

BEFORE KPK SERVICE TRIBUNAL PESHAWAR.

S.A No. 1453/2024

Riaz khan

VERSUS

Provincial Police Officer/Inspector General of Police and
Others

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Appellant
Through

Muhammad Ayaz Khan
And

Israr Iqbal

ADVOCATES HIGH COURT

Dated: _____/2024

BEFORE KPK SERVICE TRIBUNAL, PESHAWAR.

S.A No. 1453/2024

Riaz khan , Ex-District Superintendent of police (Dsp) R/o Khushal colony,
warsak Road, Peshawar.

..... Appellant

Khyber Pakhtunkhwa
Service Tribunal

V E R S U S

1. Provincial Police Officer/Inspector General of Police, KPK Peshawar. 170/6
2. Regional Police Officer /DIG PESHAWAR at Peshawar. Dated-22/10/2024
3. AIG Establishment, Khyber Pakhtunkhwa, central police office, (CPO),
Peshawar.
4. Chief Capital City Police Officer, malik Saad Shaheed Police Line,
Peshawar.

..... Respondents

APPEAL U/S 4 OF KP SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 25/08/2020, OF THE
RESPONDENT NO 3 MAY KINDLY BE DECLARED ILLEGAL,
UNLAWFUL, AND DIRECTION MAY BE ISSUED TO THE
RESPONDENTS FOR GRANT OF PROFORMA PROMOTION TO
THE APPELLANT FROM BPS-17 TO BPS-18 W.E.F DATE OF
ENTITLED OF BPS-18.

RESPECTFULLY SHEWETH;

1. That the appellant was serving with the department of police and retired at the age of 60 years as deputy superintendent of police (DSP)
2. That the appellant initially appointed as Assistant Sub-Inspector (ASI) and after successfully completion of period of probation enlisted as confirmed ASI.
3. That the respondents exclude the probation period by preparing the seniority and according to law, the probation period always considered including for the promotion.
4. That the respondent No.1 prepared seniority list and tenure of the probation period of the appellant along with other police officials were excluded and when the seniority list was display. the appellant along with the other police officials objected the same.

5. That after objecting the seniority list, by not extended the benefit of tenure of probation period, submitted department appeal before the competent authority.
6. That the departmental appeal was dismissed and then the appellant along with the other officers filed appeal before the Khyber Pakhtunkhwa Services Tribunal, Camp Court Swat. **(Copy of appeal is attached as Annexure-A)**
7. That the appeal of the appellant along with the other police officers was allowed vide judgment dated 08/03/2017 and granted benefits of probation period to the appellant of service and the seniority is counted from the date of initial appointment in Police Department. **(Copy of order dat08/03/2017 is attached as Annexure-B)**
8. That after order dated 08/03/2017, the appellant along with other officers submit verbal and written application to the respondents to implement the order of the learned Tribunal.
9. That despite clear cut order of the learned Tribunal, the respondents intentionally and malafidely delaying the matter and not prepared the revise seniority list.
10. That the appellant submit contempt/implementation of order of the learned Service Tribunal before this Tribunal in which notice were issued to the respondents and number of chances were given to the respondents for implementation of the order and finally respondent NO.1 made commitment with the appellant along with other officer, according to the law he himself directed the respondent NO.4 to prepare the revised seniority list including the probation period in the service of appellant.
11. That on the above terms and conditions, the appellant along with other officers, withdraw the contempt proceedings and the CPLA filed by the respondents was also withdrawn.
12. That the appellant time and again approached to the respondent No.1 and 4 for the preparation of the revise seniority list and promote the

appellant accordingly; but the respondents intentionally delayed the matter on one pretext and other.

13. That after preparation of revise seniority list, the appellant become on the top of the seniority list for promotion, but the appellant was not promoted for more than 3/4 months intentionally and after reaching to the age of superannuation, the appellant retired as DSP (BPS-17) and not promoted to the rank of SP (BPS-18), while the appellant is entitled for BPS-18 instead of BPS-17. **(Copy of seniority list is attached as Annexure-C)**
14. That the appellant submit application to the respondent No.3 on 25/08/2020 which was turned down by the respondent No.4 only for the reason that the appellant is retired on superannuation vide letter No. CPO/CPB 213 dated 25/08/2020. **(Copy of the Letter dated 25/08/2020 is attached as Annexure-D).**
15. That the appellant is aggrieved from the acts of the respondents and now seeking promotion after his retirement from service from BPS-17 to BPS-18 with all back and pensionary benefits, hence file instant service appeal on the following amongst grounds.

