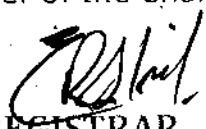


Form-A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Restoration Application No. 1327/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	04.11.2024	<p>The application for Service Tribunal No. 2072/2023 submitted today by Mr. Abdur Rahim Jadoon Advocate. It is fixed for hearing before Division Bench at Peshawar on 08.11.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman,</p> <p> REGISTRAR</p>

①

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

Restoration Application No. 1327 of 2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17558

In Service Appeal No. 2072 of 2023

Dated 04/11/24

**Shakil Ahmed SP Training CPO**  
Presently posted as DSP Security Kohat

.....Applicant/Appellant

*Versus*

1. Govt of Khyber Pakhtunkhwa  
Through Chief Secretary,  
KP Civil Secretariat Peshawar.
2. Inspector General of Police  
CPO Police Line Peshawar.
3. Capital Police Officer,  
CPO Police Line Peshawar.
4. Commandant FRP, Peshawar.

.....Respondents/Contemnors

**APPLICATION FOR RESTORATION OF SERVICE**  
**APPEAL DISMISSED FOR NON PROSECUTION ON**  
**21.10.2024**

The Applicant/ Appellant very humbly submits as under:-

- 1) That the above titled Service Appeal was lastly fixed on 21.10.2024 Before the Honorable Divisional Bench Comprising of Mr. Kalim Arshad Khan & Ms. Fareeha Paul which was dismissed due to non prosecution upon the same date.

(Attested Copy of Application along with order is annexed)

- 2) That upon the last date of hearing i.e 08.10.2024 when the case got adjourned the reader of the court informed the Applicant/Appellant that his cases got adjourned for 22.11.2024 along with other connected cases.
- 3) That the Applicant/Appellant came into knowledge of the Dismissal of Application in default through another Appellant of the connected cases thus he rushed to the court and there he was informed that his

Application for implementation was fixed on 21.10.2024 and has been dismissed due to non-prosecution. (2)

4) That it is pertinent to mention here that it is clearly reflected from the cause list of 08.10.2024 & 21.10.2024 the reader has not mentioned any date in front of the Application No.795/2023 & the reader of this court has tampered the date mentioned as 22.11.2024 to 21.10.2024.

(Copy of Cause List is annexed)

5) That the absence of the applicant was neither willful nor contumacious, but due to above mentioned reasons.

6) That the application is well within time and there is no impediment in restoration of the case in hand.

It is therefore, most humbly prayed that on acceptance of this application the Service Appeal may kindly be restored to its original number and proceeded in accordance with law. Any other remedy not specifically asked for may also be granted if deemed Just, fit and appropriate in the circumstance of the case.

### APPLICANT

Through

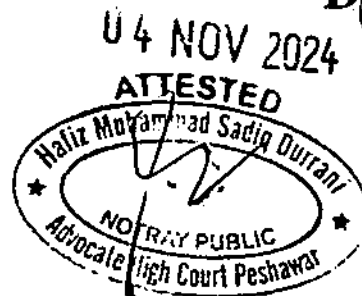


Abdul Rahim Khan Jadoon,  
Advocate, Peshawar

### Verification

It is hereby solemnly verified on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed from this Honorable Court.

Deponent





BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR

Service Appeal No. 2072 /2023

1. Shakil Ahmed  
SP Training, CPO Peshawar

..... Appellant

Versus

1. Govt of Khyber Pakhtunkhwa  
Through Chief Secretary,  
KP Civil Secretariate Peshawar

2. Inspector General of Police,  
CPO Police Lines Peshawar

3. Capital Police Officer,  
CPO Police Lines Peshawar

4. Commandant FRP  
Peshawar

..... Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT,  
1974 AGAINST THE IMPUGNED LETTER DATED  
11.03.2023, 12.03.2023 AND OFFICE ORDERS OF  
DEMOTION DATED 16.03.2023 AND ANY  
SUBSEQUENT PROCEEDINGS OR ORDERS  
EMANATING/ARISING THEREFROM AND IN THE  
LIGHT OF JUDGMENT OF PESHAWAR HIGH COURT  
PESHAWAR IN THE WRIT PETITION W.P # 1289-P OF  
2023 DATED 29.08.2023.

*May it please this honorable Tribunal:*

The Appellant very earnestly craves permission to plead his case and seeks for the solace of his grievance from this Honorable Court, as follows:

ATTESTED

Facts leading to this Appeal:

1. That the Appellant is a law-abiding citizen of Pakistan and have every legal and constitutional rights duly protected under law of the land. It is worth placing on record that since his appointment, Appellant have not given a chance of even a minor complaint to his high ups and since then he's performing his duties with zeal and dedication.
2. That the Appellant initially appointed in FRP Police Department as Constable on 27.04.1995 thereafter as prescribed by rules, the Appellant qualified the A-1 and B-2 Exams on 14.01.1999 and 02.04.2001 respectively which are pre-conditions for the Lower School Course and the Appellant was promoted to the rank of HC (Head Constable) on 14.12.2001 vide Order No. 6531-40/OSI dated 16.09.2004 duly approved and signed by the hand of Commandant FRP Police Khyber Pakhtrunkhwa.  
(Copy of the Appointment letter is Annexure "A")
3. That before reporting the facts of the Appellant it would be pertinent to make it clear that according to Para-5 of Standing Order No.01/2006 i.e.  
"Criteria for promotion to the rank of ASI  
(As the nature of duties of ASI's is that of staff Office, thereafter, those C-1 head Constable who have completed their tenure in the rank of HC may be promoted to the rank of ASI for a period of two years, if the Commandant FRP, intends to grant extension beyond two years. The officer be reverted and promoted again for further period of two years so Police rules 13-18 is not Violated, however, further extension may not be granted)"
4. That in the year 2009, after skimming of the service record and performance the Appellant was selected for the Intermediate College Course by the Commandant FRP Police, Khyber Pakhtrunkhwa which was successfully completed by the Appellant whereafter the appellant was promoted to the Rank of officiating Sub-Inspector vide office Order No.673-77/EC dated 29.01.2009.

