



Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1098/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/07/2022	<p>The appeal of Mr. Haroon Khan presented today by Mr. Asif Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	14-7-22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>26-7-22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;"> CHAIRMAN</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Haroon Khan VS Government

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Asif Khan Adv</u>		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
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 number 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 are 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 /documentations as required in the above table, have been fulfilled.

Name:- Asif Khan Advocate
 Signature:- [Signature]
 Dated:- 6-7-2022

The appeal of Mr. Haroon Khan son of Mudassir Shah r/o Mohallah Gulbahar Inayat Khel Swabi presently SHO P.S Nowshera Kalan received today i.e. on 24.06.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ① Check list is not attached with the appeal.
- ② Appeal has not been flagged/ marked with annexures marks.
- ③ Annexures of the appeal are unattested.
- ④ Memorandum of appeal is not signed by the appellant.
- 5- Affidavit is not attested by the Oath Commissioner.
- 6- Annexures are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2102 /S.T,

Dt. 24/6 /2022



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Asif Khan Adv. Peshawar.

Respected Sir,

6.7.2022

Resubmitted after the completion & removal
of objections



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No 1098 2022

Haroon Khan.....(Appellant)

VERSUS

I.G:P KP and others.....(Respondents)

INDEX

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGE
1.	Service Appeal alongwith Affidavit	-1	01 - 07
2.	Memo of addresses	-	- 8
3.	Copy of the CNIC of the Appellant	'A'	- 9
4.	Copy of the appointment order	'B'	- 10
5.	Copy of the remarks	'C'	11
6.	Copy of the appeal and rejection order	'D' & D/1'	12 - 14
7.	Wakalat Nama (in original)	-	- 15

Appellant

Through:

(ASIF KHAN)
&

(SIAL AHMAD SHALMAN)
Advocates,
High Court, Peshawar
Cell # 0345-9075927

Dated: -24-06-2022

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No _____/2022

Khyber Pakhtunkhwa
Service Tribunal

Case No. 525

Dated 24-6-20

Haroon Khan S/O Mudassir Shah R/O Mohallah Gulbahar Inayat
Khel Swabi presently posted as SHO P.S Nowshera Kalan District
Nowshera.....Appellant

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa Central
Police Line, Peshawar
2. DIG, Headquarters Khyber Pakhtunkhwa Peshawar
3. District Police Officer, Mardan
4. Regional Police Officer Mardan (RPO).....(Respondents)

Filed to day
24/6/2022

Appeal under Section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974
against the impugned order No S/1089-
91/22 dated 26-05-2022 passed by
Respondent No 2, whereby the appeal of
the Appellant was rejected and he
was downgraded to class 'C' from
class 'A' without any lawful authority

PRAYER IN APPEAL:-

On acceptance of the instant Appeal, the order Nos 1089-91/22 dated 26-05-2022 may graciously be set aside and the Appellant may kindly be awarded from Class/Grade 'A'.

Respectfully Sheweth:-

The Appellant very humbly submits as under:-

- 1) That the Appellant is the natural born citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973 and hails from a respectable family of District Swabi. (Copy of the CNIC is attached as Annex 'A').
- 2) That in fact, the Appellant was recruited in the police department as (Constable) enlisted order dated 30-6-1994 and after the qualifying the requisite promotion courses, the Appellant was promoted to the rank of Sub-Inspector and presently posted as SHO in District Nowshera. (Copy of the appointment order is attached as Annex 'B').
- 3) That during service, the Appellant remained posted as SHO in different police stations and prove himself as in efficient professional and brave officer and in this respect the Appellant was awarded P.P.M Pakistan Police Medal in the year 2017.
- 4) That upon the recommendations of the Committee headed by the Respondent No 4, the name of Appellant was brought on SHO poll and then in the light of the previous service record of Appellant, the Respondent No 3 has

(3)

posted the Appellant as SHO Katlang, during which the Appellant showed his professional ability and liability to the entire satisfaction of the high-ups and thereafter proceed for upper college course at PTC Hangu.

- 5) That during the service of Appellant, he was not charge sheeted nor any show cause notice has been served for any kind of misconduct etc and due to the entire satisfaction of the high-ups, the Respondent No 3 DPO Mardan recorded good remarks and marked the Appellant as 'A' class officer; but the Respondent No 4 downgraded the Appellant from 'A' to 'C' class without any lawful authority, which is illegal, unlawful, without jurisdiction and ab-initio. (Copy of the remarks is attached as Annex 'C').
- 6) That it is very much clear from the entries of service record/ACR of the Appellant, that till-date no complaint etc has been filed against the Appellant, which shows that Appellant has deserving for 'A' class officer. It is pertinent to mention here that during the service of the Appellant, the high-ups has not marked adverse remarks against the Appellant and throughout the service of Appellant a single complaint is not available on record, which disentitle the Appellant from degrading to 'C' from 'A'.
- 7) That after awarding class 'C' by Respondent No 4, the Appellant preferred an appeal of the Respondent No 1, which was reject vide order No S 1089-91/22 on dated 26th

May, 2022. (Copy of the appeal and rejection order is attached as Annex 'D' & 'D/1').

