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**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

**Service Appeal No. 22/2014**

BEFORE: MR. KALIM ARSHAD KHAN, ... CHAIRMAN  
MR. MIAN MUHAMMAD, ... MEMBER(E)

**Muhammad Rasheed Khan**, Superintendent Sessions Court, Malakand.  
..... (*Appellant*)

Versus

1. **The Honourable Chief Justice**, Peshawar High Court Peshawar through its Registrar.
2. **The Registrar, Peshawar High Court, Peshawar.**
3. **Deputy Inspector General of Police**, Mardan. (Regional Police Officer).
4. **The District & Sessions Judge/Zilla Qazi**, Malakand at Batkhela.  
..... (*Respondents*)

Mst. Naila Jan, Advocate ... For appellant

Mr. Muhammad Rasheed, Deputy District Attorney ... For respondents.

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Date of Institution.....06.01.2014  
Date of Hearing.....07.04.2022  
Date of Decision.....07.04.2022

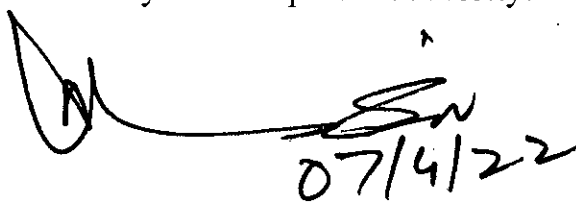
**JUDGEMENT**

**KALIM ARSHAD KHAN CHAIRMAN.** Through the instant appeal the appellant (Muhammad Rasheed Khan) has challenged order dated 20.08.2013 communicated to him on 02.09.2013, vide which, the representation/review for expunction of the adverse entries, made in the service record of the appellant, vide Memo No. 90/Confdl, dated 10.04.2013, issued by respondent No. 2, was rejected against the law, rules and facts. It has been prayed that on acceptance of this appeal, the adverse entries, made in the service record/ACRs, might be expunged.



2. The facts surrounding the appeal are that the appellant was appointed as Superintendent BS-16 in the year 1996 and was performing his duties till date efficiently, punctually and honestly to the satisfaction of the authorities without any complaint against him. That vide order dated 06.12.2012 by respondent No. 1, the posts of Superintendents to the court of Sessions and District Judges were upgraded from BS-16 to BS-17 with the condition of five years satisfactory service. That the appellant was left over in the seniority list of the newly upgraded Superintendents without any reason whatsoever, against the law and rules. That the appellant was verbally informed that some adverse entries had been made in his ACRs, which were never communicated to the appellant. That on the written application of the appellant the adverse remarks were communicated to him by respondent No. 2 vide Memo. No. 90/Confdl dated 10.04.2013. Feeling aggrieved of the remarks and their non-communication filed a representation/review for expunction of the same which was rejected on 20.08.2013, hence, the present appeal.

3. On receipt of appeal and its admission, notices were given to the respondents. They submitted joint written reply and contested the appeal vehemently. It was mentioned that the Tribunal lacked the jurisdiction to enter the issue of fitness for promotion, as the administrative order of the Peshawar High Court could not be challenged keeping in view the dictum reported as 2010-SCMR-632 and that the Tribunal or any other court could not substitute the views recorded by the competent authority.

  
07/4/22

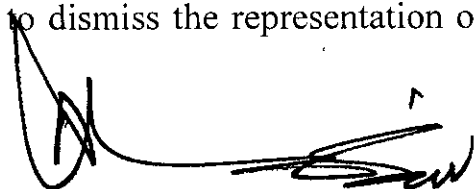
4. The learned counsel for the appellant submitted that the appellant ~~had been discriminated and his valuable rights had been infringed.~~ That no counseling, warning and advice was given to the appellant before recording adverse remarks. That the adverse remarks were never communicated within time. Learned counsel for the appellant requested that the appeal may be accepted as prayed for.

5. The learned Additional Advocate General refuted the arguments and prayed for dismissal of the appeal.

6. The appellant is aggrieved of letter No. 90/Confdl dated 10.04.2013, which was received by him on 15.04.2013, whereby following adverse remarks recorded by the Hon'ble countersigning authority, were communicated.

*"I do not agree with the Reporting Officer. There were many complaints against him during the period under report. He is living beyond his means"*

7. On receipt of the communication letter on 15.04.2013, he preferred departmental representation on 25.05.2013 i.e. beyond a period of 30 days as provided under the Appeal Rules and without any explanation or application for condonation of delay. However, vide letter No. 106/Confdl the Hon'ble Chief Justice was pleased to dismiss the representation of the appellant in the following manner;

  
07/4/22

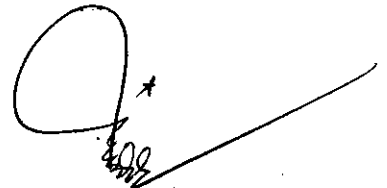
*"As the official has earned two adverse ACRs, hence, his representation in view of clear Law on the subject cannot be allowed, the same is thus dismissed".*

8. The letter was communicated to the appellant on 02.09.2013. The appellant filed this appeal on 06.01.2014, where-as under the law it was incumbent upon him to have filed the appeal within 30 days of dismissal of his representation. The appellant has not filed any application for condonation of delay nor has explained in the memorandum of grounds of appeal, the delay in filing of the appeal, when confronted with the situation, learned counsel appearing on behalf of the appellant could not controvert this situation. This being so the appeal is badly barred by time and is accordingly dismissed. Cosign.

9. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 07th day of April, 2022.*



**(KALIM ARSHAD KHAN)**  
Chairman



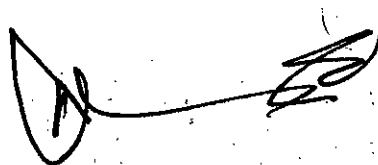
**(MIAN MUHAMMAD)**  
Member (E)

07<sup>th</sup> April, 2022

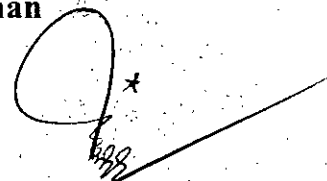
Learned counsel for the appellant present. Mr. Muhammad Rasheed Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgment of today, containing 04 pages, the appeal is badly barred by time and is accordingly dismissed. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 07<sup>th</sup> day of April, 2022.*



**(KALIM ARSHAD KHAN)**  
Chairman



**(MIAN MUHAMMAD)**  
Member (E)

24.11.2021

Proper D.B is not available, therefore, case is adjourned to 28/2/2022 for the same as before.



Reader

28-2-22

Due to retirement of the Honble  
Chairman the case is adjourned  
on 28-2-22

*Signature*  
Reader


04.08.2021

Appellant present through counsel.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General present.

Learned A.A.G stated that this case was entrusted to Muhammad Rasheed learned D.D.A but he is not available due to summer vacation. Case is adjourned to 26.11.2021 with direction to both the parties to argue the case in the light of 2016 SCMR 1206, before D.B.

(Atiq-Ur-Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

30-12-2020

Due to summer vacation, case is adjourned to

17-3-2021 for the same as before.

  
Reader

17.03.2021

Counsel for the appellant and Mr. Muhammad Rashid, DDA for the respondents present.

Learned DDA referred to 2016 SCMR 1206 has stated that in view thereof this Tribunal did not have jurisdiction to entertain and decide the appeal in hand.

Learned counsel for the appellant, in order to meet the objection, requests for time.

Adjourned to 30.04.2021 for hearing before the D.B.



(Mian Muhammad)  
Member (E)



Chairman

30.6.2021

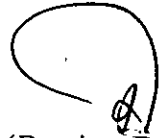
*due to COVID-19, the case is adjourned to 4-8-2021 for the same.*

  
Reader



12.06.2020

None present on behalf of appellant. Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present. Adjourned. To come up for arguments on 03.07.2020 before D.B. Appellant and his counsel be put to notice for the date fixed.



(Rozina Rehman)  
Member



(M. Amin Khan Kundi)  
Member

03.07.2020

Due to COVID-19, the case is adjourned to 19.08.2020 for the same.



