

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.1453/2021 titled "Riaz Khan versus Government of Khyber Pakhtunkhwa"

S.No. of Order & Date of proceeding	<b>Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary</b>
Order-14 24 <sup>th</sup> October, 2024.	<p>Present:</p> <ol style="list-style-type: none"><li>1. Mr. Israr Iqbal, Advocate, for the appellants.</li><li>2. Mr. Nascir Ud Din Shah, Assistant Advocate General for respondents.</li></ol> <p><b><u>Kalim Arshad Khan, Chairman:</u></b> Appellant's case in brief, as reflected from the record, is that he was appointed as Assistant Sub Inspector and was confirmed on the said rank after completion of the period of probation; that while preparing the seniority list, the respondents excluded the period of his probation, which period was allegedly considered to be included for seniority; that a seniority list of the appellant alongwith his colleagues, was prepared, excluding the probation period, which was objected by the appellant as well as his other colleagues; that their probation period was not included, which act of the respondents was assailed through a departmental appeal followed by Appeal No.1504/2013 before the Khyber Pakhtunkhwa Service Tribunal; that the Tribunal, vide its consolidated judgment, dated 08.03.2017, allowed the service appeal and respondents were directed to count the probationary period for the purpose of seniority, from the date of initial appointment; that implementation petition was filed by the appellant, however, on the alleged verbal commitment by the respondents, the said proceedings; that the appellant alongwith others approached the respondents through applications but failed; that</p>




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after preparation of revised seniority list, appellant was allegedly on top, however, he was not granted promotion from the rank of Deputy Superintendent of Police (BPS-17) to the rank of Superintendent of Police (BPS-18); that feeling aggrieved of not granting him promotion, he filed departmental representation on 25.08.2020 (on the same date, he got retired from service) but the same was turned down on the ground of his retirement from service, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. Perusal of record shows that he was initially appointed as Assistant Sub Inspector and was on probation while after completion of his probation, he was confirmed against the said post of ASI. A seniority list was prepared, wherein, the services of appellant during probation period, alongwith other colleagues, was not counted which act was countered by them through departmental appeal followed by service appeal before the Tribunal. This Tribunal vide its consolidated judgment dated 08.03.2017 accepted the plea of the appellant by directing the respondents to count their probationary period for the purpose of seniority. However, the matter allegedly got delayed, for which the appellant filed implementation petition, however, the matter was finalized and the period of probation was counted and revised seniority list was prepared. However, in the meanwhile, appellant got retired from service on the rank of DSP (BPS-17) without getting promotion to the post of SP (BPS-18). The appellant filed

  
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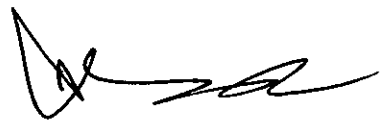
departmental appeal on the date of his retirement, i.e. 25.08.2020 but the same was rejected that he was going to be retired, therefore, could not be promoted. Therefore, the appellant filed the instant appeal.

5. After his retirement, promotions were made. However, when confronted whether any steps were taken for promotion by the department in the shape of working paper, closure of date etc. prior to retirement of appellant, to which the learned counsel for the appellant submitted that no such step was taken. Admittedly, the appellant had retired before the PSB could be held, therefore, his application was rightly dismissed.

6. In view of above, we see no merits in this appeal, which is dismissed with costs. Consign.

7. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 24<sup>th</sup> day of October, 2024.*

  
(Muhammad Akbar Khan)  
Member (I)

  
(Kalim Arshad Khan)  
Chairman

\*Antagonist Shadi\*

**MEMO OF COSTS**  
**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Service Appeal No.1453/2021**

Date of presentation of Appeal 22.10.2024  
Date of hearing 24.10.2024  
Date of Decision 24.10.2024

Riaz Khan, Ex-District Superintendent of Police, R/O Khushal Colony, Warsakd Road, Peshawar.....(*Appellant*)

**Versus**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Peshawar.....(*Respondents*)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA 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 THE DATE OF ENTITLED OF BPS-18.

**PRESENT**

1. Mr. Israr Iqbal, Advocate, for the Appellant
2. Mr. Nascir Ud Din Shah, Assistant Advocate General, for respondents

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs.100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
Total	Rs. 100/-	Total	Rs. Nil

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hand and the seal of this Court, this 24<sup>th</sup> day of October 2024.

Muhammad Akbar Khan  
Member (Executive)

Kalim Arshad Khan  
Chairman