- 8) That the Appellant also fight against the terrorists with courage, bravery as front line soldier. In spite of that the adverse remarks regarding the indignity issue by the Respondent No 4 is clear cut discrimination in the eyes of law.
- 9) That the Appellant having no other adequate and efficacious remedy, approaches before this Honourable Court on the following grounds inter-alia:-

GROUNDS:-

- A) That the Appellant is the natural born citizen of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That the fundamental rights of the Appellant have 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.
- C) That this Honourable Court has in a number of judgments allowed the cases of similar nature, however, the Respondents are depriving the Appellant from his fundamental rights.
- D) That once of the celebrated right to earn livelihood through lawful means is a basic fundamental right

guaranteed not only by the constitution of the modern world, but rather has a backing history spread over immemorial time in the stateless and even in the mediaeval ages. The Appellant seeks to enforce his said right and to remain peaceful citizen of the society in this modern era of globalization.

- E) That the impugned order dated 26-05-2022 is against the norms of justice, illegal, unconstitutional and without any lawful authority and also against the Police Rules and Regulations; therefore, not tenable.
- F) That it is a well settled principle of natural justice "that nobody should be condemned unheard" meaning thereby that a fair chance of hearing must be given to each and every person. In case of allegations levelled against him.
- G) That the Appellant was condemned unheard, which is against the law and fundamental rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973 and other prevailing laws of the land.
- H) That any other ground not raised here specifically may also 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 order No S.1089-91/22 dated 26-05-2022 may graciously be set aside and the Appellant may kindly be awarded Class 'A' grade.

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

Appellant

Through:

(ASIF KHAN)
&



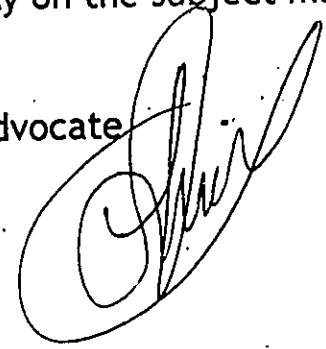
(SIAL AHMAD SHALMAN)
Advocates,
High Court, Peshawar

Dated:-24-06-2022

CERTIFICATE:

No such appeal has earlier been filed by the Appellant before any competent authority on the subject matter

Advocate



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Haroon Khan.....(Appellant)

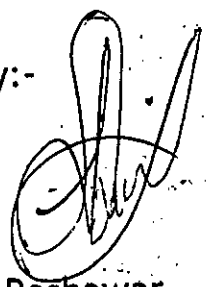
V E R S U S


I.G.P KP and others.....(Respondents)

AFFIDAVIT

I, Haroon Khan S/O Mudassir Shah R/O Mohallah Gulbahar Inayat Kalay Swabi presently posted as SHO P.S Nowshera Kalan District Nowshera, do hereby solemnly affirm and declare on oath that all the contents of accompanied Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

DEPONENT Haroon
CNIC # 16202-7889526-
Cell # 0340 9022800

Identified by:-

(ASIF KHAN)
Advocate
High Court, Peshawar


30-06-22

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Haroon Khan.....(Appellant)

VERSUS

I.G.P KP and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Haroon Khan S/O Mudassir Shah R/O Mohallah Gulbahar Inayat
Kalay Swabi presently posted as SHO P.S Nowshera Kalan District
Nowshera

RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa Central
Police Line, Peshawar
2. DIG, Headquarters Khyber Pakhtunkhwa Peshawar
3. District Police Officer, Mardan
4. Regional Police Officer Mardan (RPO)

Appellant

Through:

(ASIF KHAN)
&

(SIAL AHMAD SHALMAN)
Advocates,
High Court, Peshawar

Dated:-24-06-2022

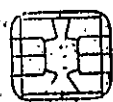
کراچی کے لیے پوزٹل ڈیپازٹ

Ministry of Post, Pakistan
Postal Control of Pakistan

16202-7889526-3
03.10.2016

50312041171
130-76-186630

Date of issue	03.10.2016
Date of expiry	03.10.2026
Identity Number	16202-7889526-3
Date of birth	05.04.1976
Gender	M
Country of origin	Pakistan



Father Name
Mudassir Shah

(9)

Name
Hatoon Khan



Ameyul = "A"
National Identity Card

PAKISTAN
ISLAMIC REPUBLIC OF PAKISTAN

ENLISTMENT ORDER.

Annexure B

Name. Haroon Khan S/O Mudasir Shah R/O Swabi
PS: Swabi DISTRICT Swabi is hereby enlisted as Constable
time scale on three years Probation in B.P.S No. 5 (Rs. 10
1770) Rs. 1035 per month with effect from 30.6.94 and all other
constabulary No. 28 Height 5-9 Chest 31 3/4 x 33 1/2
Education 1st Date of birth 5.4.1976 Blood group A Positive
Age at the time of appointment. 18 years 2 months 25 days

O.B. NO. 1095

Dated 30-6-1994.

[Signature]
Superintendent of Police,
Swabi.