Reader

19.08.2020

Due to summer vacations, the case is adjourned to 29.10.2020 for the same.



Reader

29.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 30.12.2020 before D.B.



Reader

12.02.2020

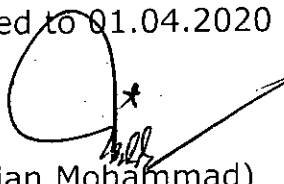
Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG alongwith Mr. Iftikhar Junior Clerk for the respondents present. Representative of the respondent No. 1 & 2 seeks adjournment on the ground that counsel for the respondent No. 1 & 2 not available today. Adjourned. To come up for arguments on 05.03.2020 before D.B.


  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

05.03.2020

Appellant in person and Mr. Iftikhar, Junior Clerk on behalf of respondents No. 1 & 2 and Mr. Ziaullah, Deputy District Attorney for the respondent No. 3 present. Adjourned to 01.04.2020 for arguments before D.B.

  
(Mian Mohammad)  
Member

  
(M. Amin Khan Kundi)  
Member

01.04.2020

Due to public holiday on account of COVID19, the case is adjourned to 12.06.2020 for the same as before.

  
Reader

07.11.2019


Appellant in person present. Mr. Usman Ghani, District Attorney present. Junior to counsel for respondents no. 1 and 2 present and seeks adjournment on the ground that learned counsel for respondents no. 1 and 2 was busy before the Peshawar High Court, Peshawar. Adjourn. To come up for arguments on 15.11.2019 before D.B.

  
Member

  
Member

15.11.2019

Appellant alongwith his counsel present. Mr. Khalid Rehman, learned counsel for respondents No. 1 & 2 and Mr. Riaz Ahmad Paindakheil, Assistant AG for respondent No. 3 present. Learned counsel for respondents No. 1 & 2 requested for adjournment. Adjourned to 10.01.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

10.01,2020

Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 19.02.2020 before D.B.

  
Member

  
Member

28-08-2019

Counsel for the appellant present. Asst: AG for respondents present. Learned counsel for respondent no.1 seeks adjournment. Adjourn. Case to come up for arguments on 11.09.2019 before D.B.



Member



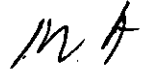
Member

09-09-2019

None for the appellant present. Asst: AG alongwith learned counsel for respondents no. 1 and 2 present. Learned counsel for respondents no. 1 and 2 seeks adjournment. Adjourned. To come up for arguments on 07.10.2019 before D.B.



(Ahmad Hassan)  
Member




(M. Amin Khan Kundi)  
Member

07-10-2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney present. Junior to counsel for respondents No.1 & 2 present and seeks adjournment on the ground that learned counsel for respondents No.1 & 2 is not available. Adjourned by way of last chance. To come up for arguments on 07.11.2019 before D.B.



Member



Member

04.04.2019

Nemo for the appellant. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present.

Due to general strike on the call of Bar Council learned counsel for the appellant is not in attendance.

Adjourned to 15.05.2019 before D.B.



Member



Chairman

15.05.2019

Counsel for the appellant present. Mr. Khalid Rehman, Advocate for respondents No. 1 & 2 is not present therefore, notice be issued to him for attendance and arguments for 28.06.2019 before D.B.




(AHMAD) HASSAN)  
MEMBER



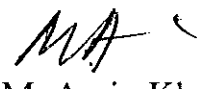
(M. AMIN KHAN KUNDI)  
MEMBER

28.06.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 30.07.2019 for arguments before D.B.



(Hussain Shah)  
Member



(M. Amin Khan Kundi)  
Member

30.07.2019

Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General present. Khalid Rehman Advocate counsel for respondents No.1 & 2 is not in attendance. Notice be issued to learned counsel for respondents No.1 & 2. Adjourn. To come up for arguments on 28.08.2019 before D.B.



Member



Member

16.01.2019

Appellant with counsel present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

04.02.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 05.03.2019 before D.B.

  
Member

  
Member

15.03.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Khalid Rehman Advocate submitted application on behalf of respondents for the transfer of the present service appeal from Camp Court Swat to Principal Seat Peshawar. Notice be issued to Khalid Rehman Advocate for 04.04.2019 before D.B. To come up for arguments on the date fixed.

  
Member

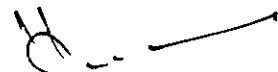
  
Member

06.08.2018

Mr. Asif Sohail nephew of the appellant on behalf appellant and Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Nephew of the appellant seeks adjournment on the ground that learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 25.09.2018 before D.B.



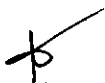
(Muhammad Amin Kundi)  
Member



(Muhammad Hamid Mughal)  
Member

25.09.2018

Appellant alongwith her counsel Miss. Naila Jan, Advocate present and submitted fresh Vakalat Nama. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Newly engaged learned counsel for the appellant requested for adjournment. Granted. Case to come up for arguments on 16.10.2018 before D.B.



(Ahmad Hassan)  
Member




(Muhammad Amin Kundi)  
Member

15.10.2018

Learned counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 29.11.2018 before D.B.



Member

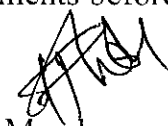


Member


29.11.2018

Appellant in person, Mr. Muhammad Jan, DDA for the respondents present.

Appellant requests for adjournment on account of indisposition of learned counsel. Adjourned to 16.01.2019 for arguments before the D.B.



Member



Chairman


04.07.2018

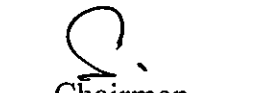
Appellant Muhammad Rashid in person alongwith his counsel Mr. Imdadullah, Advocate present. Mr. Muhammad Tasfiq, Junior Clerk on behalf of the respondents alongwith . Mr. Usman Ghani, District Attorney present.

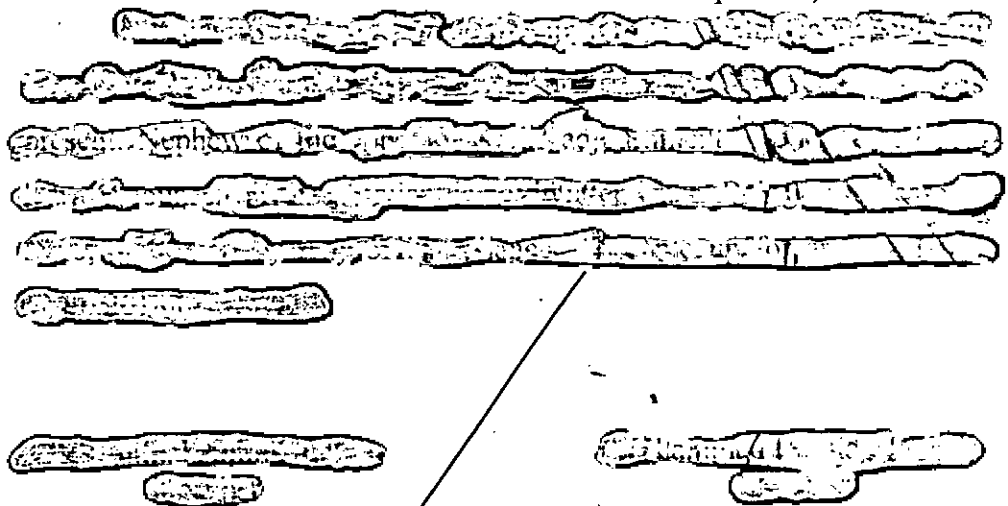
The above named representative of the respondents submitted an application on behalf of learned counsel for the respondents for the transfer of the present appeal alongwith connected appeal No. 23/2014 from Camp Court, Swat to Principal Seat at Peshawar. Copy of application given to the learned counsel for the appellant who raised no objection. Hence, application is allowed and the case is transferred to Principal Seat at Peshawar..

To come up for arguments on 06.08.2018 before the D.B at Peshawar.

