

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST

Case Title: Muhammadiyah Naeem vs FGP and others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

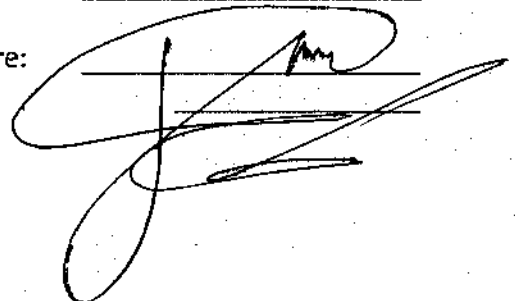
It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

Noor Wali Khan

Signature:

Dated:



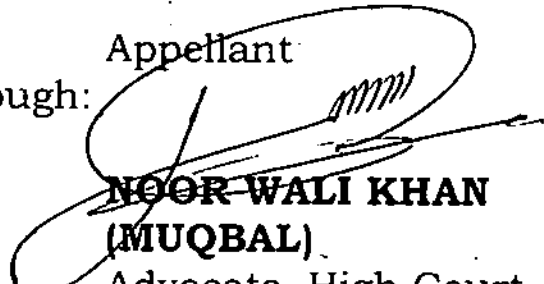
**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Amended Service Appeal No 425 /2024

Muhammad Naeem.....Appellant  
**V E R S U S**  
IGP, KPK & others.....Respondentss

**I N D E X**

<b>S NO</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEX</b>	<b>PAGES</b>
1.	Service Appeal	-	1-5
2.	Affidavit	-	6
3.	Copy of appeal and impugned order dated 06/02/2024	<b>A</b>	7-8.
4.	Copies of the Relevant Documents	<b>B</b>	9-16 A
5.	Wakalat Nama		17.

Through: Appellant  
  
**NOOR WALI KHAN**  
**(MUQBAL)**  
Advocate, High Court  
Peshawar

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**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Amended Service Appeal No \_\_\_\_\_/2024

Khyber Pakhtunkhwa  
Service Tribunal

Entry No. 17561

Dated 04/11/24

Muhammad Naeem Khan (Belt No. P/379)  
Inspector (BS-16), Acting DSP Mardan, Khyber  
Pakhtunkhwa Police

.....Appellant

**V E R S U S**

1. Inspector General of Police, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Deputy Inspector General of Police Head Quarters, Khyber Pakhtunkhwa, Central Police Office, Peshawar.

.....Respondents

**AMENDED SERVICE APPEAL UNDER SECTION 4**  
**OF KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL ACT 1974, AGAINST THE IMPUGNED**  
**ORDER DATED 20.12.2023 AND 06.02.2024**  
**ISSUED BY THE RESPONDENT NO 2 WHEREBY**  
**THE PROMOTION OF THE APPELLANT FROM**  
**BPS-16 TO BPS-17 WAS DEFERRED, HENCE THE**  
**IMPUGNED ORDER MAY KINDLY BE DECLARE**  
**UNLAWFUL, UN-CONSTITUTIONAL AND VOID AB**  
**INITIO.**

**Prayer in Appeal:**

On acceptance of this Service Appeal, the impugned Order dated 06.02.2024 issued by the

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respondent No 2 may kindly be set aside and the appellant may kindly be promoted from BS-16 to BS-17 as per his service record /career.

Respectfully Sheweth:-

*The Appellant.humbly submits as under:-*

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973.
2. That the appellant was appointed on 06.10.1985 as Constable in the Khyber Pakhtunkhwa Police by the Competent Authority after fulfillment all the codal and legal formalities.
3. That the appellant was promoted to the up post step by step upon the recommendations of the competent authority and best service carrier.
4. That the DPC were held on 20<sup>th</sup>of December 2023 whereby the appellant were not considered for the promotion of the Rank of DSP with BPS-17.
5. That feeling aggrieved from the said deferred Order, the appellant filed Departmental Appeal on 28.12.2023, which was turn down and has not been considered for the promotion on the basis of Seniority-cum-fitness. **(Copy of appeal and impugned order dated 06/02/2024 are attached as Annexure-A)**
6. That so far as the Standing Order No. 03/2022, the appellant is entitled for the promotion to the Rank of DSP BS-17 and now the appellant is serving Acting DSP.