GROUND

- A. That the letter No. CPO/CPB 2013 dated 25/08/2020 of the respondent No.3 is illegal, un lawful, without jurisdiction and based on malafide, liable to be struck down.
- B. That the appellant is entitled for promotion even after retirement because the respondent No. 1 and 4 intentionally not called the meeting of selection committee for promotion while according to the seniority list, the appellant was on top, hence the act of respondent No. 1 and 4 is against rules and regulations, due to which the appellant was deprived from his fundamental legal right.
- C. That the respondent No.1 while exercising power Under Section 17(4) of Khyber Pakhtunkhwa Police Act 2017, promoted after retirement age Mr. Khalid Khan from BPS-17 to BPS-18 vide notification dated 04/06/2018,

which is clear discrimination with the appellant and violation of Article 25 of the Constitution of Islamic Republic of Pakistan 1973.

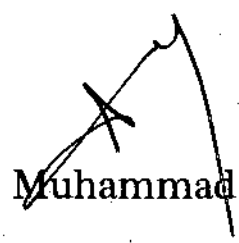
- D. That in case titled "Zahoor Ahmad Khan Khalil Vs Govt. of Pakistan" reported in 2018 PLC(CS) Note 170 the Peshawar High Court. Peshawar promoted after retirement from BPS-21 to BPS-22 and the appellant is also request for the same relief for which he is also entitled according to the rules and regulations.
- E. That the appellant also entitled for back benefit from 1983 to 2004 and after promoting to BPS-18 and 365 day pay leave encashment.
- F. That the due right of appellant was unnecessary delay for decades which was due to the fault of respondents' department instead of clear cut order of learned Services Tribunal due to which the precious time is also vested and also destroy the future given economical adverse effect which never permitted by the law because according to the law, no one can be effect from the act of department or authority etc.
- G. That due to the negligence of the respondents' department, not given benefit of probation period, most of their juniors were promoted from the appellant, which is also violation and discrimination with the appellant due to which the professional career of the appellant also suffer .
- H. That another dilemma again was faced by the appellant when after fixing his seniority in list "F" and subsequent promotion to BPS-18 was deliberately delayed though being on the verge of retirement, his request for promotion to BPS-18 was ignored time and again, hence the order dated 25/08/2020 of the respondent No.3 is not sustainable in the eye of law and liable to be set aside and appellant be promoted to BPS-18 after retirement with all back benefit from 1983 to 2004 and also 365 day pay leave encashment.
- I. That any other grounds will be raised at the time of arguments with prior permission of this Hon'ble Court


It is, therefore, most humbly prayed that on acceptance of this service appeal,

- (i) in the light of above facts and grounds, the order dated 25/08/2020 of respondent No.3 may kindly be declared illegal, unlawful, void-ab-initio and direction may be issued to the respondents for grant of proforma promotion to the appellant from BPS-17 to BPS-18 w.e.f date of entitled of BPS-18.
- (ii) The appellant is also entitled for recovery of back benefit from 1983 to 2004 with 365 day pay leave encashment.
- (iii) Any other remedy which deems fit by this Honorable Court may also be granted in favor of appellant.

Ayaz khan

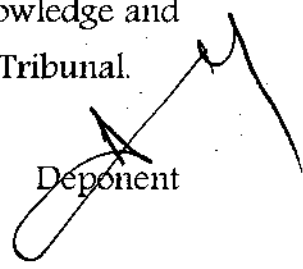
Appellant
Through


Muhammad

And
Israr Iqbal
ADVOCATES HIGH COURT 

AFFIDAVIT

It is hereby verified and declared on oath that the contents of above Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent

(6)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 1504 of 2013

Mubarak Khan Deputy Superintendent of Police,
Elite Force, Swat.