06.08.2018

  
Member

  
Chairman  
Camp court, Swat






A. No. 22/2014  
M. Rashid

04.04.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney for the respondents present. During the arguments this Tribunal felt the need of requisitioning the three inquiry reports conducted by the High Court against the appellant and the complaints against the appellant. His original PER file is also required for determination of the appeal. The departmental representative is to produce the required record on the next date. To come up for record and arguments on 06.06.2018 before D.B at Camp Court, Swat.

  
Member

  
Chairman  
Camp court, Swat

06.06.2018

Appellant Muhammad Rashid Khan in person alongwith his counsel Mr. Imdadullah, Advocate present. None on behalf of the respondents present, however, Mr. Usman Ghani, District Attorney put appearance on their behalf in official capacity.

Record of three inquiries and original PERs of the appellant not produced. In this regard, the learned District Attorney produced a letter wherein he has requested the Registrar of Hon'ble Peshawar High Court to produce the aforementioned record before this Tribunal but with no response so far. Copy of this letter is placed on file. The above mentioned record be requisitioned for the coming date. In the meanwhile, District Attorney is also asked to take up the matter with the Worthy Registrar of the Peshawar High Court so that the production of record is made sure. To come up for record and arguments on 04.07.2018 before the D.B at Camp Court Swat.

Copy of this order sheet be sent to the Registrar Peshawar High Court for information.


  
Member

  
Chairman  
Camp Court, Swat

05.12.2017

Counsel for the appellant and Addl. AG for the respondents present. Learned AAG seeks adjournment. To come up for arguments on 01.01.2018 before the D.B at camp court, Swat.

  
Member

  
Chairman  
Camp court, Swat

1.1.2018

Counsel for the appellant and Addl. AG for the respondents present. Counsel for the appellant seeks adjournment. To come up for arguments on 29.01.2018 before the D.B at camp court, Swat.

  
Member

  
Chairman  
Camp Court, Swat

29.01.2018

Clerk of the counsel for appellant present and Addl. AG for the respondents present. Clerk of the counsel for appellant seeks adjournment as his senior counsel is not attendance today. Granted. To come up for arguments on 02.04.2018 before D.B at Camp Court, Swat.


  
Member

  
Chairman  
Camp Court, Swat

02.04.2018

Appellant in person and Mr. Usman Ghani, District Attorney for respondents present. Due to strike of the bar, counsel for the appellant is not in attendance. Appellant requested for short adjournment. Granted. To come up for arguments on 04.04.2018 before the D.B at camp court, Swat.

  
Member


  
Chairman  
Camp court, Swat

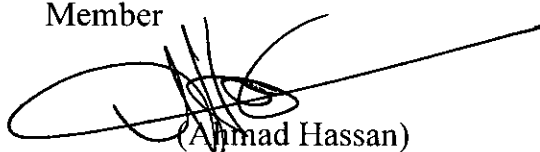
16.08.2017

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard. To come up for order tomorrow on 17.08.2017 before the Larger Bench.

  
Chairman

(M. Amin Kundi)  
Member

  
(M. Hamid Mughal)  
Member

  
(Ahmad Hassan)  
Member

17.08.2017

Junior to counsel for the appellant and Mr. Kabeerullah Khattak, Asstt. A.G for the respondents present. Arguments on the point of jurisdiction heard and record perused.

Vide our detailed judgment of today, in connected service appeal No. 41/2016, entitled "Zubair Ahmad Vs. the Appellate Judge through Registrar, Peshawar High Court, Peshawar etc." this Tribunal has the jurisdiction to entertain the appeal. To come up for arguments before D.B on 05.12.2017, at camp court swat.

  
Chairman

(M. Amin Kundi)  
Member

  
(M. Hamid Mughal)  
Member


  
(Ahmad Hassan)  
Member

22/14

17  
08.03.2017

Appellant with counsel and Mr. Muhammad Zubair, Sr.GP for the respondents present. The appellant in the instant appeal belong to establishment of judiciary as such to be heard after decision of larger bench of this Tribunal. Adjourned for final hearing before the D.B on 04.07.2017 at camp court, Swat.

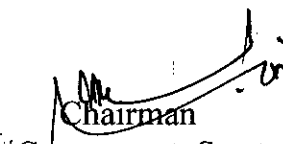
  
Member

  
Chairman  
Camp court, Swat

18. 04.07.2017


Counsel for the appellant and Mr. Muhammad Zubair, District Attorney for the respondents present. The learned counsel for the appellant informed the Tribunal that this is the appeal filed against the order of the Registrar, Peshawar High Court. That in view of the judgment of the august Supreme Court of Pakistan in Khan Toti's case the question for determination as to whether this Tribunal has got the jurisdiction to entertain the present appeal or otherwise, a Larger Bench has been constituted at Principal Seat at Peshawar. The learned counsel for the appellant requested for adjournment as the instant case cannot be decided before determining the question of jurisdiction of this Tribunal. Request is acceded to and this case is clubbed with those appeals. To come for arguments before the Larger Bench at Principal Seat at Peshawar on 16 08-2017.

  
Member

  
Chairman  
Camp court, Swat

05.04.2016

Counsel for the appellant and Mr. Amir Qadir, GP for respondents present. Due to non-availability of D.B arguments could not be heard. To come up for final hearing before D.B on 06.09.2016 at Camp Court, Swat.

  
Chairman  
Camp court, Swat.

06.09.2016

Appellant in person and Mr. . Muhammad Zubair, Sr.GP for the respondents present. Appellant seeks adjournment. To come up for final hearing before the D.B on 09.11.2016 at camp court, Swat.


  
Member

  
Chairman  
Camp Court, Swat.

09.11.2016

Agent to counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for respondents present. Seeks adjournment as counsel for the appellant is not in attendance due to death of his relative. Adjourned for final hearing to 08.03.2017 before D.B at Camp Court Swat.

  
Member

  
Chairman  
Camp court, Swat

10


3.8.2015

Appellant with counsel and Mr. Muhammad Zubair, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 5.10.2015 before S.B at Camp Court Swat.

  
Chairman  
Camp Court Swat

5.10.2015


Appellant with counsel and Mr. Abdul Ahad, Supdt. alongwith Mr. Muhammad Zubair, Sr. GP for respondents present. Written reply on behalf of respondents submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.1.2016 that Camp Court Swat.

  
Chairman  
Camp Court Swat

12.01.2016

Appellant with counsel and Mr. Muhammad Zubair, Sr,GP for respondents present. Rejoinder submitted. During the course of hearing the learned Sr. GP requested for adjournment as he is to consult certain legal provisions and case-law on the subject in respect of his stance and defense taken by the respondents. Adjourned for final hearing before D.B to 05.04.2016 at Camp Court Swat.

  
Member

  
Chairman  
Camp Court Swat

Appellant Deposited Security & Process Fee

That the adverse remarks were never communicated to the appellant and were brought to the light of the day after depriving the appellant from upgradation.

The points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 1.6.2015 at camp court Swat.

Chairman  
Camp Court Swat

9. 1.6.2015

Appellant with counsel and Mr. Abdul Ahad, Supdt: for respondents alongwith Mr. Anwar-ul-Haq, G.P present. Requested for adjournment. To come up for written reply/comments at camp court Swat on 3.8.2015.

Chairman  
Camp Court Swat

10 3.8.2015

Appellant with counsel and Mr. Muhammad Zubair, Sr.GP for respondents present. Requested for adjournment. To come up for written reply/comments on 5.10.2015 before S.B at Camp Court Swat.

Chairman  
Camp Court Swat

7 2.3.2015

Counsel for the appellant present. Argued that

the appellant has filed service appeal wherein he had

challenged the adverse entries in his ACR as well as

superseded by the DPC from BPS-16 to BPS-17 which was

considered redundant by this Tribunal vide order dated

6.1.2014.

Record of the said appeal is material for

preliminary hearing. The same be requisitioned for 6.4.2015

at camp court Swat.

