



04. 19.01.2015 None present for appellant. Due to strike of the Bar the case is adjourned for preliminary hearing to 18.2.2015 at camp court A/Abad.


Chairman
Camp Court A/Abad

05. 18.2.2015 None present for appellant. Notice be issued to appellant and his counsel for preliminary hearing for 19.3.2015 before S.B at camp court A/Abad.


Chairman
Camp Court A/Abad

6

19.3.2015 Counsel for the appellant present. Learned counsel for the appellant submitted application for withdrawal of appeal as the grievances of the appellant have been resolved. The appeal is, therefore, dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
19.3.2015

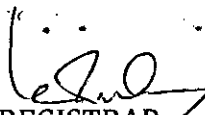

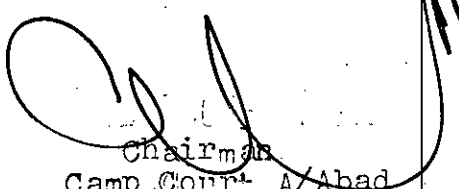

Chairman
Camp Court A/Abad

19-03-15

Form- A
FORM OF ORDER SHEET

Court of: _____

Case No. 98/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	20/01/2014	<p>The appeal of Mr. Muhammad Nawaz resubmitted today by Mr. Muhammad Arshad Khan Tanooli Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	10.2.14	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>14-7-14</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	14.7.2014.	<p>Counsel for the appellant present, and requested for adjournment. To come up for preliminary hearing at camp court A/Abad on 19.01.2015.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

To

The Registrar
K.P.K Service
Tribunal, judicial
complex Keshawa.

Sub:- Re-submission of Service
Appeal of Inspector Muhammad Nawaz.

- 1- Reference your letter NO 1884/S.T
dt 31/12/2013 received by me U/Signed
on 6-1-2014.
2. Enclosed herewith please find
service appeal of police inspector
Muhammad Nawaz ~~to~~ duly completed
as required for further proceedings
pl.

Date 19/1/2014



Muhammad Arshad Khan Tanoli
Assistant High Court
Abbottabad

The appeal of Mr. Muhammad Nawaz Police Inspector received today i.e. on 31.12.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Law under which appeal is filed is not mentioned.
2. Annexures of the appeal may be attested.
3. Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file cover.

No. 1884 /S.T.

Dt. 31/12 /2013.

M/s. Muhammad Arshad Khan Tanoli
Advocate, High Court A. Abad


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Service Appeal No. 98 /2013

Muhammad Nawaz Inspector No H-40 DCIO/~~CTD~~/SB Abbottabad.

.....APPELLANT

VERSUS

Govt. Khyber Pakhtunkhaw Through Secretary, Home & Tribal Affairs KPK
Peshawar and others.

.....RESPONDENTS

SERVICE APPEAL

SERVICE APPEAL

INDEX

S. #	Description	Page Nos.	Annexure
1.	Service Appeal along with Affidavit, certificate and addresses of parties		
2.	Copy of the same .		"A"
3.	Copy of the same.		"B"
4.	Copy of the impugned rejection.		"C"
5.	Wakalatnama		

Dated: 31/12/2013

.....APPELLANT

Muhammad Nawaz

Through

(MUHAMMAD ARSHAD KHAN TANOLI)
Advocates High Court Abbottabad

2

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Service Appeal No. 98 /2013

Muhammad Nawaz Inspector No. H.40 DCIO/~~CTD~~/SB Abbottabad

.....APPELLANT

VERSUS

1703
31-12-13

1. Govt. Khyber Pakhtunkhaw Through Secretary, Home & Tribal Affairs
KPK Peshawar.
2. Provincial Police Office (IGP) KPK Peshawar.
3. Deputy Inspector General police CTD SB KPK Peshawar.
4. SSP Admin CTD Head Quarter KPK Peshawar.

.....RESPONDENTS

SERVICE APPEAL

under s: 4

**SERVICE APPEAL FOR EXPUNGING
OF IMPUGNED ADVERSE REMARKS
FROM THE ACR OF THE APPELLANT
FOR THE YEAR 2012 AND SETTING
ASIDE IMPUGNED REJECTION OF
DEPARTMENTAL APPEAL LETTER**

No. S/6054/12 DATED 29.11.2013

*Filed to day
L.A.Q.
31/12/13*

Respectfully Sheweth:

*re-submitted to day
and filed:*

1. That the appellant is swerving as District Criminal Intelligence
Officer (DCIO) Abbottabad since 27.01.2012 with complete
devotion and dedication to the entire satisfaction of his superior.