1504
5/11/13

...Appellant

VERSUS

1. The Government of Khyber Pakhtunkhwa through Chief Secretary at Peshawar.
2. The Provincial Police Office Khyber Pakhtunkhwa, Peshawar.

...Respondents

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the final seniority list of the appellant issued on 07-06-2013 (received to the appellant on 10-06-2013) against which the appellant preferred a departmental appeal which is still pending disposal despite the lapse of mandatory period of time.

ATTESTED

Mubarak Khan
Deputy Superintendent of Police
Elite Force
Swat
Peshawar

Prayer:

That on acceptance of this appeal the appellant may be placed at his appropriate place in the seniority list.

1504
5/11/13

ATTESTED

Respectfully Sheweth:

re-submitted to
the file.

12/11/13

1. That the appellant is a regular employee in the police force and is performing his duties with vigor, zeal and punctuality without any complaints, whatsoever, by the authorities till date.

5 (7) 4 1 5

S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT**

1. Appeal No. 1504/2013, Mubarak Khan,
 2. Appeal No. 1505/2013, Ali Rahman Khan,
 3. Appeal No. 1506/2013, Bahar-ud-Din Khan,
 4. Appeal No. 1507/2013, Ali Rahmat Khan,
 5. Appeal No. 1508/2013, Bakhtzada, and
 6. Appeal No. 1509/2013, Riaz Ahmad
- Vs. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another.



JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

08.03.2017

Counsel for the appellants and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

2. This judgment shall dispose of the instant service appeal No. 1504/2013 titled "Mubarak Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another" as well as service appeals No. 1505/2013 titled "Ali Rahman Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another", No. 1506/2013 titled "Bahar-ud-Din Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another", No. 1507/2013 titled "Ali Rahmat Khan Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and another", No. 1508/2013 titled "Bakhtzada Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others" and No. 1509/2013 titled "Riaz Ahmad Versus the Government of Khyber Pakhtunkhwa through Chief Secretary,

08.03.17

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED

Peshawar and others" as identical questions of facts and law are involved therein.

3. Brief facts of the instant service appeals are that the appellants were initially appointed as ASIs and, after successful completion of period of probation, enlisted as confirmed ASIs. They were not given the benefits of probation period as the same was not counted as active service or regular service by the respondents.

4. Learned counsels for the appellant argued that after successful completion of probationary period the services of the appellants were regularized but the probationary period was illegally discounted from their service. Places reliance on judgment of this Tribunal passed in service appeal No. 1361/2011 titled "Younis Javed Mirza Versus Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and another" as well as judgments of the august Supreme Court of Pakistan reported as 1996-SCMR-1185, 2005-SCMR-499 and 2009-SCMR-1.

5. Learned Senior Government Pleader has argued that the services of the appellants were confirmed and regularized after completion of probationary period which period was not counted as active and regular service in view of Police Rules. That the appeal is not maintainable.

6. We have heard arguments of learned counsel for the parties and perused the record.

7. A careful perusal of the judgment of this Tribunal referred to above as well as judgments of the august Supreme Court of Pakistan referred to above would suggest that the appellants as well as all similarly placed employees would be entitled to the benefits of service on probation if the same is found satisfactory and when the officers, on the basis of such service, are regularized

C
08 03 17

ATTESTED
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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(9) 7.1 4 1-2 (PT)

as confirmed civil servant. Since the appellants were regularized in service on the basis of the said service on probation as such the said period is countable as active/regular service of the appellants. It is added that all similarly placed employees are entitled to similar treatment and that such benefits are to be extended to them at departmental level keeping in view the directions contained in this judgment.

8. In view of the above we are constrained to accept the present appeals and direct that the appellants as well as similarly placed other employees shall be extended the benefits of service on probation by counting the said period on probation as regular service of such civil servants. Parties are left to bear their own cost. File be consigned to the record room.

