

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1890/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER(E)

Mr. Khalid Khan, ASI No. MR/85, Rapid Response Force, Peshawar (RRF).
... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The AIG/Establishment, CCPO Khyber Pakhtunkhwa, Peshawar.
3. The Deputy Commandant, RRF Khyber Pakhtunkhwa, Peshawar.
4. The Regional Police Officer, Mardan Region, Mardan.

... (Respondents)

Syed Noman Ali Bukhari
Advocate ... For appellant

Mr. Muhammad Jan
District Attorney ... For respondents

Date of Institution.....22.09.2022
Date of Hearing.....24.04.2024
Date of Decision.....24.04.2024

JUDGMENT

RASHIDA BANO, MEMBER (J): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

**“That on acceptance of this appeal, the impugned order dated
may be modified to the extent of appellant the respondents**



may be directed to consider the appellant for confirmation against the post/rank of ASI from his due date with his batch mates for the purpose to regain his seniority with all back and consequential benefits. Any other remedy which this Tribunal deems fit and appropriate that may also be awarded in favour of appellant.”

2. Brief facts of the case as given in the memorandum of appeal are that the appellant was appointed in the respondent department; that in the year 2016, the department issued standing order no. 02/2016, wherein all the police officials working in central units were considered on deputation and their lien was transferred to their concerned district. Thereafter, the lien of the appellant was also transferred to parent district but remained posted at Peshawar; that the appellant was promoted as officiating ASI w.e.f 17.09.2019 vide order dated 20.09.2019; that the appellant was confirmed in the rank of ASI w.e.f 17.09,2021 and promoted to list-E vide order dated 31.01.2022; that the appellant got knowledge about his batch mates who were promoted to list-E in the year 2018; that feeling aggrieved, the appellant filed departmental appeal on 14.02.2022 for proper seniority position and confirmation with his batchmates which was filed by the authority on 23.08.2022, therefore, he has now invoked the jurisdiction of this Tribunal for redressal of their grievances.

3. Respondents were put on notice who submitted their comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.



4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

5. Perusal of record reveals that appellant was inducted into service at Central Unit Peshawar, on region level who qualified his intermediate college course from Peshawar, his parent district where he was inducted into service on 20.09.2011. Consequent upon that appellant alongwith others were brought on list 'D' by the CCPO Peshawar vide notification dated 29.02.2012 in the district Mardan. In light of standing order No. 02/2016 colleagues of the appellant who had qualified intermediate course with him in year 2011 and brought on list-D vide notification dated 29.02.2012 were brought on list-E and promoted as officiating ASI in the year 2018, while he was promoted as ASI on 31.01.2022. Respondents took plea in their written statement that upon transfer of appellant to his concerned district Mardan, his lien was also transferred, therefore, his seniority will be regulated by the authorities at Mardan that he will be placed at the bottom of seniority list of his cadre when he was transferred to Mardan i.e, on 24.02.2016. There is no order of any authority on the file to justify the stance taken by the respondents in the replies as well as during the course of arguments that after transfer of the appellant from Central Unit to District Mardan he became member of the establishment of District Mardan for all intent and purposes including seniority, promotion etc extinguishing all his rights in the central unit. Even if the contention of the

respondents is considered to be true there is no law or rules in this respect:



6. Moreover, when any official transferred from central unit to native district and when such officer practically performed his duties in the central unit where he was inducted into service where the concerned officer/official will be deprived from his seniority and promotion in the central unit, which is his parent department. It is also pertinent to mention here that respondents issued guide line in light of standing order 02/2016 which are as under:


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 district/regions.

(ii) 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 District/Regions.


So, in view of these guideline that parent district of the appellant is

 Peshawar as he was inducted into service i.e. Central Unit.

7. As a sequel to the above discussion, the appeal in hand is remitted back to the respondent department to consider all the aspects at their own end within a period of sixty days after receipt of copy of this judgment. Cost shall follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24th day of April, 2024.*


(Faraha Paul)
Member (E)



(Rashida Bano)
Member (J)

- 27.03.2024 1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Atta Ur Rehman, Inspector Legal for the respondents present.
2. Representative of respondent is directed to produce seniority lists on the next date. To come up for record and arguments on 24.04.2024 before D.B. P.P given to parties.

27.03.2024
Peshawar


Kaleemullah


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

ORDER

- 24.04.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney alongwith Atta ur Rehman, Inspector Legal for the respondents present.
2. Vide our detailed judgment of today placed on file, the appeal in hand is remitted back to the respondent department to consider all the aspects at their own end within a period of sixty days after receipt of copy of this judgment. Cost shall follow the event. Consign.
8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 24th day of April, 2024.*


(Fareeha Paul)
Member (E)


(Rashida Bano)
Member (J)

*Kaleemullah