*L.A.Q.
20/11/2014*

2. That the appellant has been awarded adverse remarks by the reporting officer as "an average Police Officer who did nothing during the period under report", remarks of first countersigning officer (DIG/DCT) "a barely average police officer, only passing time / not fit to be further promoted" and remarks of the 2nd countersigning officer (ADDL IGP) "convey as adverse" are illegal, perverse, mala fide, discriminatory, arbitrary and based on mere surmises / conjectures and issued by the incompetent persons and same are liable to be expunged the remarks conveyed by the Registrar Provincial Police Officer vide letter No S/4797/13 dated 20.09.2013 received by the appellant on 24.09.2013. Copy of the same is attached as Annexure "A".
3. That the appellant filed departmental appeal for expunging of adverse remarks on 23.10.2013. Copy of the same is attached as Annexure "B".
4. That the competent authority rejected departmental appeal of the appellant on 29.11.2012 which was received by the appellant on 02.12.2013. Copy of the impugned rejection letter is attached as Annexure "C". The impugned rejection letter is illegal, discriminatory, mala fide, against the principle of natural justice and liable to be set aside. Hence, the instant appeal filed by the appellant inter alia on the following grounds.

GROUNDS:

1. That the appellant during the period w.e.f 27.01.2012 to 31.12.2012, completed all the tasks and unfolded high profile cases inspite of acute shortage of strength / manpower. The appellant during this period submitted 140 information reports, 25 source reports and 14 format which are available on the record of (DCT) Headquarter Peshawar.
5. That the appellant during his service tenure remained on some important posts viz reader to DIG Hazara, Inspector Legal Mansehra, CLI Recruit Training Wing Mansehra, Inspector Inquiry Panel Abbottabad and earned A category reports and his Annual Confidential Reports (ACR) speaks of his excellent dicipline, effeciency and legal knowledge.
6. That during the period from 27.01.2012 to 31.12.2012, no incident like that of suicidel attack, target killing, kidnaping for ransom and vehicle snatching took place in District Abbotabad which shows effeceincy of the appellant towards his job comittment.
7. That the appellant during this period, took only 4 casual leavs only for the treatement of ailing wife, who was suffering from Hapatitis "C " and the appellant always reamined busy in his job commitments and run the show smoothly with compelete devotion.

8. That the appellant has not been given any explanation, never called for counselling by the respondents during the period of 2012.
9. That the adverse remarks endorsed by the officers who were not competent to award adverse remarks to the appellant. Hence, the adverse remarks recorded in the ACR for the year 2012 are liable to be set aside.
10. That the instant appeal of the appellant within the period of limitation and the service tribunal KPK is competent to entertain the instant appeal.
11. That the other points relating to the instant appeal would be raised at the time of arguments.

It is most humbly prayed that on acceptance of instant appeal, the impugned rejection letter dated may be set aside and the adverse remarks recorded in the ACR of the appellant for the year 2012 be declared illegal and be expunged

Dated: 31/12 /2013

.....APPELLANT
Muhammad Nawaz

(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2013

Muhammad Nawaz Inspector No H-40 DCIO/C.T.D/SB Abbottabad.

.....APPELLANT

VERSUS

Govt. Khyber Pakhtunkhaw Through Secretary, Home & Tribal Affairs KPK
Peshawar and others.


.....RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Nawaz Inspector No H-40 DCIO/DCT/SB
Abbottabad do hereby solemnly affirm and declare on oath that the
contents of the foregoing Service appela, are correct to the best of my
knowledge and belief and nothing has been concealed from the
Honourable Court

Dated: 31/12 2012


DERONENT

7

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2013

Muhammad Nawaz Inspector No H-40 DCIO/CFD/SB Abbottabad.

.....APPELLANT

VERSUS

Govt. Khyber Pakhtunkhaw Through Secretary, Home & Tribal Affairs KPK
Peshawar and others.

