

4.11.2013

Appellant with counsel (Mr. Imdadullah, Advocate) present. Fresh Wakalat Nama on behalf of the appellant filed, and learned counsel for the appellant requested for adjournment. To come up for preliminary hearing at camp court Swat on 6.1.2014.

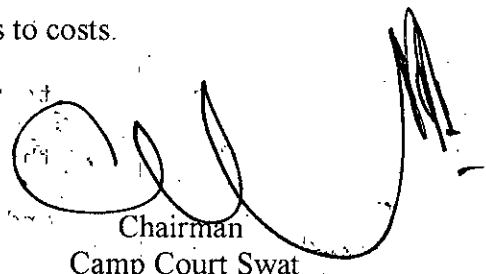
  
Chairman  
Camp Court Swat

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


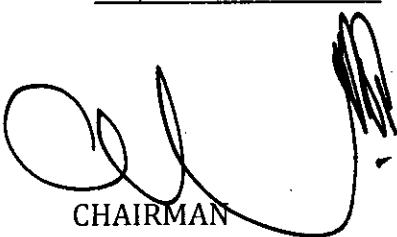

06.01.2014

  
Chairman  
Camp Court Swat

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1360 /2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/09/2013	<p>The appeal of Mr. Muhammad Rashid Khan presented today by him, 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	25-9-2013	<p>This case is entrusted to Touring Bench Swat for preliminary hearing to be put up there on <u>07-10-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3.	7.10.2013	<p>Appellant present in person and heard.</p> <p>The appellant would provide assistance with regard to maintainability of the appeal in view of the fact that both his plea for expunction of adverse remarks and promotion/upgradation have been joint in one single appeal. To come up for further preliminary hearing at camp court Swat on 4.11.2013.</p> <p style="text-align: right;"> Chairman Camp Court Swat</p>

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

Appeal No. 1360 /2013

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

Versus

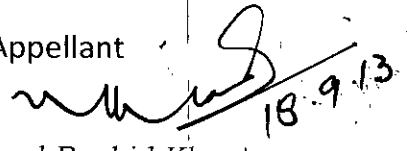
Hon'ble the Chief Justice Peshawar High Court, Peshawar through  
**Registrar**, Peshawar High Court, Peshawar and others .....(Respondents).

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7	Departmental Appeal dated 25-4-2013	F	10-13
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9	Copy of Order No. 106/Confdl dated 20-8-2013	H	17

Dated 18-09-2013

Appellant

  
(Muhammad Rashid Khan)  
Superintendent,  
Sessions court, Malakand

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

Appeal No. 1360 /2013

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

~~1399~~  
1399  
19-9-13

Versus

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

APPEAL U/S 4 OF THE SERVICE TRIBUNAL, ACT, 1974 AGAINST THE ORDER NO. 106/CONF DL DATED 20-8-2013, WHEREBY REPRESENTATIONS OF THE APPELLANT FOR EXPUNCTION OF ADVERSE REMARKS FOR THE YEARS, 2010-2011 WITH RETROSPECTIVE EFFECT PROMOTION /UPGRADATION WAS DISMISSED.

Prayers:

On acceptance of this appeal the impugned Order No. 106/Conf dl dated 20-8-2013, received on 02-09-2013 may kindly be set aside and the adverse remarks may please be expunged and the appellant may please be considered for promotion/upgradation from BPS-16 to BPS-17 with retrospective effect i.e. 21-2-2013, when juniors to appellant were promoted/upgraded.

Any other relief which this Hon'ble Tribunal deems fit in the circumstances of the case may kindly also be granted.

Respectfully Shweth,

1. The appellant submit that I was appointed as Superintendent (BPS-16) in the year 1996 and was posted in Sessions Court, Shangla (Copy of the

Order as annexure "A"). I have served with the best of my ability without any blemished career or stigma.

2. That Hon'ble the Peshawar High Court, Peshawar vide Order No.8034-8089/B&A dated 6/12/2012, (Copy annexure "B") the post of Superintendents, to the Courts of District & Sessions Judges/Zilla Qazis, in the Province of Khyber Pakhtunkhwa, got upgraded from BPS-16 to BPS-17, having five years satisfactory service.
3. Whereas vide Order No. 1340-61/B&A dated 21-2-2013, (Copy annexure "C") 15 Superintendents, have been upgraded, qua name of the appellant is missing in the said list.
4. Consequent, thereof the appellant aggrieved, hence through requesting letter No. 794 dated 28-3-2013, (Copy annexure "D") some adverse remarks in the Annual Confidential Report for the Year 2011 (Copy Annexure "E"), prior to any counseling and after issuance of upgradation order were endorsed which subsequent thereto, were communicated to the appellant. Whereas the adverse remarks in the ACR for the year 2010 having the same wording have not been communicated/acknowledged by the appellant. The said adverse remarks in 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. That the appellant is labeled, by the then Worthy Registrar, Syed Musadiq Hussain Gilani/Countersigning Officer, **to be living beyond his means**. I may clarify that I am single legal heir of my parents and in the grace of Almighty "Allah" is the owner of hundred kanals of property/building, whereas, my wife is a Senior School Teacher. Thus the remarks" living beyond his means" are not justified keeping in view the ground reality.
6. In above perspective the appellant 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 the appellant, pursuant to the directives of Hon'ble the Peshawar High Court, Peshawar, which were culminated to its logical end.

