

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1038/2024

Zahid Iqbal s/o Mehmood Khan r/o Tehsil Takht-e-Nasrati District Karak ASI District Police Swat.

..... Appellant

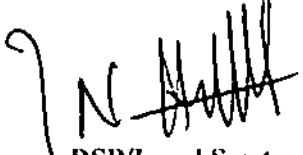
VERSUS

1. Provincial Police Officer/ Inspector General of Police (IGP) Khyber Pukhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand Region, Saidu Sharif Swat.
3. District Police Officer, Swat.

..... Respondents

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DSP/Legal Swat.

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2. The Regional Police Officer, Malakand Region, Saidu Sharif Swat.
3. District Police Officer, Swat.

..... Respondents

PARAWISE REPLY BY RESPONDENTS.

**Respectfully Sheweth,
Preliminary Objections.**

1. That the appeal is badly barred by Law & limitation.
2. That the appellant has got no cause of action and locus standi to file the present appeal.
3. That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
4. That the appellant has not come to the Honorable Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

FACTS:

- I. Pertains to record.
- II. Para to the extent of completion of Drill Instructor Course and subsequent spend three years at Police Training College Hangu pertains to record, needs no comments. However, rest of the Para is not plausible because selection to promotion course is purely Districts/Regions, hence; such selection is totally against the law rather the same amounts to infringement of rights of others because in Districts/Region the candidates have to wait for their selection to the Lower School Course.
- III. Plea taken by the appellant is not plausible because he was not selected for the Intermediate College Course on the basis of Out of Turn Promotion granted to him in the rank of Head Constable. Even the selection to Lower School Course was Out of Turn as those constables who were appointed in the same year in which appellant was appointed, had to wait a lot till their turn comes. Moreover, the rules mentioned by the appellant has misconceived by him according to which said promotion granted to such Police personnel shall be taken away being temporary in nature.
- IV. Pertains to record.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 17563

Dated 04/11/24

V. Pertains to record.

VI. That RPO Malakand (Respondent No.02) vide his Office Letter No.17668-97/E, dated 20/12/2023 (Annexed-A) sought Suitability/No Pending Departmental Enquiry Certificate of the E-List ASIs of Malakand Region from all Districts/Units of Malakand Region in connection with promotion as Offg: ASIs wherein, the name of petitioner was not shown/included in the list for promotion as Offg: ASI. In fact, in compliance with Order Sheet of Honorable Court of Pakistan dated 26/01/2023 in Suo-Moto contempt proceeding vide CrI.O. Petition No.38/2021 and in pursuance of Judgments passed Honorable Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No.193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30/06/2020 in Civil Petitions No.1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pukhtunkhwa Police were directed vide CPO, Peshawar Letter No.CPO/CPB/75, dated 14/02/2023 (Annexed-B), to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Region & District have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their Batch-mates who were promoted during their intervening period by maintaining original inter-se-seniority. In this context, appellant passed A-I examination but did not qualify B-I Examination but served in PTC Hangu as Drill Instructor as per Police Rules 19.22, on the basis of which appellant was selected for Lower College Course vide PTC Hangu vide OB No.407 dated 13/09/2006. Subsequently, he qualified Lower College Course during the term ending 20/09/2010 vide PTC Hangu Notification No.2110/S dated 06/11/2010, his lien was later on transfer from PTC Hangu to District Swat. Consequently, his Out of Turn Promotion issued vide PTC Hangu OB No.407 dated 13/09/2006 was withdrawn with immediate effect by Respondent No.02 (RPO Malakand) vide his Office Order Endst: No.3559-62/E, dated 14/03/2023 (Annexed-C) and after withdrawn of his Out of Turn Promotion, the name of appellant was placed in the seniority list with his recruit colleagues borne at the strength of PTC, Hangu. Pertinent to mention here that, after issuance of demotion orders by different regions of the Province KPK, feeling aggrieved Police Officers/Officials approached respective Peshawar High Court, Peshawar and other benches of PHC through various Writ Petitions challenging their demotion orders. The aggrieved Police Officers/Officials were from beneficiaries of Out of Turn Promotion in shape of Cadetship i.e. Standing Orders 11/1987, KP Validation of Standing Order

Act, 2005, extra seats, cadre change, absorption from other provinces, physical/ Drill Instructors, gallantry performance etc. All the petitions were clubbed in the principle seat i.e. Peshawar High Court, Peshawar and a consolidated Judgment dated 29/08/2023 in Writ Petition No.1587-P/2022 titled "Shah Mumtaz & others VS Govt: of KPK & others and other connected petitions" was issued by declaring certain categories as Out of Turn Promotion while, some cases were refer to department for appropriate order while, some categories have been declared not Out of Turn Promotion. Pertinent to mention here that, the above mentioned consolidated Judgment in Writ Petition No.1587-P/2022 of the Peshawar High Court, Peshawar appears silent regarding cases of Drill/Physical Instructors seeking benefit under Standing Order No.17/2014 and Police Rules-19.22. However, same incentives have been dismissed by the Honorable Peshawar High Court, Peshawar in Acts Larger Bench Judgment dated 30/11/2022 (Annexed-D) in Writ Petition No.1716-P/2022. Similarly, another Writ Petition No.3944-P/2023 of alike nature has also been dismissed by the Honorable Peshawar High Court, Peshawar vide Judgment dated 11/10/2023 (Annexed-E) in the light of aforementioned Larger Bench Judgment. After consolidated Judgment dated 29/08/2023 passed in Writ Petition No.1587-P/2022 by the Honorable Peshawar High Court, Peshawar in the matter of Out of Turn Promotion, CPO Peshawar vide Letter No.6281/Legal dated 23/10/2023 (Annexed-F) addressed to all Unit Heads of Police, Khyber Pukhtunkhwa, all Regional Police Officers, Khyber Pukhtunkhwa, the Capital City Police Officer and all District Police Officers Khyber Pukhtunkhwa issued guidance regarding disposal of Out of Turn Promotion cases in light of Honorable Peshawar High Court, Peshawar consolidated Judgment dated 29/08/2023 in Writ Petition No.1587-P/2022 and other connected cases. In pursuance of consolidated Judgment dated 29/08/2023 in Ibid Writ Petition and in light of direction received from CPO, Peshawar vide Letter No.6281/Legal dated 23/10/2023 and Para No.07 of said letter, the demotion order of appellant issued by Respondent No.02 (RPO Malakand) vide his Office Order Endst: No.3559-62/E dated 14/03/2023 was enforced by Respondent No.02 (RPO Malakand) vide his Office Order Endst: No.15923-31/E dated 15/11/2023 (Annexed-G) being beneficiary of Out of Turn Promotion on the basis of Drill/Physical Instructor. Worth mentioning here that CPO Peshawar Letter No.3090/Legal dated 31/07/2024 (Annexed-H) addressed to the Additional Chief Secretary Home & Tribal Affairs Department, Khyber Pukhtunkhwa proposed amendments in Rule 13.7B & Rule 19.22 Police Rules, 1934 amendment 2017 as the Ibid rules supported the concept of Cadetship (Training Center Incentives) which, however, falls within the definition of Out of Turn Promotion deprecated by the August Apex Court in its landmark Judgments relating to Out of Turn

Promotion reported as 2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206 and 2018 SCMR 2018 and consolidated Judgment dated 30/06/2020 in Civil Petitions No.1996,2026,2431,2437 to 2450 and 2502 of 2019. Furthermore, Rule 19.22 providing for incentivized selection to Lower College Course on the basis of 03 years tenure in training institute as Physical Instructor contradict the rule 13.7A wherein, it has highlighted that selection to Lower College Course shall be subject to passing of AI & BI examination from the concerned domicile district vacancy. Thus, this rule promotes very concept of Out of Turn Promotion as noted in Writ Petition No.1716-P/2020 and the August Apex Judgments relating to Out of Turn Promotion issues. Noteworthy here is that the Provincial Government of Khyber Pukhtunkhwa has already withdrawn the relevant Standing Order No.17/2014 vide Letter No.SO(Lit-1)/HD/1-589/2022 dated 21/04/2022 (Annexed-I). However, amendment in the parent rules were required therefore, proposed draft amendment notification in Rules 13.7B & 19.22 of Police Rules, 1934 is sent in Ibid letter addressed to the Additional Chief Secretary Home & Tribal Affairs Department, Khyber Pukhtunkhwa for the purpose of vetting from Law, Parliamentary Affairs & Human Right Department and afterwards approval by Provincial Government. As per as the detachment of lien of appellant from District Swat in this Para is concerned, in this connection it was found the lien of appellant was detached from PTC Hangu and attached to District Swat with immediate effect where he accepted the seniority at the bottom of List-D Head Constable at Swat District vide Order Endst: No.3522-24/E-IV dated 10/06/2014. Lateron, appellant was transferred to Directorate of Training, Khyber Pukhtunkhwa as on loan basis vide CPO, Peshawar Order No.312/E-III dated 23/02/2024. The issue of transfer of lien had created amongst the Police Officials therefore, in order to resolve/stop transfer of lien, CPO, Peshawar issued Standing Order No.04/2024 (Annexed-J) wherein, as per clause-4 of Ibid Standing Order *"Recruitment and promotion in the ranks from Constable to Sub Inspector will be carried out in regulated in concerned district and region only. Central Units will neither recruit nor promote any officer unless it is specially provided and allowed. All personnel serving in Central Units will be on routine transfer/posting from concerned districts and regions and they shall be the part of the strength of their parent districts/regions. If in the past any recruitment has been carried out directly in the Central Units and attachment of such recruits has not been fixed so far, it will be fixed in the concerned district of domicile. Furthermore, for recruitment purposes, personnel will be posted back in their parent districts/regions"*. Worth mention here that, as per clause-4 of Standing Order No.02/2016 (Annexed-K) also provides the same criteria as mentioned in clause-4 of Standing Order No.04/2024. Furthermore, CPO Peshawar vide Memo:

No.310/CPB dated 13/12/2023 (**Annexed-L**) regarding guidance in light of Standing Order 02/2016 directed the CCPO, Peshawar that if any Police Officer have qualified their various promotion courses and they have been enlisted on certain promotion lists, outside parent district then they would be granted their inter-se-seniority with their batch-mates in their parent district/region therefore, in light of Ibid rules CPO, Peshawar was addressed by Respondent No.02 (RPO Malakand) with the request that the lien of appellant may kindly be detach from District Swat and attach with his parent district Karak.