7. That as per the length of service of the appellant, the appellant had a long spotless service and as per the Certificates, Training and as per the ACR report, the appellant have an excellent services towards his department. **(Copies of the Relevant Documents are attached as annexure B)**
8. That the respondents while deciding the Departmental Appeal with the observations herein mention in the order is based on misrepresentation, nepotism and favoritism, with the following observations as under:

**"However, the Committee unanimously recommend that the Officer having a long length of service be superseded, deferred and not humanitarian on grounds. He is given one year time to improve his performance"**
9. That the appellant has been served with great zeal and zest and there is no complaint against the appellant in his entire service.
10. That the appellant feeling aggrieved from the impugned order dated 06/02/2024 of the respondent No.2, hence approaches this Hon'ble Tribunal inter alia on the following grounds:

**GROUND:**

- A. That the impugned actions and inactions of the respondents are illegal, unlawful, without lawful authority and jurisdiction, liable to be struck down.
- B. That the impugned act of deferring the appellant from promotion is illegal and un-constitutional. Hence the same acts are liable to be declared as such.

- C. That the appellant have been treated in violation of the constitutional spirit.
- D. That the appellant has been discriminated and he is being treated against the law, rules and regulations, thus, deprived of equal protection of law, which is mandated by Article 24/25 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules, while in the instant case the respondents have not yet considered the case of the Appellant, which is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- F. That under the law there is specific provision and procedure for the upgradation, scale and promotion, but the respondents did not followed the same procedure in the instant case.
- G. That it is pertinent to mention here that the Appellant was eligible and entitled for promotion but the respondents had illegally and unlawfully not promoting the service of the Appellant just to favour their blue eyed, which is illegal, unlawful, without lawful authority and is liable to be declared so.
- H. That the order of the respondents is based upon favoritism, nepotism and upon the political pressure.
- I. That the fundamental rights of the Appellant has blatantly violated by the Respondents and the Appellant has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- J. That the Appellant is not treated in accordance with law, rules and Regulations.

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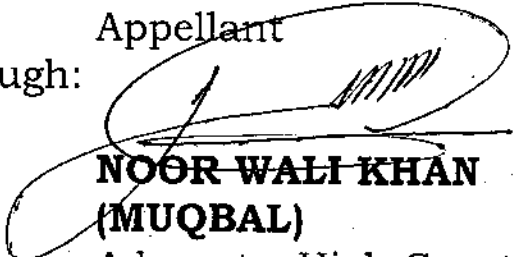
K. That the Appellant was appointed according to rules and on adopted procedure by the respondents and after his appointments he has never ever given an opportunity of any complaint to the respondents and performed his duties with full devotions, the Appellant being eligible for Promotion being most Senior employee of the Respondents Department.

L. That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

**PRAYER:-**

It is, therefore, most humbly prayed that, On acceptance of this Service Appeal, the impugned Order dated 20.12.2023 and 06.02.2024 issued by the respondent No 2 may kindly be set aside and the appellant may kindly be promoted from BPS-16 to BPS-17 as per his service record /career.

Any other relief, not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Appellant  
Through:   
**NOOR WALI KHAN**  
**(MUQBAL)**  
Advocate, High Court  
Peshawar

**CERTIFICATE:**

It is certified that no such like Appeal has earlier been filed before this Hon'ble Tribunal.