7. That the appellant suffering from last 03 years only on the basis of a false, frivolous and baseless complaint lodged by my paternal cousin Muhammad Saeed, Advocate Shangla, on some personal rivalry, with the intention to damage my service career, which complaints adequately got inquired and probed by the learned Judicial Officers/inquiry Officers of the province without any further fruitful results.
8. That the appellant 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 towards official or private affairs concerning to daily dealings.
9. That the adverse remarks recorded by the countersigning Officer, in the ACRs of the appellant for the years 2010-2011, but the same have not been communicated to the appellant in due time and on my written request the adverse remarks, only for the year 2011 have been communicated to the appellant after lapse of a long period for about 02 years and the adverse remarks for the year 2010, have not been communicated/acknowledged by the appellant, which clearly shows malafide.
10. That the appellant submitted representations ( annexure "F &G") for the expunctions of the impugned adverse remarks for both the years i.e. 2010 and 2011, but the same were dismissed vide letter No. 106/Confdl dated 20-8-2013, which appellant received on 02-9-2013. (Copy annexure "H").
11. That the impugned order is illegal, against the law and facts on the following grounds:

GROUNDS:

- A) That the appellant has not been dealt with in accordance with law and his rights secured and guaranteed under the constitution and law were badly violated.
- B) That the adverse entries recorded in the ACR of the appellant are not in accordance with law and "**Instructions on Performance Evaluation Report**" hence carries no sanctity.
- C) That the Performance of the appellant during the years 2010-2011 was upto all standard, during this period neither the appellant was proceeded against on any disciplinary ground nor in this period he was ever served with any charge sheet, show cause notice, explanation call or counseling etc, hence the adverse remarks having no base, are liable to be struck down.
- D) That the adverse remarks recorded in the ACRs of the appellant are not judicious and does not reflect the ground realities regarding the performance of the appellant thus should be ignored and expunged.
- E) That even otherwise the impugned adverse entries recorded in ACRs of the appellant is a stigma in the bright and long service career of the appellant and on this ground too the adverse entries are liable to be expunged.
- F) That the appellant seeks the permission of this Hon'ble Tribunal to rely on additional grounds at the hearing of this appeal.


It is, therefore, humbly prayed that on acceptance of this appeal, the impugned Order No. 106/Confdl dated 20-8-2013, may please be set aside and the adverse remarks may please be expunged and the appellant may please be

considered for promotion/upgradation from BPS-16 to BPS-17 with retrospective effect.

Any other relief which this Hon'ble Tribunal deems fit in the circumstances of the case may kindly also be granted.

Dated:

Appellant

  
18.9.13.  
(Muhammad Rashid Khan)  
Superintendent,  
Sessions court, Malakand


### AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Dated:

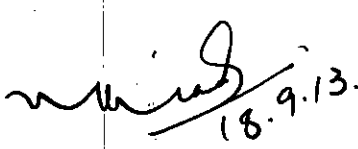
18-09-2013

  
Attest  
Zia-Ur-Rahman  
Oath Commissioner  
Distt: Courts Malakand  
No 5 Date 18-9-13

  
18.9.13.  
(Muhammad Rashid Khan)  
Superintendent,  
Sessions court, Malakand

Note:-

Another appeal No. 1215/13 has been filed before this Hon'ble tribunal wherein date is fixed for preliminary hearing as 7-10-2013. So this appeal may please be clubbed with above mentioned appeal.

  
18.9.13.  
(Muhammad Rashid Khan)  
Superintendent,  
Sessions court, Malakand



PESHAWAR HIGH COURT, PESHAWAR.

Annexure "A"

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, Steno 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.

BY ORDER OF THE CHIEF JUSTICE  
ABDUL JABBAR KHAN  
REGISTRAR.

MA  
8/11/96

.....

Endet.No. 2437-41 /Admn.Brh. Dated Peshawar the 17.11. /1996.

Copy forwarded to :-

1. The District and Sessions Judge, Zila Gazi 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, Steno to Assistant Commissioner, Alpurai District Shargla.

*[Signature]*  
( ABDUL JABBAR KHAN )  
REGISTRAR.

*[Signature]*  
13/11/96

# PESHAWAR HIGH COURT, PESHAWAR

## ORDER

Annexure "B"

In exercise of the powers conferred by the Finance Department under Notification No. 30(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 on BPS-16, w.e. 01/12/2012.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

(Subhan Sher)  
Registrar

Endst: No. 8034-8089/BAA

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.

Beta  
For wya

13.12.12

(Subhan Sher)  
Registrar

Already received and  
entry made vide No. 585  
Dated 7-12-2012.