  
Chairman  
Camp Court Swat

8. 6.4.2015

Counsel for the appellant present. Learned counsel for

the appellant argued that the appellant was serving as Supdt:

when adverse entries in his ACR for the year 2011(Annexure-D

page-10) were recorded but communicated later vide letter dated

10.4.2013. That the appellant preferred representation against

the same which was rejected vide letter dated 20.8.2013

communicated on 2.9.2013. That the appellant has preferred first

service appeal on 13.8.2013 after lapse of statutory period for

deciding representation and that during the pendency of the same

the appeal was declared redundant by this Tribunal vide order

dated 6.1.2014 and that in view of the observation of the Court

the instant appeal was filed on the same date i.e. 6.1.2014 on


which the directions were issued.



4-

7.7.2014


Appellant with counsel present. Since appeal has been lodged on 6.1.2014 against the impugned order dated 20.8.2013, to come up for preliminary hearing, particularly on the question of limitation, at camp court Swat on 01.9.2014.

  
Chairman  
Camp Court Swat

5-

01.9.2014

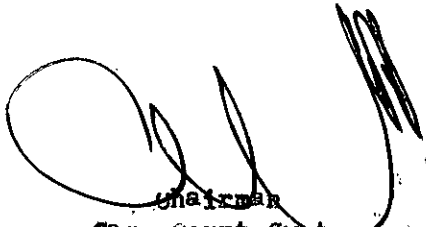
Appellant present in person, but preliminary arguments could not be heard due to strike of the Bar. The appellant, however, submitted copy of order dated 6.01.2014 of the Tribunal in his earlier appeal, which is placed on file. To come up for preliminary hearing at camp court Swat on 6.11.2014.

  
Chairman  
Camp Court Swat

6-

6.11.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present. The learned counsel for the appellant requested for adjournment in order to file application with regard to the question of limitation. To come up for further proceedings/preliminary hearing at camp court Swat on 5.1.2015.

  
Chairman  
Camp Court Swat

5-1-15 :-

*counsel for the appellant present  
The Tribunal is incomplete. To come up  
for preliminary hearing at camp  
court Swat on 02-03-2015.*

*Imdadullah  
Advocate*

06.01.2014 Appellant with counsel (Mr. Imdadullah, Advocate) present. Appeal filed in proper form in the light of order sheet of even: date in appeal No. 1215/2013, disposed of today. To come up for preliminary hearing at Camp Court Swat on 3.3.2014.

Chairman  
Camp Court Swat

3.3.2014 Appellant in person present, and requested for adjournment due to non-availability of his counsel (Mr. Aziz-ur-Rehman, Advocate) owing to the death of his mother. To come up for preliminary hearing at camp court Swat on 5.5.2014.

Chairman  
Camp Court Swat

5.5.2014 Appellant present in person, but requested for adjournment due to strike of the Bar. To come up for preliminary hearing at camp court Swat on 7.7.2014.

Chairman  
Camp Court Swat

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**

**PESHAWAR**

Service Appeal No. 22 of 2014

Muhammad Rashid Khan, Superintendent Sessions Court Malakand.

...Appellant

**VERSUS**

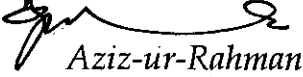
The Honourable Chief Justice Peshawar High Court and Others.

...Respondents

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Appellant Through

  
Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0300 907 0671

①

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

---

Service Appeal No. 22 of 2014

Muhammad Rasheed Khan, Superintendent Sessions  
Court Malakand.

...Appellant

**VERSUS**

1. The Honourable Chief Justice Peshawar High Court, Peshawar, through Registrar Peshawar High Court, Peshawar.
2. The Registrar Peshawar High Court, Peshawar.
3. The District and Sessions Judge/ Zilla Qazi, Malakand at Batkhila.

...Respondents

*Proper Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the memo No. 106/Confdl dated 20-08-2013 communicated on 02-09-2013 vide which the representation/review for the expunction of the adverse entries made in the service record of the appellant vide memo No. 90/Confdl dated 10-04-2013 issued by the respondent No. 2 (communicated for the first time on 15-04-2013 on the application of the appellant) was rejected against the law, rules and facts.*

---

Prayer:

*That on acceptance of this appeal the  
adverse entries made in the service record /*

*ACRs of the appellant against the law and rules on the subject and were never properly communicated, a provision mandatory but not fulfilled, may very kindly be expunged being not sustainable.*

---

Respectfully Sheweth:

Facts:

- i. That the appellant was appointed as Superintendent BS-16 in the year 1996 and performing his duties till date efficiently, punctually and honestly to the satisfaction of the authorities, without any complaints, whatsoever, either from the authorities or the public. Copy of the order is enclosed as Annexure "A".
- ii. That vide No. 8034-80889/B&A dated 06-12-2012 by the respondent No.1 the post of the Superintendents to the court of Sessions and District Judges were upgraded from BS-16 to BS-17 with the condition of five years satisfactory service. Copy of the order is enclosed as Annexure "B".
- iii. That the appellant was left over in the seniority list of the newly upgraded Superintendents without any reason, whatsoever, against the law and rules.
- iv. That the appellant was verbally informed that some adverse entries have been made in his ACRs, which were never communicated to the

appellant, neither any counseling nor any warnings, which are mandatory under the law and rules.

- v. That on the written application of the appellant the same were communicated vide memo No. 90/Confdl dated 10-04-2013 issued by the respondent No. 2 (communicated for the first time on 15-04-2013 on the application of the appellant). Copy of the application is enclosed as Annexure "C" and that of the memo as Annexure "D", respectively.
- vi. That the appellant feeling aggrieved of the remarks and their non-communication filled a representation/review for expunction of the same, being vague and evasive and made in a manner not sustainable in law. Copy of the representation is enclosed as Annexure "E".
- vii. That the representation of the appellant was filed in a very cursory and light manner ignoring the law and rules mandatory regarding the issue. Copy of the order is enclosed as Annexure "F".
- viii. That the appellant feeling aggrieved of the same approached this Honourable Tribunal on the following grounds.

Grounds:

- a. That the appellant is being discriminated and his valuable rights have been infringed.

4

- b. That mandatory provisions of law and rules regarding the subject have been violated in an arbitrary and chaotic manner.
- c. That the respondents, very respectfully, have exercised the official authority vested in them in a very colorful and fanciful manner, which the law discourages.
- d. That there are numerous precedents available when adverse entries were either never communicated or not communicated in the prescribed manner, the same have been expunged straight away.
- e. That entry made is vague and evasive and no ~~instance~~ regarding the alleged allegations therein has been made.
- f. That till date there has nothing adverse on the record of the appellant except this single entry, which also is not sustainable in law and is liable to be expunged.
- g. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.

It is, therefore, very respectfully prayed that on acceptance of this appeal the adverse entry made in the ACRs of the appellant is in manner against the law and rules and never properly communicated be ordered to be expunged.

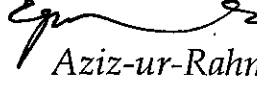
5

Any other relief deemed appropriate may also very kindly be granted.

  
Appellant

Muhammad Rashid Khan

Through Counsels,

  
Aziz-ur-Rahman

  
Imdad Ullah

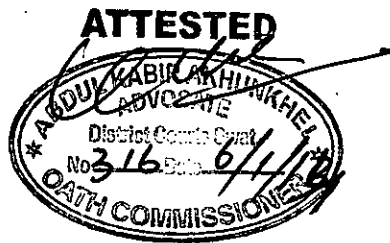
Advocates Swat

Affidavit:

It is stated on Oath that all the contents of this appeal are true and correct to the best of my knowledge and belief.

  
Deponent

Muhammad Rashid Khan





(6)

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

---

Service Appeal No. \_\_\_\_\_ of 2013

Muhammad Rashid Khan, Superintendent Sessions  
Court Malakand.

...Appellant

**VERSUS**

The Honourable Chief Justice Peshawar High Court and  
Others.

...Respondents

**ADDRESSES OF THE PARTIES**

Appellant:

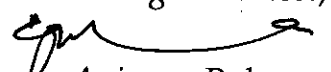
Muhammad Rashid Khan, Superintendent Sessions  
Court Malakand.