**DEPONENT**

**BEFORE THE HONORABLE SERVICE TRIBUNAL,**  
**KHYBER PAKHTUNKHWA PESHAWAR**

Amended Service Appeal No \_\_\_\_\_/2024

**Muhammad Naeem.....Appellant**

**VERSUS**

**IGP, KPK & others.....Respondents**

**AFFIDAVIT**

I, Muhammad Naeem Khan (Belt No. P/379) Inspector (BS-16), Acting DSP Mardan, Khyber Pakhtunkhwa Police, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Amended Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



20-10-24

*[Handwritten signature]*

**DEPONENT**



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## بخدمت جناب انسپکٹر جنرل آف پولیس صوبہ خیبر پختونخوا

عنوان۔ درخواست بمراد حصول پروموشن

جناب عالی!

استدعا کی جاتی ہے کہ سائل ذیل معروض خدمت ہوں۔

۱ سائل ایڈوائس کورس کو ایفائیڈ ہے۔

۲ سائل کے تمام ACR سینڈنگ آرڈر کے مطابق تمام کوائف پورے ہیں۔

۳ سائل نے گزشتہ پانچ سال بحیثیت سیکورٹی انچارج وزیر اعلیٰ آفس میں ڈیوٹی نہایت خوش اسلوبی اور حکمت عملی سے ادا کیا ہے۔

۴ گزشتہ پانچ سال میں سائل کی کوئی Bad ACR نہیں ہیں۔

۵ چونکہ سائل حال DSP پروموشن کے DPC میں اس وجہ سے ڈیفرف ہوا کہ سائل نے پانچ سال سپیشل برانچ میں VIP ڈیوٹی کے دوران

گزارے ہیں۔

لہذا آپ صاحبان سے بذریعہ درخواست ہے کہ برائے مہربانی کر کے سائل کو DSP رینک میں پروموشن دلوا کر منگور فرمائیں۔

سائل تاحیات دعا گو رہیگا۔

نوٹ:- Best performance سائل نے مسلسل حاصل کیا ہے۔

29-12-2023

العارض



انسپکٹر محمد نعیم خان نمبر P/379 متعینہ Awaiting Post CPO پشاور

ATTESTED



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

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No. CPO/CPB/ 33

Dated Peshawar 6 February, 2024.

To: Mr. Muhammad Nacem Khan No. P/379,  
Inspector (BS-16)  
Acting DSP Mardan.

Subject: DEPARTMENTAL SELECTION COMMITTEE DATED 20.12.2023

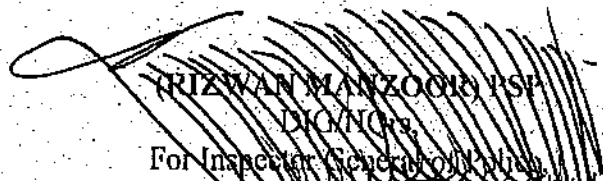
Memo: Your case for promotion to the rank of Deputy Superintendent of Police (BS-17) was discussed in the Departmental Selection Committee meeting held on 20.12.2023. The recommendations of the DSB are given as under:-

*"Quantification with respect to PERs/ACRs and Junior Command Course stood at 60.76 marks whereas Board members unanimously awarded him 02 marks out of 30 marks while keeping in view his Professional Expertise, quality of work and output, experience in Training, Operations, Investigation, his Leadership traits, conduct, discipline, Integrity and general reputation (financial, professional and ethical). On cumulative basis he scored 62.76 Marks as per Standing Order No. 03/2022.*

*The officer has failed to achieve the requisite score of 65 for promotion to the rank of DSP as per Standing Order No. 03/2022. His case is fit for supersession. The Committee members are of the view that his variety of experience is missing. He is to be assigned field posting."*

*However, the Committee unanimously recommended that the Officer having a long length of service be deferred and not superseded, on humanitarian grounds. He is given one year time to improve his performance.*

Through this Letter you are being conveyed to improve your performance in terms of qualitative and quantitative aspects and earn good PERs which may support your consideration for promotion after one year's time.

