

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**Service Appeal No. 848/2024**

Amir Muhammad, Acting SP, FRP, HQrs: Peshawar

.....APPELLANT

**VERSUS**


Inspector General of Police KP and others

.....RESPONDENTS

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DEPONENT

  
DSP/ Legal,  
CPO, Peshawar

31-10-24

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

**Service Appeal No. 848/2024**

Case No. 17038

Amir Muhammad, Acting SP, FRP, HQrs: Peshawar

Dated 23-10-24  
.....APPELLANT

**VERSUS**

Inspector General of Police KP and others

.....RESPONDENTS

**PARA WISE COMMENTS BY RESPONDENTS NO. 1 TO 3**

**RESPECTFULLY SHEWETH!**

**PRELIMINARY OBJECTIONS:**

- a) That the appeal is not maintainable in the present form.
- b) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- c) That the appellant is estopped to file the instant Appeal by his own conduct.
- d) That the appellant has not come to this Honorable Tribunal with clean hands.
- e) That the appellant has got no cause of action and locus standi to file instant Appeal.
- f) That the appeal is barred by law & limitation.

**FACTS:**

1. Pertains to service record of the appellant, needs no comments.
2. Pertains to record, needs no comments.
3. Pertains to record, needs no comments.
4. Pertains to record, needs no comments.
5. Pertains to record, needs no comments.
6. Pertains to record, needs no comments.
7. Pertains to record, needs no comments.
8. Pertains to record, needs no comments.
9. Pertains to record, needs no comments.
10. Pertains to record, needs no comments.
11. As per report received from OS CP Branch CPO, Peshawar, a meeting of Departmental Selection Board (DSB) was held on 11.05.2020, however, the case of appellant for promotion to the rank of Superintendent of Police (BPS-18) was not considered as he was present at S.No. 12 of the seniority list while last promotee existed at S.No. 6. Later on his case was discussed in the Departmental Selection Board (DSB) meeting held on 19.08.2022 but he does not fulfill the eligibility criteria and the board deferred him for promotion to the rank of SP (BPS-18) due to non-completion of PERs and less than 50 PER quantification score. (minutes of the meeting is attached)
12. Incorrect and misleading. The appellant badly failed to get the requisite PERs mandatory for promotion to the rank of SP (BPS-18) while rest of the para pertains to record.

13. Incorrect and misleading as already explained in detail above in Para No. 11.
14. Correct to the extent of convening of meeting of Departmental Selection Board (DSB) held on 17.10.2023, however, he was not considered for promotion to the rank of SP (BPS-18) as per report of OS CP Branch CPO due to the following reasons:-
- *His quantification with respect to PERs/ACRs and Junior Command Course stood at 53.32 marks whereas Board members unanimously awarded him 13 marks out of 30 marks while keeping in view his Professional Expertise, quality of work and output, experience in Training, Operations, Investigation, his Leadership traits, conduct, discipline, Integrity and general reputation (financial, professional and ethical). On cumulative basis he scored 66.32 Marks.*
  - *The officer failed to achieve the requisite score of 70 for promotion to the rank of SP. His case is fit for supersession.*
  - *However, the Board Members unanimously recommended that the officer having a long length of service of over 30 years be deferred and not superseded, on humanitarian grounds. He is given one year time to improve his performance. (minutes of the meeting is attached)*
15. Incorrect & misleading. In fact the reasons for non consideration for promotion of the appellant in the DSB meeting dated 17.10.2023 were communicated to the appellant well in time.
16. Incorrect, appeal against lawful DSB meeting dated 17.10.2023 was illegal, meritless, devoid of law/rules, hence could not be entertained.
17. That appellant has been treated in accordance with law, rules/policy and discrimination has been done to the appellant who got no cause of action to file the instant appeal, which is liable to be dismissed inter alia on the following grounds;

**GROUND:**

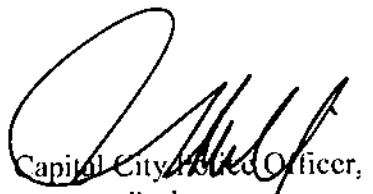
- A. Incorrect. The appellant was considered in the Departmental Selection Board (DSB) meeting held on 17.10.2023 and deferred for promotion to the rank of SP (BPS-18) for the reasons the appellant did not fulfill the requisite criteria for promotion as he failed to achieve the requisite PERs quantification score i.e. 70.
- B. Pertain to the Hon'ble Court, however, promotion in Police Department is subject to seniority cum fitness and fulfillment of eligibility criteria. As the appellant could not fulfill his eligibility criteria in terms of securing the requisite score of 70 in PERs quantification, therefore, he could not be promoted under the Rules.
- C. Incorrect & misleading. As the appellant could not fulfill his eligibility criteria in terms of securing the requisite score of 70 in PERs quantification, therefore, he could not be promoted under the Rules. The appellant has been dealt in accordance with law/rules and no discrimination has been done to him in his promotion.
- D. Incorrect & misleading. The seniority lists is a public document, is issued as soon as finalized and the same is also available on the official website of Police Department for all concerned.
- E. Incorrect & misleading. The appellant badly failed to make available his PERs well in time for his promotion while in the subsequent DSBs, the appellant efficiency and performance was not upto the mark due to which his PERs quantification was less than required, hence, was rightly not considered for promotion to the next higher rank.
- F. Incorrect & misleading. The appellant badly failed to make available his PERs well in time for his promotion while in the subsequent DSBs, the appellant efficiency and