Respondents:

1. The Honourable Chief Justice Peshawar High  
Court, Peshawar, through Registrar Peshawar  
High Court, Peshawar.
2. The Registrar Peshawar High Court, Peshawar.
3. The District and Sessions Judge/ Zilla Qazi,  
Malakand at Batkhila.

Appellant

Through Counsel,

  
Aziz-ur-Rahman

Advocate Swat

PESHAWAR HIGH COURT, PESHAWAR.

7

ORDER.

Dated Peshawar the 13th November, 1996.

Hon'ble the Chief Justice, Peshawar

High Court Peshawar has been pleased to Order the appointment of Mr. Muhammad Rashid, Stone to Assistant Commissioner, Alpurai as Superintendent in BPS-16 plus usual allowances with immediate effect. He is posted as Superintendent to the Court of District and Sessions Judge, Alpurai against the newly created post on the following terms and conditions :-

- 1)- The appointment is purely temporary and on probation for one year. He will be subject to such conditions as have been prescribed or hereafter to be prescribed by the Competent Authority;
- 2)- His appointment is subject to Medical Fitness.

*Handwritten initials and date: 8/11/96*

BY ORDER OF THE CHIEF JUSTICE  
ABDUL JABBAR KHAN  
REGISTRAR.

.....  
Undet.No. 2437-41 /Adm.Br. Dated Peshawar the 17.11.1996.

Copy forwarded to :-

- 1. The District and Sessions Judge, Zila Qazi Shargla.
- 2. The District Accounts Officer, Shargla.
- 3. The Superintendent (Confidential), Peshawar High Court, Peshawar.
- 4. The Assistant Commissioner, Alpurai District Shargla.
- 5. Mr. Muhammad Rashid, Stone to Assistant Commissioner, Alpurai District Shargla.

*Handwritten signature and date: 13/11/96*

( ABDUL JABBAR KHAN )  
REGISTRAR.

**Attested**  
*Handwritten signature*  
**Advocate**

ORDER

In exercise of the powers conferred by the Finance Department under Notification No. (F.A/Cs)FD/2-1/96, dated 7.12.1996, the Hon'ble Chief Justice, Peshawar High Court, Peshawar is pleased to accord sanction to the up-gradation of the post of Superintendents to the court of District & Sessions Judges/ZQs, in Khyber Pakhtunkhwa from BPS-16 to BPS-17, on completion of 05-years satisfactory service in BPS-16, w.c.f01/12/2012.


BY ORDER OF HON'BLE THE CHIEF JUSTICE

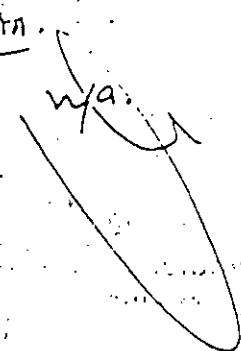
(Subhan Sher)  
Registrar

Endst: No. 8034-8089/B/A Dated: Peshawar, the 06/12/2012

Copy forwarded for information and necessary action to:

1. The Private Secretary to Hon'ble the Chief Justice, Peshawar High Court, Peshawar.
2. The District & Sessions Judges/ZQs, in Khyber Pakhtunkhwa.
3. The Secretary Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar.
4. The Accountant General, Govt of Khyber Pakhtunkhwa, Peshawar.
5. The District Accounts Officers, Khyber Pakhtunkhwa.
6. The MIS Manager, Peshawar High Court, Peshawar.
7. The Supdt-General, Peshawar High Court, Peshawar.
8. The Budget Officer, Peshawar High Court, Peshawar.
9. The Supdt: Budget, Peshawar High Court, Peshawar.
10. The Supdt: Confidential, Peshawar High Court, Peshawar.


  
(Subhan Sher)  
Registrar

Bana.  
For n/a.  


Already received in  
entry made vide  
Dated 7-12-2012

13.12.12

Attested

  
Advocate

"C"  
Annexure

(9)

To: Hon'ble the Registrar,  
Peshawar High Court,  
Peshawar.

*[Handwritten signature]*

Subject: REPRESENTATION/REVIEW

Respected/Sir,

I have the honour to refer Hon'ble the Peshawar High Court, Peshawar letter No. 2996/Admn: dated 21/03/2013, issued in connection to my Representation/Review for up-gradation to BPS-17, which by virtue of said letter got rejected/dissmissed. In this context I may signify that since my posting as Superintendent, Sessions Courts, as yet no adverse entry endorsed in my service record has been communicated to me.

In Order to know the background and reason of my non up-gradation to BPS-17, as awarded to my other colleagues vide Hon'ble the Peshawar High Court, Peshawar, Order endst: No. 1340-61/B&A dated 23/02/2013. It is humbly requested that if any adverse entry in my service record is available, the same may kindly be communicated to me and oblige, please.

*[Handwritten signature]*  
28.3.13.

(Muhammad Rashid Khan)  
Superintendent,  
Sessions Court, Malakand at Batakheila

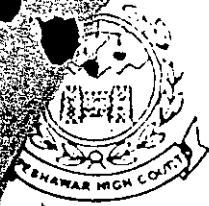
No: 794 /D&SJ (MKD) Dated the 28th, March, 2013.

Forwarded in original to the Registrar, Peshawar High Court, Peshawar,  
for consideration, please.

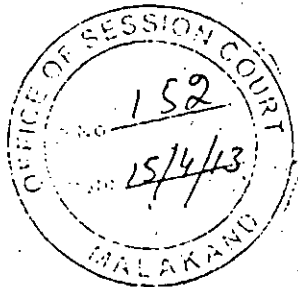
*[Handwritten signature]*  
(ISHTIAQ AHMAD)  
District & Sessions Judge/ Zilla Qazi,  
Malakand at Batakheila

**Attested**

*[Handwritten signature]*  
**Advocate**



The  
**PESHAWAR HIGH COURT**  
Peshawar



Annexure "D"

10

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58  
Off: 9210135  
Fax: 9210170

www.peshawarhighcourt.gov.pk  
info@peshawarhighcourt.gov.pk  
phcps@gmail.com

**Confidential**

Dated 10/04/2013

*[Signature]*

98 /Confid

From,

The Registrar  
Peshawar High Court,  
Peshawar.

To,

✓ Mr. Muhammad Rashid,  
Superintendent,  
Through District & Sessions Judge,  
Malakand at Batkhela.

Subject:

COMMUNICATION OF REMARKS

I am directed to inform you that in your Annual Confidential Report for the year 2011, the following remarks have been recorded by the Countersigning Authority..

*"I do not agree with the Reporting Officer. There were many complaints against him during the period under report. He is living beyond his means"*

A spare copy of this communication is enclosed which may be signed in token of having received the original and be returned to this Court at the earliest.

Sir,

*Received original*

*[Signature]*

SUBHAN SHER  
REGISTRAR

09/4/13

*[Signature]*  
15-4-13

**Attested**

*[Signature]*  
Advocate

"E"

Annexure

11

No. 1386 Dated Batkhela the 25<sup>th</sup> May, 2013

From: The District & Sessions Judge/  
Zilla Qazi, Malakand at Batkhela.

*Annexure "G"*

To: The Registrar,  
Peshawar High Court,  
Peshawar

Subject: REPRESENTATION FOR EXPUNCTION OF ADVERSE REMARKS IN  
THE ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2010, WITH  
RETROSPECTIVE EFFECT, PROMOTION/UP-GRADATION

Sir,

I have the honour to herewith forward a Representation submitted by Mr. Muhammad Rashid Khan, Superintendent, of this Court, for consideration, please.

*[Signature]*  
(ISHFAQ AHMAD)  
District & Sessions Judge/  
Zilla Qazi, Malakand at Batkhela.

**Attested**  
*[Signature]*  
**Advocate**

To,

The Hon'ble Registrar,  
Peshawar High Court,  
Peshawar

Through:

PROPER CHANNEL

MUHAMMAD RASHID KHAN, SUPERINTENDENT, SESSIONS COURT,  
MALAKAND..... (PETITIONER)

Subject:

REPRESENTATION FOR EXPUNCTION OF ADVERSE REMARKS IN THE  
ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2010, WITH  
RETROSPECTIVE EFFECT, PROMOTION/UP-GRADATION

Respected Sir,

With great respect and honour in continuation to my earlier representation on the subject vide No 1162/D&SJ/ZQ(MKD) dated 25<sup>th</sup> April, 2013(Copy annexure "A").