- VII. As already explained at Para No.06 therefore, in light of what has been explained in Ibid Paras, the instant Service Appeal of appellant may kindly be filed on the following grounds:-

GROUND

- A. Incorrect and misleading one. That the appellant has treated in accordance with prevailing rules/law and no irregularity is committed by the answering respondents.
- B. As already explained at Para No.06 of Facts.
- C. As already explained above.
- D. Incorrect. That CPO Peshawar Letter No.3090/Legal dated 31/07/2024 addressed to the Additional Chief Secretary Home & Tribal Affairs Department, Khyber Pukhtunkhwa proposed amendments in Rule 13.7B & Rule 19.22 Police Rules, 1934 amendment 2017 as the Ibid rules supported the concept of Cadetship (Training Center Incentives) which, however, falls within the definition of Out of Turn Promotion deprecated by the August Apex Court in its landmark Judgments relating to Out of Turn Promotion reported as 2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206 and 2018 SCMR 2018 and consolidated Judgment dated 30/06/2020 in Civil Petitions No.1996,2026,2431,2437 to 2450 and 2502 of 2019. Furthermore, Rule 19.22 providing for incentivized selection to Lower College Course on the basis of 03 years tenure in training institute as Physical Instructor contradict the rule 13.7A wherein, it has highlighted that selection to Lower College Course shall be subject to passing of AI & BI examination from the concerned domicile district vacancy. Thus, this rule promotes very concept of Out of Turn Promotion as noted in Writ Petition No.1716-P/2020 and the August Apex Judgments relating to Out of Turn Promotion issues. Noteworthy here is that the Provincial Government of Khyber Pukhtunkhwa has already withdrawn the relevant Standing Order No.17/2024 vide Notification No.SO(Lit-1)/HD/1-589/2022 dated 21/04/2022.

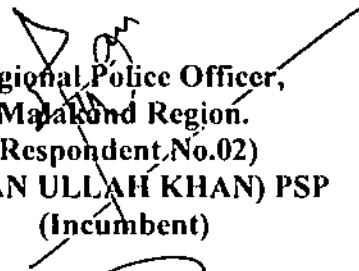
- E. Incorrect. As already explained in detail of Para No.06 of Facts.
- F. Incorrect. That being beneficiary of Out of Turn Promotion, appellant was not considered for the promotion to the rank of Offg: Sub Inspector as his demotion order was issued/enforced by Respondent No.02 (RPO Malakand) vide his Office Order Endst: No.15923-31/E dated 15/11/2023 being beneficiary of Out of Turn Promotion on the basis of Drill/Physical Instructor as his seniority of appellant was fixed with his Recruit Colleagues borne at the strength of PTC, Hangu vide Office Endst: No.3559-62/E, dated 14/03/2023 by the Respondent No.02 (RPO Malakand).
- G. Incorrect. That the respondents have acted in accordance with law and treated the appellant within the mandate of constitution.
- H. As explained above in Para No.06 of Facts.
- I. That the seniority of the appellant has been fixed with his Recruit Colleagues borne at the strength of PTC, Hangu hence, he was not eligible for promotion to the rank of Offg: Sub Inspector.
- J. Incorrect. That the appellant has been treated with law and no discrimination is done to the petitioner.
- K. Incorrect. As already explained above.
- L. Incorrect. That no discrimination has been done with the appellant by the answering respondents.
- M. That the respondents may also be allowed to raise additional grounds at the time of arguments.

PRAYER:

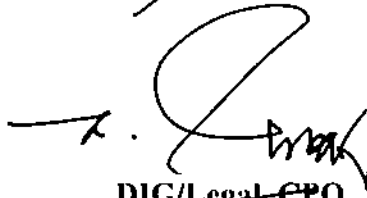
Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellatant being devoid of legal Force may kindly be dismissed with costs.



**District Police Officer,
Swat.
(Respondent No.03)
(BADSHAH HAZRAT)
(Incumbent)**



**Regional Police Officer,
Malakand Region.
(Respondent No.02)
(IRFAN ULLAH KHAN) PSP
(Incumbent)**



**DIG/Legal, CPO
For, Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No.01)
(Dr. Muhammad Athar Abbas) PSP
Incumbent**

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2. The Regional Police Officer, Malakand Region, Saidu Sharif Swat.
3. District Police Officer, Swat.

..... Respondents

AFFIDAVIT

We respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of my knowledge/ belief and nothing has been kept secret from the honorable Tribunal. It is further stated on oath that in this appeal the answering respondent has neither been placed ex-parte nor his defense has been struck of.



District Police Officer,
Swat.
(Respondent No.03)
(BADSIAH HAZRAT)
(Incumbent)

Regional Police Officer,
Malakand Region.
(Respondent No.02)
(IRFAN ULLAH KHAN) PSP
(Incumbent)

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2. The Regional Police Officer, Malakand Region, Saidu Sharif Swat.
3. District Police Officer, Swat.

..... Respondents

AUTHORITY LETTER

We respondents do hereby authorize Mr. Naeem Hussain DSP/Legal Swat to appear before the Tribunal on my behalf and submit reply etc in connection with titled Service Appeal.

**District Police Officer,
Swat.
(Respondent No.03)
(BADSHAH HAZRAT)
(Incumbent)**

**Regional Police Officer,
Malakand Region.
(Respondent No.02)
(IRFAN ULLAH KHAN) PSP
(Incumbent)**

**DIG/Legal, CPO
For, Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No.01)
(Dr. Muhammad Athar Abbas) PSP
Incumbent**

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Ammed-A



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND REGION
SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390
Email: ehmalakandregion@gmail.com

No. 17668-97 E, dated Saidu Sharif the 20/12/2023

- To:
- The Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.
 - The Commandant, PTC Hangu.
 - The Commandant Elite Force,
Khyber Pakhtunkhwa, Peshawar.
 - The Commandant, Special Security Unit.
(CPEC) Khyber Pakhtunkhwa, Peshawar.
 - The Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa, Peshawar.
 - The Deputy Inspector General of Police,
Traffic, Khyber Pakhtunkhwa, Peshawar.
 - The DIG, Motorway Zone, Chungi
No. 26, Motorway Chowk Islamabad.
 - The Director Anti-Corruption Establishment,
Khyber Pakhtunkhwa, Peshawar.
 - All District Police Officers and Heads of Investigation,
In Malakand Region.
 - The Superintendent of Police, Traffic Warden, Swat.
 - The Superintendent of Police,
CTD, SB and Elite Force Malakand.
 - The Principal, Police Training School, Swat.
 - The Principal, Police School of Intelligence, Abbottabad.

Subject: PROMOTION OF ASIs ON LIST-"E" TO THE RANK OF OFFG: SIs.

Memorandum:


Please send Suitability / No pending Departmental Enquiry Certificate etc of the following E-List ASI of your respective District / Units on the enclosed proforma within three days for promotion as Offg: SIs as the DPC will be fixed very shortly:-

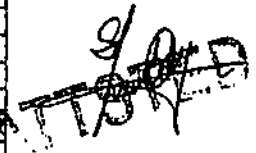
| S# | Name and No. | Present Posting |
|-----|---------------------------------|--------------------|
| 1. | ASI Muhammad Iqbal No. 924/M | Buner |
| 2. | ASI Bakht Rahman No. 925/M | Swat |
| 3. | ASI Taj Muhammad Khan No. 926/M | Dir Upper |
| 4. | ASI Muhammad Yar No. 927/M | SB |
| 5. | ASI Umar Zada No. 928/M | Dir Lower |
| 6. | ASI Wasimud Din No. 929/M | CPEC |
| 7. | ASI Muhammad Ayaz No. 930/M | SB |
| 8. | ASI Wahid Gul No. 931/M | CTD |
| 9. | ASI Nazir Badshah No. 1004/M | Dir Lower |
| 10. | ASI Bakht Zeb No. 1006/M | Shangla |
| 11. | ASI Sher Aman Khan No. 1008/M | Buner |
| 12. | ASI Nasrullah No. 1009/M | Inv: Swat |
| 13. | ASI Muhammad Anwar No. 1010/M | Dir Lower |
| 14. | ASI Farid Khan No. 1011/M | Buner |
| 15. | ASI Ali Sher No. 1012/M | Elite Force |
| 16. | ASI Oowat Khan No. 1013/M | Inv: Swat |
| 17. | ASI Islam Jan No. 1014/M | Swat |
| 18. | ASI Ali Hussain No. 1015/M | Shangla |
| 19. | ASI Abdul Hadi No. 1016/M | Inv: Lower Chitral |
| 20. | ASI Muhammad Khaliq No. 1017/M | Elite Force |