Announced
08.03.2017

Self M. Azim Khan Afridi
Chairman
Chief Const Smt
Self Ahmad Hassan
Member

Certified copy
Fuzhwar

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31-10-18

ATTESTED

(10)



OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND REGION SWAT. Email: dlamalakand@yahoo.com

NOTIFICATION

No. 11644-68/E, Dated 30/10/2019, Revised Confirmation/Admission to List "E". Light of Regional Departmental Committee recommendation minutes of the meeting held on 11/07/2019 under the chairmanship of the then RPO, Malakand and co-members DPO, DPO, Buner, DPO, Dir Lower and DS, Legal Swat, the revised seniority /confirmation in rank of ASI/SI List-E of Malakand Region was considered by the constituted committee. Evaluation of petitions of those who suffered due to late confirmation in the rank of ASI/SI Provisional revised confirmation in the rank of ASI/SI and Admission to List "E" was circulated to all concerned for objection if any one be submitted within stipulated period of three months vide this office Memo: No. 8202-49/E, dated 29/07/2019.

As per direction of CPO Peshawar vide Memo: No. 451-62/PPD, dated 23/07/2019 and Police Rules 13.11, 13.12 and 13.13, the revised confirmation as ASI & admission to List "E" and confirmation as SI of the following Police Officers are hereby issued /notified against each their name:-

Table with 10 columns: S. No., Name & No., Category, D.O.B, D.O. Joining, D.O. Promoted as ASI, Revised D.O. confirm: as ASI, Revised D.O. of Admission to List "E" as SI, D.O. Promoted as SI, Revised D.O. Confirm: as SI. Rows include ASI Rizq Ahmad No. M/26, ASI Baluch Zada No. M/21, ASI Amjed Ali No. M/147, ASI Musakir Shah No. M/204, ASI Muhammad Nazam No. M/144, ASI Saad Ali No. M/110, ASI Muhammad Khalid No. M/130, ASI Zahir Shah No. M/190, ASI Zahir Khan.

ATTESTED

S. No.	Name & No.	Category	D.O.B	D.O. Joining	D.O. Promoted as ASI	Revised D.O. confirmed as ASI	Herbed: D.O. of Admission as ASI	U.O. Promotion as SI
12.	ASI Muhammad Zaman No. 219/M	SO No. 11	01/01/1963	04/07/1984	26/06/1999	26/06/2002	26/06/2002	13/07/2003
13.	ASI Raza Muhammad No. 211/M	SO No. 11	10/12/1962	03/04/1983	05/07/1999	05/07/2002	05/07/2002	13/07/2003
14.	ASI Hoyal Ullah No. 210/M	SO No. 11	04/02/1963	13/10/1983	05/07/1999	01/07/2002	01/07/2002	13/07/2003
15.	ASI Saah Mumtaz No. 212/M	SO No. 11	20/02/1962	28/06/1986	21/11/2000	21/11/2003	21/11/2003	27/03/2006
16.	PASI Zahoor Ahmad No. M/127	PASI	01/01/1980	15/01/2001	15/01/2001	15/01/2001	15/01/2004	27/03/2006
17.	PASI Enam Ahmad No. M/118	PASI	10/01/1979	15/01/2001	15/01/2001	15/01/2001	15/01/2004	27/03/2006
18.	PASI Farman Ullah No. M/170	PASI	27/10/1978	15/01/2001	15/01/2001	15/01/2001	15/01/2004	27/03/2006
19.	PASI Waheed Ullah No. M/160	PASI	01/04/1981	15/01/2001	15/01/2001	15/01/2001	15/01/2004	27/03/2006
20.	PASI Naveed Iqbal No. 176/M	PASI	12/11/1981	23/12/2001	23/12/2001	23/12/2001	23/12/2001	20/10/2007
21.	ASI Saadul Amin No. 195/M	Provision	18/03/1961	10/10/1979	23/12/2004	23/12/2006	23/12/2006	26/03/2008
22.	PASI Ajmal Khan No. 121/M	PASI	15/12/1982	14/01/2004	14/01/2004	14/01/2004	14/01/2007	20/10/2007
23.	PASI Afaq Ur Rahman No. 261/M	PASI	01/11/1981	14/01/2004	14/01/2004	14/01/2004	14/01/2007	20/10/2007
24.	ASI Zakia Khan No. 302/M	SO No. 11	01/04/1967	25/05/1986	24/03/2004	24/03/2007	24/03/2007	20/10/2007
25.	ASI Badshah Hameed No. 302/M	SO No. 11	15/02/1969	24/03/1987	24/03/2004	24/03/2007	24/03/2007	20/10/2007
26.	ASI Ghulam Sadiq No. 269/M	SO No. 11	01/02/1964	27/03/1986	28/03/2005	21/03/2008	21/03/2008	05/03/2008

Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 11644-68 FE.