  
RIZWAN MANZOOR PSP  
DIO/NO-3  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

Endst: No. and dated even

- Copy of above is forwarded for information to the:-
1. Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
  2. Regional Police Officer, Mardan Region.
  3. Assistant Inspector General of Police, Legal Khyber Pakhtunkhwa.
  4. PSO to Inspector General of Police, Khyber Pakhtunkhwa.
  5. Office Superintendent Secret & Establishment-I CPO Peshawar.

ATTESTED

CHARACTER AND SERVICE ROLL OF

Mohammad Naeem

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Matrillary No. ( ) is  
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Ditto ( ) in

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Annex B

Name	Father's Name	Tribe or caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
Mohammad Naeem	Sabirullah	Afghan	Aza Khalil Poon	N. S.R. Baddon	do	Peshawar	N.W.F.P.	1-12-1966	5' 7"	37 1/2"	2-9-1987	20-9	

Verification Roll No. \_\_\_\_\_ dated \_\_\_\_\_ received back and attached to the Fauji Misal

Government Service prior to present employment, which is approved for pension service.

Service or department	Rank or grade	Pay of last Appointment	From	To	PERIOD		
					Year	Months	Days
Cause of and character of discharge from above service.					Reference to orders approving above service for pension service in the Police Department.		
SR, SUPDT OF POLICE PESHAWAR							

Agreement:—I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are governed, has been explained to me. I agree to serve faithfully under the provision of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1861).

Signature.

Roll impression of fingers and thumb of left hand.

Left Little	Left ring	Left middle	Left index	Left thumb

APPROVED



ATTESTED

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**POLICE DEPARTMENT**

**K.P.K. POLICE**

Annual Confidential Reports on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending **01.01.2018 TO 31.12.2018.**

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Name, Provincial or Range No. Rank and Grade	SI MUHAMMAD NAEEM NO. P/379
Father's Name	
Where and on what duties employed during the past 12 months.	CM SECTT:
Class of Superintendent of Police's Report, i.e. "A" or "B"	A
Is he honest?	NO Complaint
Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector of Police	<u>01.01.2018 TO 25.04.2018</u> <i>Hard working police officer Fit for promotion</i>
<i>18.04.2014 TO 31.08.2018</i>	
<i>(MUHAMMAD TAHIR)PSP</i> Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.	<i>(KHAN AKBAR AFRIDI)</i> Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.
	<u>26.04.2018 TO 31.12.2018</u> <i>A Hard working Police officer.</i>
	<i>(MUHAMMAD ASHFAQ)</i> Acting Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.

ATTES

POLICE DEPARTMENT

K.P.K. POLICE

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Annual Confidential Reports on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 01.01.2019 TO 31.12.2019.

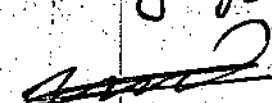
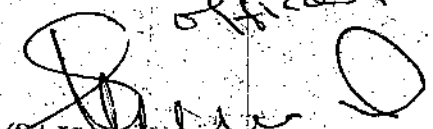
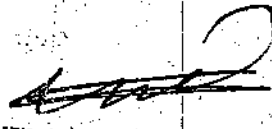
Name, Provincial or Range No. Rank and Grade	INSPECTOR MUHAMMAD NAEEM NO. P/379
Father's Name	
Where and on what duties Employed during the past 12 months.	CM SECT:-
Class of Superintendent of Police's Report, i.e. "A" or "B"	"A"
Is he honest?	"NO Complaint"
Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector General of Police  21.06.2019 TO 31.12.2019	01.01.2019 TO 01.07.2019  A very good Police officer.
<u>Countersigned</u>	<i>Wammi</i> (MUHAMMAD ASHFAQ) Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.
<i>J</i> (QAZI JAMIL-UR-REHMAN) PSP Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.	Agreed <i>Irshad</i> (MUHAMMAD IRSHAD) Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.