ATTESTED

ATTESTED
Deputy
Swat

| | | |
|-----|----------------------------------|----------------|
| 21. | ASI Akbar Said No. 1018/M | Buner |
| 22. | ASI Habib Ur Rahman No. 1019/M | Dir Lower |
| 23. | ASI Behram Khan No. 1020/M | Dir Lower |
| 24. | ASI Muhammad Zahid No. 1021/M | Inv: Dir Lower |
| 25. | ASI Shah Wakil No. 1022/M | CTD |
| 26. | ASI Taj Muhammad Khan No. 1023/M | Shangla |
| 27. | ASI Rahman Zarin No. 1024/M | Dir Upper |
| 28. | ASI Muhammad Hanif No. 1025/M | Inv: Buner |
| 29. | ASI Hussain Zada No. 1027/M | CTD |
| 30. | ASI Amjad Khan No. 1028/M | Dir Upper |
| 31. | ASI Aziz Ur Rahman No. 1029/M | Shangla |
| 32. | ASI Fazal Bacha No. 1030/M | Swat |
| 33. | ASI Miraj Ud Din No. 1031/M | Lower Chitral |
| 34. | ASI Nacemud Din No. 1032/M | CTD |
| 35. | ASI Hasham Ali No. 1033/M | Inv: Buner |
| 36. | ASI Liaqat Ali No. 1034/M | Swat |
| 37. | ASI Abdul Ahd No. 1036/M | Lower Chitral |
| 38. | ASI Taj Bar Khan No. 1037/M | Buner |
| 39. | ASI Taj Bar Khan No. 1038/M | Buner |
| 40. | ASI Muhammad Tabir No. 1039/M | CTD |
| 41. | ASI Ghous Ur Rahman No. 1040/M | CTD |
| 42. | ASI Noor Shahiddin No. 1041/M | Lower Chitral |
| 43. | ASI Israr Ud Din No. 1042/M | Lower Chitral |
| 44. | ASI Shah Zamin No. 1043/M | Shangla |
| 45. | ASI Ghulam Muhammad No. 1044/M | Buner |
| 46. | ASI Muhammad Sallim No. 1045/M | Swat |
| 47. | ASI Ali Rahman No. 1047/M | CTD |
| 48. | ASI Abdur Razaq No. 1048/M | Elite Force |
| 49. | ASI Naseeb Ur Rawan No. 1049/M | Dir Lower |
| 50. | ASI Gul Bahadar No. 1050/M | CTD |
| 51. | ASI Ikramullah No. 1051/M | CTD |
| 52. | ASI Akbar Ali No. 1052/M | Buner |
| 53. | ASI Adalat Khan No. 1053/M | Swat |
| 54. | ASI Muhammad Tabir No. 1054/M | PTC, Hangu |
| 55. | ASI Muhammad Shoalb No. 1056/M | CTD |
| 56. | PASI Rasheed Ali No. 698/M | Swat |
| 57. | PASI Ishfaq Ahmad No. 699/M | SB |
| 58. | PASI Seyab Muhammad No. 700/M | Inv: Bajaur |
| 59. | PASI Fida Muhammad No. 701/M | Shangla |
| 60. | PASI Jamal Shah No. 702/M | Elite Force |
| 61. | PASI Amir Zeb No. 703/M | Inv: Swat |
| 62. | PASI Zahid Hussain No. 704/M | Elite Force |
| 63. | PASI Tahir Muhammad No. 705/M | Buner |
| 64. | ASI Sher Alam No. 28/M | CTD |
| 65. | ASI Ghulam Rashid No. 42/M | CTD |
| 66. | ASI Saifullah No. 55/M | Inv: Buner |
| 67. | ASI Taj Muhammad No. 68/M | Inv: Dir Upper |
| 68. | ASI Shehzada No. 75/M | PTS, Swat |
| 69. | ASI Asad Zaman No. 6/M | Motorway |
| 70. | ASI Muhammad Rizaz No. 126/M | Shangla |
| 71. | ASI Bakht Rahman No. 144/M | Inv: Swat |
| 72. | ASI Said Rahman No. 151/M | Inv: Swat |
| 73. | ASI Ikramullah Shah No. 259/M | Shangla |
| 74. | ASI Nisar Ahmad No. 273/M | Inv: Shangla |
| 75. | ASI Fayaz Khan No. 314/M | Dir Lower |
| 76. | ASI Zahir Shah No. 321/M | PTS, Swat |
| 77. | ASI Qaribullah No. 324/M | Swat |
| 78. | ASI Noor Wali Shah No. 346/M | Swat |
| 79. | ASI Muhammad Azam No. 360/M | ACE |
| 80. | ASI Azizur Rahman No. 362/M | Dir Lower |
| 81. | ASI Sher Hussain No. 365/M | Upper Chitral |
| 82. | ASI Amir Jan No. 371/M | SB |
| 83. | ASI Farman Ali No. 377/M | Inv: Swat |
| 84. | ASI Zahid Hussain No. 7/M | Dir Lower |
| 85. | ASI Abdul Aman No. 382/M | Lower Chitral |
| 86. | ASI Hazir Khan No. 387/M | Buner |
| 87. | ASI Saeed Gul No. 389/M | Dir Lower |
| 88. | ASI Nazir Ahmad No. 392/M | Swat |
| 89. | ASI Nizam Ud Din No. 395/M | Died |

ATTESTED

 Deputy Superintendent of Police Legal
 Swat

~~ATTESTED~~


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| 90. | ASI Ali Bahadar No. 399/M | Buner |
| 91. | ASI Aman Ud Din No. 409/M | Shangla |
| 92. | ASI Habib Khan No. 410/M | Motorway |
| 93. | ASI Rahmanullah No. 418/M | Inv: Shangla |
| 94. | ASI Muhammad Ismail No. 419/M | Inv: Swat |
| 95. | ASI Shahabud Din No. 424/M | Dir Upper |
| 96. | ASI Muhammad Nawaz No. 429/M | Dir Lower |
| 97. | ASI Khadi Khan No. 434/M | Swat |
| 98. | ASI Muhammad Iqbal No. 439/M | Inv: Dir Lower |
| 99. | ASI Bakht Azim No. 440/M | Swat |
| 100. | ASI Muhammad Zubair No. 52/M | Police School of Intelligence, Abbottabad |
| 101. | ASI Rafi Ud Din No. 80/M | Inv: Shangla |
| 102. | ASI Muhammad Naeem No. 178/M | Dir Lower |
| 103. | ASI Afzal Khan No. 447/M | Traffic Warden, Swat |
| 104. | ASI Umar Zeb No. 125/M | Inv: Dir Upper |
| 105. | ASI Mumtaz Ahmad No. 270/M | Elite Force |
| 106. | ASI Yaqoob Khan No. 451/M | Inv: Swat |
| 107. | ASI Habib Khan No. 460/M | Swat |
| 108. | ASI Iqbal Hussain No. 342/M | Buner |
| 109. | ASI Sartaj Khan No. 348/M | Buner |
| 110. | ASI Anwarul Haq No. 535/M | PTS, Swat |
| 111. | ASI Muhammad Iqbal No. 381/M | Traffic Highway |
| 112. | ASI Ihsanul Haq No. 554/M | Elite Force |
| 113. | ASI Shah Room No. 358/M | Inv: Buner |
| 114. | ASI Umar Seyah No. 570/M | Swat |
| 115. | ASI Sher Bahadar Khan No. 421/M | CTD |
| 116. | ASI Murad Ali Shah No. 427/M | CTD |
| 117. | ASI Shafiqullah No. 628/M | Swat |
| 118. | ASI Zahir Shah No. 431/M | Dir Lower |
| 119. | ASI Muhammad Khalid No. 425/M | ACE |
| 120. | ASI Hussain Ali Shah No. 655/M | Traffic Warden, Swat |
| 121. | ASI Javid No. 450/M | Inv: Dir Lower |
| 122. | ASI Abdul Ghaffar No. 481/M | Lower Chitral |
| 123. | ASI Muhammad Ambar No. 515/M | CTD |
| 124. | ASI Masood Jan No. 585/M | Inv: Dir Upper |
| 125. | ASI Abdul Ahad No. 661/M | CTD |
| 126. | ASI Jan Badshah No. 634/M | Elite Force |
| 127. | ASI Fazal Subhan No. 726/M | Swat |
| 128. | ASI Zahid Ali No. 870/M | Traffic Warden, Swat |
| 129. | ASI Johar Ali No. 145/M | PTS, Swat |
| 130. | ASI Alam Zeb No. 38/M | Buner |
| 131. | ASI Zahir Khan No. 52/M | Inv: Chitral |
| 132. | ASI Muhammad Nazir No. 610/M | Dir Upper |
| 133. | ASI Khaista Muhammad No. 87/M | Swat |
| 134. | ASI Muhammad Zaman No. 128/M | Dir Lower |
| 135. | ASI Habib Dastagir No. 139/M | Lower Chitral |
| 136. | ASI Jehanullah No. 141/M | Bajaur |
| 137. | ASI Attaullah No. 626/M | Motorway |
| 138. | ASI Shad Muhammad Khan No. 241/M | Dir Lower |
| 139. | ASI Said Jamil No. 268/M | Inv: Buner |
| 140. | ASI Shah Zar Khan No. 366/M | CTD |
| 141. | ASI Muhammad Ihsan No. 379/M | Swat |
| 142. | ASI Amshed Khan No. 385/M | Buner |
| 143. | ASI Jehan Zada No. 402/M | CTD |
| 144. | ASI Abdul Wahab No. 405/M | Elite Force |
| 145. | ASI Zarkamin Khan No. 416/M | Dir Lower |
| 146. | ASI Muhammad Nazir No. 433/M | Dir Upper |
| 147. | ASI Faiz Ali Khan No. 644/M | PTS, Swat |
| 148. | ASI Jan Muhammad No. 664/M | Swat |
| 149. | ASI Muhammad Alam Khan No. 435/M | Dir Upper |
| 150. | ASI Mian Qamroz Shah No. 441/M | Dir Lower |

ATTESTED
 [Signature]
 Deputy Superintendent of Police Legal
 Swat

[Signature]
 Regional Police Officer,
 Malakand, at Saidu Sharif Swat

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

12

B

No. CPO/CPB/ 75

Dated Peshawar 14 February, 2023

COURT MATTER
MOST IMMEDIATE

To: All Heads of Unit Police,
Khyber Pakhtunkhwa.
The Regional Police Officers,
Malakand, Mardan, Huzara, Kohat and Hannu.
The Capital City Police Officer,
Peshawar.

Subject: COLLECTION OF DATA OF POLICE OFFICERS FALLING UNDER THE
DEFINITION OF OUT OF TURN PROMOTION.

Memo: Please refer to this office letter No. CPO/CPB/45, dated 27.1.2023 on the subject noted above.

Perusal of record available with CPO and the reports coming from your range reveal that there is an urgent need to personally examine case of each and every police officer who is deemed to have been promoted out-of-turn.

2. You are, therefore requested to ensure that:-

i) Case of each police officer is examined afresh carefully with a view to ascertain as to whether or not his/her promotion falls under the definition of out-of-turn promotion provided in the following judgments of the Supreme Court of Pakistan:-

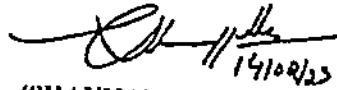
- i). 2013 SCMR 1752
- ii). 2015 SCMR 456
- iii). 2016 SCMR 1254
- iv). 2017 SCMR 206
- v). 2018 SCMR 1218

Note: copies of the judgments are being emailed to your Establishment Branch as a ready reference and perusal.

ii) Those orders of promotion / confirmation are identified and recorded in your replies / reports with a certified copy of the same attached therewith.

iii) A comprehensive reports on the line stated above may be submitted to this office by 20/02/2023.

Encl:
Sample Proforma of DIKhan Region.


14/02/23
(SHAUKAT ABBAS) PSI
DIG/1Qrs,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

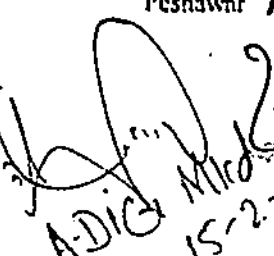
Encl: No. and dated even

Copy of above is forwarded for information to the:-

1. Additional Inspector General of Police, Headquarters, Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa.
3. Assistant Inspector General of Police, Legal, Khyber Pakhtunkhwa.
4. PSO to Inspector General of Police, Khyber Pakhtunkhwa.
5. PA to AIG/Establishment Khyber Pakhtunkhwa.

