

21th Feb, 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant requested for adjournment.

Adjourned. To come up for arguments on 26.06.2024 before D.B. P.P given to the parties.

RECEIVED
26.06.2024
D.B. P.P.

Adnan Shah

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

ORDER

26.06.2024

Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney alongwith Mr. Mujahid Ali, Steno, for respondents present.

2. For what has been discussed above, we are unison to dismiss the instant service appeal in hand. Costs shall follow the events. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 26th day of June, 2024.*

(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

*M.Khan

because appellant passed his lower course in session ending on 31.07.2015. So, no prejudice done to the appellant and he was treated in accordance with standing order 02/2016 which is reasonable and appellant will be place along with his lower course mates/colleagues at his proper place.

9. For what has been discussed above, we are unison to dismiss the appeal in hand. Costs shall follow the events. Consign.

10. ***Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 26th day of June, 2024.***



(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

*M.Khan

7. Appellant seniority was fixed at District Police Kohat for the year 2016, wherein his name was placed at serial No.136 of LHC list, but when seniority list for year 2022 was issued name of the appellant was missing upon inquiry, he was told that as his lien was transferred to District Karak as his native District on the basis of standing order No.2/2016 from Kohat to Karak, where his lien will be retained. Para No.4 of the standing order No.02/2016 deals the matter/issues recruitment, promotion in central units; which says that recruitment and promotion in the ranks from constable to Sub Inspector will be carried out in concerned District and Regions only, central units will neither recruit nor promote any officer unless it is specifically provided and allowed. All persons serving in the central units will be on deputation from concerned district and regions and their lien will be in their parent district/region. If in past any recruitment has been carried out directly in the central units and lien of such recruitment has not been fixed so far, it will be fixed in district of domicile of the concerned recruit.

8. Furthermore for recruitment purposes person will be posted back in their parent districts. Although in year 2016, name of the appellant was shown at serial No.251 of the seniority list of constable of district Kohat, but after coming into force of standing order 02/2016 situation changed as after its promulgation onwards lien of a recruit/appellant will be fixed in his parent district which in case of appellant is Karak not Kohat. Because it is clearly mentioned in standing order 02/2016 that seniority recruit at central units will be fixed at district of their domicile. This standing order is general in nature which is equally applicable to the appellant. It is also pertinent to mention here that DPO Kohat vide letter dated 19.09.2022 asked DPO Karak for fixation of seniority of the appellant with his

 colleagues who passed lower course during session ending on 31.07.2015,

larger interest of justice or blessed with any suitable remedy as Honorable deem fit.”

2. Brief facts of the case are that appellant was enlisted as Constable in the FRP Police Kohat on 11.08.2009 and in the year 2014 on the basis of mutual transfer he transferred from FRP Police Kohat to Regular District Police and qualified all the necessary and mandatory courses for promotion. In the year 2016, respondent No. 3 fixed seniority of those candidates who have passed lower college course and accordingly name of the appellant was placed at serial No. 251; that another seniority list of LHCs was prepared and published in which the name of the appellant would have to be placed at serial No. 118 but his name was missing without any reason. Feeling aggrieved, he filed departmental appeal which was rejected, hence the instant service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellants and learned District Attorney for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

6. Perusal of record reveals that appellant was appointed in FRP Kohat on 11.08.2009 and was transferred in the year 2014 on the basis of mutual transfer upon NOC from his high ups to District Kohat Police and there from he qualified all the requisite course which is mandatory for promotion specially lower course.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1600/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR MUHAMMAD AKBAR KHAN ... MEMBER (E)

Mr. Javed Iqbal LHC No.70 Investigation Branch PS MRS Kohat.
... (Appellant)

VERSUS

1. Inspector General Of Khyber Pakhtunkhwa Police Peshawar
 2. Deputy Inspector Genneral Of Police Kohat Region Kohat.
 3. District Police Officer Kohat.
- ... (Respondents)**

Malik Naeem Khalid
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

Date of Institution.....01.11.2022
Date of Hearing.....26.06.2024
Date of Decision.....26.06.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“That on acceptance of the instant appeal, the impugned order of respondent No.3 may graciously be please be set aside for the end of justice and direction of inclusion of name of appellant in the list of LHCs seniority list of District Police Kohat may kindly be issued and the appellant may be placed alongwith his colleagues/batch mates that is below the name of Muhammad Waqas at serial No. 117 of seniority list of june 2022 with all consequential benefits into the

