

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHUNKHWA PESHAWAR**

S.A No. 15977/2024

Abid Jawad .....Appellant

**VERSUS**

Govt of KPK .....Respondents

**APPLICATION FOR FILING ADDITIONAL  
DOCUMENTS.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 15738

Dated 12-09-24

**Respectfully Sheweth:**

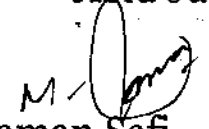
1. That the titled Service Appeal is pending adjudication before this Honorable Tribunal.
2. That the above mention service appeal has already been fixed on dated 12.09.2024.
3. That the additional documents are submitted with the application.
4. That the additional documents are very much necessary for the adjudication of the instant appeal.
5. That the law favours adjudication on merits.

***It is, therefore, respectfully prayed that on acceptance of this application, the documents may kindly be placed on file, and be considered as integral part and parcel of the main file in the best interest of justice.***

**Appellant**

Abid Jawad

Through

  
Mir Zaman Safi  
Advocate High Court  
Peshawar

(1)

**FOR PUBLICATION IN THE KHYBER PUKHTUNKHWA POLICE GAZETTE  
PART-II ORDERS BY THE ADDL/IGP INVESTIGATION KHYBER  
PUKHTUNKHWA PESHAWAR**

**NOTIFICATION**

Dated Peshawar, the \_\_\_\_\_/06/2018.

NO.-----/EC/INV:- **CONFIRMATION/PROMOTION:-** As recommended by the Departmental Promotion Committee in its meeting held on 25.05.2018 regarding confirmation/promotion case, Assistant Sub Inspector Taza Gul of Photography Section FSL KP Peshawar is hereby confirmed in his existing rank i.e. Assistant Sub Inspector with effect from the due date i.e. 13.01.2013.

Assistant Sub Inspectors Tazal Gul of Photography Section FSL KP, Peshawar is also promoted as Offg: Sub inspector BPS-14 (15180-1170-50280) with immediate effect against an existing vacancy of his respective section, i.e. Photography FSL Peshawar.

(DR. ISHTIAQ AHMAD) PSP/PPM  
Addl: Inspector General of Police  
Investigation KP Peshawar

No. 6099-6103 /EC/Inv: dated Peshawar, the 8 /06/2018.

Copies are forwarded for information and necessary action to the:-

1. DIG//Investigation Admn: CPO Peshawar.
2. Director FSL Khyber Pakhtunkhwa Peshawar.
3. SP/Research Investigation Branch CPO.
4. PA to Addl:IGP/Investigation Khyber Pakhtunkhwa Peshawar.
5. Gazette Clerk Inv:

(DR. ISHTIAQ AHMAD) PSP/PPM  
Addl: Inspector General of Police  
Investigation KP Peshawar 8/6

ATTESTE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No.1311/2018



Date of Institution ... 16.10.2018  
Date of Decision ... 02.08.2021

Taza Gul, Sub Inspector (BPS.14), Photography Section FSL,  
Peshawar.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and  
three others.

(Respondents)

Taimur Ali Khan,  
Advocate

For appellant.

Muhammad Riaz Khan Paindakheil,  
Assistant Advocate General

For respondents.

ROZINA REHMAN  
ATIQU UR REHMAN WAZIR

MEMBER (J)  
MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER, (J): Brief facts of the case are that the  
appellant joined police department as constable on 13.12.1988 and in  
due course was permanently transferred to Forensic Science Laboratory  
on 14.05.2001. During the course of his service, he was promoted as  
ASI on 14.01.2011. The appellant along with his other colleagues, were  
considered for further promotion to the post of Sub-Inspector, but his  
case was deferred due to adverse entry in his ACR whereas his other

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02/08/21

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colleagues were promoted. The appellant filed Service Appeal #.1153/2013 before this Tribunal and this Tribunal vide judgment dated 27.10.2017 expunged the adverse remarks. In pursuance of the judgment, the appellant was promoted as officiating Sub-Inspector on 08.06.2018 with immediate effect. Feeling aggrieved, the appellant filed departmental appeal dated 21.06.2018, which was not responded within the statutory period, hence the instant service appeal with prayers that respondents may be directed to consider his promotion along with all consequential benefits with effect from 13.08.2013, when his other colleagues, who were recommended along with the appellant were promoted, but case for promotion of the appellant was deferred

2. Learned counsel for the appellant has contended that not taking action on departmental appeal of the appellant within statutory period and not promoting the appellant from his due date are against law, promotion rules and principle of natural justice; that the appellant was recommended for promotion on 03.04.2013 along with his other colleagues and they were promoted but the appellant was deferred due to adverse ACR, which however, was expunged by this Tribunal, therefore the appellant is now entitled for promotion with effect from 13.08.2013, when his other colleagues were promoted, as the reason for his deferment has vanished.