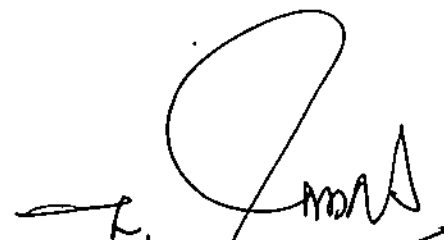
performance was not upto the mark due to which his PERs quantification was less than required, hence, was rightly not considered for promotion to the next higher rank.

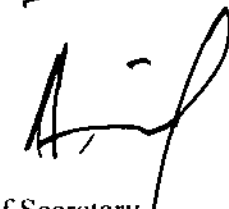
- G. Incorrect & misleading. The bar of provision of requisite PERs was upon the appellant who failed to make available the same while in the subsequent DSBs, the appellant efficiency and performance was not upto the mark due to which his PERs quantification was less than required, hence, was rightly not considered for promotion to the next higher rank.
- H. That the respondents may also be allowed to raise additional grounds at the time of argument of appeal.

**PRAYERS:-**

Keeping in view the above narrated facts/ circumstances, the instant service appeal may kindly be dismissed, being devoid of merits, not maintainable and barred by law/limitation, with costs, please.

  
Capital City Police Officer,  
Peshawar  
Respondent No. 3  
(QASIM ALI KHAN) PSP  
Incumbent

  
DIG/ Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No. 2  
(MUHAMMAD AKHTAR ABBAS) PSP  
Incumbent

  
Chief Secretary,  
Khyber Pakhtunkhwa  
Respondent No. 1  
(NADEEM ASLAM CHAUDHRY )  
Incumbent

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

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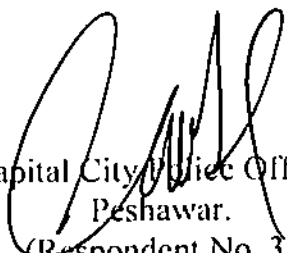
Inspector General of Police KP and others

.....RESPONDENTS

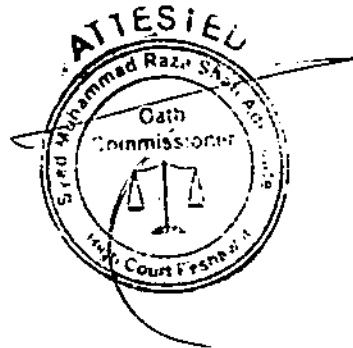
**AFFIDAVIT**

I, Qasim Ali Khan Capital City Police Officer, Peshawar, do hereby solemnly affirm on oath that the contents of accompanying Para-wise Comments/ Reply on behalf of respondents No. 1 to 3 to the Service Appeal are correct to the best our knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

It is further stated on oath that in this Service Appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off/*lost*.

  
Capital City Police Officer,  
Peshawar.  
(Respondent No. 3)  
**(QASIM ALI KHAN) PSP**  
Incumbent

23 OCT 2024



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**Service Appeal No. 848/2024**

Amir Muhammad, Acting SP, FRP, HQrs: Peshawar

.....APPELLANT

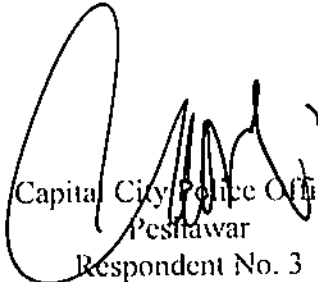
**VERSUS**

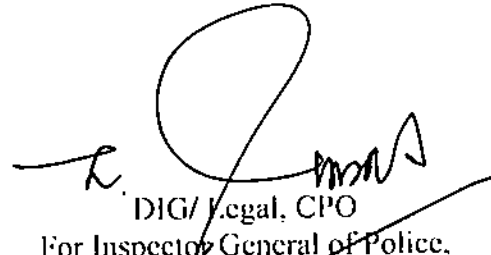
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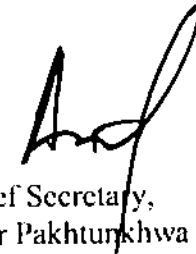
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**AUTHORITY LETTER**

Mr. Inam Ullah DSP/ Legal, Peshawar is authorized to submit Para-wise Comments/ reply and also to defend the captioned Service Appeal on behalf of respondents No. 1 to 3.

  
Capital City Police Officer,  
Peshawar  
Respondent No. 3  
**(QASIM ALI KHAN) PSP**  
Incumbent

  
DIG/ Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No. 2  
**(MUHAMMAD AKHTAR ABBAS) PSP**  
Incumbent

  
Chief Secretary,  
Khyber Pakhtunkhwa  
Respondent No. 1  
**(NADEEM ASLAM CHAUDHRY)**  
Incumbent