I have to submit that my rivalry in the native village in District Shangla, against my paternal cousin, initiated in the year 2010, in this context about the ownership of immovable property of me and my spouse, enquires were conducted in the year 2010, by the three respective judicial Officers, which probably culminated to its logical end favouring my stance. In such connectivity on my own request through letter No.794/D&SJ/(MKD) dated 28<sup>th</sup> March, 2013 (Copy annexure "B") the adverse remarks endorsed by Hon'ble the Peshawar High Court, Peshawar in my Annual Confidential Report for the year 2011 were communicated through letter No. 90/Confdl dated 10<sup>th</sup> April, 2013 (Copy annexure "C"),

Rather for the year, 2010 no adverse entry of my Annual Confidential Report was communicated to me, vis-à-vis, I feel that, probably

**Attested**



**Advocate**

(2)

entry may have been recorded in my Annual Confidential Report, for the  
2010, if any, then the grounds given in my earlier representation (Annexure  
"A") referred in para 1 instant may also be sympathetically considered for the  
expunction of adverse entries, in the Annual Confidential Report 2010.

(13)

Submitted, please

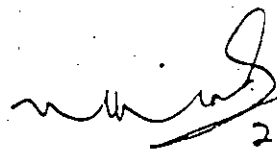
  
25-5-13

(MUHAMMAD RASHID KHAN)  
SUPERINTENDENT,  
SESSIONS COURT, MALAKAND

AFFIDAVIT

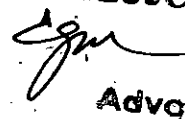
I, Muhammad Rashid Khan, Superintendent Sessions  
Court Malakand, solemnly affirm and verify that contents of  
Petition/representation are true and correct to the best of my  
knowledge and belief and nothing has been concealed from this  
Hon'ble Authority.

Dated: 25-05-2013

  
25.5.13.

(MUHAMMAD RASHID KHAN)  
SUPERINTENDENT,  
SESSIONS COURT, MALAKAND

Attested

  
Advo



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.



Case No. 1249  
Date 13-8-13

Appeal No. 1215 /2013

Muhammad Rashid Khan,  
Superintendent Sessions Court, Malakand..... Appellant

Versus

- 1) Hon'ble the Chief Justice Peshawar High Court, Peshawar through Registrar, Peshawar High Court, Peshawar
- 2) Registrar, Peshawar High Court, Peshawar..... Respondents
- 3) District & Sessions Judge/ Zilla' Dargi, Malakand.

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 FOR EXPUNCTION OF ADVERSE REMARKS FOR THE YEAR 2010 AND 2011 WITH RETROSPECTIVE EFFECT PROMOTION/ UPGRADATION.

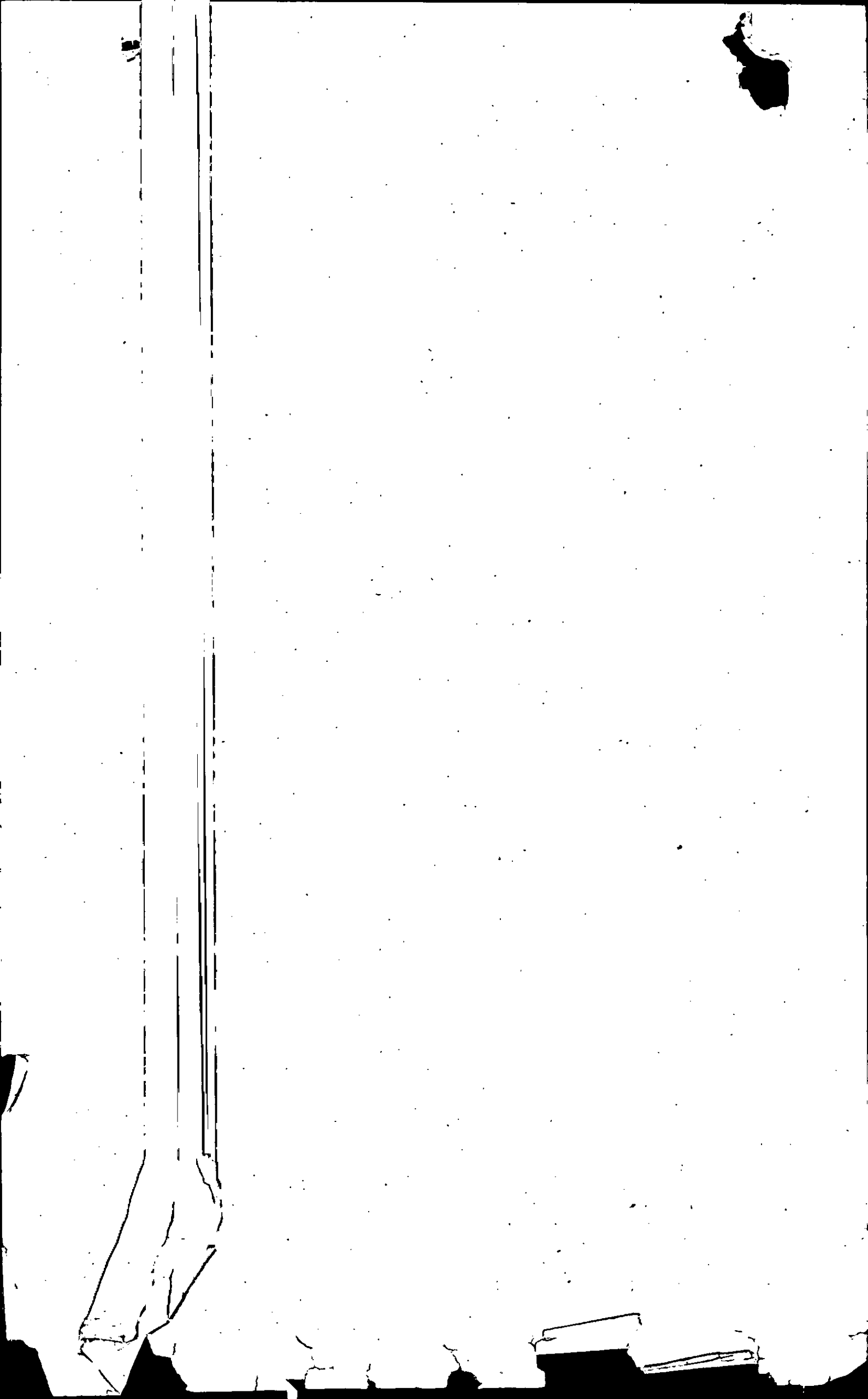
*Certified to be true copy*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

06.01.2014

Appellant with counsel (Mr. Imdadullah, Advocate) present. Since the appellant had combined two separate and distinct issues, one pertaining to expunction of adverse remarks and the other for his consideration for promotion/upgradation from BPS-16 to BPS-17 with retrospective effect, he was required to file separate appeals for the said two separate issues, which he did accordingly today. As the appeals have now been submitted separately in proper form, this appeal becomes redundant and is filed accordingly, with no order as to costs.

ANNOUNCED  
06.01.2014

*sd/-*  
Chairman  
Camp Court Swat.



BEFORE THE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 22 of 2014

Muhammad Rasheed Khan, Superintendent Sessions Court,  
Malakand (Appellant)

.....Vs.....