(SHAUKAT ABBAS) PSI
DIG/1Qrs,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

ATTESTED


A-DIG Mird
15-2-23
Superintendent of Police Legal
Swat

No 1910-17/E
Date: 15-02-2023

AM DPOS

request for an/a I furnish the
information as per proforma
by tomorrow i.e. 16-2-23
at 14:00hrs positively
as directed.



REGIONAL POLICE OFFICER, MALAKAND REGION

SAIDU SHARIF, SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebnalakandregion@gmail.com.

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ORDER:

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In compliance with Order Sheet of Honorable Supreme Court of Pakistan dated 26/01/2023 in Suo-Moto contempt proceedings vide Cr.O. Petition No.38/2021 and in pursuance of Judgments passed by Honorable Supreme Court of Pakistan in 2013 SCMR 1752, Civil Review Petition No. 193/2003 reported in 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206, 2018 SCMR 1218 and consolidated Judgment dated 30/06/2020 in Civil Petitions No. 1996, 2026, 2431, 2437 to 2450, 2501 and 2502 of 2019 on issues of Out of Turn Promotions, all Unit Heads, Regional Police Officers and District Police Officers of Khyber Pakhtunkhwa Police were directed vide CPO. Peshawar letter No.CPO/CPB/75, dated 14/02/2023, to ensure compliance of above mentioned Orders in letter and spirit. Accordingly, all Out of Turn Promotions granted to Police personnel either on gallantry or otherwise belonging to different Units, Regions & District have been withdrawn by the concerned authorities and consequently their seniority has been re-fixed along with their Batch-mates who were promoted during their intervening period by maintaining original inter-se-seniority.

2. In view of the above, case regarding Out of Turn Promotion of ASI Zahid Iqbal No. 90/M of Swat District was examined. As per detail of this office, he has passed A-I exam, however, did not qualified B-I exam. He served for three years at PTC Hangu as Drill instructor as per PR 19.22, on the basis of which he was selected for Lower College Course vide PTC Hangu OB No. 407, dated 13/09/2006. Subsequently, qualified Lower College Course during the term ending 20/03/2007 vide PTC Hangu Notification No. 744 dated 30/03/2007 and also qualified Intermediate College Course during the term ending 20/09/2010 vide PTC Hangu Notification No. 2110/S, dated 06/11/2010, his lien was later on transferred from PTC Hangu to Swat District. Withdrawal of above mentioned Out of Turn Promotion shall bring his name with his colleagues at PTC, Hangu.

3. In a Judgment of Honorable Supreme Court of Pakistan 1998 SCMR 2013 titled Siddiq Akbar ASI & Others VS Sanobar Khan ASI, Supreme Court of Pakistan declared Standing Order bearing No. 11/87 issued on 17th January, 1987 by the then IGP, NWFP as without any lawful authority and of no legal effect. Same Standing Order was issued for grant of incentive based accelerated promotions to Police Officials / Officers serving as Cadet Instructor with Police Training Institutes.

The Operating Para No. 8 and 9 of same Judgment are being reproduced as under:-

8. We are, therefore of the considered opinion that word "approval" occurring in section-12 of the Act implied the act of passing judgment, the use of discretion, and a determination as a deduction therefrom, to confirm, ratify, sanction or to consent to some act or thing done by the Inspector General of Police. The word 'approval' implies exercise of sound judgment, practical sagacity, wise discretion and final direct affirmative action. Merely because the impugned Standing Order has held the ground for a number of years is not sufficient to assume the grant of 'approval' of the issuance of Standing Order by the Provincial Government.

9. We have, therefore, no hesitation to hold that the Standing Order No. 11 issued by the Inspector General of Police having not been approved by the Provincial Government is devoid of the legal status and is, therefore, of no legal authority. We are, therefore, inclined to uphold the finding the Tribunal that the impugned Standing Order is without any lawful authority and of no legal action.

4. Similarly, as per Para No. 73 of Judgment of Honorable Supreme Court of Pakistan 2018 SCMR 1218 (Intra Court Appeals No. 4 of 2017 etc) when any legislative instrument is declared unconstitutional it is declared void ab initio. The Para No. 73 is being reproduced as under:-

73. The contention of Khwaja Haris Ahmad, learned Sr.ASC that in Para No. 123 of Shahid Pervez's case (Supra) this Court had wrongly observed that "we have already declared void ab initio the legislative

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Handwritten signature of Deputy Superintendent of Police Legal Swat



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instruments that provided for out of turn promotions." because nowhere in the earlier judgment was such a declaration made, is also without force. Suffice it to say that in Para 101 of Shahid Pervez 'case (Supra), it was observed that: "101. Through the successions of its orders, this Court has consistently maintained the unconstitutionality, and the consequential nullity of the instruments providing for the out of turn promotion. "Moreover, in Para 129 of the judgment of Ali Azhar Khan Baloch's case (supra), this Court was pleased to observe that when any legislative instruments is declared unconstitutional, the effect of such declaration is that such legislative instruments becomes void ab initio. The relevant part of Para 129 is being reproduced hereunder: "129.....Now, it is a settled law of this Court that no right or obligation can accrue under an unconstitutional law. Once this Court has declared a legislative instruments becomes void ab initio, devoid of any force of law, neither can it impose any obligation, nor can it expose anyone at any liability."

5. Similarly, Honorable Supreme Court of Pakistan Judgment reported as 2017 SCMR 456 vide Para No. 98 declared Out of Turn Promotions as null and void in the following terms which is reproduced as under:

98. In a series of judgments, this Court has declared Out of turn promotions as being unconstitutional, un-Islamic, and void ab initio. The principle of unconstitutionality attached to the instrument providing for out of turn promotion was laid down first in the case of Muhammad Nadeem Arif VS IG of Police (2011 SCMR 408). The view taken in this judgment was followed in another case reported as Ghulam Shabbir VS Muhammad Munir Abbasi (PLD 2011 SC 516), wherein it was held that out of turn promotion was not only against the constitution, but also against the injunctions of Islam, and that reward or award should be encouraged for meritorious public service but should not be made basis for out of turn promotion.

6. ASI Zahid Iqbal No. 90/M of Swat District was given chance of personal hearing on 13/03/2023. He was heard in person in detail to ensure due process and natural justice. Perusal of his record reveals that he has passed A-1 exam, however, did not qualified B-1 exam. He served for three years at PTC Hangu as Drill instructor as per PR 19.22, on the basis of which he was selected for Lower College Course vide PTC Hangu OB No. 407, dated 13/09/2006. Subsequently, qualified Lower College Course during the term ending 20/03/2007 vide PTC Hangu Notification No. 744 dated 30/03/2007 and also qualified Intermediate College Course during the term ending 20/09/2010 vide PTC Hangu Notification No. 2110/S, dated 06/11/2010, his lien was later on transferred from PTC Hangu to Swat District. Withdrawal of above mentioned Out of Turn Promotion shall bring his name in the seniority list with his recruit colleagues borne at the strength of PTC, Hangu.

7. Consequently, his Out of Turn Promotion issued vide PTC Hangu OB No. 407, dated 13/09/2006 is withdrawn with immediate effect through this order and after withdrawal of his Out of Turn Promotion, his name is placed in the seniority list with his recruit colleagues borne at the strength of PTC, Hangu.

[Signature]
Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. 3559-62 /E,
Dated 14-03- /2023.

- Copy for information and necessary action to the:-
1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
 2. Commandant, PTC Hangu.
 3. PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
 4. District Police Officer, Swat.

***** ATTESTED *****

[Signature]
Deputy Superintendent of Police Swat
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Judgment Sheet

PESHAWAR HIGH COURT, PESHAWAR.

(JUDICIAL DEPARTMENT)

W.P.No.1716-P/2020 with I.R.JUDGMENT

Date of hearing --- 30/11/2022.
 Petitioner by --- Mr. Taimur Ali Khan, Advocate.
 Respondents by --- M/s Shumail Ahmad Butt, Advocate
 General and Mubashir Manzoor, AAG
 alongwith Muhammad Asif, AIG legal.

=====


S M ATTIQUE SHAH, J:- This single judgment shall also decide *Writ Petition No.3454-P of 2021* titled *Muhammad Farooq & others vs. Provincial Police Officer & others*, as common questions of law and facts are involved therein.

2. Through instant Writ Petition, the petitioners seek the following relief: -

"It is, therefore, most humbly prayed that on acceptance of this writ petition, the Honourable Court may graciously be pleased to declare the act of the respondents as unlawful and illegal by not allowing the petitioners to join the forth coming lower course which is to be scheduled w.e.from 20.03.2020 and direct the respondents to allow the petitioners to join the Lower School Course at Police Training Centre, Hangu as per their eligibilities and entitlement under the provision of Police Rule 19:22 and standing order 17/2014. Any other remedy deems appropriate by this court may also awarded in favour of petitioners."

3. Through *W.P.No.3454-P/2021*, the petitioners seek the following relief: -

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"On acceptance of this instant writ petition, this Hon'ble Court may graciously be pleased to declare the acts of the respondents as unlawful and illegal by not allowing the petitioners to join the forth coming lower course which was to be commenced w.e.from 15.09.2021 and to direct the respondents to allow the petitioners to join the Lower School Course at Police Training College/Center,, Hangu as per their eligibilities and entitlement under the provision of standing order 17/2014 of the office of Inspector General of Police Khyber Pakhtunkhwa. The case of the present petitioners are similar and identical with both on factual as well as legal point and reference to those petitioners, who's has been allowed by the respondents, and also in writ petition bearing No.6197-P/2019 decided on 18.03.2020, W.P.No.445-P/2020 decided on 04.03.2020, W.P.No.238-P/2020 decided on 09.02.2021 and W.P.No.3206-P/2020 decided on 30.07.2020 has been allowed by this Hon'ble Court, therefore, the petitioners also deserve to be treated similarly and are entitled to be allowed to join the forthcoming schedule for Lower Course Training at PTC Hangu commencing from 15.09.2021."

4. In essence, the petitioners are aggrieved from non-sending their names by the respondents for joining Lower School Course at Police Training College/Center Hangu despite being eligible.

5. Pursuant to the directions of the court respondents have filed their comments wherein they resisted the issuance of the desired writ.

6. Heard. Record perused.

7. Case of the petitioners is that they are eligible to join the **Lower School Course at Police Training College/Center Hangu** on the strength of standing order No.17/2014 dated 29.10.2014 but despite that the respondents have declined their

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 Swat.



