

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No.924/2024.**

Muhammad Jamshed SI No. 241/K ..... Appellant.


**VERSUS**

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar..... Respondent.

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DEPONENT

  
SP/ Courts & Litigation,  
CPO, Peshawar

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

Service Appeal No.924/2024

Muhammad Jamshed (SI No. 241/K)..... (Appellant)

Versus

Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

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

Respectfully Sheweth:-

**PRELIMINARY OBJECTIONS:-**

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

**FACTS**

As per report received from OS/ CPB, CPO, Peshawar the factual position of the case is as under;

1. Para pertains to personal information of the appellant, needs no comments.
2. Para to the extent of initial appointment as Constable on 01.03.1999 pertains to record, needs no comments while rest of the para is not plausible because every Police officer after appointment has to undergo the requisite Probation period coupled with other mandatory criteria gets confirmed and subsequently promoted in the next higher rank as per Rules in vogue.
3. Para to the extent of issuance of seniority list dated 24.01.2024 of confirmed SIs on list 'F' is correct, needs no comments while rest of the para is not related.
4. As per report of concerned branch, CPB, CPO a DPC meeting was held on 25.01.2024 to discuss the cases of confirmed SIs already on list 'F' for promotion to the next higher rank as Offg: Inspectors wherein the name of the appellant was discussed at Sr. No. 27. The DPC examined the case of the appellant and deferred him from promotion for the reason that he failed to serve in a Unit for 01 year being mandatory for promotion to the rank of Offg: Inspector as enunciated in Standing Order No. 21/2014. Furthermore, Standing Order ibid is clear regarding the mandatory period for promotion of Sub Inspectors to the rank of Inspectors. Hence on this ground the instant Service Appeal is liable to be set at naught because promotion in Police department always carried out on

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 17658

Dated 06-11-24

the basis of fulfillment of requisite criteria, eligibility and seniority-cum-fitness. Hence, stance taken by the appellant is totally bereft of any substance.

5. As already explained above that the appellant was deferred from promotion as he failed to serve in a Unit for 01 year being mandatory for promotion to the rank of Offg: Inspector as enunciated in Standing Order No. 21/2014. Furthermore, Standing Order ibid is clear regarding the mandatory period for promotion of Sub Inspectors to the rank of Inspectors. Moreover, the departmental appeal allegedly filed by the appellant as per record of this office is not traceable.
6. Correct to the extent of Letter No. 58-70/E-III dated 22.03.2024 because the appellant did not fulfill the requisite criteria for promotion as already explained above that the appellant was deferred from promotion as he failed to serve in a Unit for 01 year being mandatory for promotion to the rank of Offg: Inspector as enunciated in Standing Order No. 21/2014. Furthermore, Standing Order ibid is clear regarding the mandatory period for promotion of Sub Inspectors to the rank of Inspectors.
7. Incorrect and misleading. The appellant is not aggrieved by anyway, in-fact, he is aggrieved by his own conduct because he badly failed to serve in a Unit for 01 year being mandatory for promotion to the rank of Offg: Inspector as enunciated in Standing Order No. 21/2014. Furthermore, Standing Order ibid is clear regarding the mandatory period for promotion of Sub Inspectors to the rank of Inspectors.
8. Incorrect and misleading. Standing Order No. 21/2014 (Annexure 'A') is very much clear regarding the mandatory period for promotion of Sub Inspector to the rank of Inspector and there is no provision in the Standing order regarding the period spent in FRP.
9. Incorrect and misleading such Amendment in Standing Order No. 21/2014 dated 02.06.2016 issued vide No. 527-627/GB does not hit the confirmation issue of the appellant. Hence, the same is liable to be set at naught.
10. Incorrect and misleading. The appellant is not aggrieved by anyway in-fact, he is aggrieved by his own conduct because he badly failed to serve in a Unit for 01 year as specified for promotion as per Standing Order No. 21/2014. Furthermore, he got no locus standi to file the instant appeal and the same is liable to be dismissed on the following grounds.