ATTESTED

Khyber Pakhtrunkhwa  
Service Tribunal  
Peshawar

5. That subsequently the Appellant was confirmed to the rank of ASI vide order No. 5590-91/EC dated 30.07.2010 and was placed on "E" list with effect from 01.07.2010 as per Police Rules 13.18. Thereafter once again after scanning of the service record and performance, the Appellant was selected for the Upper College Course vide Order No. 9675-86 dated 01.10.2011 with effect from 01.10.2011 at Police Training College, Hangu and qualified the same successfully.

6. That it is worth placing on record that the competent authorities confirmed the colleagues of the Appellant in the rank of Sub-Inspector and denied the Confirmation of Appellant vide CPO letter No.21538/E-II dated 12.11.2012.

7. That while felt aggrieved from the *ibid* order, the Appellant assailed the same before this honorable Service Tribunal vide Service Appeal No. 1264/2012 which was accepted by this honorable Service Tribunal on 31.01.2013. The operating part of the judgment is reproduced for facility of ease as follow.

"In view of the above, the Appeal is accepted the Impugned Order is set aside and the Respondent is directed to confirm the appellant as Sub- Inspector W.e.f 01.07.2010 as per rule 13.18 of Police Rules 1934. Parties are left to bear their own cost, file be consigned to the record."

8. That on other hand the AIG-LEGAL on behalf of PPO wrote a letter No.482-83/legal dated 04.03.2013 to Secretary Home & T.As for placing the matter before law department and to seek their concurrence for filing of CPLA before the Apex Supreme Court of Pakistan. Subsequently the matter was placed before the Scrutiny Committee which was headed by the worthy Secretary law in its meeting held on 22.03.2013 which was attended by the then (I) Additional Advocate General Mr. Iqbal Jan Khattak (II) S.O (Court) Home & T.As Deptt. Mr. Usman Zaman (III) DSP Legal, CPO. Mian Imtiaz Gul (IV) Dy Solicitor, Law Deptt. Mr. Shakeel Asghar. Decision of the meeting is reproduced herein below as follows:

"when the case came up for discussion before the Committee an after threadbare discussion it was decided with consensus that it was not a fit case for filing of CPLA in the Supreme Court of Pakistan due to following reasons;

ATTESTED  
M. M. KHAN  
Member Pakistan  
Service Tribunal  
Faisalabad

That there was nothing on record to show that appellant was incapable and intentionally avoiding posting as SHO, rather it was the discretion of department authority to post him (Appellant) as SHO for which appellant cannot be held responsible. (4)

Hence it was decided with Consensus that depriving appellant of his due right without any convincing grounds was not justifiable in law and such kind of attitude always discourage by the Superior Courts."

The *ibid* decision of the Scrutiny Committee was communicated to Secretary Home & T.As vide Letter No. Lit/LD/9-13(12)Home/2013/4569-73 dated 26.03.2013 and routed the same to AIG (Legal) Vide Covering letter No. S.O(Courts)/HD/6-1/Misc/13 dated 26.03.2013. The Judgment of the Honorable Service Tribunal thus attained finality and cannot be later disturbed or overturned in garb of lame excuses or pretexts.

(Copy of the excerpt of the minutes of the meeting dated 22/03/2013 annexed as Annexure "B")

9. That, based on the *ibid* letter, AIG/Legal made a request on behalf of PPO to the Commandant Frontier Reserve Police (FRP) Khyber on 27.03.20213 vide letter No. 724/Legal wherein they have requested for implementation of the judgment so rendered by this honorable Service Tribunal.

(Copy of the AIG/Legal request to Commandant FRP is Annexed as Annexure "C")

10. That resultantly the competent authority i.e. Commandant FRP vide notification No 2291/EC dated 28.03.2013 has complied with the *ibid* Judgment dated 31.01.2013 of this honorable Service Tribunal and confirmed the Appellant (Shakeel Ahmad No.175) in the rank of Sub-Inspector w.e.f 01.07.2010. Thereafter another Notification No.2802-3/EC dated 18.04.2013 was issued wherein the Appellant was allotted with new number P/01.