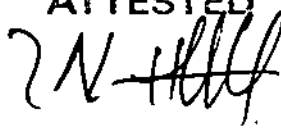
joining which is illegal being against their vested rights. While stance of the respondents is that earlier the department used to allow joining of *Lower School Course at Police Training College/Center (PTC) Hangu* as provided by the ibid standing order. However, subsequently, the said standing order was withdrawn by the respondents vide order dated 21.04.2022 being violative of the judgments of the august Apex Court reported as *2013 SCMR 1752* titled *Contempt Proceedings Against Chief Secretary, Sindh and others* and *2017 SCMR-56* titled *Muhammad Akram Vs. DCO, Rahim Yar Khan and others*. Therefore, the petitioners cannot claim relief under the said standing order which is no more in the field.

8. The petitioners further contend that they have served as SSP Instructors in the Police Training College (PTC) before the withdrawal of Standing Order No.17/2014 and as such the subsequent, withdrawal of the said standing order would not affect their vested rights so accrued to them.

9. Be that as it may, the matter of accelerated and; out-of-turn promotions in the police department were deprecated by the august Apex Court from time to time through judicial pronouncements and it was due to the said verdicts that the respondents withdrew the standing order No.17/2014. Therefore, no illegality has been committed by the respondents while implementing the judgment of the august Apex Court in its letter



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and spirit which resulted into the withdrawal of standing order No.17/2014.

10. Coming to the contention of the counsel representing the petitioners that the standing order No.17/2014 was based upon the provision of 19.22 of the Police Rules, 1934 which is still intact. Given, that the said provision empowers the Principal, Police Training School, to retain any head constable or constable for training and subsequently directly enter such employees into *Lower School Course* training, albeit, such provision is violative of the above-referred pronouncements of the august apex court. Therefore, the petitioners cannot get any benefit therefrom. Hence the petitioners are also not entitled to join the lower course training on the strength of the ibid provision.

11. In view thereof, the instant, as well as connected WP No.3454-P of 2021 petitions, is dismissed; being meritless.

Announced
30.11.2022

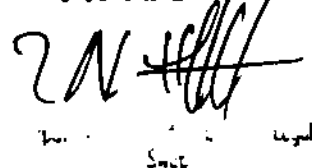

JUDGE


JUDGE


JUDGE

(Larger Bench)
HON'BLE MR. JUSTICE LAL JAN KHATTAK,
HON'BLE MR. JUSTICE S M ATTIQUE SHAH &
HON'BLE MR. JUSTICE SYED ARSHAD ALI
(Shahid Ali Court Secretary)

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Judgment Sheet

**PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT.**

W.P.No.3944-P/2023

Hazrat Umar and others.

Versus

**Provincial Police Officer,
Peshawar and another**

Date of hearing 11.10.2023

**Petitioner (s) by: Mr. Irfan Ali Yousafzai, advocate.
Respondent (s) by: Ms. Shahnaz Tariq AAG with Zahid
Rehman Superintendent**

JUDGEMENT

IJAZ ANWAR. J:- The instant writ petition has

been filed under Article 199 of the Constitution of

Islamic Republic of Pakistan, 1973 with the

following prayers:

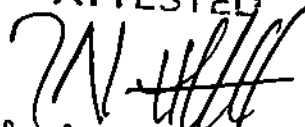
“On acceptance of this instant writ petition, this Hon’ble Court may graciously be pleased to declare the acts of the respondents as unlawful and illegal by not allowing the petitioners to join the forth coming Lower training Course which was to be commenced w.e.f 24/10/2023 and to direct

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Deputy Superintendent of Police Legal
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the respondents to allow the petitioners to join the Lower Training Course at Police Training College/Center, Hangu as per their eligibilities and entitlement under the provision of standing order No. 17/14 of the office of Inspector General of Police Khyber Pakhtunkhwa. The case of the present petitioners are similar and identical with both on factual as well as legal point and reference to those petitioners, who's has been allowed by the respondents, and also in writ petition bearing W.P No. 445-P/2020 decided on 04.03.2020, W.P No. 7372-P/2019 decided on 23.01.2020, W.P No. 3263-P/2018 decided on 15.05.2023 and W.P No. 816-P/2022 decided on 29.06.2022 has been allowed by this Hon'ble Court, therefore the petitioners also deserve to be treated similarly and are entitled to be allowed to join the forth coming schedule for Lower Course Training at PTC Hangu commencing from 24.10.2023."

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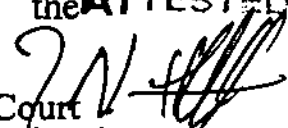
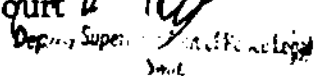
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 Deputy Superintendent of Police Legai
 Swat.

2. Petitioners are the employees of respondent Department presently serving as a

ATS and Drill Instructors in the Police Training College/Center at Buner. They are aggrieved of the denial of respondents not allowing them to join the forthcoming Lower Training Course commencing w.e.f 24.10.2023.

3. Arguments heard and record perused.

4. Petitioners seek direction of this Court for allowing them to join the forthcoming Lower Training Course commencing w.e.f 24.10.2023 in the Police Training College Hangu on the basis of the provisions of Standing Order No. 17/2014.

5. At the outset, learned counsel representing the respondents produced the **ATTESTED** judgement of a Larger Bench of this Court  Deputy Superintendent of Police, Hangu  passed in W.P No. 1716-P/2020 whereby identical matters wherein out of turn nomination for Lower School Course was sought on the

basis of Standing Order No. 17/2014 was discussed and identical writ petitions were dismissed.

6. We have gone through the judgement of the Larger Bench of this Court passed in W.P No. 1716-P/2020 decided on 30.11.2022 and find that exactly the same relief was declined by the Larger Bench on the ground that Standing order No. 17/2014 is no more in the field.

7. This petition having same facts and law point involved. It is accordingly dismissed.

Judge

Judge

**Announced on;
Dated. 11.10.2023**

D.B. Hon'ble Mr. Justice Ijaz Anwar and Hon'ble Mr. Justice Shakeel Ahmad.

Amir

ATTES
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Deputy Superintendent of Police
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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. 6281 /Legal

dated the 23 / 10 / 2023

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F.

- To: All Unit Heads of Police,
Khyber Pakhtunkhwa
- All Regional Police Officers,
Khyber Pakhtunkhwa.
- The Capital City Police Officer,
Peshawar.
- All District Police Officers,
Khyber Pakhtunkhwa.

Subject: GUIDANCE REGARDING DISPOSAL OF OUT OF TURN PROMOTION CASES IN LIGHT OF HON'BLE PESHAWAR HIGH COURT CONSOLIDATED JUDGMENT DATED 29.08.2023

Memo:

It has been observed that the regions and districts are seeking guidance time and again regarding the promotions/ confirmations of Out of Turn Promoted Officers of KP Police.

2. The Hon'ble Peshawar High Court, Peshawar has passed a detailed judgment dated 29.08.2023, in the matter of Out of Turn Promotions in Writ Petition No. 1587-P/2022 and other connected cases.

3. The Hon'ble Court has struck down and dismissed the petitions of officers promoted on gallantry basis, therefore, their demotions orders stand effective from their respective dates of issuance and may be treated accordingly. Similarly, the one step promotions earlier granted by the Regions in the wake of terrorism under the category of gallantry acts, are also stand withdrawn.

4. While petitions to the extent of cadets/ cadet instructors, inter-provincial transfers/ absorptions, absorption cases of Executive Constables of KP Police into Telecommunication and Transport Unit of KP and allotment of additional seats for trainings have been accepted and granted relief. Therefore, the promotions/ confirmations of such officers may be processed in compliance with above mentioned

1 of 3

No 14251/E Dgt legal
Dt. 24/10/23
Comments

Regional Police Officer
Malakand Region,
in Shari, Swat.

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24/10/23
Deputy Sub-Inspector
Swat

CS CamScanner

Judgment of Hon'ble Peshawar High Court, Peshawar provisionally/ conditionally subject to outcome of respective CPLAs which have been instituted against the judgment dated 29.08.2023 in the Hon'ble Apex Court against categories granted relief as mentioned above.

5. The Hon'ble Peshawar High Court has remitted back the cases of women officers, absorption cases of Class-IV employees as Constables into Telecommunication & Transport Cadre of KP Police to the department. Regarding these remitted cases, KP Police will hear petitioners and issue Speaking Orders separately while keeping in view judgments of Hon'ble Supreme Court of Pakistan on Out of Turn Promotions cases.

6. The Hon'ble Peshawar High Court has also remitted some Out of Turn Promotions cases (beneficiaries of accelerated promotional courses from FRP Unit) to the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar vide separate judgments dated 29.08.2023 passed in Writ Petition No. 1289-P/2023 titled Tayyab Jan etc & Writ Petition No. 2191-P/2023 titled Muhammad Iqbal Vs Govt: of Khyber Pakhtunkhwa etc. The promotions/ confirmations of officers of this category may not be carried out being sub-judice in separate CPLAs before Apex Court as well as before the Hon'ble Service Tribunal.

7. Whereas, above mentioned consolidated judgment of the Hon'ble Peshawar High Court, Peshawar appears silent regarding cases of drill/ physical instructors seeking benefits under Standing Order No. 17/2014. However, same incentives have been dismissed by the Hon'ble Peshawar High Court in its Larger Bench judgment dated 30.11.2022 in W.P No. 1716-P/2020. Recently, another Writ Petition No. 3944-P/2023 of alike nature has also been dismissed by the Hon'ble Peshawar High Court, Peshawar vide judgment dated 11.10.2023 in the light of aforementioned Larger Bench judgment. Therefore, all Out of Turn Promotions / Confirmations cases pertaining to drill/ physical instructors stand withdrawn, their seniority reckoned along with their batchmates and demotion orders issued under said category stand enforced.

8. Moreover, the Out of Turn Promotions cases in which promotions were granted without undergoing prescribed trainings/ courses, the above consolidated judgment of Hon'ble Peshawar High Court is apparently silent. However, such cases also fall under Out of Turn Promotions and therefore, the same may also be considered as withdrawn. Besides, demotion orders issued against any other category of Out of Turn Promotions may also be considered as stood validated and hence such demotion orders are to be implemented.



