# HIGH COURT OF AZAD JAMMU & KASHMIR

Writ Petition No. 3087/2024.
Date of Institution 09.12.2024.
Date of decision 08.09.2025.

1. Mohammad Adrees Khan, Sub Inspector Incharge CIA Rawalakot, Azad Jammu & Kashmir;
2. Waqar Azeem, Sub Inspector SHO Police Station Baloch District Sudhnuti, Azad Jammu & Kashmir;
3. Adnan Sajjad, Sub Inspector Chowki Afsar Planngi District Haveli Kahutta, Azad Jammu & Kashmir;
4. Shahid Iqbal, Sub Inspector SHO Police Station Abbaspur District Poonch, Azad Jammu & Kashmir;
5. Yasir Mehmood, Sub Inspector Incharge City Chowki Rawalakot, Azad Jammu & Kashmir;
6. Gohar Arif, Sub Inspector Police Station Khai Gala Rawalakot, Azad Jammu & Kashmir.

Petitioners

VERSUS

1. Inspector General Police Azad Jammu & Kashmir, having his office at New Secretariat Muzaffarabad;
2. Deputy Inspector General Police Region Muzaffarabad, Azad Jammu & Kashmir, having his office at New Secretariat Muzaffarabad;
3. Deputy Inspector General Police Region Mirpur, Azad Jammu & Kashmir;
4. Deputy Inspector General of Police Region Poonch (Rawalakot) Azad Jammu & Kashmir;
5. Deputy Inspector General Police Headquarter Muzaffarabad;
6. Home Department through its Secretary Azad Government of the State of Jammu & Kashmir, office situated at New Secretariat Muzaffarabad;
7. Mohsin Ali, Sub Inspector Region Muzaffarabad;
8. Sadaqat Husain, Sub Inspector Region Mirpur;
9. Naveed Ahmed, Sub Inspector Revision Mirpur;
10. Naveed Altaf, Sub Inspector Region Mirpur;
11. Zaheed Ahmed, Sub Inspector Region Mirpur;
12. Kh. Mohammad Ammar Dar, Sub Inspector Region Mirpur;
13. Naveed Kabeer;
14. Attique Ahmed Khan;
15. Barkat Ali Khan;
16. Syed Ali Ahmed Bukhari;
17. Mohammad Asghar Khan;
18. Sajjad Ahmed Khan Sub Inspectors Region Poonch, Azad Kashmir;
19. Raja Adeel Afsar Khan, Sub Inspector;
20. Abdul Wajid Alvi, Sub Inspector;
21. Manzar Hussain, Sub Inspector;
22. Zia-ul-Islam, Sub Inspector;
23. Raja Basharat, Sub Inspector;
24. Ch. Aurangzaib, Sub Inspector;

25. Ch. Naveed-ul-Hassan;
26. Mohammad Bashir, Sub Inspector;
27. Liaquat Hameed, Sub Inspector;
28. Tahseen Qayyum, Sub Inspector;
29. Iftikhar Ahmed, Sub Inspector;
30. Mubashar Hameed, Sub Inspector;
31. Qazi Arslan;
32. Mohammad Shabir;
33. Asim Riaz Abbasi;
34. Syed Noman Bukhari;
35. Syed Irfan Gillani;
36. Mohammad Sajjad Khan;
37. Majid Naseem Abbasi, Sub Inspectors, Region Poonch, Azad Jammu & Kashmir.

Respondents

## WRIT PETITION

## Before:- Justice Syed Shahid Bahar, J.

**PRESENT:**
Umar Khokhar, Advocate for the Petitioners.
Atif Mushtaq Gillani, Advocate for Respondents No.7 to 12.
Sakhawat Hussain Awan, Advocate for Respondents No.13 to 18.
Raja Zulqarnain Khan, Legal Advisor for the Police Department.
Khalid Bashir Mughal, Advocate for Respondents No.19 to 30.