(Copy of compliance by Commandment FRP dated 28.03.2013 is annexed as Annexure "D")

(Copy of the allotment of new number is Annexed as Annexure "E")

11. That afterwards vide letter No 2315/E dated 29.03.2013 the Appellant was recommended for promotion to List "F" wherein it was further stated that the

ATTESTED

Attested by  
Attested by  
Service Tribunal  
Peshawar

Appellant name be placed in list "F" w.e.f 01.07.2010 as per the judgment of this honorable Tribunal. Resultantly meeting of DPC was conducted on 06.05.2013 under the chairmanship of (I) Mr. Khalid Masood, Addl. I.G of Police HQ's (II) Mr. Awal Khan, Deputy I.G of Police, HQ's (III) Mr. Asif Zafar Cheema, Deputy I.G of Police, Investigation/HQ's (IV) Mr. Muhammad Fayaz Khan, Assistant I.G.P of Police, Legal, CPO Peshawar who have considered the ibid recommendation and the same was notified vide notification No. 10764/E-II dated 09.05.2013

(Copy of the recommendation 29.03.2013 is annexed as Annexure "F")

(Copy of the DPC 06.05.2013 meeting and subsequent Notification 09.05.2013 are annexed as Annexure "G")

12. That AIG/Establishment for PPO vide letter No.370-90/E-II dated 09.05.2014 has issued the Seniority List of Inspector/Sub-Inspector on List "F" of Khyber Pakhtunkhwa wherein the Appellant name is reflected at S.No. "75" of the list.

(Copy of the seniority list is annexed as Annexure "H")

13. That after the issuance of the ibid list, the appellant took a sigh of relief but most unfortunately once again the seniority of the Appellant was disturbed by Respondents against which the Appellant submitted applications for the correction in the said list on dated 31.01.2017 & 09.08.2017 whereafter the appellant waited for considerable length of time but the Respondents haven't passed any order thus the appellant while had no other option but to assail the same before this honorable Tribunal thus the aforesaid act of Respondents was challenged vide Service Appeal No. 626/2018 before this honorable Forum for solace of his grievance, which was allowed vide judgment and order dated 13.02.2019 wherein it was held as follows:

"In view of the above, the appeal in hand is allowed in terms that the appellant be extended all back benefits including his original position in seniority as stood before his compulsory retirement also provide through order dated 07.08.2017 passed by Respondent No.2. He shall also be entitled for consideration for promotion in accordance with law."

14. That the Respondents while felt aggrieved of the Judgment and Order dated 13.02.2019 of this honorable Forum preferred to file CPLA before the Apex Supreme Court of Pakistan and the SP/Court & Litigation on behalf of PPO vide letter No 767/legal/CPO dated 18.02.2019 requested the worthy Secretary Home & TAs to approach the Law Department for lodging CPLA before the Honorable Supreme

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



Court of Pakistan against the judgment of this honorable Forum supra mentioned. when the C.P 223-P of 2019 came up for hearing before Honorable Supreme Court of Pakistan on 09.10.2020 the Honorable Supreme Court of Pakistan passed an order for dismissed as withdrawn. Thus the Judgment of the Tribunal 13.02.2019 also attained finality and is now beyond reproach. (6)

15. That in the meantime on 01.07.2019 the Departmental Selection Committee was held at Conference Room-II of CPO, Peshawar wherein the worthy DSC has considered the Appellant case for promotion and recommended him for promotion as follows:

I. Insp; Shakeel Ahmad is recommended for confirmation in the rank of inspector w.e.f 01.07.2012. His seniority may be fixed along with his colleagues.

II. Promotion case of Inspector Shakeel Ahmad to the rank of DSP will be considered after Qualifying Advance Course. Advance Course is requirement of Police Rules 13-16(A), while cannot be exempted.

III. The two (02) years period spent in FRP in the rank of inspector shall be considered as mandatory period as specified in the Standing Order No.21/2014 and amended Police Rules 13-16(A)

IV. Promotion to the rank of DSP is subject to mandatory period spent which the applicant has already done. However, Qualification of Advance Course is left for which the name of applicant may be recommended in the immediate course"

16. That in compliance to the Judgment of this Honorable Service Tribunal Khyber Pakhtunkhwa, the Appellant was confirmed in the rank of Inspector W.e.f 01.07.2012 and placed in seniority list of inspectors at serial No.02 below the name of inspector Said Khan No. K/221 vide Notification No. CPO/E-II/Confirmation dated 27.08.2019.

(Copy of seniority list annexed as Annexure "T")

17. That thereafter the Appellant was nominated along with many others for 10<sup>th</sup> Advance Course vide letter No. 5308/Trg dated 05.07.2019. Resultantly the appellant attended the advance course and qualified the same successfully with flying colors. Thereafter the Appellant was promoted to the post of DSP (BPS-17) vide Notification No. CPO/E-I/Promotion/1723 dated 30.12.2019 by the then IGP Khyber Pakhtunkhwa

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

and Appellant was placed in seniority of DSP at S.No 120 issued Vide No.840/SE-I dated 30.04.2020.

18. That since his justified promotion the appellant kept performing his duties with zeal and dedication but to the utmost dismay of the appellant his seniority was once again revised vide No.1355/SE-I dated 28.06.2022 wherein the Appellant was placed on S.No. 184 without any cogent and justified reason which act on part of the Respondents is once again sheer violation of the rules etc.