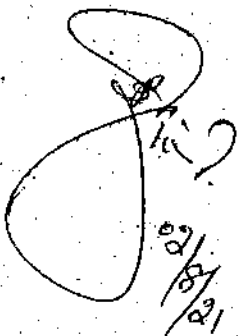
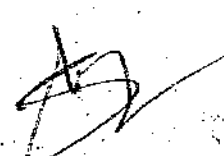

3. Learned A.A.G appearing on behalf of respondents contended that it is correct that case of the appellant for promotion was deferred due to bad entry in his ACR and upon judgment of this honorable Tribunal, the appellant was promoted vide order dated 08.06.2018 with immediate effect, as promotions are always made with immediate

*M. S. S.*  
**ATTESTED**

effect and not with retrospective effect; that promotion is neither a vested right nor it can be claimed with a retrospective effect; that promotion of the appellant was made in accordance with law and rule and no discrimination was made.

4. We have heard learned counsel for the parties and have perused the record. Record reveals that the appellant along with his other colleagues was considered for promotion to the post of Sub-Inspector, but his case was deferred due to adverse entry in his ACR, whereas his other colleagues were promoted vide order dated 13.08.2013. Adverse remarks were expunged by order of this Tribunal vide judgment dated 27.10.2017, hence the very reason, for which promotion of the appellant was deferred has vanished. Moreover, deferment shall not debar the appellant from confirmation from the date of his deferment, after making good the deficiency. We did not find anything adverse on record except deferment. It is also established from the prevailing rules that civil servants selected for promotion to a higher post in one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post. The Supreme Court of Pakistan in its judgment reported in 2016 SCMR 1784 have held that such civil servant would rank and be deemed to have been promoted in the same batch at par with his contemporary batch-mates, who were promoted earlier to him.

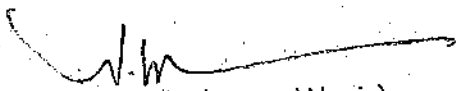
5. In view of the foregoing, the instant appeal is accepted and the impugned order dated 08.06.2018 is set aside to the extent of his promotion with immediate effect. The appellant is held entitled for his promotion to the post of Sub-Inspector with effect from 13.08.2013


  
  
  
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with all consequential benefits. Parties are left to bear their own costs.

File be consigned to record room.

ANNOUNCED:  
02.08.2021

  
(Atiq-ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

Certified:



Date of Presentation of Application	02/8/21
Number of Wards	1600
Copying Fee	18/-
Stamp	
Total	18/-
Name of Applicant	
Date of Application	01-9-21
Date of Delivery	01-9-21

  
**ATTESTE**

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Page No. (19)

ORDER

As recommended by the Department Promotion Committee in meeting held on 23.06.2017, the following lower subordinates of FSL/FPB KP Peshawar are hereby promoted to the next higher rank as noted against each with immediate effect and till further orders against the existing vacancies of the respective sections:-

S. NO.	NAME/DESIGNATION	SECTION	PROMOTED AS	REMARKS
1	Masood-Ur-Rehman HC	Finger Print	Offg: AS BPS-09 (9800-510-28160)	
2	Abid Jawad Constable No. 94	Photography	Offg: Head Constable BPS-07 (9220-510- 24520)	

-sd-

(M. SHAHZAD ASLAM SIDDIQUEI) PSP  
DIG HORS/Investigation  
For Addl. Inspector General of Police  
Investigation Khyber Pakhtunkhwa,  
Peshawar

No. 6098-6101/EC/Inv:

Dated Peshawar, the 29/6/2017.