The Hon'b'e Chief Justice Peshawar High Court, Peshawar through  
Registrar, Peshawar High Court, Peshawar, and two others

**COMMENTS ON BEHALF OF RESPONDENTS NO 1 & 2**

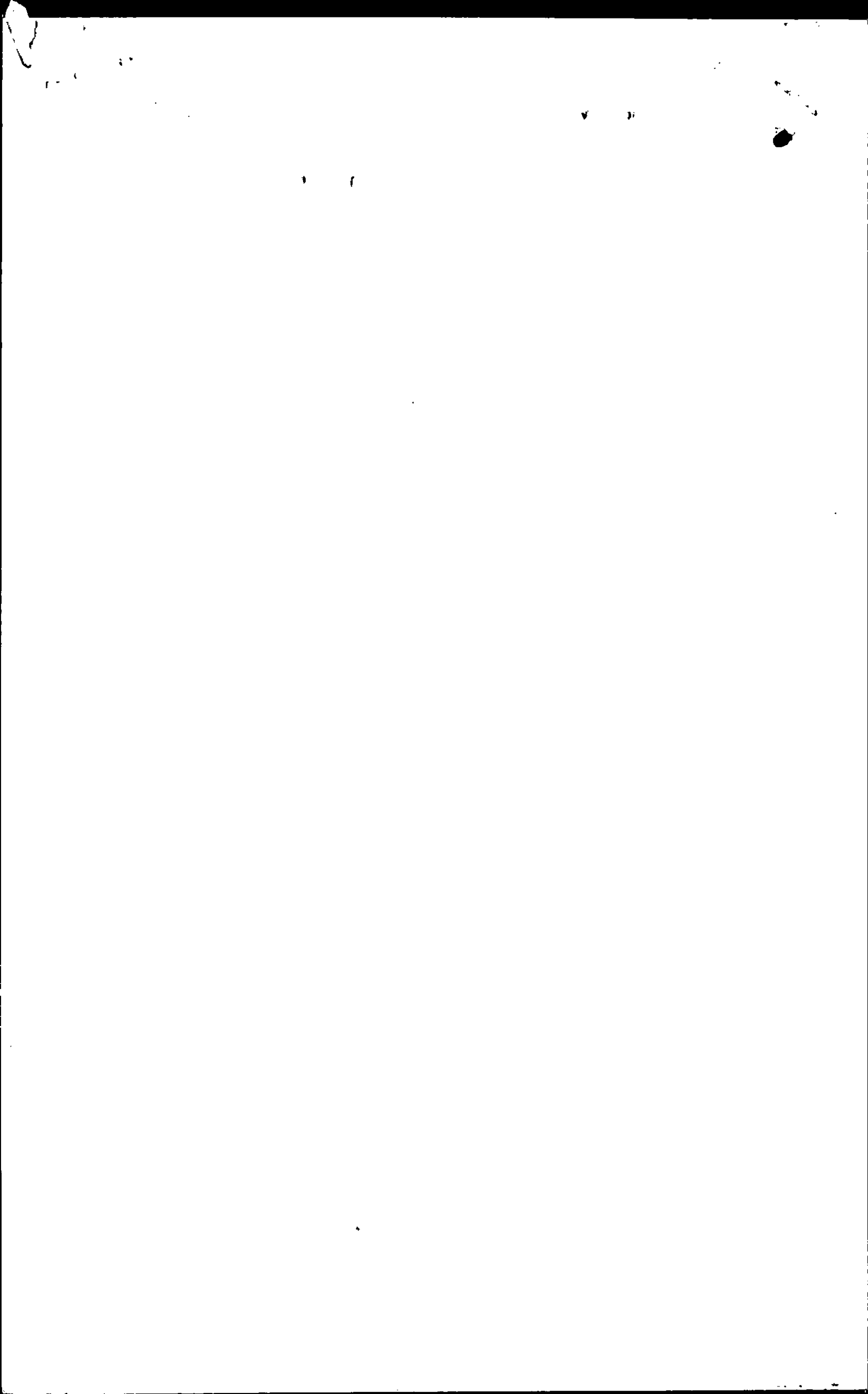
Respectfully Sheweth,

**PRELIMINARY OBJECTIONS:**

- a. The appeal is incompetent in its present form.
- b. The appellant hasn't come to the Tribunal with clean hands, hence his appeal deserves dismissal on this score alone.
- c. The appellant has got no locus standi to file the present appeal.
- d. The appellant is estopped by his own conduct.
- e. The Tribunal or any other court can't substitute the view recorded by the competent authority in service matter of an official/officer.
- f. The Tribunal lacks the jurisdiction to entertain the issue of fitness for promotion, as the administrative order of the Peshawar High Court can not be challenged keeping in view the dictum reported as, **2010 SCMR 632** in case titled, "**Muhammad Iqbal and others Vs Lahore High Court through Registrar**".

**ON FACTS:**

- i. The Para under reply to the extent of appellant's appointment is correct, while the remaining Para is wrong.



Correct, however the order was issued by respondent No 2 on the approval of the competent authority.

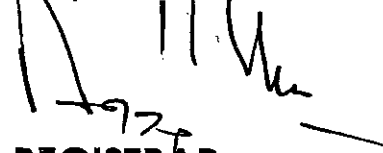
- iii. Correct to the extent that, appellant's name was not included in the seniority list of the newly up-graded superintendents, but with valid reason(s).
- iv. Denied.
- v. The Para under reply relates to record, and so needs no comments.
- vi. The Para under reply relates to record, and so needs no comments.
- vii. The Para under reply is answered in a manner that, appellant's representation was appraised in accordance with law leading however to its dismissal.
- viii. Needs no comments.

**GROUND:**

- a. Incorrect as his case was looked into in accordance with law.
- b. Incorrect.
- c. Incorrect.
- d. Needs no comments.
- e. Incorrect.
- f. Incorrect.
- g. Needs no comments.

It is, therefore, requested that, while accepting the reply/comments, the appeal, being devoid of force, may please be dismissed with costs.

Respondent No. 1 & 2



**REGISTRAR,**  
Peshawar High Court,  
Peshawar.

**BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,  
CAMP COURT, SWAT**

Service Appeal No. 22 of 2013

Muhammad Rasheed Khan, Superintendent Sessions Court,  
Malakand (Appellant)

-----Vs-----

The Hon'ble Chief Justice, Peshawar High Court, Peshawar through  
Registrar, Peshawar High Court, Peshawar.

**(Written Statement)**

Respectfully Sheweth,

The above titled appeal is pending disposal in this  
Hon'ble tribunal in which the undersigned as respondent No. 3 has been  
impleaded as proforma defendant. Since, in the appeal captioned above  
Hon'ble the Chief Justice & Hon'be the Registrar, Peshawar High Court,  
Peshawar have been made as respondent No. 1 and 2, therefore, the  
undersigned is not responsible to interfere in the matter pending  
adjudication.

In light of above the undersigned has no concern to comment.

Submitted please.

  
(KHALID BADSHAH)

*District & Sessions Judge/ Zilla Qazi,  
Malakand at Batkhela.*

*Distt: & Sessions Judge /  
Zilla Qazi  
Malakand At Batkhela*

The Hon'ble Registrar,  
Peshawar High Court,  
Peshawar.

Muhammad Rashid Khan, Superintendent, Sessions Court,  
Malakand.....(Petitioner)

Representation for expunction of adverse remarks endorsed  
vide letter bearing No.90/Confdl dated 10/04/2013, in the Annual  
Confidential Report for the year, 2011 with retrospective effect  
promotion/upgradation

PRAYERS

On acceptance of this, representation the impugned adverse remarks may kindly be sympathetically expunged on the following grounds and the Petitioner may please be upgraded from BPS-16 to BPS-17 with all back benefits.