*IRSHAD*


**POLICE DEPARTMENT**

**K.P.K. POLICE**

Annual Confidential Reports on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 01.01.2020 TO 31.12.2020.

Name, Provincial or Range No. Rank and Grade	INSPECTOR MUHAMMAD NAEEM NO. P/379
Father's Name	
Where and on what duties Employed during the past 12 months.	CM SECTT:-
Class of Superintendent of Police's Report, i.e. "A" or "B"	'A'
Is he honest?	
Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector General of Police	<i>No comments</i> <u>01.01.2020 TO 20.04.2020</u> <i>An efficient &amp; hard-working police officer.</i>  (MUHAMMAD IRSHAD) Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.
<u>07.10.2020 TO 31.12.2020</u> Period is less than three months, hence no Comments.	<u>21.04.2020 TO 08.09.2020</u> <i>(A) Hard working police officer.</i>  (SAJJAD AHMAD SAHIB ZADA) Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.
<u>19.02.2020 TO 21.10.2020</u> <u>Countersigned</u>	<u>09.09.2020 TO 06.10.2020</u> Period is less than three months, hence no Comments.  (MUHAMMAD IRSHAD) Superintendent of Police Security, Special Branch, Khyber Pakhtunkhwa, Peshawar.

  
(IRTIKHAR SHAH)  
Acting Superintendent of Police Security,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.

  
(AKHTAR HAYAT KHAN) DSP  
Deputy Inspector General of Police,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.

ATTESTED



**POLICE DEPARTMENT**

**K.P.K. POLICE**

Annual Confidential Reports on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending **01.01.2021 TO 31.12.2021.**

Name, Provincial or Range No. Rank and Grade	INSPECTOR MUHAMMAD NAEEM NO.P/379
Father's Name	Sakeen Ullah.
Where and on what duties Employed during the past 12 months.	CM CECTT;
Class of Superintendent of Police's Report, i.e. "A" or "B"	"A"
Is he honest?	NO Complaints
Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector General of Police	A hard-working and dedicated police officer

**Countersigned Officer**



**(MUHAMMAD IJAZ KHAN) PSP**  
Deputy Inspector General of Police,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.



**(JETTIKHAR SHAH)**  
Superintendent of Police, Security,  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.

**ATTESTED**

POLICE DEPARTMENT

15  
K.P.K. POLICE

Annual Confidential Reports on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 01.01.2022 TO 31.12.2022.

Name, Provincial or Range No. Rank and Grade	INSPECTOR MUHAMMAD NAEEM P/379
Father's Name	
Where and on what duties employed during the past 12 months.	CM SECTT;
Class of Superintendent of Police's Report, i.e. "A" or "B"	"A"
Is he honest?	No Complaints
Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector General of Police	A hard-working and police officer
<p><b>Countersigned Officer</b> <u>27.02.2022 TO 31.12.2022</u></p> <p><i>Ignu</i></p> <p><i>(SAQIB ISMAIL MEMON) PSP</i> Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.</p>	<p><i>(IFTEKHAR SHAH)</i> Superintendent of Police, Security Special Branch, Khyber Pakhtunkhwa, Peshawar.</p> <p><b>ATTESTED</b></p>

425/2024 (Mr. Naeem Khan vs Police Deptt)

25<sup>th</sup> July, 2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, District for the respondents present.

2. Learned counsel for the appellant submitted an application for amendments in memo and grounds of appeal. Application is allowed. He may do so within 10 days. To come up for amendment of appeal as well as arguments on 31.10.2024 before D.B. P.P given to the parties.

(Aurangzeb Khattak)  
Member (J)

(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

30/10/24  
30/10/24

Khyber Pakhtunkhwa State Tribunal, Peshawar  
Application No. 4000  
Name of Petitioner: Pinner  
Number of Pages: 1-10  
Copying Fee: 5/-  
Urgent Order: 5/10  
Total: 5/10  
Name & Signature: [Signature]  
Date: 30/10/23