**JUDGMENT:**

Through this constitutional petition filed under Article 44 of the Azad Jammu & Kashmir Interim Constitution 1974, the petitioners solicited the following relief:-

I) The impugned letter dated 01.11.2024 and detail of service record/recommendations may kindly be set-aside by declaring the same against the law and Rules;
II) Respondents may kindly be directed to issue the letter for service record/recommendations for preparation of F-list according with Chapter 12 Rule 12.2(3) of Police Rules, 1934 and also reported case [SCR 2010 131];
III) Respondents may kindly be restrained from promoting any person in next higher grade till inclusion of names of the petitioners in seniority list."

2. Brief facts necessary for disposal of the captioned writ petition are that CPO preferred a letter dated 01.11.2024 to respondents No.2 to 04 for calling the documents/recommendation

of the 30 candidates for promotion list “F” for the date of their promotion as Sub Inspectors, however, the petitioners who are the permanent employees of the Police Department felt aggrieved from the said letter and submitted applications before the competent authority for hearing but the respondents without hearing the petitioners, issued the service detail/recommendations of the 30 Sub Inspectors in which some are junior to the petitioners, hence, the impugned notification dated 01.11.2024 being illegal and contrary to law is liable to be set-at-naught. It has been averred that as per provision of sub Rule 3 of Rule 12.2 of the Police Rules, 1934, all appointments of enrolled police officers are on probation according to the rules of this Chapter application to each rank and the seniority in case of upper subordinates will be reckoned in the first instance from the date of first appointment and officers promoted from the lower rank being considered senior to persons appointed directly on the same date and the seniority of officers appointed directed on the same date being reckoned according to age. Seniority shall however, be finally settled by the dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment: provided that any officer whose promotion or confirmation is delayed by reasons of his being on deputation outside his range or district, shall be reckoned which he originally held vis-à-vis any officers promoted or confirmed before him during his deputation. Hence, as per stance of the petitioners, the criteria for determination of the seniority is the date of first appointment which is also in consonance with the provisions of Police Rules supra,

therefore, the impugned letter dated 01.11.2024 is liable to be set-aside.

3. In the written statement filed on behalf of the respondents, it has been averred that due to sending of details no terms and conditions of the petitioners have been affected, moreover, the impugned letter dated 01.11.2024 does not come within the definition of final order. It has further been alleged that as per Police Rules, specific criterion has been determined for inclusion on the 15th Development List "F" i.e. be confirmed as Sub Inspector, qualified the upper-Class Course, completed two years of development outside the district. So, how can the employees who were promoted as Sub Inspector and confirmed before the petitioners become junior in the promotion list under the above rules.

4. Heard, record perused. As per rule 15 of the Chapter XIII of the Police Rules, 1934, only such persons are entitled to be placed in the promotion list "F" who have regularly been appointed as Sub Inspector, have successfully qualified and completed the Upper-Class Course and served out of his native district for at least two years but the petitioners, herein, have failed to append with the writ petition such like proof. Furthermore, it has categorically been provided in the Rule 12.2(3) of the Police Rules supra that the seniority shall be finally settled by the date of confirmation. I have also gone through Annexure "RB" details of the service documents of the Sub Inspectors of Azad Kashmir Police regarding their confirmation, as per said list, one Mohsin Ali was confirmed as Sub Inspector in year 06.06.2016, whereas, the petitioner Mohammad Adrees Khan was shown to be confirmed as Sub Inspector in year

2020 much later than the said respondent. It also reflects from the record that a list of 30 senior most Sub Inspectors from all the three regions was compiled in light of the final seniority lists of the Sub Inspectors which were prepared at region level, however, the petitioners have not challenged the final seniority lists of the Sub Inspectors.

5. Although in general order of merit pertaining to the post of Assistant Sub Inspector (ASI) the name of the petitioner, herein, Mohammad Adrees Khan is placed at serial No.1 but for the purpose of further promotion in higher grade i.e. Sub Inspector, a criteria has been laid down by the department like confirmation as Sub Inspector, completion of the two years' service outside the district and qualified the Upper Class Course and according to that criteria, a list of the candidates from all the regions is to be made.

