30.11.2014 (S#- 65)	
36.	Ashiq Parvaiz 4245/EF				30.11.2014 (S#- 66)	
37.	Noor Saleem 4238/EF				30.11.2014 (S#- 74)	
38.	Muhammad Amjid Wahid 457	20.02.1983	27.10.2003	BA	30.11.2014 (S#- 79)	
39.	Wasif Ullah 276	13.04.1977	01.01.1996	10 th	30.11.2014 (S#- 86)	
40.	Muhammad Sajjad 441	03.04.1983	02.06.2006	10 th	30.11.2014 (S#- 103)	
41.	Taj Maeen 1292	05.01.1985	06.08.2007	BA	30.11.2014 (S#- 110)	
42.	Atif Shah 301/KBI				30.11.2014 (S#- 140)	
43.	Abdul Haq 1599/EF/ 247	10.03.1989	23.06.2007	10 th	30.11.2014 (S#- 149)	
44.	Qadeer Hasrat 503	03.04.1977	14.07.1998	10 th	30.11.2014 (S#- 165)	
45.	Muhammad Anees 1171/EF				20.03.2014	Overage B-1 Pass (Merit # 169)
46.	Gul Muhammad 1509/EF-589				30.11.2014 (S#- 169)	
47.	Jamshid Khan 1539/EF /CTD				30.11.2014 (S#- 172)	
48.	Ahmed Shah 1600/EF / 430	06.12.1980	02.06.2006		20.03.2014	Overage B-1 Pass (Merit # 179)
49.	Qasim Khan 1548/EF KBI				30.11.2014 (S#- 183)	
50.	Dilawar Khan 1584/EF/370	05.03.1986	02.06.2006	FA	30.11.2014 (S#- 181)	
51.	Rifaqat Ali 1498/EF / 561	16.04.1984	23.06.2007	10 th	30.11.2014 (S#- 194)	
52.	Safdar Khan 1609/EF/1360	06.05.1982	23.06.2007	10 th	30.11.2014 (S#- 194)	
53.	Nishat Ali 1508/EF /1150	20.05.1987	23.06.2007	10 th	30.11.2014 (S#- 203)	
54.	Hameed Badshah 1261 /01/KT	02.01.1981	27.10.2003	FA	20.03.2014	Seniority Last term 2014 Overage B-1 Pass (Merit # 209)
55.	Muhammad Ibrar 1602/EF /1195	01.01.1978	02.06.2006	FA	30.11.2014 (S#- 217)	OOK
56.	Farakh Mehmood 1172/ /KT				30.11.2014 (S#- 223)	
	Azmar Gul 34/KBI	24.03.1983	16.02.2002	10 th	20.03.2014	Seniority Last term 2014 Overage B-1 Pass (Merit # 226)