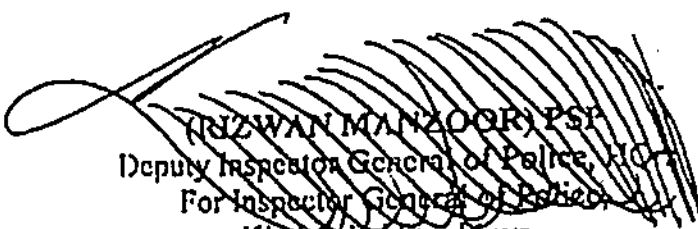
ATTESTED

Deputy Superintendent

(25)

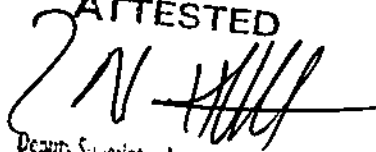
No. 6281/Legal dated 23/10/2023

9. Keeping in view the above, promotions/ confirmations may be granted after completing all codal formalities to only those Out of Turn Promotees whose petitions are accepted by the Peshawar High Court, i.e. Cadets/ instructors, inter-provincial transfers/ absorptions and allotment of additional/ extra seats for trainings provisionally/ conditionally subject to outcome of respective CPLAs lodged by the Police department in the Hon'ble Supreme Court of Pakistan.


RIZWAN MANZOOR, PSP
Deputy Inspector General of Police, HQ
For Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.

C.C

- Additional Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
- Assistant Inspector General of Police, Establishment & Legal, Khyber Pakhtunkhwa, Peshawar.
- PSO to W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

ATTESTED

Deputy Superintendent of Police Legal
Swat



43

26

OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND REGION
SAIDU SHARIF, SWAT.
Ph: 0946-9240388 & Fax No. 0946-9240390
Email: ebmalakandrpolou@gmail.com

ORDER:

In pursuance of Judgment dated 29/08/2023 of Peshawar High Court, Peshawar in Writ Petition No. 1587-P/2022 titled "Shah Mumtaz & Others VS Govt: of KPK & Others" & other connected petitions and in light of directions received from CPO, Peshawar vide letter No. 6281/Legal, dated 23/10/2023 & Para No. 07 wherein it is mentioned that the honorable Peshawar High Court, Peshawar in ibid Judgment appears silent regarding cases of Drill / Physical Instructor seeking benefits under SO No. 17/2014 and PR 19.22, the orders of the following Police Officers of this Region regarding withdrawal of Out of Turn promotion earned on the basis of Drill/Physical Instructor (selected for Lower College Course / Intermediate College) issued over Endst: Nos. noted against their names each, are hereby enforced:-

| S# | Name of Officer | Rank | Region/ District | This office Order No. and dated |
|-----|--------------------------|------|---------------------|--|
| 1. | Hamid Iqbal No.714/M | SI | Swat | No. 3547-49/E, dated 14/03/2023 |
| 2. | Gohar Ali No.496/M | ASI | Swat | No. 3553-55/E, dated 14/03/2023 |
| 3. | Nasar Khan No.337/M | ASI | Swat | No. 3556-58/E, dated 14/03/2023 |
| 4. | Zahid Iqbal No. 90/M | ASI | Swat / PTC Hangu | No. 3559-62/E, dated 14/03/2023 |
| 5. | Muhammad Saeed No.120 | IHC | Swat | No. 3436-38/E, dated 14/03/2023 and No. 5765-67/E, dated 11/04/2023 |
| 6. | Akbar Shah No.862/M | ASI | Buner | No. 3544-46/E, dated 14/03/2023 |
| 7. | Hazrat Hussain No.1007/M | IHC | Buner | No. 3365-67/E, dated 14/03/2023 |
| 8. | Muhammad Ali No.1046/M | IHC | Buner | No. 3392-94/E, dated 14/03/2023 |
| 9. | Ali Zeb No.108/Inv | IHC | Buner | No. 3493-95/E, dated 14/03/2023 |
| 10. | Ibrar Muhammad No. 600/M | SI | Dir Lower | No. 3529-31/E, dated 14/03/2023 |
| 11. | Shahab Ud Din No. 572/M | ASI | Dir Lower | No. 3514-16/E, dated 14/03/2023 |
| 12. | Muhammad Islam No. 184 | IHC | Dir Lower | No. 3687-89/E, dated 14/03/2023 |
| 13. | Fazal Sajjad No.1192 | IHC | Dir Lower | No. 3690-92/E, dated 14/03/2023 |

No. 15923-31 /E,
Dated 15-11- /2023.

ATTESTED

[Signature]

Regional Police Officer,
Malakand, at Saidu Sharif Swat

Copy for information and necessary action to the:-

1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
3. Commandant, PTC Hangu.
4. Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa, Peshawar.
5. Assistant Inspector General of Police, Legal Khyber Pakhtunkhwa, Peshawar.
6. PSO to W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
7. District Police Officer, Swat, Buner and Dir Lower.

ATTESTED
[Signature]

Zahid Ubal



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

"H" (27)

No. 3090 /Legal dated the 31 / 07 / 2024

To: The Additional Chief Secretary,
Home & Tribal Affairs Department,
Khyber Pakhtunkhwa.

Subject: PROPOSED AMENDMENTS IN RULE 13.7B & RULE 19.22
POLICE RULES, 1934 AMENDED 2017

Memo:-
Please refer to the subject noted above.

Rule 13.7B of Police Rules, 1934 (amended 2017) supported the concept of cadetship (training centers incentives) which, however, falls within the definition of Out of Turn Promotion deprecated by the August Apex Court in its landmark judgments relating to Out of Turn Promotions reported as 2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206 and 2018 SCMR 1218 and consolidated judgment dated 30.06.2020 in civil petitions no. 1996, 2026, 2431, 2437 to 2450, 2501 & 2502 of 2019.

2. Furthermore, Rule 19.22 providing for incentivized selection to Lower College Course on the basis of 03-years tenure in training institute as physical instructor contradicts the rule 13.7A wherein it has been highlighted that selection to Lower College Course shall be subject to passing of A1 & B1 examination from the concerned domicile district vacancy. Thus, this rule promotes very concept of Out of Turn Promotion as noted in the judgement dated 30.11.2022 of the Hon'ble Peshawar High Court. Peshawar in writ petition No. 1716-P/2020 and the August Apex Court judgements relating to Out of Turn Promotions issues. Noteworthy here is that the provincial government of Khyber Pakhtunkhwa has already withdrawn the relevant standing order No. 17/2014 vide notification No. SO(Lit-1)/HD/1-589/2022 dated 21.04.2022. However, amendment in the parent rules was required.

3. Keeping in view of the above, the proposed draft Amendment Notification in rules 13.7B & 19.22 (F/A) of Police Rules, 1934 along with comparative chart/justification (F/B) is sent herewith for the purpose of vetting from Law, Parliamentary Affairs & Human Rights Department and afterwards approval by Provincial Government.

(RIZWAN MANZOOB) PSP
Deputy Inspector General of Police (Legal)
For Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar

ATTESTED

Deputy Superintendent of Police (Legal)
Swat

GOVERNMENT OF KHYBER PAKHTUNKHWA POLICE DEPARTMENT

NOTIFICATION

Peshawar, dated the / /2024

No. _____: In exercise of power conferred by section 140 of Khyber Pakhtunkhwa Police Act 2017 (Khyber Pakhtunkhwa Act No. II of 2017), the Provincial Police Officer, Khyber Pakhtunkhwa, with the approval of Government, is pleased to direct that in the Khyber Pakhtunkhwa Police Rules, 1934 (Amended in 2017), the following amendments shall be made, namely;

AMENDMENT

- 1. The rule 13.7 B, appearing after rule 13.7 A, shall be deleted.
- 2. For rule 19.22, the following shall be substituted, namely:

"19.22. Drill and physical training at the Police Training School:

(1) The Principal, Police Training School, may retain for service at the school any head constable or constable deputed from districts for training under rules 19.20 and 19.21. Without the approval of the Inspector-General no drill or physical training instructor may be retained for service at the school for more than three years at a time, there being an interval of at least one year before he is again so employed.


(2) Selection to Lower College Course shall be strictly in accordance with rule 13.7 A of these rules. All police officers employed as drill and physical training instructors at the Police Training School shall be shown on the promotion lists of their concerned districts/regions. They shall be considered equally with other men of their districts/regions promotion."

AKHTAR HAYAT KHAN (PSP)
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

ATTESTED


EXISTING RULE AND PROPOSED AMENDMENT IN RULE 13.7B AND 19.22 OF POLICE RULES, 1934 (AMENDED 2017)

| EXISTING RULES | PROPOSED AMENDMENT | REMARKS |
|--|--|---|
| <p><u>Exemption from AI & BI examination on the basis of cadetship.--</u></p> | <p align="center">Deleted</p> | <p>This provision of police rules supported the concept of cadetship (training centers incentives) which, however, falls within the definition of Out of Turn Promotion deprecated by the August Apex Court in its landmark judgments relating to Out of Turn Promotions reported as <u>2013 SCMR 1752, 2015 SCMR 456, 2016 SCMR 1254, 2017 SCMR 206 and 2018 SCMR 1218</u> and consolidated judgment dated 30.06.2020 in civil petitions no. 1996, 2026, 2431, 2437 to 2450, 2501 & 2502 of 2019.</p> |
| <p><u>Drill and physical training at the Police Training School - (1) The Principal, Training School, may retain for service at the school any head constable or constable deputed from districts for training under rules 19-20 and 19-21. Without the approval of the Inspector-General no drill or physical training instructor may be retained at the school for more than three years at a time, there being an interval of at least one year before he is again so employed. <u>The Principal, Police Training School, is empowered to enter Police Training School, Drill Instructors directly over school course after their three year's period of deputation, provided they are sufficiently educated and their service at the Police Training School satisfactory.</u></u></p> <p><u>(2) All promotions of drill and physical training instructors made at the school shall be temporary and all such men shall revert to their substantive ranks in their districts. Drill Instructors returned from the Phillaur Drill Staff shall be employed, even temporarily, as Drill Instructors in districts without the sanction of Range Deputy Inspector-General of Police.</u></p> <p><u>(3) All lower subordinates employed as drill and physical training instructors at the Training School shall be shown on the promotion lists A, B or C of their respective districts. They shall be considered equally eligible for promotion. For this purpose the Principal, Police Training School will furnish an annual report in form 19-22(3) on all drill and physical training instructors to the Superintendents of the districts concerned. In the case of upper subordinates as such, these reports shall be submitted to the Deputy Inspector-General in which the men were deputed to the Police Training School for their personal files.</u></p> | <p><u>19.22. Drill and physical training at the Police Training School: (1) The Principal, Police Training School, may retain for service at the school any head constable or constable deputed from districts for training under rules 19.20 and 19.21. Without the approval of the Inspector-General no drill or physical training instructor may be retained for service at the school for more than three years at a time, there being an interval of at least one year before he is again so employed.</u></p> <p><u>(2) Selection to Lower College Course shall be strictly in accordance with rule 13.7 A of these rules. All police officers employed as drill and physical training instructors at the Police Training School shall be shown on the promotion lists of their concerned districts/regions. They shall be considered equally with other men of their districts/regions for promotion.</u></p> | <p>This specific rule providing for incentivized selection to Lower College Course on the basis of 03-years tenure in training institute as physical instructor contradicts the rule 13.7A wherein it has been highlighted that selection to Lower College Course shall be subject to passing of AI & BI examination from the concerned domicile district vacancy. Thus, this rule amounted to Out of Turn Promotion as noted in the judgement dated 30.11.2022 of the Hon'ble Peshawar High Court, Peshawar in writ petition No. 1716-P/2020. Noteworthy here is that the provincial government of Khyber Pakhtunkhwa has already withdrawn the relevant standing order No. 17/2014 vid notification No. SO(Lit-I)/HD/1-589/2022 date 21.04.2022. However, amendment in the parent rules was required.</p> |

ATTESTED

 Superintending Officer of Police

Assistant Inspector General of Police Establishment and

(11) any other member not below the rank of Superintendent of Police nominated by the Provincial Police Officer

(12) No seats of the lower school course shall be allocated to any police unit except districts.