(Copy of revised seniority list annexed as Annexure "J")

19. That, in the meantime, Appellant was selected for 7<sup>th</sup> Junior Command Course vide letter No.8769/Trg dated 09.11.2021 but dropped from the said course due to some official assignment however later IGP vide letter dated 05.07.2022 has sought for information regarding the status of the Appellant. In response whereof the Commandant FRP has furnished his reply vide letter No. 5570/EC dated 07.07.2022 and has categorically confirmed the status of the Appellant that his case does not fall in that of "out of turn" whereafter he was nominated for 8<sup>th</sup> Junior Common Course vide CPO letter No. 12347/Trg dated 24.10.2022.

(Copy of 8<sup>th</sup> Junior Common Course letter No. 12347/Trg dated 24.10.2022 as Annexure "K")

(Copy of reply vide letter No. 5570/EC dated 07.07.2022 is annexed as Annexure "L")

(copy of 7<sup>th</sup> Junior Command Course vide letter No.8769/Trg dated 09.11.2021 is annexed as annexure "M")

20. That it is pertinent to place on record that earlier in response to CPO letter No. CPO/CPB/472 dated 10.12.2021. the commandant FRP has replied that "before the promulgation of standing Order No.01/2014 FRP has its own hierarchy in seniority, promotion in the lower ranks and allotted quota seats for selection of various like distt; police by the competent authority. The promotion list A,B,C,D and E were also maintained according to Police Rules in the office of Commandant FRP KP. The eligible and qualified officials promoted step by step on the sanction strengths seats.

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[Stamp]  
[Signature]  
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21. That it is also important to place on record that CCPO Peshawar has also declared thrice vide letter No. 4521/EC-I dated 26.11.2021, No. 7434/EC-I dated 13.04.2022 & 4649/EC-I dated 12.03.2023 that Appellant has never served under CCPO Peshawar. In addition, AIG legal CPO vid his office letter No. 11529/legal dated 08.12.2021 has stated that since establishment of FAR renamed as FRP, it has own hierarchy in seniority, promotion in the junior ranks. Selection for course on quota of seats of different courses to the said organization allotted by the Competent Authority and seniority of promotions lists ABCD & E were also maintained like district Police till Promulgation of standing Order No.01/2014 FRP.

(Copy letter No. 4521/EC-I dated 26.11.2021 is annexed as Annexure "O")

(Copy of letter No. 7434/EC-I dated 13.04.2022 is annexed as Annexure "P")

(Copy of letter No 4649/EC-I dated 12.03.2023 is annexed as Annexure "Q")

(Copy of the letter No.11529/legal dated 08.12.2021 is annexed as annexure "R")


22. That at the cost of repetition it is submitted before this honorable Tribunal that since initial appointment of the Appellant, he was at FRP (Frontier Reserve Police), where there is no case of Gallantry, cadetship, out of turn promotion, etc, because each and every aspect of the FRP(Frontier Reserve Police), as per history given below, differs the case of Appellant from those who are hit by the Judgment of the Honorable Apex Court passed in out of turn Promotion cases.

23. That Archival background is that, In the year 1988, the Homes & Tribal Affair Department created as force Armed Reserve Police Force (ARP), which consisted of the Following Units

- i. Additional Police.
- ii. Special Police Levy
- iii. PAF Contingent
- iv. Range Reserve Force
- v. Provincial Reserve Armed Platoons
- vi. Frontier Armed Reserve
- vii. Campus Peace Corps UOP
- viii. STF & ATS
- ix. Mounted Police
- x. Standing Guards & Police Escorts.

In Para-5 of the memo it was clarified as follows:

**ATTESTED**

  
Khyber Pakhtunkhwa  
Tribunal  
Peshawar

*"duties and responsibilities of the new set-up will be the same as those of Regular Police elsewhere and service will be governed by the Police Rules or any other Rules applicable to their counterparts in Regular Police."*

(9)

(Copy of Memo Dated 16.01.1988 is Annexure "S")

24. That on 13.03.1988, a Standing Order No 2 of 1988 was issued, wherein the Campus Peace Corp and special police levy along with all arms, ammunition, transport etc were placed under the administrative control the Commandant Frontier Armed Reserve (FAR).

(Copy of the Standing order is Annexure "T")

25. That on 27.02.1991, the Frontier Armed Reserve (FAR) was re-named as Frontier Reserve Police (FRP), by the then I.G KPK and since then this wing of Police Force is continuing as FRP.

(Copy of the IGP's Order is Annexure "U")

26. That on 28.08.1993, a proper Recruitment Policy was issued for the recruitment against newly created posts in the Police Department; wherein the Posts in a Distt; was to be dealt as, *"The Newly created posts of a Distt; Should be filled up from the trained personals of FRP according to seniority, educational qualifications and domicile. The Vacancies Resulting from transfer of FRP Personnel to Distt; Police should be filled up through fresh recruitment in FRP & personnel selected for transfer to Distt; should be allocated to the Distt; of their domicile according to the number of vacancies available in each Distt;."*

(Copy of Recruitment policy is Annexure "V")

27. That to streamline the FRP further, a FRP Standing Order No.1 of 1994 was issued in the year 1994, wherein it was clarified that Police Act 1861 & Police Rules, 1934 or any other Rules and Laws for the Police Officers will be applicable to FRP and the duties and responsibilities of the FRP will be same as that of Regular Police. Similarly, FRP Standing Order No. 2 of 1994 was issued on 31.07.1994, whereby enrolment in FRP was further streamlined and quota for the training in the lower School, intermediate and Upper College was to be fixed by the IGP keeping in view the strength and to cover the promotion of the illiterate staff or failed in promotion lists, a FRP Standing

ATTESTED

*[Signature]*  
Sub-Inspector  
District Police  
Kathmandu

Order No 3 of 1994 was issued in August, 1994. The Standing Order No 3 is not related to the Petitioners.