Copy of above for information and necessary action to the:-

1. Worthy/ Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police, Special Branch Khyber Pakhtunkhwa Peshawar.
3. Addl: Inspector General of Police, HQrs: of Police, Khyber Pakhtunkhwa Peshawar.
4. Commandant, Elite Force, Khyber Pakhtunkhwa Peshawar.
5. Commandant, PTC Haragu.
6. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar.
7. Chief of Staff to Worthy IOP, Khyber Pakhtunkhwa Peshawar.
8. Deputy Inspector General of Police, UTD Khyber Pakhtunkhwa Peshawar.
9. AIG/Establishment of Police, Khyber Pakhtunkhwa Peshawar.
10. All District Police Officers, in Malakand Region.
11. All SPs, Investigation in Malakand Region.
12. SP, CTD/ Elite Force, Malakand Region Swat.
13. AIG/Legal of Police, Khyber Pakhtunkhwa Peshawar.
14. Principal Police Training School, Swat.

ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR.
PH: 091-9210239 Fax: 091-9.

No. 60 /E-II/Notification

dated, 2 .02.2020

NOTIFICATION.

No.CPO/E-II/Revised Seniority/ 61 In the light of Notification of Regional Officer, Malakand Region issued vide his office No. 11644-68/E. dated 30.10.2019 and recommendations of Departmental Promotion Committee meeting held on 31.01.2020 in Police Office, Peshawar duly approved by the Competent Authority, the following officers are hereby assigned revised seniority in the light of Rule 12.2(3) of Police Rules 1934 with their colleagues in List "F" in the ranks of Inspector and Deputy Superintendent of Police. Seniority List of D.S.s.P issued vide CPO No.347/SE-I, dated 19.03.2019:-

S.No.	Name, Rank & No.	Present Rank	Recommendation of Committee
1.	Mr. Riaz Ahmad	DSP	Above the name of Mr. Arif Javed
2.	Mr. Bakht Zada	DSP	Below the name of Mr. Rinz Ahmad and above the name of Mr. Arif Javed.
3.	Mr. Amjad Ali	DSP	Below the name of Mr. Bakht Zada and above the name of Mr. Arif Javed.
4.	Mr. Muhaminad Khalid	DSP	Below the name of Mr. Muhammad Arif and above the name of Mr. Tariq Habib.
5.	Mr. Muhammad Naeem	DSP	Below the name of Mr. Muhammad Ashraf and above the name of Mr. Zia Hassan.
6.	Mr. Zahir Shah	DSP	Below the name of Mr. Muhammad Naeem and above the name of Mr. Zia Hassan.
7.	Mr. Zafar Khan	DSP	Below the name of Mr. Zahir Shah and above the name of Mr. Zia Hassan.
8.	Mr. Muzakir Shah	DSP	Below the name of Mr. Zahir Shah and above the name of Mr. Zia Hassan.
9.	Mr. Muhammad Sattar	DSP	Below the name of Mr. Zia Hassan and above the name of Mr. Abdus Salam Khalid.
10.	Mr. Muhammad Zaman	DSP	Below the name of Mr. Muhammad Sattar and above the name of Mr. Abdus Salam Khalid.
11.	Mr. Riaz Muhammad	DSP	Below the name of Mr. Muhammad Zaman and above the name of Mr. Abdus Salam Khalid.
12.	Mr. Hayat Ullah	DSP	Below the name of Mr. Riaz Muhammad and above the name of Mr. Abdus Salam Khalid.
13.	Mr. Shah Mumtaz	DSP	Below the name of Mr. Rehmat Ullah and above the name of Mr.

ATTESTED



OFFICE OF THE
INSPECTOR GENERAL OF
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR.