Copies are forwarded for information and necessary action to the:

1. DIG/HORS/Investigation CPO Peshawar.
2. Director FSL Khyber Pakhtunkhwa, Peshawar.
3. SP Investigation CPO, Peshawar
4. O.S Investigation Unit CPO, Peshawar.

-sd-

(M. SHAHZAD ASLAM SIDDIQUEI) PSP  
DIG HORS/Investigation  
For Addl. Inspector General of Police  
Investigation Khyber Pakhtunkhwa,  
Peshawar

*M. Masood*  
**ATTESTED**

(7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.07/2019

Date of Institution ...  
Date of Decision ...

13.12.2018  
15.10.2021



Abid Jawad, Head Constable, Photography Section, Forensic  
Science Laboratory, Khyber Pakhtunkhwa, Peshawar.  
(Appellant)

VERSUS

Additional Inspector General of Police (Investigation) Khyber  
Pakhtunkhwa, Peshawar and two others.  
(Respondents)

Fazal Shah Mohmand,  
Advocate

For Appellant.

Asif Masood Ali Shah,  
Deputy District Attorney

For Respondents.

Rozina Rehman  
Atiq Ur Rehman Wazir

Member (J)  
Member (E)

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

JUDGMENT

Rozina Rehman, Member(J): Facts gleaned out from the memorandum of appeal are that appellant was appointed as Constable and was transferred to Forensic Science Laboratory Khyber Pakhtunkhwa, Peshawar. Vacancy of Head Constable fell vacant in Photography Section on 14.01.2011, whereas, appellant was promoted as Head Constable on 29.06.2017 but with immediate effect. He preferred departmental appeal for antedating of his

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promotion from occurrence of vacancy which was not responded to, hence, the present service appeal.

2. We have heard Fazal Shah Mohmand Advocate for appellant and Asif Masood Ali Shah learned Deputy District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Fazal Shah Mohmand Advocate learned counsel appearing on behalf of appellant, in support of appeal contended with vehemence that the appellant was not treated according to law and rules as he was entitled to be promoted as Head Constable w.e.f 14.01.2011 instead of 29.06.2017 as post of Head Constable fell vacant in Photography Section on 14.01.2011. He contended that the appellant was fit, senior and eligible to antedated promotion as per rules and lastly, he submitted that it has been held by the superior fora that a civil servant is to be promoted from the date when the vacancy in the promotion quota falls vacant, therefore, appellant is also entitled to be promoted as Head Constable from the said date. Reliance was placed on 2010 P.L.C (C.S) 760 and 2019 PLC (C.S) 1252.

4. Conversely, learned D.D.A submitted that as per recommendation of D.P.C held on 23.06.2017 appellant was promoted to the post of Officiating Head Constable after fulfilling the prescribed criteria mentioned in the instructions in respect of Forensic Science Laboratory and Finger Print Bureau for promotion to the next higher rank. He contended that the appellant was promoted, the moment vacancy occurred and that now the prayer of appellant is not justified as he was treated in accordance with law and rules.

*M. Ali*  
**ATTESTED**

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5. From the record it is evident that appellant was appointed as Constable and was transferred to Forensic Science Laboratory in the year 2009 on Loan Basis with immediate effect. A request for transfer of lien was made by Director Forensic Science Laboratory to the Additional Inspector General of Police as his services were required in Photography Section of F.S.L and accordingly, lien of Constable Abid Jawad the present appellant of Investigation Unit C.P.U was transferred to F.S.L Khyber Pakhtunkhwa on 12.08.2010. Admittedly, one Head Constable Taza Gul was promoted on 14.01.2011 in the Photography Section of F.S.L, therefore, appellant submitted an application requesting therein for promotion to the next rank on the existing vacancy of Head Constable. His application was properly processed. Comments were also invited from the D.S.P (Legal) and transfer of the appellant to Photography Section of F.S.L was recommended in order to enable him to seek his promotion being a qualified candidate. Despite his repeated requests, he was not considered for promotion, therefore, he filed Service Appeal NO.636/2016 and during the pendency of service appeal, he was promoted but with immediate effect. The availability of vacant post is not denied. Retrospective promotion is to be given effect from the day following the day of regular promotion of employee holding the said post. In the instant case, Head Constable Taza Gul got his promotion on 14.01.2011, whereas, the present appellant was promoted on 29.06.2017.