(Copies of the Standing Orders are Annexure "W" "X" & "Y")

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28. That thereafter, on 19.06.1996, proper seats were allocated to the FRP Personals for the first time for the Lower, intermediate and Upper Courses and the Appellant on their due turn qualifies the said courses and none of them sent to the training by passing any senior eligible colleague

(Copy of seat allocation is annexure "Z")

29. That in the year, 2007 a dispute has arisen whereby the FRP was again declared as a Transit force and that no Constable and head constable can be admitted to D List. That Appellant's colleagues challenged that order in the Peshawar High Court in WP Nos. 1615/2007, 1616/2007 & 1617/2007. These writ petitions were finally heard on 20.03.2008 and the august High Court was kind enough to hold that the FRP is not a Transit Force and the Appellant could not be made junior to the juniors by washing away their more than a decades service in FRP and the case was remitted back to the Police Department to reconsider the matter so that no one be discriminated and deprived from legal rights.

(Copies of order dated 16.02.2007 and judgment dated 20.03.2008 are Annexure "Z-A" & "Z-B" Respectively)

30. That after the Judgment of the August Court dated 20.03.2008, the matter of the FRP personnel was placed before the Committee on 14.05.2008 and the issue was further entrusted to another Committee comprised of DIG Investigation, AIG Legal and Registrar CPO. The said constituted committee considered the issue and submitted its recommendations to the DSC which was convened on 07.05.2009 and the recommendations of the Committee were approved. The Committee recommended as, "The Earlier decision dated 16.02.2007 should not be applied retrospective and all officials of the FRP be given permanent status and may be confirmed in their rank with their colleagues after completing their probation period as per PR 13-18. The benefits received by the officials in the FRP till the decision of DPC and their repatriation to the Distt of their domicile be kept intact so that they should not be deprived of any right as per decision of the Court. Literate officials may be treated as per Police Rules, 1934 and their seniority be fixed in each list on the basis of course undergone and criteria fixed under Police Rules Chapter-13"

(Copies of minutes of the DSC are Annexure "Z-C" & "Z-D" respectively)

ATTESTED

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

31. That after the above decision of DSC, the issue was settled once and for all and the FRP officials (amongst each other) upon repatriation to their Distt; of Domicile, were placed in list D & E with their colleagues of training session in bottom in seniority. While some officials remained posted in FRP and were placed in list A,B,C,D or E according to seniority. Thereafter, the Appellant passed out from his other courses on his turn with their colleagues and got further promotions up to the rank of Inspector & DSP on CPO level. It is once again reiterated that the Appellant was never ever an out of turn promotee, or cadet or promoted on Gallantry services basis in the FRP. (11)

32. That since it was brought into the knowledge of the Appellant that Respondents have issued circulars for reverting the rightful officials under the garb of the apex Court's judgment, against which the Appellant had no remedy but to approach honorable Peshawar High Court while invoking under their writ jurisdiction vide Writ Petition No. 1124-P/2023 which got fixed for first hearing on 30.03.2023. (11)

33. That in the meantime it has been brought into the knowledge of the Appellant that Respondents have proceeded and issued Letters dated 11.03.2023 wherein it was directed that personal hearings be conducted on the very next date i.e. 12.03.2023 of all the concerned police officials in the Khyber Pakhtunkhwa Police Department (including the Appellant) in a misguided attempt to usurp the rights of the Appellant. (11)

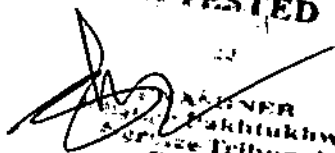
(Copy of the Letter dated 11.03.2023 is Annexure "Z-E")

34. That, subsequently, without affording proper opportunity of hearing and on the basis of a sham, frivolous and fabricated hearings/proceedings conducted of police officials in the Khyber Pakhtunkhwa Police Department across the province in one day, the Respondents issued Letter No. 993/Legal dated 12.03.2023 whereby it was illegally directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed by issuing the requisite withdrawal letters/orders and to share copies of the said withdrawal letter and compliance report with the Police Headquarters on the very next date i.e. 13.03.2023. (11)

(Copy of the letter dated 12.03.2023 is Annexure "Z-F")

35. That subsequent to the letter dated 12.03.2023, Respondents under the garb of Apex Court's judgment and to give undue benefits to their blue-eyed persons have issued impugned Office Orders dated 16.03.2023 whereby the Appellant was illegally demoted

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Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

to the ranks of SI which act on their part was/is highly illegal, unlawful, without lawful authority and thus of no legal effect.

(Copies of the Office Orders Dated 16.03.2023 are Annexure "Z-G")

36. That resultantly the Appellant have withdrawn his earlier Writ Petition No. 1124-P/2023 with permission to file a fresh one as subsequent developments were being done in the matter.