#### GROUNDS:

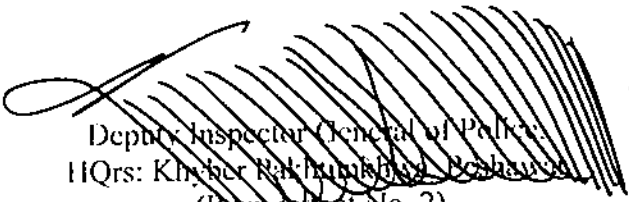
- A. Pertains to personal information and Articles of the Grund Norm, needs no comments.
- B. Incorrect. Plea taken by the appellant is not plausible because the thing has been done in the mode and manner as prescribed by the law/ rules and policy in vogue.
- C. Incorrect. The Promotion Notification along with Letter issued in accordance with law/ rules and policy hence, the same are legal, lawful hence, liable to be maintained.
- D. Incorrect and misleading, as already explained above in Para No. 9 of Facts.
- E. Incorrect. The appellant has not completed other unit period as already explained in detail in the preceding paras.


- F. Incorrect and misleading. The Promotion notification issued is quite in accordance with law/ rules and policy in vogue hence, no need to modify the same being legal and lawful.
- G. Incorrect and misleading. Stance taken by the appellant is totally bereft of merits and substance.
- II. Incorrect and misleading. As already explained in detail in the preceding paras.
1. That the respondents may also be allowed to raise additional grounds at the time of argument of appeal.

**PRAYERS:-**

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

  
31/10/24  
Registrar,  
CPO, Peshawar  
(Respondent No. 3)  
(AFSAR IAN)  
Incumbent

  
Deputy Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 2)  
(RIZWAN MANZOOR) PSP  
Incumbent

  
DIG/ Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)  
(DR. MUHAMMAD AKHTAR ABBAS) PSP  
Incumbent

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

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Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

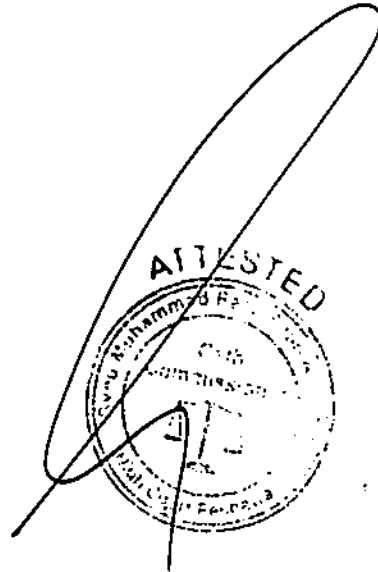
**AFFIDAVIT**

I, Afsar Jan, Registrar, Central Police Office, Peshawar do hereby solemnly affirm on oath that the contents of accompanying Para-wise Comments are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that in this Service Appeal, the answering respondent has neither been placed ex-parte nor his defense is struck off.

*Afsar Jan*  
31/10/24

Registrar,  
CPO, Peshawar  
(Respondent No. 3)  
(AFSAR JAN)  
Incumbent



04 NOV 2024

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**PESHAWAR**

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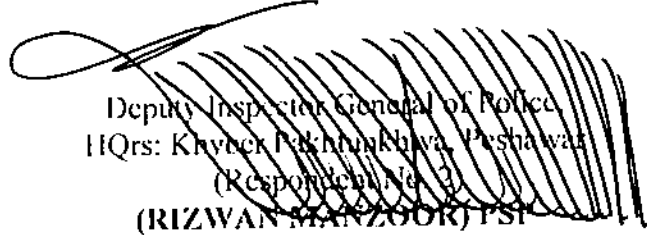
Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

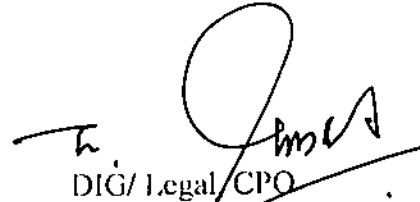
**AUTHORITY LETTER**

Mr. Wisal Ahmad SP/ Courts & Litigation, CPO, Peshawar is authorized to submit Para-wise comments/ reply in the instant Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant case on behalf of respondents