6. In view of the above discussion, this appeal is accepted with direction to the respondents to antedate the promotion of the appellant from the date of occurrence of vacancy i.e. (14.01.2011).

  
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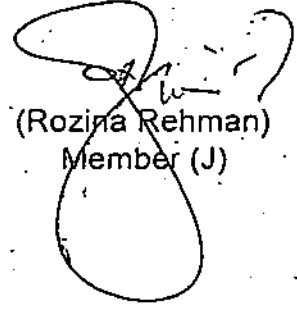
Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
15.10.2021

Certified to be true copy

ENAMINEE  
Khyber Pakhtunkhwa  
Service Technical  
Commission

  
(Atiq Ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

  
ATTESTED




FOR PUBLICATION IN THE KHYBER PUKHTUNKHWA POLICE GAZETTE PART-II ORDERS BY  
THE ADDL/IGP INVESTIGATION KHYBER PUKHTUNKHWA PESHAWAR

NOTIFICATION

Dated Peshawar, the 08/03/2023.

NO. 7659-62/EC/INV:- **CONFIRMATION/PROMOTION:-** As recommended by the Departmental Promotion Committee in its minutes dated 03.03.2023, the following officers/officials of Forensic Science Laboratory, Peshawar are hereby confirmed in their existing ranks and promoted to the next higher rank as noted against each with immediate effect:-

S.NO.	NAME	PRESENT RANK	CONFIRMED/PROMOTED	FSL SECTION
1.	<u>Abid Jawad</u>	Offg: ASI	Confirmed as ASI with effect from <u>23.12.2022</u> and promoted as Offg: Sub Inspector BPS-14 against an existing vacancy	Photography
2.	Zahid Hussain	HC	Confirmed as HC and promoted as Offg: Assistant Sub Inspector BPS-11 against an existing vacancy	FPB
3.	Muhammad Mujahid	Offg: ASI	Confirmed as Assistant Sub Inspector with effect from 23.12.2022	FPB
4.	Mian Safdar Shah	Offg: ASI	Confirmed as Assistant Sub Inspector with effect from 23.12.2022	FPB
5.	Hamidullah	Offg: ASI	Confirmed as Assistant Sub Inspector with effect from 23.12.2022	FPB
6.	Suleman	Offg: ASI	Confirmed as Assistant Sub Inspector with effect from 23.12.2022	Chemical

  
(DR. ISHTIAQ AHMED MARWAT) PSP/PPM  
Addl:Inspector General of Police,  
Investigation, Khyber Pakhtunkhwa,  
Peshawar.

Endst: Even No and date.

Copies are forwarded for information and necessary action to the:-

1. DIG//Investigation Admn: CPO Peshawar.
2. AIG/Legal CPO, Peshawar.
3. 3 Director FSL Khyber Pakhtunkhwa Peshawar.
4. PA to Addl:IGP/Investigation Khyber Pakhtunkhwa Peshawar.

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Seniority List of Photography Section FSL, Peshawar

PHOTOGRAPHY SECTION

S. No.	Name & Rank	Home Distt:	Educatn	Date of Birth	Date of Enlist:	Date of Transfer of Lien	Date of Confirm: as FC	Date of Promot: as HC	Date of Confirm: as HC	Date of Promot: as ASI	Date of Confirm: as ASI	Date of Promot: to List E	Date of Promot: as SI	Date of Confirm: as SI	Date of Promot: as Insp:	Date of Confirm: as Insp:	Date of Promot: as DSP	Remarks
1	Inspector Taza Gul	Peshawar	10 <sup>th</sup>	02.04.67	13.12.88	14.05.01	-	01.12.01	02.12.03	14.01.11	13.01.13	-	08.06.18	09.06.20	12.07.21	12.07.23	-	Transferred to Police Training School Shakas.
2	SI Abid Jawad	Charsadda	BSc/MA	21.04.70	FRP 11.12.94	12.08.10	14.05.05	29.06.17 14.01.11	-	23.12.20	23.12.22	-	08.03.23	-	-	-	-	He was promoted as HC by the DPC on 29.06.17. Later on he submitted service appeal No.07/2019. The tribunal accepted his appeal and his date of promotion as HC has been considered as 14.01.2011 instead of 29.06.2017.
3	ASI Hamuyun Khan	Mardan	FA	10.04.72	10.07.91	08.02.17	09.07.94	03.08.21	03.08.23	02.10.23	-	-	-	-	-	-	-	