37. That the Appellant being aggrieved of letter dated 11.03.2023, 12.03.2023 and office order of demotion dated 16.03.2023 as the same was wrongfully based on the so-called Judgment(s) of the Apex Court and matter was within the remit of Article 187(3) of the Constitution, bonafidely assailed the same before the Peshawar High Court Peshawar vide W.P 1289-P of 2023 wherein the Honourable Court while acknowledging the prima facie have graciously granted an interim relief on dated whereafter all the petitions were heard by the Divisional Bench of the honorable Peshawar high Court, Peshawar on 21.06.2023 and 22.06.2023 whereafter the judgment was reserved for announcement.

38. That the Honorable Divisional Bench while allowing number of cases on dated 29.08.2023 and while clearly holding that the case of the Appellant is not that of any out-of-turn promotion and thus not hit by the mischief of the Judgment(s) of the Apex Court, has transmitted the Appellant's petition before this honorable Service Tribunal, Peshawar for its decision. Relevant para of the Judgment is reproduced herein below for facility of reference as follows:

"In the instant case petitioner was initially appointed in the FRP as Constable and then gained promotion in the regular police as well as in the FRP after undergoing the requisite Police training in the quota reserved for FRP. The question formulated for consideration of this Court primarily relates to the terms and conditions of service, because apparently, this case is distinguishable from other connected cases as in the instant case promotion order of the petitioner is withdrawn for the reason as it is out of turn and violative of the judgment of the Apex Court, however on going through the same we find that no such issue ever raised in the judgments of the Apex Court referred in respect of out of turn Promotions and in these cases neither the

ATTESTED

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Syed Farhatullah  
Service Tribunal

application/implementation of the judgment of the apex Court is required, besides, such matters was also never referred in the judgment of a larger bench of this Court."

(Copy of the Judgment is annexed as Annexure "Z-H")

39. That after transmission of the ibid Writ Petition, this honorable Service Tribunal the converted Writ Petition into Appeal which was lastly fixed for hearing on dated / /2023 wherein after preliminary hearing the Appeal was admitted for a regular hearing besides an Interim Relief was also granted in favor of the appellant whereas the appellant along with many others were directed by this honorable Tribunal to file separate appeal so as to fulfill the legal lacuna as provided by the service tribunal act or rules.

40. That is worth to place on record that in the meantime the Appellant has filed departmental representation as well before the competent authority on dated / /2023 but most shockingly no order has been made so far on the representation as well.

(Copy of the representation is annexed as Annexure "Z-I")

41. That the Appellant being seriously aggrieved with Letter dated 11.03.2023, Letter No: 993/Legal dated 12.03.2023 and subsequently an office order dated 16.03.2023 whereby the Appellant was illegally demoted to the ranks of SI which acts on their part are highly illegal, unlawful, without lawful authority and thus of no legal effect.

(Copies of the impugned letters are already Annexed As "Z-E, Z-F, Z-G")

42. That the appellant being aggrieved of the ibid impugned letters is filing the appeal in hand as directed by the learned bench of this Honorable Tribunal on the following grounds amongst others :-

### Grounds warranting this Appeal:

a. Because the Honorable Divisional Bench of Peshawar High Court vide its judgment dated 29.08.2023 in para 2 unequivocal hold that the case of Appellant is neither attracted by the judgment of larger bench nor it is attracted by the judgment of apex Supreme Court.

ATTESTED

SECRETARY  
GENERAL  
PESHAWAR HIGH COURT  
PESHAWAR



- b. Because the "impugned proceedings" are totally against the law applicable and principles of justice and amount to colorful exercise of their official's collar under the garb of the judgment of the Apex Court which is not applicable to the Appellant's case at all thus are illegal, unlawful, without lawful authority and thus of no legal effect. (M)
- c. Because the "impugned proceedings" are based on malafide and to create more and more vacancies for their blue-eyed persons under the garb of out of turn promotions etc, which conditions are not applicable to the Appellant.
- d. Because the "impugned proceedings" are arbitrary, whimsical, colorable and are full of malafide. (A)
- e. Because the "impugned proceedings" are aimed at disturbing, overturning and nullifying earlier judicial proceedings and determinations made in favor of the Appellant which have already attained finality and thus cannot be dislodged and/or put to naught in the garb of implementation of some judgments of the Supreme Court, which are totally out-of-context and not relevant to the case of the Appellant, as was duly noted in the Judgment of the Peshawar High Court dated 29.08.2023, which was required by the apex Supreme Court to examine scope of its judgments in matter of out-of-turn promotions. (A)
- f. Because even the AIG Legal, vide his memo dated 08.02.2021 that FRPs officials qualified their promotion courses on their turn and have been promoted from one rank to another as per Police Rules, 1934 and subsequently placed at the bottom of the seniority list of their district thus they do not come under the ambit of out of turn Promotion. But despite that the respondents are maneuvering to revert the Appellant under the garb of Apex Court's judgment with malafide to create more and more vacancies for their blue-eyed persons and to adjust them. (A)

(Copy of AIG Legal is Annexure

Z-J)

ATTESTED

K. J. KHAN  
Khatukhwa  
Tribunal

g. Because the "impugned proceedings/Orders" are in violation of principle of justice, fair play and spirit of Article 2A, 4, 9 10A, 25 and 38 of the Constitution of Islamic Republic of Pakistan.

h. Because the Appellant is being vexed again and again, beside suffering double rather multiple jeopardies.

i. Because the Appellant seek permission to advance other grounds and proofs at the time of hearing.