(13) A consolidated seniority list of all Constables enlisted in a district or having domicile of the district, shall be maintained in that district which shall include seniority-wise names of all Constables of the district whether such Constables are serving in that district or they have been transferred to or working in other police Units.

13.7B. Exemption from A1 and B1 examination on the basis of cadetship.—

(1) Each recruit training institute shall declare its top twenty best recruits, who have obtained at least fifty (50) percent marks in their respective final exams for appearance in the cadetship examination for the purpose of exemption from A1 and B1 examinations.

(2) The cadetship examination shall be amongst all the best recruits as provided in sub-rule (1), collectively.

(3) The number of cadets shall be decided according to the number of trainees in each term, irrespective of school/course as per following details but shall not exceed five in number:

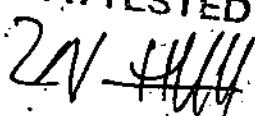
| S. No | Number of recruits | Number of cadets |
|-------|--------------------|------------------|
| 1 | 1-200 | 1 |
| 2 | 201-400 | 2 |
| 3 | 401-600 | 3 |
| 4 | 601-800 | 4 |
| 5 | 801 and above | 5 |

(4) The Cadetship Examination shall have two parts carrying hundred (100) marks each, i.e. Written Exam and Physical Test. The written examination shall be conducted through an accredited testing agency on the basis of recruit course syllabus while the physical examination shall be conducted by a Cadet Examination Board comprising of the following members:

- | | | |
|-----|--|----------------------|
| (a) | Deputy Inspector General Training; | Chairman |
| (b) | Commandant Police Training Center Hangu; | Member |
| (c) | One Officer not below the rank of Superintendent of Police nominated by The Central Police Office; and | Member |
| (d) | Principal Elite Police Training Center. | Member-cum-Secretary |

(5) The Physical Exam shall consist of the following components carrying marks as mentioned against each.

- | | | |
|-----|------------------|----------|
| (a) | Rifle Shooting; | 30 Marks |
| (b) | Pistol Shooting; | 30 Marks |

ATTESTED

 Deputy Superintendent of Police Local
 Swaz

Mr. [Name],
1400 1st Avenue, S.W.
St. Paul, MN 55102

Re: [Name] (Walt) [Name] and [Name]
[Name] (John) [Name] [Name]

Not:

(1) Lady Police candidates shall be exempted from Paper Handing and wall climbing tests. The total marks obtained by a Lady Police candidate in RTHS Shooting, Practical Shooting and Country Run shall be adjusted to the scale of 100 marks.

(2) Each category of marks shall be further elaborated by Government Police Officer through standing orders.

(6) A candidate who logs shall be declared as failed, provided that marks obtained by the candidate in the Fitness Examination shall not be, in any case, less than 60% of the total marks.

(7) In sub-rule (2), after the words "ten percent of vacancies", the words "in the manner as provided in sub-rule (3) and (4)" shall be added; and

(10) after sub-rule (2), as so amended, the following new rule shall be added, namely:

"(3) Each District shall maintain list "C-1P" of all those Constables for promotion to Head Constables, who have not passed the lower school course at the Police Training School and have exceeded upper age limit for the lower school course and are otherwise considered suitable for promotions.

(4) For the purpose of sub-rule (3), a Selection Board consisting of District Head of Police of the district concerned and two other officers not below than the rank of Superintendent of Police shall be constituted by the Capital City Police Officer or Regional Police Officer, as the case may be, to consider on the basis of outstanding performance and good reputation of Constables for placement on list "C-1P"; provided that in District Peshawar, Senior Superintendent of Police Operation shall be member of the Board in place of District Head of Police."

Alternative 13.9, the following new rule shall be added, namely:

"13.9A. Upper age limit for lower, intermediate and upper college courses and its duration:--(1) The upper age limit for Lower School Course shall be forty (40) years.

(2) The upper age limit for intermediate college course required for promotion to Assistant Sub-Inspector, shall be upto forty-eight (48) years and the duration of this course shall be sixteen (16) weeks.

(3) There shall be no upper age limit for joining upper college course and the duration of the course shall also be sixteen (16) weeks.

(4) Quota of seats for upper college course shall be allocated to each Region in proportion to the existing strength of Sub-Inspectors of that Region. The cutoff date for calculating the upper age limit for lower school and intermediate college course shall be the 31st day of the month of December falling before the commencement of the course.

ATTESTED

Deputy Superintendent



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

No. SO (LIT-1)/HD/1-569/2022
Dated Peshawar the 21st April, 2022

To

The Provincial Police Officer,
Central Police Office, Peshawar

Subject: JUDGEMENT DATED 09.12.2021 IN WRIT PETITION NO 684-A/2021
URAILDULLAH KHAN ETC 587-M.2020 BADSHAH HAZRAT ETC. 4949-
P/2020 RAHAM RUSAIN, 2218-P/2021 ZIAUR REHMAN ETC VS
GOVERNMENT OF KHYBER PAKHTUNKHWA

Dear Sir,

I am directed to refer to the Additional Inspector General of Police (Headquarter) letter No 157/CPB, dated 14.4.2022 on the above cited subject and to state the matter was submitted for perusal of the Chief Secretary, Khyber Pakhtunkhwa and he was kind enough to approve the proposal put forth in the above referred letter. It is, therefore, requested that further necessary action in the matter may kindly be taken immediately please to implement the Supreme Court order in letter and spirit.

2. I am further directed to request that detailed implementation report as directed by the Supreme Court of Pakistan in para 2 of its short order dated 15.11.2022 and again on 25.3.2022 read with the landmark Judgement of the Supreme Court of Pakistan reported in the year 2013 SCMR 1752 and 2017 SCMR 206 may be provided to this department by today positively please so that compliance report could be submitted to the Supreme Court immediately. It is pertinent to mention that the time granted by the Court for submission of report has already been lapsed.

Yours faithfully,

(Wilayat Khan)
Section Officer (Litigation-I)

Copy of the above is forwarded for information to the:-

1. Secretary to Government of Khyber Pakhtunkhwa, Establishment Department.
2. CSO to the Chief Secretary, Khyber Pakhtunkhwa.
3. PS to Secretary, Home & Tribal Affairs Department.

ATTESTED

(Signature)
Deputy Secretary

(Wilayat Khan)
Section Officer (Litigation-I)

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat

Handwritten signature and initials: *Waseem*

Handwritten text: *6739-46/E*
06-06-24

Handwritten signature: *Waseem*

ATTESTED

- i. Police Training School Manshera/ Hazara Region;
- ii. Police Training School Swabi/ Mardan Region;
- iii. Police Training School Kohat/ Kohat Region;
- iv. Police Training School Swat/ Malakand Region and
- v. Besides, following Specialized Schools have also been notified:
- 1. Police School of Investigation, Peshawar;
- ii. Police School of Intelligence, Abbottabad;
- iii. Police School of Public Order and Riot Management, Muzaffargarh;
- iv. Police School of Traffic Management, Kohat;
- v. Police School of Explosive Handling, Nowshera.

3.1 Executive strength of Constables/Head Constables from concerned Districts and Sub-Districts shall be provided to the concerned Regions as per their respective percentage share in population as detailed in Annexure-B & C respectively.

3.2 Central Units shall include Central Police Office, Special Branch, Traffic Police, Frontier Reserve Police, P.T.C. (Hangu) Simlari, C.D.P. Peshawar, Investigation Branch, Legal and Litigation Branch and Directorate of Training Operation Branch. The contributory share of districts in strength of Branches of CPO has been provided in Annexure-B.

3.3 In addition to Police Training College, Hangu, the following Regional Police Training Centres have been notified:-

2. Aim: - This Standing Order aims at fixing the contributory quota of Districts and Regions in the executive strength of the Central Units, Specialized Schools and Police Training Centres.

3. Percentage Share in Population as determining Factor: - Contributory quota of districts/regions shall be determined on the basis of latest population census while such contribution shall be revised on the 1st January every year. Formula for contributory share of the districts/regions is enclosed as Annexure-A.

3.1 Executive strength of Constables/Head Constables from concerned Districts and Sub-Districts shall be provided to the concerned Regions as per their respective percentage share in population as detailed in Annexure-B & C respectively.

3.2 Central Units shall include Central Police Office, Special Branch, Traffic Police, Frontier Reserve Police, P.T.C. (Hangu) Simlari, C.D.P. Peshawar, Investigation Branch, Legal and Litigation Branch and Directorate of Training Operation Branch. The contributory share of districts in strength of Branches of CPO has been provided in Annexure-B.