Dated : 12.02.2024

SRC/FSL Director  
Forensic Laboratory  
Khyber Pakhtunkhwa, Peshawar

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SECTION WISE DISTRIBUTION OF STRENGTH OF FSL/FPB STAFF -2019

Description	Chemical Section			Fire Arms Section			Q. Documents Section			Photography Section			FPB Section				
	Sanctioned	Present	Shortfall	Sanctioned	Present	Shortfall	Sanctioned	Present	Shortfall	Sanctioned	Present	Shortfall	Sanctioned	Present	Shortfall		
DSP	1	0	-1	1	1	0	1	0	-1	0	0	0	1	0	-1		
Inspector	3	2	-1	3	1	-2	2	1	-1	1	0	-1	2	2	0		
Sis	2	2	0	4	3	-1	1	1	0	2	1	-1	17	19	0		
ASIs	4	3	-1	2	0	-2	1	1	0	1	0	-1	8	5	-3		
HCS	3	3	0	2	2	0	2	2	0	1	1	0	6	4	-2		
FCs	5	2	-3	2	2	0	2	1	-1	1	1	0	3	1	-2		
<b>Total</b>	<b>18</b>	<b>12</b>	<b>-6</b>	<b>14</b>	<b>9</b>	<b>-5</b>	<b>9</b>	<b>6</b>	<b>-3</b>	<b>6</b>	<b>3</b>	<b>-3</b>	<b>37</b>	<b>31</b>	<b>8</b>		
1. Insp: Zahoor Islam 2. Insp: Shah Faisal 3. SI: Zahid Ullah 4. SI: Sher Wali 5. ASI Dil Roz 6. ASI: Nizar Ahmad 7. ASI: Irfan Ullah 8. HC Suliman 09. HC Muhammad Ayaz 10. HC Mudasir Iqbal 11. FC Abdul Aziz (Orderly) 12. FC Subhanullah			1. DSP Amjad Javed 2. Insp: Muhammad Ayaz 3. SI Syed Amarat Ail Shah 4. SI Abdul Wahid 5. SI Izhar Ali 6. HC Muhammad Arif Jan 7. HC Kamran Aziz 8. FC Salim 9. FC Adnan Iqbal			1. Insp Muhammad Irshad 2. SI Shakeel Arshad 3. ASI Minhaj ur Rehman 4. HC Iftikhar Ahmad 5. HC Sanaullah 6. FC Qaisar Khan			1. SI Taza Gul 2. HC Abid Jawad 3. FC Hamuyun Khan			1. Insp: Kafoor Khan 2. Insp: Khalid Jan 3. SI Safdar Ali Shah 4. SI Muhammad Fahim 5. SI Shahdat Hussian 6. SI Irfan Ullah 7. SI Khan Sher 8. SI Riaz-ur-Rehman 9. SI Alamgir Khan 10. SI Habib-ur-Rehwar 11. SI Alamgir 12. SI Sher Ali 13. SI Muhammad Ijaz 14. SI Noor Zada 15. SI Mukhtiar Ali 16. SI Muhammad Yousaf 17. SI Muhammad Islam			18. SI Siraj Mohammad 19. SI Ishtiaq Ahmad 20. SI Hameed Khan 21. SI Ajmer Shah 22. ASI Zar Muhammad 23. ASI Asad Ali 24. ASI Masood-ur-Rehman 25. ASI S. Ijaz Hussain Shah 26. ASI Muhammad Amin 27. HC Niaz Ali 28. HC Muhammad Mujahid 29. HC Mian Safdar Shah 30. HC Hamid Ullah 31. FC Roohullah		
	SP	DSP	Insp:	S.I	ASI	HC	FC	Total									
Sanctioned	1	4	11	26	16	14	13	85									
Present	1	3	6	26	9	12	7	61									
Shortfall	0	-1	-5	0	-7	-2	-6	-23									

ATTESTED