Attested


58.	Muhammad Tariq 1603/EF/1044	19.12.1980	02.06.2006	10 th	20.03.2014	Seniority Last term 2014 Overage B-1 Pass (Merit # 235)
59.	Muhammad Arshad 178/KT	18.03.1981	27.10.2003	FA	20.03.2014	Seniority Last term 2014 Overage B-1 Pass (Merit # 254)
60.	Arshad Hussain 1046/KT	26.10.1980	29.10.2003	10 th	30.11.2014 (S#- 266)	
61.	Muhammad Ilyas 142 /KT	14.03.1978	22.06.2001	10 th	30.11.2014 (S#- 274)	
62.	Hazrat Umar 516/BDU				30.11.2014 (S#- 293)	
63.	Yousaf Zaman 33/KBI				30.11.2014 (S#- 301)	
64.	Shakir Rehman 1514/CTD	04.04.1987	02.06.2006	10 th	30.11.2014 (S#- 303)	
65.	Tahir Khan 1532/CTD	16.03.1977	02.06.2006	10 th	30.11.2014 (S#- 319)	
66.	Akhtar Hussain 228/ KT	15.08.1977	11.03.2001	FA	30.11.2014 (S#- 333)	
67.	Amjad Khan 1558/EF, 668/KT	03.11.1981	02.06.2006	FA	30.11.2014 (S#- 333)	
68.	Asif Khan 1520/EF,				30.11.2014(S#- 352)	Re-Appeared
69.	Tufail Ahmed 1296	24.12.1979	26.07.2007	FA	31.07.2014	Re-appeared ex-Trem 20.03.14 Seniority Last term 2014 Overage B-1 Pass (Merit # 387)
70.	Borair Abbas 1573/EF, 322/KT Transfer SSU (CPEC)				31.07.2014	Re-appeared ex-Trem 20.03.14 Seniority Last term 2014 Overage B-1 Pass (Merit # 397)
71.	Muhammad Saddiq 1569/EF				30.11.2014 (S#- 398)	
72.	Hussain Shah 451/EF,585/KT	06.04.1978	02.06.2006	10 th	31.07.2014	Re-appeared ex-Trem 20.03.14 Seniority Last term 2014 Overage B-1 Pass (Merit # 404)
73.	Sajid Khan 1516/CTD	03.02.1987	06.06.2007	10 th	30.11.2014 (S#- 410)	
74.	Abbas Khan 1254				31.07.2014 ✓	Re-appeared ex-Trem 20.03.14 B-1 Examination Failed Overage B-1 Pass (Merit # 1254)
75.	Muhammad Nasir Qureshi 356	20.03.1981	27.10.2003	FA	31.07.2014	Re-appeared ex-Trem 20.03.14 B-1 Examination Failed Overage (Merit # 420)
76.	Faridoon Khan 480/CTD	06.01.1979	02.06.2006	10 th	31.07.2014	Re-appeared ex-Trem 20.03.14 Seniority Last term 2014 Overage B-1 Pass (Merit # 423)
77.	Faheem Khan 437				30.11.2014	
78.	Gul Islam 1511/EF, 705/KT	19.03.1986	02.06.2006	FA	31.03.2015	
79.	Inyat Ullah 4255/EF				31.03.2015	
80.	Shah Nawaz Khan 3470/EF				31.03.2015	Re-Appeared
81.	Jandad Khan 1270/KT	22.12.1980	06.06.2007	10 th	31.03.2015	Re-Appeared
	Zia Ur Rehman 4212/EF				31.03.2015	Seniority Last term 2014 Overage B-A Passed Re-Appeared

Attested
[Signature]

P-12 (u)

82.	Abdul Hakeem 1554/EF, 529/KT	07.04.1981	06.06.2007	FA	31.03.2015	Re-Appeared
83.	Syed Mizaj Hussain 113	01.01.1983	11.03.2001	10 th	31.03.2015	
84.	Tasawar Hussain 1097/KT	01.01.1983	11.03.2001	10 th	31.03.2015	
85.	Irfan Ullah 1242/KT	29.08.1986	28.03.2008	BA	31.03.2015	
86.	Muhammad Junaid 189				31.03.2015	
87.	Shams ur Rehman 443/EF				31.03.2015	
88.	Waseem Raja 1535/EF.1148/KT	20.12.1981	02.06.2006	FA	31.03.2015	
89.	Noor Khan 1595/EF 1305/KT	09.04.1983	02.06.2006	10 th	31.03.2015	
90.	Arshad Mehmood 1277				31.03.2015	
91.	Khuram Shazad 1055				31.03.2015	
92.	Rasheed Khan 1507/EF 1244/KT	19.02.1985	06.06.2007	10 th	31.03.2015	
93.	Muhammad Mujahid 1166/1334/KT				31.03.2015	
94.	Fida Muhammad 1186/EF 1355/KT	02.04.1981	20.10.2004	10 th	31.03.2015	
95.	Muhammad Siraj 1559/ 39/KT	01.04.1988	06.06.2007	10 th	31.03.2015	
96.	Muhammad Imran 1581/EF/ 407/KT	12.10.1982	02.06.2006	10 th	31.03.2015	
97.	Sajawal Mehmood 1640/ 1301/KT	31.03.1984	02.06.2006	10 th	31.03.2015	
98.	Hamjeed ur Rehman 1593/EF/ 718/KT				31.03.2015	Transfer SSU (CPEC)
99.	Muhammad Shakir 1572/EF/ 551				31.03.2015	
100.	Mujahid Khan 56/KBI				31.03.2015	
101.	Khurshid Ahmed 1014/KT	14.04.1983	12.02.2002	BA	31.03.2015	
102.	Noor Kalam 4231/EF				31.07.2015	
103.	Shamsher Haider 4222/EF				31.07.2015	Re-Appeared
104.	Muhammad Mujahid 1086/KT	07.10.1981	02.06.2006	10 th	31.07.2015	Re-Appeared
105.	Noor Ullah 1005/KT	23.03.1980	12.02.2002	10 th	31.07.2015	Re-Appeared
106.	Muhammad Asghar 17/FRP	04.02.1977	02.06.2006	10 th	31.07.2015	
107.	Muhammad Shoaib 4256/EF				31.07.2015	
108.	Kashif Rehman 4241/EF				31.07.2015	Re-Appeared
109.	Noor Ul Islam 4195/EF				31.07.2015	
110.	Riasat Ali 4208/EF				31.07.2015	
111.	Hazrat Bilal 1430/EF	KARAK			31.07.2015	
112.	Syed Mir Jan 593/KT	11.08.1985	06.06.2007	MA	31.07.2015	