.....RESPONDENTS

SERVICE APPEAL

CERTIFICATE

Certificate that no such like Writ Petition has
earlier been filed before this Honourable Court.



.....APPELLANT *

Muhammad Nawaz

Through


(MUHAMMAD ARSHAD KHAN TANOLI)
Advocate High Court Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Service Appeal No./__2013

Muhammad Nawaz inspector No. H-40 DCIO/CTD/SB Abbottabad.

.....APPELLANT

VERSUS

Govt Khyber Pakhtunkhaw Through Secretary, Home & Tribal Affairs KPK
Peshawar and other.

.....RESPONDENTS

SERVICE APPEAL

Respectfully Sheweth:-

Addresses of the parties are as under

PETITIONER

Muhammad Nawaz Inspector No. H-40 DCIO/CTD/SB Abbottabad

RESPONDENTS

1. Govt Khyber Pakhtunkhaw Through Secretary, Home & Tribal Affairs KPK Peshawar.
2. Pronincipal Police Officer (IGP) KPK Peshawar.
3. Deputy Inspector General Police CTD SB KPK Peshawar.
4. SSP Admin CTD Head Quarter KPK Peshawar.

.....APPELLANT
Muhammad Nawaz

Through

(MUHAMMAD ARSHAD KHAN TANOLD)

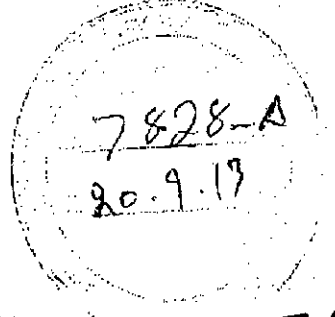
Advocate High Court Abbottabad

Annex "A"

Confidential/in-duplicate

Tele Phone No. 091-9210457
Fax No. 091-9213165/9210927

From: - The Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
To: - The Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.



No. S/ 4797 /13, dated Peshawar, the 20-09-2013.

Subject: - ACR/COMMUNICATION OF ADVERSE REMARKS

Memo:

Alleged
Muhammad

In the Annual Confidential Report on the working of Inspector **Muhammad Nawaz**, for the period/year 27.01.2012 to 31.12.2012 it has been mentioned that:-

Muhammad Arshad (Advocate) Court
Abbottabad

Remarks of the Reporting Officer.

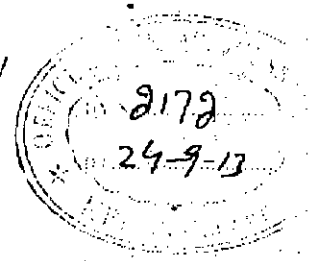
"An average Police officer who did nothing during the period under report"

Remarks of the 1st Countersigning Officer (DIG/DCT)

"A barely average police officer, only passing time/ not fit to be further promoted"

Remarks of the 2nd Countersigning Officer (Addl: IGP/Ops,Trg)

"Convey as Adverse"



The above adverse remarks may please be conveyed to the official concerned in order that he may remedy the defects. Representation if made should be sent not later than one month from the date of receipt of this communication.

The acknowledgement as token of the receipt of this memo: may be obtained from him on the attached duplicate copy of this communication and returned to this office for record in his Character Roll Dossier.

- ✓ IGP/SB
- ✓ DIG/SB
- ✓ DIG/CTD
- ✓ SSP/Admn.
- ✓ SSP/P
- ✓ SP/S
- ✓ SP/Survey
- ✓ SP/JIT
- ✓ SP/Int.
- ✓ RI/Acctt./EA
- ✓ SP/FRO
- ✓ Dir/Tech:

PA
for action
Deputy Inspector General
of Police, SB,
K.P.K. Peshawar
20/9

(JAVED IQBAL)
Registrar,
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

Annex "B,"

To

The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

(Through Proper Channel)

Subject: APPEAL FOR EXPUNGING OF ADVERSE REMARKS FROM
THE ACR-2012.

Respectfully Sheweth,

Attested
[Signature]

In response to your office letter No. S/4797/13, dated Peshawar ^{Arshad Khan Tanoli}
20-09-2013 received from the office of DIG/DCT:SB Hqr: Peshawar on ^{Arshad Khan Tanoli}
27-09-2013, ^{Arshad Khan Tanoli}
^{Arshad Khan Tanoli}

The following points are submitted for your kind perusal.