IT IS THEREFORE very humbly prayed that on acceptance of this Appeal, this Honorable Court may very magnanimously hold, declare and Order :-

- (i) That impugned letters dated 11.03.2023, 12.03.2023 and office orders of demotion dated 16.03.2023 and any subsequent proceedings or orders emanating/arising therefrom (impugned proceedings) are illegal, unlawful, without lawful authority and thus of no legal effect.
- (ii) The respondents be permanently restrained from reverting the Appellant under the garb of Apex Court's Judgment passed in respect of out of turn promotes, which is not applicable to the case of Appellant as there was neither out of turn promotions, cadetship or gallantry service in FRP and the Appellant have got their promotion after completing courses on their turn as per seniority.

Any other relief, in favor of the Petitioner, deemed just and appropriate.

APPELLANT

Through

Shumail Ahmad Butt,  
ASC

And  
Hazrat Bilal Khan,  
Advocate High Court(s)

ATTESTED

EXAMINER  
Punjab, Pakistan  
Punjab, Pakistan  
Punjab, Pakistan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

16

Shakil Ahmed

VERSUS

Government of Khyber Pakhtunkhwa *et al*

Verification

I, Shakeel Ahmad do hereby solemnly Verify that the accompanying Appeal is true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honorable Tribunal.

ATTESTED

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



DEPONENT  
Shakeel Ahmad

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Shakil Ahmed  
versus

(12)

Government of Khyber Pakhtunkhwa *et al*

**APPLICATION FOR CONTINUATION OF ALREADY GRANTED  
INTERIM RELIEF DATED 5/9 /2023 TILL THE FINAL Decision OF  
THE INSTANT APPEAL.**

*May it please this Honorable Court:*

The Applicant/ Appellant very humbly submit as under:

- 1) That the Applicant/ Appellant has filed the above-titled Appeal before this honorable Tribunal today which is fixed for today.
- 2) That the Applicant/ Appellant has got a prima facie case and is very much sanguine of its success.
- AP 3) That balance of convenience has got a clear verge in favor of the applicant/  
INI Appellant. IOE
- 4) That content of the accompanying Appeal may kindly be considered as integral part and parcel of this application.

It is therefore most humbly prayed that on acceptance of this Application the interim relief already granted may kindly be continued till the disposal of main Appeal

September 14, 2023

Applicant/Appellant

Through

Shumail Ahmad Butt  
Advocate Supreme Court of  
Pakistan  
&

H Bilal Khan

Haris Khan  
Advocates High Court(s)

ATTESTED

  
Secretary, Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2023

Shakil Ahmed

VERSUS

Government of Khyber Pakhtunkhwa et al

AFFIDAVIT

I, Shakeel Ahmad do hereby solemnly declare that the accompanying Application is true and correct to the best of my Knowledge and belief and nothing has been concealed from this Honorable Tribunal.

ATTESTED

*[Signature]*  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

*[Signature]*  
DEPONENT  
Shakeel Ahmad

Khyber Pakhtunkhwa Service Tribunal, Peshawar  
Application No. 428 Date 04-11-24  
Name of Applicant Shakil Ahmed  
Number of Words/ Pages 18-p  
Copying Fee 90/-  
Urgent/Ordinary U  
Total 95/-  
Name & Sign of Copyist Shakil Ahmed  
Date of Copying of Copy 04-11-24  
Date of Delivery of Copy 04-11-24



ORDER  
21<sup>st</sup> Oct, 2024

Kalim Arshad Khan, Chairman: Nobody present on behalf of the appellant. Mr. Muhammad Jan, District Attorney for the respondents present.

(19)

2. The case was called several times till last hours of the court but nobody turned up on behalf of the appellant. Therefore, the appeal in hand is dismissed in default. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 21<sup>st</sup> day of October, 2024.*

Certified to be true copy

EXAMINER  
Khyber P. Tribunal  
Service Tribunal  
Peshawar  
01-11-24

(Muhammad Akbar Khan)  
Member(E)

(Kalim Arshad Khan)  
Chairman

\*Advisi Shah, P.A.\*

Khyber Pakhtunkhwa Service Tribunal Peshawar	
Application No.	121
Name of Applicant	Shevaz
Number of Words/Pages	1-P
Copying Fee	5/-
Urgent/Ordinary	5/-
Total	10/-
Name & Sign of Copyist	Zeeesham
Date of Completion	01-11-24
Date of Delivery of Copy	01-11-24

20

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
 LIST OF DB - I CASES FIXED BEFORE MR. KALIM ARSHAD KHAN, CHAIRMAN &  
 MRS. FARIHA PAUL, MEMBER (EXECUTIVE)  
 08/10/2024 (TUESDAY)