PH: 091-9210239 Fax: 091-

No. _____ /E-II/Notification

dated, 02.2020

14.	Mr. Zafar Ahmad	DSP	Below the name of Mr. Shah Mumtaz and above the name of Mr. Alamzeb.
15.	Mr. Farman Ullah	DSP	Below the name of Mr. Zafar Ahmad and above the name of Mr. Alamzeb.
16.	Mr. Muhammad Saeed	DSP	Below the name of Mr. Amir Hussain and above the name of Mr. Gran Ullah.
17.	Mr. Navid Iqbal	DSP	Below the name of Mr. Muhammad Saeed and above the name of Mr. Gran Ullah.
18.	Mr. Ajmal Khan	DSP	Below the name of Mr. Navid Iqbal and above the name of Mr. Gran Ullah.
19.	Mr. Zahid Khan	DSP	Below the name of Mr. Ajmal Khan and above the name of Mr. Gran Ullah.
20.	Mr. Badshah Hazrat	DSP	Below the name of Mr. Zahid Khan and above the name of Mr. Gran Ullah.
21.	Mr. Ghulam Sadiq	DSP	Below the name of Mr. Muhammad Atif and above the name of Mr. Amjid Ali.

Sd/-

(DR. ISHTIAQ AHMAD) PSP/PPM
Addl: Inspector General of Police HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Addl: Inspector General of Police HQrs Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police HQrs Khyber Pakhtunkhwa.
3. All Heads of Police in Khyber Pakhtunkhwa.
4. The COS to W/IGP Khyber Pakhtunkhwa Peshawar.
5. Assistant Inspector General of Police Legal CPO Peshawar.
6. The Register CPO Peshawar.
7. Office Supdts: Establishment-I, Career Planning Branch & Secret Branch, CPO Peshawar.
8. U.O.P File.

ATTESTED

(ZAIB ULLAH KHAN) PSP
AIG Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

12/ =

From:- The Dy: Inspector General of Police,
Special Branch Khyber Pakhtunkhwa,
Peshawar.

To:- The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

No. 234/ /EB, Dated Peshawar the, 25/03/2020.

Subject:- RETIREMENT NOTIFICATIONS.

Memo: Please refer to your letter No.636/SE-I, dated 20-03-2020.

The following Officers of this unit are attaining/attained the age of superannuation of 60-years. Their Retirement orders may be issued as per detail mentioned to each. Connected papers may be forwarded shortly.

S.No.	Name	Rank	Place of posting	D/O Birth	D/O Retirement
1	Javaid Khan BS-18	SP	SP/Admn;	15-04-60	14-04-20
2	Khushdil Khan BPS-18	SP	SP/Security CM Sectt.	25-11-59	24-11-19
3	Riaz Ahmad BS-17	DSP	CM-House	10-01-60	09-01-20
4	Inam Ullah BS-17	OS	Officde Supdt.	13-01-60	12-01-20

Akhtar H. S.
Dy: Inspector General of Police
Spl: Branch Khyber Pakhtunkhwa
Peshawar

ATTESTED
[Signature]

(15) and (15)

To

The Inspector General of Police (IGP),
Khyber Pakhtunkhwa, Peshawar.

Subject: APPLICATION FOR BACK BENEFIT FROM 1983 TO 2004 AND PROMOTION TO BPS-18 FROM BPS-17 AND GRANTED 365 DAYS PAY LEAVE ENCASHMENT

1. That Regional Seniority list of ASIs/Sis was revised vide Notification No. 11644-68/E, dated: 30.10.2019 (copy annexed as "A").
2. That the applicant was accorded his due seniority from back date as per the above mentioned seniority list.
3. That in spite of achieving the long standing seniority, no back benefits has been granted to the applicant.
4. That the outstanding seniority, which was due to the fault on the part of the department and subsequently ordered/awarded by the Hon'ble Services Tribunal (copy attached) vide Annex-B. The due right of the applicant was unnecessarily delayed for decades.
5. The unnecessary delay of awarding seniority, which was a due right of the applicant, not only wasted the precious times of the applicant but also destroyed his future and brought severe physiological/economical adverse affects on his family too.
6. To get his due right through court was both, time and money consuming which on the other hand brought severe socio economic effects, the family of the applicant which were unbearable for the applicant in his limited resources and very little salary.
7. The long delay seniority of the applicant gave a chance to his junior who superseded him and thus his professional career was also destroyed.
8. That another dilemma again was faced by the applicant when after fixing his seniority in list "F" vide (Annex-C) and subsequent promotion to BPS-18 was deliberately delayed though being on the verge of retirement, his request for promotion to BPS-18 was ignored time and again.