The physical deficiency in chest by $1\frac{1}{4} \times 1$
Condoned by D/G/HQ Peshawar. Vide his

3) Memo no 13930-31 E-II dated 29.6.94


[Signature]

No. 13-17

DISTRICT MARDAN

DEPARTMENT

Confidential Report on the working of Assistant: Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2019.

Name, Provincial or Range No. Rank and Grade.	SI Haroon Khan No.173/MR
Father's Name	Mudasir Khan
Where and on what duties employed during the past 12 months.	11-03-2019 to 27-08-2019 SHO PS Katlang 28-08-2019 to 31-12-2019 Upper Course
Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'	A
Is he honest? *	No Comp.
Remarks by: - (1) Superintendent of Police (2) Deputy Inspector-General of Police	A professional, Daring and reliable officer.
<i>I do not agree with the integrity issues. Downgraded to 'C'</i> <i>Chamud</i> MUHAMMAD ALI KHAN (PSP) Regional Police Officer Mardan	 (SAJJAD KHAN) PSP District Police Officer Mardan

Annexure "D"

12

BEFORE THE INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA,
PESHAWAR

subject: REPRESENTATION FOR EXPUNCTION OF ADVERSE REMARKS
FOR THE PERIOD 11.03.2019 TO 31.12.2019 BY THE
COUNTERSIGNING OFFICER COMMUNICATED VIDE RPO
MARDAN MEMO NO. 396-27/ACL DATED 14.09.2021.

through:- Proper Channel

respected Shewith.

The petitioner submit as under:-

1. That petitioner was enlisted in Police Department as Constable and after qualifying the requisite promotion courses promoted to the present rank of Sub Inspector and presently posted as SHO in District Nowshera.
2. That during active service, I remained posted as SHO in different Police Stations and proved himself an efficient and professional officer.
3. That on account of my extraordinary bravery and courage, I have been awarded PPM in the year 2017
4. That after my transfer to District Mardan my name was recommended for placement on SHO Pool by the then DPO Mardan.
5. That upon recommendation of the committee headed by the then worthy RPO Mardan, Muhammad Ali/Countersigning Officer, my name was brought on SHO Pool.
6. That in the light of my previous services, the then DPO Mardan post me as SHO Katlang. During which, I showed my professional ability to the entire satisfaction of high ups.
7. That I remained posted as SHO till 27.08.2019 and thereafter proceed for Upper College Course at PTC Hangu.
8. That during my posting as SHO, I have not been Charge Sheeted nor any Show Cause Notice has been served for any type of misconduct, nor any displeasure notice has been served during my posting.
9. That I performed my lawful duties to the entire satisfaction of my supervisory as well as commanding/reporting officer, due to which my reporting officer i.e. the then DPO Mardan recorded good remarks and marked me as "A" class officer, but the worthy countersigning officer down graded me to "C" class on account of integrity issues without referring any specification
10. That during my posting as SHO, my integrity was above board and no complaint whatsoever has been filed by anyone which is evident from record.

11. That during my posting, I have not been issued any advisory notice
12. That I have served the department for a considerable period and showed professional ability on account of which all of my commanding/reporting officers under whom I served graded me as "A" class officer with good remarks.
13. That I am also Ghazi of Police and fight against terrorist with courage/bravery as frontline soldier, but the adverse remarks for the period under report ruined my entire service, which are not based on sound footing.
14. That the adverse remarks regarding integrity issue are against the performance evaluation rules and instructions.

PRAYERS:-

In view of above stated facts and keeping in view my past service, it is humbly prayed that the adverse remarks may please be expunged.

I shall pray for your healthy and long life.

Your's Obedient

Haroon Khan

SI Haroon Khan,
SHO PS Nowshera Kalan

District Nowshera

Mob No. 0340-9022800

Id: 23 / 09 / 2021

1702
30/5/22



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Phone: 091-9210927 Email: secretbranchcpo91@gmail.com

No. SI 1689-91 /22, dated Peshawar the 26 /105 /2022

ORDER

This order pertains to the representation preferred by SI Haroon Khan 173/MR for the expunction of downgrading from "C" to "A" contained in his ACR for the period from 11.03.2019 to 31.12.2019 recorded by the then RPO Mardan (Mr. Muhammad Khan), comments of the countersigning officer also obtained.

After thoroughly examined the relevant record, comments of countersigning officer and material on ground it transpired that the officer was warned during the period awarded penalties for misconduct. Representation therefore, is rejected.


Sd/-
(ABBAS AHSAN) PSP
DIG-Headquarters,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar


Endst: No. & date even:

Copy of above is forwarded for information and necessary action to the

1. Regional Police Officer, Mardan. Necessary entry into the effect may also be made in his Original/Duplicate Character Roll Dossier and to inform the officer accordingly.
2. UOP File.

for ACR clerk.
in action.


(DR/ZAID ULLAH), PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar


Mardan
2-5-2022

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Form titled 'پشاور بار ایسوسی ایشن' with fields for Name, Address, and other details.

Complex block containing logos (QR code, PBA Association logo), contact information, and a signature.

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