6. Be that as it may, it divulged from the record that final order in pursuance of the letter impugned is yet to be passed in furtherance of the letter dated 01.11.2024. It is useful to reproduce the verbatim of the letter dated 01.11.2024 as under:-

''معاملہ مندرجہ الصدر میں تحریر خدمت ہے کہ سال 2023 میں تینوں ریجن ہاو سپیشل برانچ سے موصولہ حتمی سنیارٹی فہرست ہا سب انسپکٹران کی روشنی میں مرکزی دفتر پولیس کی سطح پر سب انسپکٹران جنرل/ ایگزیکٹیو برانچ کی تاریخ کنفرمیشن بطور سب انسپکٹر کے اعتبار سے مشترکہ سنیارٹی فہرست مرتب کی جا کر 19 سب انسپکٹران کے نام فہرست ترقی F میں درج کیئے گے تھے۔ فہرست ترقی F میں درج جملہ سب انسپکٹران بطور قائمقام انسپکٹر ترقیاب ہو چکے ہیں بدیں وجہ بلحاظ تاریخ کنفرمیشن مرتب شدہ مشترکہ سنیارٹی فہرست سب انسپکٹران ریجن ہاہیں سے فہرست ترقی F میں مزید ناموں کا اندراج مطلوب ہے۔

بحالات بالا سینئر موسٹ 30 سب انسپکٹران کی مشترکہ سنیارٹی فہرست (بطور ضمیمہ A) لف ہذا بھیجکر حسب ہدایت تحریر خدمت ہے کہ بمہربانی آپ اپنی اپنی ریجن ہاسے متعلقہ سب انسپکٹران جو نافذ العمل قواعد کے مطابق بعہدہ انسپکٹر ترقیابی کے لیے معیار پر پورا اترتے ہوں کی فہرست ترقی F میں ناموں کے اندراج کے لیے سفارشات بمطابق قواعد پولیس باب 13 فقرہ 15 اپنی واضح رائے کے ساتھ مقررہ فارم پر 10 نومبر 2024 تک بہر صورت ارسال کرنے کے علاوہ بذیل دستاویزات/ ریکارڈ بھی دفتر ہذا میں ارسال فرمائیں تا کہ مزید کارروئی عمل میں لائی جا سکے۔

i۔ سروس ریکارڈ (اعمال نامہ/ ACR فائل)

ii۔ سروس کوائف بمطابق مشمولہ نمونہ (برضمیمہ B)

iii۔ بطور سب انسپکٹر تعیناتی کا مکمل چارٹ''

دستخط

(اشفاق احمد)

ڈپٹی ڈائریکٹر

مرکزی دفتر پولیس مظفرآباد

7. Seeking recommendations qua insertion of the names of the Sub Inspectors in F-List is a preliminary stage of departmental proceedings which is ultimately to finalize by either way and if outcome of the recommendations come in opposition with service rights of the petitioners, they may challenge the same before the Tribunal of exclusive jurisdiction, i.e. Service Tribunal. Matter is yet at initial stage which is liable to be carried out in light of the Azad Jammu & Kashmir Police Rules 1934 and no one can sweep the relevant rules under the rug during the course of preparation of F-List and promotion.

8. Petition at hand is premature. The proper recourse in such like affairs is to approach the Service Tribunal against the departmental order. **Grievance in real sense come into being when any departmental order in its complete tone and tenure become harmful to any service right of the aggrieved civil servant, letter is simply a piece of correspondence, which cannot be termed as a final order.**

9. In my considered view, the petitioners, herein, have failed to make out their case for indulgence, therefore, the writ petition at hand being not maintainable is liable to be dismissed as the petitioners have failed to challenge the seniority list within the prescribed limitation.

The crux of above discussion is that finding no force in this petition, it is hereby dismissed with no order as to the costs.

Muzaffarabad.
08.09.2025 (Saleem) JUDGE

**Note**. Judgment is written and duly signed. The office is directed to intimate the parties or their counsel accordingly

JUDGE