23

APPLICATION

S. NO.	APP. No.	SA. No.	Title	Remarks
1	795/2023	2072/2023	SHAKIL AHMED -VS- Police	

ARGUMENTS (GREY CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
1	61	2022	Said Khan -VS- Police	Increment		22-11-24
2	187	2022	MUSARAT SHAH -VS- Live Stock	Back benefits	Muhammad Maaz Madni	19-11-24
3	188	2022	MUNSIF KHAN -VS- E&SE		No Advocate	19-11-24
4	353	2022	Mst. Zaib un Nisa -VS- E&SE	Salary		Defunct
5	660	2022	Inamullah Khan (1) -VS- Police	Demotion		22-11-24
6	1155	2022	QAISAR ZAMAN (2) -VS- P.H.E	Increases Promotion	AKHTAR ILYAS	11/11/24
7	309	2023	WAQAR AHMAD (4) -VS- Police	Promotion	Bilal Ahmad Kakalzai	22-11-24
9	1565	2023	SHEHZAD HASSAN -VS- Police	Dismissal	Hamad Hussain	D. Defunct
10	1726	2023	MASIR KHAN -VS- Police	REVERSION	Muhammad Asif Yousafzai	22-11-24
11	1771	2023	TAYYAB JAN (2) -VS- Police	Withdrawal of promotion order	NAJAM ULSALEHEEN	22-11-24
12	1773	2023	SABA BIBI -VS- Judiciary	Removal	Noor Muhammad Khattak	Remit
13	1793	2023	M. IQBAL -VS- Police	Demotion	SHUMAIL AHMED BUTT	22-11-24
14	2021	2023	ZAHIR HUSSAIN -VS- Police	Demotion	WAHEEB NAWAZ	22-11-24
18	2072	2023	SHAKIL AHMED -VS- Police	Demotion	RASHID IQBAL KHAN JADOON	22-11-24
	2209	2023	ADNAM -VS- Establishment	Removal	Muhammad Asif Yousafzai	Remo Enquiry
	2259	2023	M. NAWAZ -VS- Police	Dismissal	MUHAMMAD SAEED KHATTAK	25/11
	2272	2023	MIRIAZ KHATTAK (1) -VS- Police	Withdrawal of promotion order	MHALED REHMAN	21-11-24

ARGUMENTS (GREEN CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
218	2024	2024	SIFAT ULLAH KHAN (1) -VS- E&SE	Removal	Babar Hayat	25/11/24

S.No.	Appel	Year	Title	Advocate	Signature	Remarks
163	2022	2022	Asad iqbal -VS- CASE			
173	2022	2022	Rahim -VS- CASE			
1076	2022	2022	M. HAMMAM IQBAL -VS- CASE			
170	2023	2023	MUHAMMAD AYA -VS- CASE			
1073	2023	2023	PRIMA -VS- CASE			
1756	2023	2023	B. H. W. SHAH -VS- CASE			

ARGUMENTS (GREY CASES)

S.No.	Appel	Year	Title	Case Nature	Advocate Name	Remarks
2514	2021	2021	Pervez Khan -VS- Population Welfare	Back Benefit		

ARGUMENTS (RED CASES)

S.No.	Appel	Year	Title	Case Nature	Advocate Name	Remarks
10524/2020	CM	2020	M. S. Anwar -VS- CASE			
1124/2024	RA	2024	1124/2024			
1185/2024	RA	2024	1185/2024			
1602/2022	RA	2022	1602/2022			
276/2024	RA	2024	276/2024			
1215/2024	RA	2024	1215/2024			
1216/2024	RA	2024	1216/2024			
275/2024	RA	2024	275/2024			
1129/2024	RA	2024	1129/2024			
274/2024	RA	2024	274/2024			
1184/2024	RA	2024	1184/2024			
7329/2021	RA	2021	7329/2021			
1075/2021	RA	2021	1075/2021			
1064/2024	RA	2024	1064/2024			
1212	RA	2024	1212			
2069/2019	RA	2019	2069/2019			
7208/2021	RA	2021	7208/2021			
804/2024	RA	2024	804/2024			
1212	RA	2024	1212			
741/2024	RA	2024	741/2024			
1212	RA	2024	1212			
730/2024	RA	2024	730/2024			
1212	RA	2024	1212			
128/2024	RA	2024	128/2024			
354/2024	RA	2024	354/2024			
2072/2023	RA	2023	2072/2023			
745/2023	RA	2023	745/2023			

APPLICATION  
 S.No. 21/10/2024 (MONDAY)  
 KUTUB KHAN -VS- CASES FIXED BEFORE MR. KAUM ARSHAD KHAN, CHAIRMAN & MEMBER (EXECUTIVE)  
 MIL. MUHAMMAD AKBAR KHAN, MEMBER (EXECUTIVE)

21



50 روپے

64566

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

ایڈوکیٹ:



بار کونسل ایسوسی ایشن نمبر: ۷۸۹۷-۱۷-۲۲

رابطہ نمبر: ۹۹۳۳۹۷-۰۲۰۰

بعدالت جناب: خیر بخش خان سردہ ایس ایس ٹی بیٹونل لینا وی جی اے KPK

مخاضف Appellant / Applicant	دعویٰ:
کیس نمبر ۱۲۱	علت نمبر:
بنام	مورخہ:
حکومت خیبر پختونخواہ	جرم:
	تھانہ:

### باعت تحریر آتہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام القضاء کے لئے مسائل الہدیت، مجمع الہدایوں، مکتبہ الہدایوں مقرر اور حاکم کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر نکالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخی پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب یا ہذا کے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم: /20

الع بد گواہ شد الع بد

مقام کے لیے منظور ہے۔

لکھتہ

[Signature]

[Signature]

[Signature]

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