Attested
Muhammad

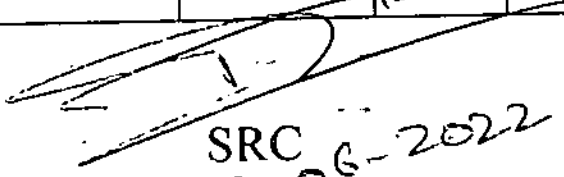
P-13

113.	Muhammad Sajjad 4240/EF				31.07.2015	
114.	Muhammad Ghayas 215/KT	01.08.1983	13.03.2004	10 th	31.07.2015	Re-Appeared
115.	Saif Ullah 86				31.07.2015	
116.	Wajid Muhammad 36/FRP				31.07.2015	
117.	Muhammad Waqas 374/KT	19.09.1988	01.06.2009	BA	31.07.2015	
118.	Wajid Khan 607/KT	23.03.1986	02.06.2006	10 th	31.07.2015	Re-Appeared
119.	Jannat Gul 108/KT				31.07.2015	
120.	Naveed Gul 1586/EF 386				31.07.2015	Re-Appeared
121.	Mugh Din Shah 4244/EF				31.07.2015	
122.	Muhammad Naseer Khan 4237/EF				31.07.2015	Re-Appeared
123.	Sajjad Ahmed 4115/EF				31.07.2015	Re-Appeared
124.	Anwar Shah 1596/EF, 565/KT	17.05.1986	02.06.2006	10 th	30.11.2015	
125.	Muhammad Aurangzeb 1596/EF				30.11.2015	
126.	Muhammad Tahir 619				30.11.2015	
127.	Muhammad Tahir 57KBI / 634/KT	13.06.1978	25.03.1999	10 th	30.11.2015	
128.	Rehman Hanif 1302/KT				30.11.2015	
129.	Nadeem Khan 4239/EF				30.11.2015	
130.	Munsif Khan 4201/EF				30.11.2015	
131.	Muhammad Riaz 1557/EF 460	21.04.1976	02.06.2006	10 th	30.11.2015	
132.	Aftab Ahmed 1318/KT	15.12.1981	27.10.2003	FA	30.11.2015	
133.	Muhammad Arif 3317/EF				30.11.2015	
134.	Rehmat Ullah 49				30.11.2015	
135.	Atif Naeem 4233 /EF,1346/KT	18.04.1986	26.07.2007	10 th	31.03.2016	
136.	Wajahat Ali 1338 /EF				31.03.2016	
137.	Zahoor Khan 73 /FRP				31.03.2016	Check
138.	Gul Sharaf 2224				31.03.2016	
139.	Majid Islam 1515 /EF 1224				31.03.2016	
140.	Sami Ullah 3491				31.03.2016	
141.	Hashim Khan 220/EF 96				31.03.2016	
142.	Nadeem Khan 4229/EF 429				31.03.2016	
143.	Noor Nawaz 20	14.04.1989	06.08.2007	10 th	31.03.2016	
144.	Tamjeed ur Rehman 4202/EF				31.03.2016	