ATTESTED

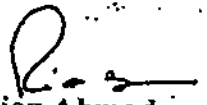
(16) 20-1-20

9. That, resubstantially, the applicant was subjected to retirement upon attaining the age of superannuation w.e.f 09.01.2020 in BPS-17, which should have been in BPS-18, had the department timely fixed the seniority and subsequent promotion to BPS-18.
10. That prior to the retirement of the applicant, seniority list for promotion to BPS-18 was ready and that the applicant was on Serial No. 01 of the list for promotion, but due to unnecessary/intentional delay without any justified and reasonable grounds, the applicant was subjected to retirement.
11. That the unjustified and without any logical reason, delay in promotion of the applicant, again face a huge economical and professional loss, being not promoted to BPS-18.
12. That since no notification has been issued in respect of promotion of applicant from BPS-17 to the rank of Superintendent of Police BPS-18 on regular basis.
13. That the applicant submitted application for 365 days leave encashment which is notified in BPS-17 which is illegal.
14. That any other grounds will be raised after given opportunity in person.

It is, therefore, respectfully prayed that on the acceptance of this application, to consider the application and kindly grant back benefits from 1983 to 2004 and promoted from BPS-17 to BPS-18, and pay the 365 leave encashment to the applicant.

Dated: 23/07/2020

Applicant


Riaz Ahmad
Retired DSP
Peshawar

ATTESTED




(12) (17)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. CPO/CPB/ 213

Dated Peshawar 26 August, 2020

To: The Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

Subject: APPLICATION

Memo:-

Retired DSP Riaz Ahmad submitted an application regarding promotion to the rank of Superintendent of Police (BS-18) was processed. The report of AIG/Legal CPO is reproduced as under:-

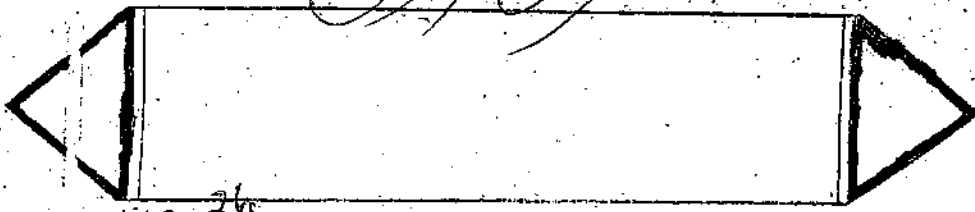
"when he was retired from service before the Departmental Selection Board, how he was entitled for promotion since he has been retired on superannuation, he is not entitled for promotion".

The applicant may be informed accordingly.

(KASHEF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
26/08

ATTESTED

بعد التصریح سے ہر دو طرف کا کٹاؤ



۲۰۰۲ء بمقام

حجر رسالہ

مورخہ
مقدمہ
دعویٰ
پر

باعث تحریر یا نکتہ

مقدمہ مشدوم عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کاروائی متعلق
آن مقام کے لئے تحریر و ارسال کے لئے ارسال ہوا ہے۔

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دکیل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ بر حلقہ دینے جو اب وہی اور اتنا بل دعویٰ اور
باید ورت ڈگری کرنے اجراء اور وصولی چیک در پیسہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زراں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف سے یا پھیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور دکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کسی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر داخستہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دکیل صاحب پابند ہوں گے۔ کہ پیروی
نہ کر سکیں۔ لہذا ذکالت نامہ لکھد یا کہ سندر ہے۔

الفرقہ ۲۹/۱۰/۲۰۰۲ء ماہ اگست ۲۰۰۲ء

بمقام
لئے مشدوم ہے۔

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