3.3 In addition to Police Training College, Hangu, the following Regional Police Training Centres have been notified:-

QUOTA OF CENTRAL UNITS IN DISTRICTS

STANDING ORDER NO. 04/2024



Handwritten number: *33*

OFFICE OF THE
INSPECTOR GENERAL
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE

Handwritten date: *06-06-24*



Handwritten number: *1154*

Handwritten number: *33*

- 3.5 Executive strength from Constables to Sub-Inspectors for the above Specialized Schools and Regional Police Training Centres will be provided by the concerned Regions of the Province in accordance with the ratio of their population as per latest population census as detailed in Annexure-E.
- 3.6 Contributory quota from districts to SSU (CPIEC) will be based on ongoing projects of SSU (CPEC) in the Province. Therefore, regions/districts will contribute to SSU (CPEC) currently hosting such projects.
- 3.7 Contributory quota for CPD from respective Districts would be determined in accordance with Standing Order that would be issued separately.
- 3.8 05% of Contributory quota from regions/districts will be allocated for minorities in Central Units.
- 3.9 10% of Contributory quota from regions/districts will be allocated for women in Central Units.

4. **Recruitment, Promotions in Central Units:-** Recruitment and promotion in the ranks from constables to Sub-Inspectors will be carried out and regulated in concerned Districts and Regions only. Central Units will neither recruit nor promote any officer unless it is specifically provided and allowed. All personnel serving in the central Units will be on routine transfer/posting from concerned Districts and Regions and they shall be the part of the strength of their parent districts/regions. If in the past any recruitment has been carried out directly in the central units and attachment of such recruits has not been fixed so far, it will be fixed in the concerned District of domicile. Furthermore for retirement purposes, personnel will be posted back in their parent Districts/Regions.

5. **Tenure:-** The posting period in the central units will be considered as routine transfer/posting within the meaning of Police Rules and shall not exceed 03-years.

6. **Application:-** This Standing Order will come into force with immediate effect and transition to this scheme of things will not be at once rather in a phased manner subject to occurrence of vacancies in central units and capacity of the contributing Districts to contribute as per quota in due course of time.

7. **Power to remove difficulties:-** If any difficulty arises in giving effect to this Order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.

8. **Repeal/ Amendment:-** All previous Standing Orders on the subject, to the extent of provisions of this Order, shall stand repealed. The Provincial Police Officer being competent authority may review or propose increase in contributory quotas through S.O., if deemed appropriate.

Sd/-
 (AKHTAR HAYAT KHAN) PSP
 PROVINCIAL POLICE OFFICER
 KHYBER PAKHTUN KHWA

ATTESTED


No. 11591-681 GB,

dated Peshawar the

24/6 202

Copy of the above is forwarded for information and necessary action to

the:-

1. All Additional IsGP in Khyber Pakhtunkhwa.
2. All Heads of Police Units in Khyber Pakhtunkhwa.
3. DIG Legal, Khyber Pakhtunkhwa, Peshawar.
4. All Regional Police Officers in Khyber Pakhtunkhwa.
5. Capital City Police Officer, Peshawar.
6. All District Police Officers in Khyber Pakhtunkhwa.
7. Director PR to PPO, Khyber Pakhtunkhwa.
8. Registrar CPO, Peshawar.

(RIZWAN ZAID) RSP
 Deputy Inspector General Police
 HQs: Khyber Pakhtunkhwa
 Peshawar

ATTESTED

[Handwritten Signature]

Deputy Director General Police Legal

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 Reported for
 all concerns
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STANDING ORDER NO. 06 /2016

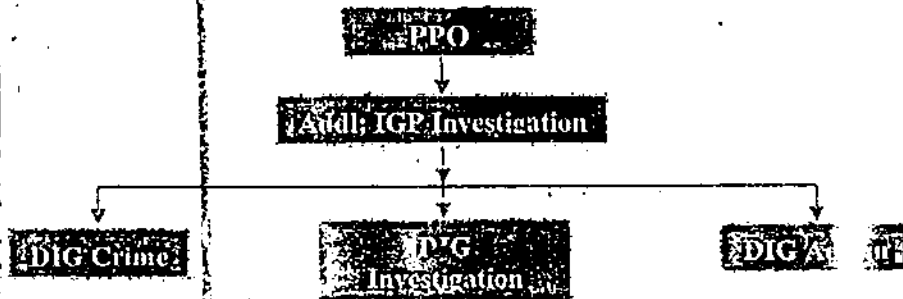
576/2016
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RE-ORGANIZATION OF INVESTIGATION BRANCH

This Standing Order is issued under Section 16(3) of Khyber Pakhtunkhwa Police Ordinance 2016.

1. **Aim:** The standing order aims at re-organization of Provincial Investigation Branch as a Unit and stream lining its processes and linkages with field formations to ensure free, fair, transparent and quality investigation to meet the ends of justice.

1.1 **Structure:-** Supervisory structure of Investigation Branch will be as given in following Organogram.



1.2 **Addl. IGP Investigation** as defined in Section 24 of Police Ordinance 2016 shall assist the Provincial Police Officer in the supervision of Investigation in the Province while performing and supervising functions as envisaged in afore mentioned Section of the Ordinance in this behalf.

1.3 There shall be three DIGs to be designated as DIG Administration, DIG Investigation and DIG Crimes to assist Additional IGP Investigation in efficient performance of Investigation Branch.

1.1.1 **DIG/Admn:** shall be responsible for the following functions:-

- i. To conduct meeting of Provincial Review Board.
- ii. To supervise and monitor the working of Forensic Science Labs.
- iii. To supervise Financial, Logistics and other related matters.
- iv. Human Resource Management of Investigation Branch.
- v. To Coordinate with other provinces and Interpol in matters of Investigation.
- vi. To perform any other duty assigned by Addl. IGP Investigation.

1.1.2 **DIG/Investigation** shall discharge the following duties:- **ATTACHED**

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- i. To supervise the investigation of the cases transferred through Provincial Review Board to Crimes Branch CPO, Peshawar i.e Second change of Investigation.
- ii. To supervise specialized units.
- iii. To examine and inquire complaints relating to conduct of investigation.
- iv. To perform any other duty assigned by Addl: IGP Investigation.

1.13 **DIG/Crimes** shall carry out the following assignments:-

- i. To supervise working of criminal record office.
- ii. To monitor Investigation of Special Report Cases and Heinous Crimes.
- iii. To supervise the working of Research Analysis Wing of the Investigation branch.
- iv. To supervise compilation and circulation of periodic Crimes Reports and Criminal Intelligence Gazette.
- v. To supervise Geo-tagging and completion of FIR record.
- vi. To supervise the implementation of OGs and PGs relating to Investigation.
- vii. Supervision of working of SsP of Investigation.
- viii. To perform any other duty assigned by Addl: IGP Investigation.

2. **Tenure:-** The Period of Posting in Investigation branch for investigation officers from the rank of ASI to Inspector will be at least two years. Premature transfer from Investigation branch purported by exigencies of service will only be carried out with the prior approval of Addl: IGP Investigation.

3. **Change of Investigation:** First change of investigation of a case will be made by Regional Police Officer from District Investigation Branch in accordance with Section 26(1) of Police Ordinance 2016 to Regional Crimes Branch or any other investigation Officer or a team of investigation officer in that region or with the approval of Provincial Police Officer to the officer of any other Region or Unit. Second change of investigation of a case shall be made by Provincial Police Officer after obtaining opinion of the Provincial Review Board as per Section 26(2) of the Ordinance.

4. **Cost of Investigation:-** The budget under the head "Cost of Investigation" placed at the disposal of Investigation Branch will be utilized in a transparent manner. To ensure proper and efficient utilization of funds; quarterly inspection of the expenditure at the district level will be done by a team comprising of representative of Addl: IGP Investigation and representative of RPO of Region concerned. The team will submit audit report to IGP within 30 days at the end of each quarter. Quarters will be in conformity with the financial year i.e

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| QUARTERLY INSPECTION | TIME PERIOD | CUTT OFF DATE FOR REPORT SUBMISSION |
|----------------------|--|-------------------------------------|
| 1 st | 1 st July to 30 th September | 31 st October |
| 2 nd | 1 st October to 31 st December | 31 st January |
| 3 rd | 1 st January to 31 st March | 30 th April |
| 4 th | 1 st April to 30 th June | 31 st July |

5. **Performance Evaluation Report (PER):-** PER of District Head of Investigation will be initiated by the DPO concerned which will be counter signed by DIC Investigation and Provincial Police Officer will be the second counter signing officer.

5.1 The performance evaluation on the working of SDPO/Supervisory Officer with regard to investigation only will be done by Head of Investigation of the District. A column in PER to that count will be signed by Head of Investigation of the concerned District.

5.2 The performance evaluation report of Superintendent of Police of Regional Investigation Branch will be initiated by Regional Police Officer concerned and Addl: IGP Investigation will be the first countersigning officer while Provincial Police Officer will be second countersigning officer.

6. **Power to Remove Difficulties:-** if any difficulty arises in giving effect to this order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.

7. **Repeal:-** All previous standing orders issued with regard to Organization of Provincial Investigation Branch are hereby repealed.

(NASIR KHAN DURRANI)
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar

No:- 700-80/GB, dated Peshawar the 14/10 2016.

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

1. All Heads of Police Offices in Khyber Pakhtunkhwa.
2. PRO to PPO.
3. Registrar CPO. No: 17570-81 R, dt: 2/10/2016.

All DPOs / All Heads of IML in Mkd Region

For information and action

Please

(MUHAMMAD ALI M SHENWARI) PSP
DIG Head quarter
Khyber Pakhtunkhwa Peshawar.

ATTESTED

[Signature]
Regional Police Officer
Malakand, at Saidu Sharif Swat.

[Signature]
Deputy Superintendent of Police Legal

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

No. 310 /CPB dated, Peshawar the 13 /12 /2023.

To: The Capital city Police Officer,
Peshawar.

SUBJECT: GUIDANCE IN THE LIGHT OF STANDING ORDER 02/2016.

Memo:

Please refer to your office letter No. 20743-44/CRC, dated 06/12/2023 and to state that para wise reply/guidance to para 6 of the letter ibid is as follow:

- (i) According to Standing Order No. 02/2016 recruitment and promotion from Constable to Sub Inspector rank shall be regulated in their parent districts/regions and their lien shall be in their parent districts, not in any other District/region.
- (ii) The officers recruited in centralized Unit or in other district Police, having domicile of other Districts, and serving in CCP Peshawar are not entitled to be promoted against CCP vacancy rather they shall be promoted against the vacancies of their parent districts/regions.
- (iii) One's parent district/region will be the one from which one got induction.

Furthermore, if police officers have qualified their various promotion courses and they have been enlisted on certain promotion lists, outside parent district than they would be granted their inter-se-seniority with their batchmates in their parent Districts/Regions.

(RIZWAN MANZOOR) PSP
Deputy Inspector General of Police, HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

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