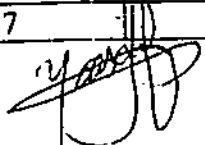
Atif Naeem

45.	Mohammad Yaseen 1592/EF 1349				31.10.2016	
146.	Basit Khan 1320				31.07.2016	
147.	Sohail Ahmad 1271				31.07.2016	Check
148.	Abid Ullah 146/PTC				31.07.2016	
149.	Tarig Khan 1160				31.07.2016	
150.	Istikhab Hussain 916	04.03.1989	01.01.2008	BA	31.07.2016	
151.	Mohammad Saleem 936		15.12.2010		30.11.2016	Appointed as PST Teacher
152.	Noman Khan/839	KARAK			30.11.2016	
153.	Saqib Ullah 1673				30.11.2016	
154.	Akhtar Jan 3489/EF				30.11.2016	
155.	Qaiser Khan 1159				30.11.2016	
156.	Ubaid Ullah 663				31.03.2017	
157.	Sardar Ali Khan 1032				31.03.2017	
158.	Wajid Ullah 210/FRP	KARAK			31.03.2017	
159.	Mansoor Ali 108/5816 FRP	20.05.1990	01.01.2011	MA LLB	31.03.2017	
160.	Hisart Ali 259				31.03.2017	
161.	Mohammad Abdullah 940				31.03.2017	
162.	Kamal Kausar 55				31.03.2017	
163.	Nisar Khan 40/446				31.03.2017	
164.	Shah Mehran 496				31.03.2017	PTC
165.	Mohammad Tayyab 50/PTC				31.03.2017	
166.	Mehmood Khan 212/PTC Kohat				31.03.2017	
167.	Abdul Basit 1308				31.03.2017	
168.	Suleman Shah 927				31.03.2017	
169.	Mohamamd Javid 23				31.03.2017	
170.	Inam Ullah 4228/EF	OK			31.03.2017	
171.	Aziz Ullah 4226 /EF				31.03.2017	

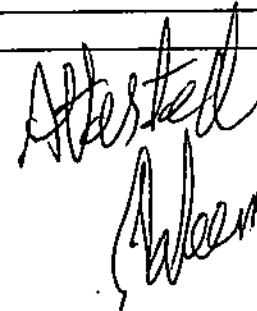
Prepared / Checked by:



SRC
23-06-2022



OHC
23-06-2022



Attest
Waleem

Annex - D
P-15

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

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

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

For petitioner: Mr. Ashrif Ali Khattak, Advocate

For Respondents: Mr. Kamran Murtaza, AAG.

JUDGMENT

MUHAMMAD FAHEEM WALI, J.- Through the instant
petition, petitioner, has sought the following relief:

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

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

Attested
Naeem

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

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

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

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

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

Attested
[Signature]

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

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

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

8.

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

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

Attested
[Signature]

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

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

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

Announced:
20.02.2024

JUDGE


JUDGE

Attested


PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge(s).
1	2
02.09.2020	<p><u>W.P. No.2513-P/2020</u></p> <p>Present: Mr. Yousaf Ali, Advocate, for the petitioner.</p> <p>Mr. Arshad Ahmad Khan, AAG, for the Provincial Government.</p> <p>*****</p> <p><u>IJAZ ANWAR, J.</u> Mansoor Ali, petitioner herein, through the instant Constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, has prayed for the following relief:-</p> <ol style="list-style-type: none"> i. To declare the impugned inaction of the respondents for not allotting extra seat of intermediate course as illegal, unlawful, void ab-initio and of no legal effect; ii. To direct the respondents No.1 to 5 to issue NOC for intermediate course and consider his due seniority; and iii. To grant any other remedy to which the petitioner is found fit in law; justice and equity. <p>2. In essence, petitioner is aggrieved from the act of the respondents; whereby, he has not been allotted extra seat for Intermediate Course on account of his getting 2nd position/cadet at Police Training Centre, Hangu.</p>

Attested
Pakem

3. Learned counsel for the petitioner, while referring to Police Rules Chapters 13.5 and 13.6, contended that having got distinction in the training at Police Training Centre, Hangu and was declared as cadet, petitioner is entitled to be allowed for the upcoming Intermediate College Course on account of his such distinction.
4. Learned AAG appearing on behalf of the official respondents, at the very outset of hearing, produced a copy of judgment of the Hon'ble Supreme Court of Pakistan, wherein, similar question has already been determined.
5. Arguments heard and record perused.
6. Perusal of the aforesaid judgment of the Hon'ble Supreme Court of Pakistan reveals that it is a leave refusing order; however, while relying upon the reported cases/judgments i.e. "Contempt Proceedings against the Chief Secretary, Sindh and others (2013 SCMR 1752)" and "Ali Azhar Khan Baloch and others Vs. Province of Sindh and others (2015 SCMR 456)", it has held that the Police Rules 13.6 is not applicable and further held that out of turn promotions on the basis of distinction in course cannot be granted. Similarly, the Hon'ble Supreme Court of Pakistan, while referring to Chapter 13.6 of the Police Rules, held that it has also structured promotion to be selection grade of Constables, according to which, list "A" shall be maintained by each Superintendent of Police.



under his personal supervision who are not more than thirty seven years of age and are eligible under Rules 13.5 for promotion to the selection grade of Constables. The number of names in the list shall not exceed twenty percent of the establishment of the grade in the District. Thus, it has provided a criteria of placing names of such officers in the seniority list but it nowhere allowed out of turn promotions or provision of extra seat for the candidates.