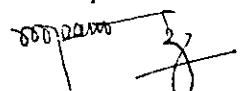
1. That in my original ACR-2012 the reporting officer has awarded "B" report and wrote in column No.-4, that he received no complaint regarding my dishonesty. But the word " An average Police Officer who did nothing during the period under report" is quite un-justified-without giving any reason.
2. That I was transferred and posted as District Criminal Intelligence Officer District Abbottabad on 27-01-2012. During my posting as DCIO I have performed my duties with acute shortage of strength and other resources. I have requested the high ups for the provision of sanctioned strength for this important District at different occasions in meetings etc but of no response. Besides I continued my work with great devotion and submitted 140 information reports, 25 source reports and 14 format during the period under report which are available on the record of this office as well as DCT Hqr: Peshawar and negated the wording of reporting officer in my ACR.
3. That the remarks of 1st countersigning Officer (DIG / DCT) are also un-justified because I am a graduate Police officer and remained posted as Reader to DIG Hazara, Inspector legal District Mansehra, CLI Recruit Training Wing Mansehra and inspector Inquiry panel Hazara Region

Abbottabad, and earned "A" category reports in my ACR'S which speak of my good discipline and efficiency.

4. That during the period under report no incident of suicide attack, target killing, kidnapping for ransom and vehicle snatching had taken place in Abbottabad District, which also shows my efficiency towards official job.
5. That during the period under report I have availed only four days C/leave for the treatment of my wife who was suffering from Hepatitis "C". I did not avail further leave only for the smooth running of official job.
6. That I was not awarded any major or minor punishment during the period under report.
7. That I was not given any advice notice before recoding the adverse remarks in my ACR 2012 as envisaged in Rule 3.6.

In the light of my previous ACRS and circumstances mentioned above, it is humbly prayed that the impugned adverse remarks of reporting officers in my ACR may kindly be expunged. So as to enable me to serve the department with courage in future and obliged.


Sincerely Yours



Muhammad Nawaz Inspector No. H/40,
DCIO / DCT: SB Abbottabad.

23-10-13

Forwarded Please:


R/O DCIO/SB
Hazara Range
Abbottabad

23-10-13

Attested
Muhammad
Muhammad Arshad Khan
Advocate High Court
Abbottabad

FAX NO. : PPO KFR PESHAWAR

29 11 2013 15:42 FAX 0919210927

001

Annex "C"

Tele Phone No. 091-9210457
Fax No. 091-9213165/9210927

From : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
To : The Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

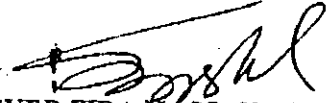
No. S/ 6054 /12, dated Peshawar, the 29-11 /2012.

Subject:- APPEAL FOR EXPUNGING OF ADVERSE REMARKS
FROM THE ACR-2012.

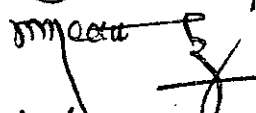
Memo: Please refer to your letter No. 5461/PA/DCT, dated 30.10.2013 on
the subject cited above.

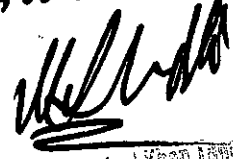
Appeal submitted by Inspector Muhammad Nawaz for the
expunction of Adverse Remarks recorded in his ACR for the period from 27.01.2012 to
31.12.2012 has been examined and filed by the competent authority.

The Representationist may be informed accordingly.


(SYED FIDA HASSAN SHAH)
AIG/Establishment
For Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.

Received to day on 02/12/2013


Deed/Abbottabad.

Attested

Muhammad Arshad Mehmood
Advocate High Court
Abbottabad

Before the Honorable Tribunal
ICPC Dera Ismail Khan.

Inspector Muhammad Nawaz (Appellant)

vs

Govt of ICPC through Secretary Home
& others
(Respondants)

19/03/15

Application for withdrawal
of the caption appeal.

Respectfully Sheweth,

7

1. That the captioned appeal is pending adjudication & fixed for hearing to-day.
2. That the appellant has been promoted from the rank of Inspector to DSP.

It is prayed that the instant appeal may be ordered to be treated as withdrawn
19/3/2015 through counsel. Appellant
M. M. A. I.