  
31/10/24

Registrar,  
CPO, Peshawar  
(Respondent No. 3)  
(AFSAR JAN)  
Incumbent

  
Deputy Inspector General of Police  
HQs: Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 2)  
(RIZWAN MANZOOR) PSI  
Incumbent

  
DIG/ Legal/CPO

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)  
(DR. MUHAMMAD AKHTAR ABBAS) PSP  
Incumbent



OFFICE OF THE  
THE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

STANDING ORDER NO. 21/2014

Mandatory Tenure for Upper Subordinates in Investigation Branch,  
CTD, Special Branch and Police Training Institutions

This Standing Order is issued under Article 10(3) of Police Order 2002 in pursuance of the Police Policy Board decision taken in its 12<sup>th</sup> meeting held on 9<sup>th</sup> September 2014.

2. Aim:- In order to improve the working of Investigation Branch, Counter Terrorism Department (CTD), Special Branch and the Police training institutions, good officers need be encouraged to work in these branches/units/departments. For this purpose, all upper subordinates may be posted on rotation basis in these branches for specific mandatory tenures.

Specific minimum tenure of upper subordinates in the above-mentioned branches/units/departments needs to be linked with promotion to the next rank.

3. **One-Year Mandatory Tenure for promotion as Inspector:-** An upper subordinate shall not be promoted as Inspector unless, in addition to other requirements, he/she has completed at least one year tenure as ASI or SI, excluding the period spent as long leave, either in the Investigation Branch, CTD, Special Branch or any Police training institution.

4. **One-Year Mandatory Tenure for Promotion as DSP:-** An Inspector shall not be promoted as DSP unless, in addition to other requirements, he/she has completed one year tenure as Inspector, excluding the period of long leave, either in the Investigation Branch, CTD, Special Branch or any Police training institution.

5. This policy shall take effect from 1<sup>st</sup> June 2015. Those officers who have been posted in the branches/units/departments mentioned in Sections 3 and 4 above but have not completed the requisite tenure till 1<sup>st</sup> June 2015 shall be considered for promotion but will be confirmed in the respective ranks only after completing the mandatory tenures.

6. In case of posting in the Investigation Branch, one-month orientation training shall be given to those officers who have not served in the Investigation Branch before. The orientation training shall include the following components:

- Preservation of Crime Scene (Including preservation through photography);
- Collection of Evidence from the Crime Scene;
- Preparation of Case File;
- Cellular Forensics.

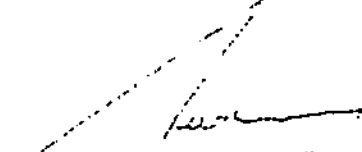
7. In accordance with Standing Order No. 6/2014, "period spent in the Investigation Branch by a Sub Inspector as Officer in Charge Investigation of Police Station shall be considered as holding an independent charge of Police Station, one year of such charge

being sufficient for confirmation as Sub Inspector in the substantive rank". This provision shall stand intact.

8. In accordance with Standing Order No.6/2007, for the purpose of promotion as Inspector, three-years posting in Investigation Branch is deemed equivalent to one year posting as SHO. Now onwards, for the same purpose, two-years posting in Investigation Branch shall be deemed equivalent to one-year posting as SHO. Standing Order No. 6/2007 shall stand amended accordingly.

9. **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.


10. **Amendment:-** All previous Standing Orders on the subject, to the extent of the provisions of this order, shall stand amended.

  
(NASIR KHAN DURRANI)  
Provincial Police Officer  
Khyber Pakhtunkhwa  
Peshawar

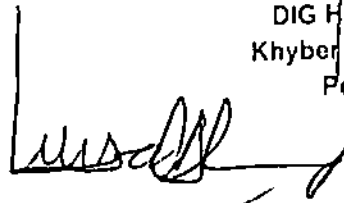
No:- 1443-1517/GB dated Peshawar the 5<sup>th</sup> November 2014

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.

  
(MUBARAK ZEB) PSP  
DIG Headquarters  
Khyber Pakhtunkhwa  
Peshawar

13C(101/2)

  
Allested.