7. Learned counsel for the petitioner relied upon a judgment of this Court, wherein, in similar circumstances, this Court has allowed a candidate to be admitted to intermediate Course. Though, this Court has also allowed a number of cases, albeit, recently in view of the judgment of the Hon'ble Supreme Court of Pakistan rendered in Civil Petitions bearing No.1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 decided vide order dated 30.06.2020, the judgment of this Court cannot be pressed into service.

8. For the reasons recorded hereinabove, this writ petition, having no merits, stands dismissed.

Announced
Dt:02.09.2020



JUDGE

JUDGE

*Attested
Rahman*

lateron further clarified and approved through different orders and ultimately validated through KP Validation of Standing Order Act, 2005 (KP Act No.IV of 2005). Subsequently the respondent No.3 issued the impugned notification on 10.1.2019, abridging the Validation Act, 2005, whereby the secured rights of the petitioners under Act ibid were withdrawn. Hence this petition.

3. Arguments heard and record gone through.

4. Though certain incentives have been granted to the police officials by Standing Order No.11 of 1987, which was lateron given validation through Validation of Standing Order Act, 2005 (KP Act No.IV of 2005) whereby they were entitled for officiating or out of turn promotion to the higher rank, but the august Supreme Court of Pakistan through its judgment reported as 2018 SCMR 1218 deprecated and ordered for withdrawal of all such orders including awarded in consequence of judgments of the High Court, Service Tribunal and Supreme Court. The august Supreme Court of Pakistan was pleased to done away all the out of turn promotions, seniority given to the Police Officer/Officials alongwith their batch-mates and declared it against the principles enshrined in the

Attested
Alam

Constitution of Islamic Republic of Pakistan, 1973.

Hence in such an eventuality the judgment of the Hon'ble Supreme Court of Pakistan will prevail, consequently all such order whereby the petitioners were granted out of turn seniority/promotions have already been set aside. In view of judgment (supra) the Standing Order No.11 of 1987, Memo dated 01.10.1995, Standing Order No.7 of 2003 dated 5.1.2004 and Standing Order No.17 of 2014 including the KP Validation of Standing Order Act, 2005 (KP Act No.IV of 2005), under the principle of reading out had become redundant.

5. For what has been discussed hereinabove, this petition being bereft of merit stands dismissed.

Attested
[Signature]

Announced on;
31st of January, 2019

[Signature]
JUDGE
[Signature]

P-24

2019

Writ Petition No. 538-P/2019.

3.01.19

Present: Mr. Mohammad Asif Yousafzai
Advocate for petitioners.

ROOH-UL-AMIN KHAN, J:- The petitioners

through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 have prayed for issuance of an appropriate writ declaring the notification dated 10.1.2019 as illegal, unlawful, unconstitutional, without lawful authority and against the spirit of KP Validation of Standing Order Act, 2005, wherein the Standing Order No.11 dated 17.1.1987 and Incentives granted therein were validated through an Act of the Assembly.

2. It was averred that the petitioners are performing their duties as Instructors in the Police Training Centre (PTC), Hangu. To make PTC Hangu more successful and to make the finest officers of the Police Standing Order No.11 of 1987 was issued, wherein various incentives were given to different categories of Instructors for promotions, which were

Attest
Chaudhary

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 417/2024
Hussain Shah
LHC No. 585, 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

AUTHORITY LETTER

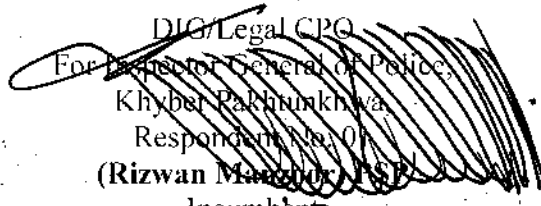
Mr. Usman Ali Khan, DSP Legal Kohat is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.



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 Inspector General of Police,
Khyber Pakhtunkhwa
Respondent No. 0
(Rizwan Muneer) PSP
Incumbent


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