Respected Sir,

- 1 I have the honour to submit with great respect that being M.A, LL.B. degree holder was directly appointed as Superintendent (BPS-16) in the year 1996 and was posted in Sessions Court, Shangla. I have served with the best of my ability without any blemished career or stigma.
- 2 That vide Hon'ble the Peshawar High Court, Peshawar Order No. 8034-8089/B&A dated 06/12/2012, (Copy annexure "A") the post of Superintendent to the Court of District & Sessions Judges/Zilla Qazis, in the Province of Khyber Pakhtunkhwa, got upgraded from BPS-16 to BPS-17.
- 3 Whereas vide Order No. 1340-61/B&A dated 23/02/2013, (Copy annexure "B") 15 Superintendents, have been upgraded, qua my name is missing in the said list.
- 4 Consequent, thereof I felt myself as aggrieved, hence through requesting letter No.511 D&SJ/ZQ (MKD) dated 27/02/2012, (Copy annexure "C") reconsideration was sought, but by virtue of letter No. 2996/Admn dated 21/03/2013, (Copy annexure "D") the said request could not succeeded, rather through letter No. 90/Condl dated 10/04/2013, (Copy annexure "E") some adverse remarks in the annual confidential report for the year 2011, prior to any counseling and after issuance of upgradation Order were endorsed which subsequent thereto, were communicated to me on the dint of letter No. 794/D&SJ (MKD) dated 28<sup>th</sup> March, 2013. The said adverse remarks in is original words are as "I do not agree with the Reporting Officer. There were many complaints against him during the period under report. He is living beyond his means".
- 5 In above perspective I with great respect submit relating to the above observation given in Para No.4, to the effect that on this score three consecutive inquiries were conducted by the respectable learned Judicial Officers against me, pursuant to the

directives of Hon'ble the Peshawar High Court, Peshawar, which result was not communicated to me. Indeed myself as well as my spouse, who is SPST BPS-14 belongs to a agricultural family of the rural area of District Shangla and own some immovable property which accurate dimension alongwith its income Goshwara was obtained by the then inquiry Officers/learned Judicial Officers.

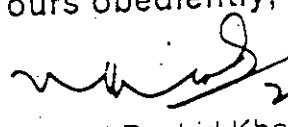
6 I personally got acknowledged that my paternal cousin on the basis of petty nature rivalry sent some substanceless and prejudice complaints with the intention to damage my service career, which complaints adequately got inquired and probed by the Distinct learned Judicial Officers of the province without any further fruitful results.

7 Sir, with great respect, I may highlight that, my Reporting Officers in the course of entire service career never in written or oral means expressed any annoyance about my efficiency, honesty and attitude toward official or private affairs concerning to daily dealings.

In the above background I may signify that the adverse remarks endorsed in my Annual Confidential Report for the year 2011, given by the Competent Authority after issuance of promotion/upgradation, Order shown in para No. 3 of instant representation are based on some misconception and in such context I request that, graciously the same entry may kindly be expunged and in this respect the conducted inquiries files against me (if any) also be requisitioned and then my case may kindly be reconsidered for promotion/upgradation with retrospective effect corresponding to the event of such promotion/upgradation, extended to my other colleagues in the province.

Submitted with regards, please.

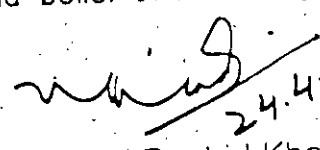
Yours obediently,

  
24.4.13

(Muhammad Rashid Khan)  
Superintendent,  
Sessions Court Malakand at Batkhela.

**AFFIDAVIT**

I, Muhammad Rashid Khan, Superintendent, Sessions Court Malakand, solemnly affirm and verify that contents of Representation are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Authority.

  
24.4.13

(Muhammad Rashid Khan)  
Superintendent,  
Sessions Court Malakand at Batkhela.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 1199 /ST

Dated 11 /06/2018

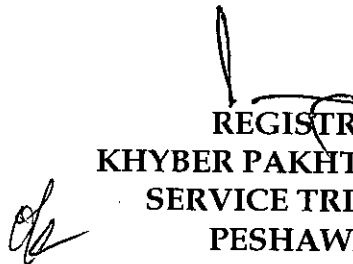
To

The Registrar,  
Peshawar High Court,  
Peshawar.

Subject: **ORDER IN APPEAL NO. 22/2014 & 23/2014 MR. MUHAMMAD RASHID KHAN.**

I am directed to forward herewith a certified copy of Order dated 06/06/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

OFFICE OF  
THE DISTRICT ATTORNEY  
KHYBER PAKHTUNKHWA,  
SERVICE TRIBUNAL, PESHAWAR  
NO (D.A)E&AD/1-5/Lit/Appeal/2013/  
DATED. / /2018.

To,

The Registrar  
Peshawar High Court, Peshawar

Subject: APPEALS NO. 22/2014 & 23/2014, TITLED "MUHAMMAD RASHID  
KHAN VS JUDICIARY".

Respected Sir,

With reference to the subject noted above and to state that the above mentioned appeals were fixed for arguments on 04/04/2018 before the Hon'ble Service Tribunal Can.p. Court Swat. The undersigned was directed by the Tribunal to provide complete record in the subject appeal vide order sheet dated 04-04-2018 (order sheet Annexed "A"). The appeal is adjourned to 06-06-2018 for arguments.

You are, therefore, requested to direct your representative to attend the Hon'ble Service Tribunal along with complete record on the date fixed. The representative so deputed may also be directed to attend each and every date of hearing along with complete record.

(USMAN GHANI MARWAT)  
DISTRICT ATTORNEY  
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
PESHAWAR

NO (D.A)E&AD/1-5/Lit/Appeal/2013/282-88

Dated: 10/04/2018

Copy to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
2. The Deputy Solicitor Law Parliamentary Affairs & Human Rights Department, Peshawar.
3. Appeal File.

  
DISTRICT ATTORNEY  
KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL  
PESHAWAR

①

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

---

Service Appeal No. 22 of 2014

Muhammad Rasheed Khan, Superintendent Sessions  
Court Malakand.

...Appellant

VERSUS

1. The Honourable Chief Justice Peshawar High Court, Peshawar, through Registrar Peshawar High Court, Peshawar.
2. The Registrar Peshawar High Court, Peshawar.
3. The District and Sessions Judge/ Zilla Qazi, Malakand at Batkhila.

...Respondents

Proper Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the memo No. 106/Confdl dated 20-08-2013 communicated on 02-09-2013 vide which the representation/review for the expunction of the adverse entries made in the service record of the appellant vide memo No. 90/Confdl dated 10-04-2013 issued by the respondent No. 2 (communicated for the first time on 15-04-2013 on the application of the appellant) was rejected against the law, rules and facts.

Prayer

That on acceptance of this appeal the

A. No. 22/2014  
M. Rashid

04.04.2018

Appellant with counsel and Mr. Usman Ghani, District Attorney for the respondents present. During the arguments this Tribunal felt the need of requisitioning the three inquiry reports conducted by the High Court against the appellant and the complaints against the appellant. His original PER file is also required for determination of the appeal. The departmental representative is to produce the required record on the next date. To come up for record and arguments on 06.06.2018 before D.B at Camp Court, Swat.

Self  
Member

Self  
Chairman  
Camp Court Swat

*[Handwritten signature]*

|               |                                |
|---------------|--------------------------------|
| Date of ...   | 12-4-18                        |
| Number of ... | 6-800                          |
| Case No.      | 2-                             |
| Under         | 8-                             |
| Total         | <i>[Handwritten signature]</i> |
| Number of ... | 12-4-18                        |
| Date of ...   | 12-4-18                        |

**THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 22 /2014**

Muhammad Rasheed:.....Appellant

Versus

The Registrar PHC and others.....Respondents

---

**Application on behalf of official Respondents for transfer of the titled Service Appeal from the Mingora Camp Court to Peshawar Principal Seat of the Service Tribunal.**

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Respectfully Sheweth,

1. That the titled Service Appeal is pending before the Hon'ble Tribunal at Mingora Camp Court wherein the next date of hearing is 04.07.2018.
2. That the Respondents in the titled appeal are based at Peshawar, therefore, it would be just and proper that the titled case be heard and decided at Principal Seat at Peshawar.
3. That the hearing of the instant appeal at Camp Court Mingora will cause the applicants as well as other official Respondents hardship as well as loss of time and expense, therefore, it would be in the interest of justice that the appeal in hand be heard at the Principal Seat.

It is, therefore, humbly prayed that the titled Service appeal may graciously be transferred from Camp Court Mingora to Principal Seat at Peshawar for disposal in the interest of justice.

Through

Applicants/  
Respondents

**Khaled Rahman**  
Advocate,  
Supreme Court of Pakistan

Dated: 29 /06/2018

**Verification**

Verified that the contents of this application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent