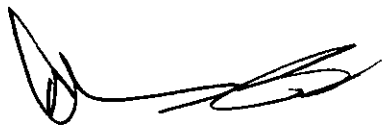


**ORDER**

10.09.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan,  
District Attorney for the respondents present.

2. Vide our detailed judgment of today placed, we are unison to  
dismiss the appeal being devoid of merit. Costs shall follow the  
event. Consign.

3. *Pronounced in open court at Peshawar and given under our  
hands and seal of the Tribunal on this 10<sup>th</sup> day of September, 2024.*



**(Kalim Arshad Khan)**  
Chairman



**(Rashida Bano)**  
Member (J)

rule 13.18 of the Police Rules, 1934. Thus, they were placed senior to the appellant.

9. For what has been discussed above, we are unison to dismiss the appeal being devoid of merit. Costs shall follow the event. Consign.

10. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 10<sup>th</sup> day of September, 2024.*



**(Kalim Arshad Khan)**  
Chairman

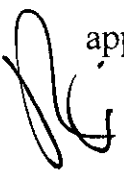


**(Rashida Bano)**  
Member (J)

*officer or revert him. In no case shall be period of probation be extended beyond two years and the confirming authority must arrive at a definite decision within that period whether the officer should be confirmed or reverted. While on probation officers may be reverted without departmental proceedings. Such reversion shall not be considered reduction for the purposes of rule 16.4.*

7. It also pertinent to mention here that in the impugned seniority list the date of confirmation as S.I of the appellant is 21.04.2010 while those of private respondents No.4 is 28.01.2000, respondents No. 5 is 22.11.2006, respondent No. 6 & 7 is 04.12.2006, respondent No. 8 is 08.12.2006, respondent No. 9 to 14 is 10.01.2007, respondent No.15 is 07.06.2007, respondent No. 16 is 02.07.2007, respondent No. 17 is 13.07.2007, respondent No. 18 is 22.01.2006, respondents No. 19 to 21 is 20.02.2005, respondent No. 22 and 23 is 13.07.2007, respondent No. 24 to 27 is 27.05.2008, respondent No. 28 is 25.08.2008, respondent No.29 and 30 23.11.2008 respondent No.31 to 35 20.10.2009 respondent No. 36 and 37 03.11.2009 respondent No.38 04.11.2009 respondent No.39 is 24.11.2009 respondent No.40 to 42 is 19.12.2009 respondent No.43 is 14.03.2010 respondent No.44 26.03.2010 respondent No.45 and 46 is 03.04.2010 respondent No. 47 to 50 is 08.04.2010 respondent No.51 19.04.2010 respondent No.52 to 62 is 21.04.2010, which means that all of them were confirmed earlier than appellant.

8. When respondents were promoted and confirmed as ASI earlier than appellant then they will be rank senior from the appellant in accordance with



objections. The defense setup was a total denial of the claim of the appellant. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

4. The learned counsel for the appellant argued that the appellant has not been treated in accordance with law and respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan; that the impugned seniority list issued by the respondents is illegal, incorrect, against the law hence liable to be modified; that seniority list issued on 21.02.2022 attained finality in all respect and was not challenged by any other employees and respondent No. 1 has no authority and power to issue another seniority list and disturbed seniority of the appellant;

5. Conversely, learned District Attorney contended that appellant has been treated in accordance with law and rules. He further contended that in many cases the police personnel had completed their statutory period of probation, in compliance of Rule 13.018 of Police Rules, 1934 but were not confirmed for want of notification, in violation of rule *ibid*. He submitted that as a result of delayed confirmation, a number of police personnel were affect in terms of promotions and seniority which created serious anomalies in the seniority lists of Police Personnel and resulted in endless litigation as well as demoralization of the police force.

6. Perusal of record reveals that appellant is seeking correction of his seniority position with the request to place him at the alleged correct seniority position i.e. 102 instead of 161 of seniority list for the year 2019. Respondents




in their reply has taken the plea that seniority of the appellant and all other police employees was determined in compliance of judgment of supreme court of Pakistan reported as 2016 SCMR 1215 titled "Gul Hasan Jatoi Vs. Faqeer Muhammad Jatoi" wherein it is observed that:

*"It has been observed that in many cases the Police Personnel have completed their statutory period of probation but they were not confirmed for want of notification, and as a result of which such officials have suffered in terms of delayed promotion or loss of seniority, which is a sheer negligence and abuse of power on the part of competent authorities concerned. Hence, we are of the view that this practice must be brought to an effective end so that injustice may not be perpetrated against such officials. Therefore, in future those police personnel who have completed their statutory period of probation, whether it is three years or two years, they shall be confirmed whether or not a notification to that effect is issued".*

Above referred judgment is in fact talked about rule 13.18 of the Police Rules, 1934 which says that:

*All Police Officers promoted in rank shall be on probation for two years, provided that the appointing authority may, be a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the*



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

**“On acceptance of this service appeal, the impugned seniority list dated 28.06.2022 may kindly be set aside and may be re-legated to his original position in the seniority with all back benefits and promotion with his batch mates.”**

2. Brief facts of the case are that the appellant was initially appointed as Constable in the year 1986 and then promoted as Head Constable in the year 1997 and as Assistant Sub-Inspector in 2006 and then as Sub Inspector in the year 2008 and confirmed on the said post of S.I on 10.10.2012 w.e.f 13.09.2012. He was promoted as Inspector in the year 2012 and then he was promoted on acting charge basis as DSP in the year 2015 and confirmed on the said post of DSP in the year 2019 w.e.f 25.03.2016. That seniority list of DSPs was issued on 21.02.2022 and appellant was placed at serial No. 102. This list was not challenged by the appellant nor any other employee. That on 28.06.2022 another seniority list of DSPs was issued, whereby appellant was placed at serial No. 161 instead of 102. Feeling aggrieved, he filed departmental appeal, which was not responded to, hence the present 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

47. Muhammad Iqrar DSP HQrs. Upper Kohistan
48. Shah Nawaz. SDPO Dasu Upper Kohistan
49. Muhammad Khurshid, DSP CTD, Mansehra
50. Muhammad Iltaf. OSP ACE Khyber Pakhtunkhwa
51. Fazle Wahid, SDPO Darra Kohat
52. Muslim Khan. Close to CPO
53. Muhammad Siddiq, DSP Special Branch
54. Faqir Hussain, DSP CTD Khyber Pakhtunkhwa
55. Nasir Khan, DSP Security HMC Peshawar
56. Hukam Khan. Acting SP Admin and Security CPO, Peshawar
57. Arab Nawaz. DSP Hors FRP Peshawar
58. Meher Ali. DSP Inquiry CPO, Peshawar
59. Yar Nawab, DSP CTD Khyber Pakhtunkhwa
60. Iftikhar Ali., SDPO Topi. Swabi
61. Nisar Khan. Close to CPO, Peshawar
62. Hazrat Ullah. DSP, Traffic Town Peshawar
63. Jan Zada, DSP, ACE, Khyber Pakhtunkhwa
64. Amir Hussain, DSP, SSU CPEC, Mardan
65. Muhammad ismail, SDPO

... (Respondents)

Zia Ullah Tajik ... For appellant  
Advocate

Mr. Muhammad Jan ... For respondents  
District Attorney

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Date of Institution.....28.09.2022  
Date of Hearing.....10.09.2024  
Date of Decision.....10.09.2024



**JUDGMENT**

19. Habib Ur Rehman. DSP HQrs Mansehra
20. Hidayat Ullah Shah. At the Disposal of DIG CTO
21. Muhammad Fayaz. Acting SP Investigation. Swabi
- 22 Muhammad Zaman. At the Disposal of RPD, Malakand
23. Riaz Muhammad, SDPO Dagar. Buner
24. Zahoor Ahmad. At the Disposal of DIG Special Branch. Khyber Pakhtunkhwa
25. Zafar Ahmad. Acting SP HQrs. CCP. Peshawar
26. Farman Ullah. Acting SP Investigation. Dir Upper
27. Wahid Ullah. At the Disposal of DIG CTO Khyber Pakhtunkhwa
28. Iftikhar Ali Shah. At the Disposal of DIG CTD Khyber Pakhtunkhwa
29. Sher Afsar, DSP HQrs. Nowshera
30. Muhammad Rauf. DSP Elite Force. Bannu
31. Zahid Khan, SDPO Kabal, Swat
- 32 Badshah Hazrat. SDPO City Swat
33. Naveed Iqbal. Awaiting posting at CPD. Peshawar
- 34 Ajmal Khan, SDPO Darosh Chitral Lower
35. Attiq Ur Rehman SDPO Lotkoh Chitral Lower
36. Shahid Adnan. Closed to CPO Peshawar
37. Muhammad Salim Tariq, DSP FRP D.I Khan
38. Gulshid Khan, SDPO Katlang Mardan
39. Shaheen Shah Gohar, DSP Traffic/Security Charsadda
- 40 Gohar Ali, SDPO City-1. CCP Peshawar
41. Riaz Khan. SDPO Cantt: CCP Peshawar
42. Fazal e Wahid DSP CTD Khyber Pakhtunkhwa
43. Amjad Ali. SDPO Maidan Dir Lower
44. Izhar Shah. DSP CTD Khyber Pakhtunkhwa
45. Sher Rehman at the Disposal of DIG CTD Khyber Pakhtunkhwa
46. Jamil ur Rehman, SDPO Khan Pur Hari Pur





**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.1746/2022

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN  
MRS. RASHIDA BANO ... MEMBER (J)

Fazral Dad (Superintendent of Police) Director Police School of Traffic Management and Telecommunication, Kohat.

.... (Appellant)

**VERSUS**

1. Inspector of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Additional Inspector General of Police Establishment, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Assistant Inspector General of Police Legal, Khyber Pakhtunkhwa, CPO, Peshawar.
4. Ali Hasan, Acting SP Investigation, Orakzai.
5. Naseer Ali, DSP ACE Khyber Pakhtunkhwa.
6. Aurangzeb, SDPO, Battagram.
7. Sajjad Haider, DSP CTD, Khyber Pakhtunkhwa.
8. Arshad Khan, Acting Additional SP, Swat.
9. Aqiq Hussain, Acting SP Investigation Shangla.
10. Falak Nawaz, SDPO HQr, Hangu.
11. Mazhar Jehan,
12. Khalid Usman, Acting SP Investigation Kurram.
13. Asad Zubair. Acting SP Investigation RRF, Hürs Peshawar
14. Muhammad Riaz, DSP Hürs. Bannu.
15. Muhammad Ismail. SOPO Sarai Nourang, Lakki Marwat.
16. Mehmood Nawaz. DSP FRP. 01 Khan
17. Muhammad Sattar, SDPO Mulko Chital Upper
18. Murad Ali Acting SP Investigation, Lakki Marwat