Jah

23 Feb. 2013 11:37:41 PI

Annexure 'c'

21 Feb. 2013 11:17:41 PI

# PESHAWAR HIGH COURT, PESHAWAR

Dated Peshawar, the 21<sup>st</sup> February 2013

## ORDER

Consequent upon the up-gradation of the posts of Superintendent to the Court of District and Sessions Judges/ZOs in the Khyber Pakhtunkhwa vide this court order bearing Endst: No.8034-2089/B&A, dated 06/12/2012, and the decision taken in the meeting of the Departmental Promotion Committee dated 20/02/2013, the Competent Authority has been pleased to grant BPS-17 to the following Superintendents of the District Judiciary with immediate effect:-

S.No	Name of Officer	District
1.	Mr. Abdul Mateen	Nowshera
2.	Mr. Abid Nowaz	Mardan
3.	Mr. Shah Rawan	Buner
4.	Mr. Barzattullah	D.I.Khan
5.	Mr. Abdullah Jan	Dannu
6.	Mr. Awei Zaman	Lakki Marwar
7.	Mr. Muhammad Ali	Charsadda
8.	Mr. Muhammad Ishag	Swat
9.	Mr. Bakht Biland	Dir Lower
10.	Mr. Sular Khan	Huripur
11.	Mr. Hameed Iqbal	Shangla
12.	Syed Asif Shah	Baragram
13.	Mr. Rab Nawaz	Karak
14.	Mr. Kifayatullah	Tank
15.	Mr. Khan Akhar	Peshawar

By Order of Hon'ble the Chief Justice

(Subhan Sher)

Registrar

Dated: Peshawar, the 23-2-2013.

Endst No. 1340-61/B&A

Copy forwarded for information and necessary action to:

1. The Secretary Govt of Khyber Pakhtunkhwa, Finance Department, Peshawar.
2. The Accountant General, Govt of Khyber Pakhtunkhwa, Peshawar.
3. The District & Sessions Judges/ZOs, in Khyber Pakhtunkhwa.
4. The Private Secretary to Hon'ble the Chief Justice, Peshawar High Court, Peshawar.
5. The District Accounts Officers, Khyber Pakhtunkhwa.
6. The MIS Manager, Peshawar High Court, Peshawar.
7. The Supdt. General, Peshawar High Court, Peshawar for placing in relevant service record.
8. The Officers Concerned by name.

(Subhan Sher)

Registrar

To:

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

Annexure "D"

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/dismissed. 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.

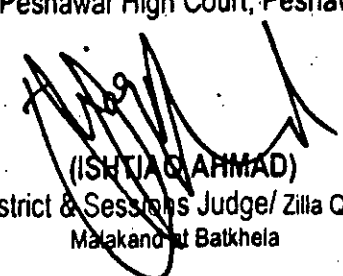
In Order to know the background and reason of my non up-gradation to BPS-17, as awarded to my other colleagues vide Hon'ble the Peshawar High Court, Peshawar, Order endst: No. 1340-61/B&A dated 23/02/2013. It is humbly requested that if any adverse entry in my service record is available, the same may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

  
28.3.13.

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

No. 794 /D&SJ (MKD) Dated the 28~~1~~, March, 2013.

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

  
(ISHAQ AHMAD)  
District & Sessions Judge/ Zilla Qazi,  
Malakand at Balthela

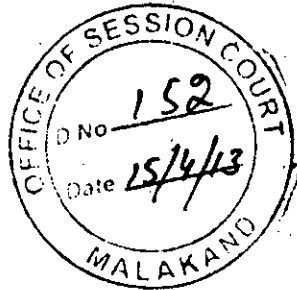


The  
**PESHAWAR HIGH COURT**  
Peshawar

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  
phcpsh@gmail.com



**Confidential**

Dated 10 / 04 / 2013

90 / Confdl

From,

The Registrar  
Peshawar High Court,  
Peshawar.

*Annexure "E"*

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

*10/4/13*

*[Signature]*  
15-4-13

Malakand

No. 1162 /DLSJ/ZQ (MKD) dated the 25<sup>th</sup> April, 2013.

From:

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

To:

Annexure "F"

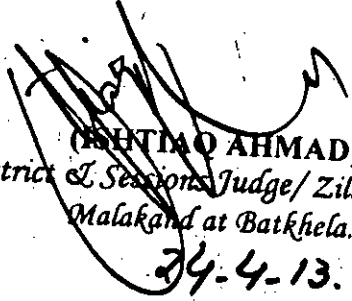
The Registrar,  
Peshawar High Court,  
Peshawar.

Subject:

REPRESENTATION FOR EXPUNCTION OF ADVERSE REMARKS  
ENDORSED VIDE LETTER BEARING NO.90/CONF DL DATED 10/04/2013,  
IN THE ANNUAL CONFIDENTIAL REPORT FOR THE YEAR, 2011 WITH  
RETROSPECTIVE EFFECT PROMOTION/UPGRADATION.

Sir,

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

  
(SAHIB AHMAD)  
District & Sessions Judge/ Zilla Qazi,  
Malakand at Batkhela.  
24-4-13.

To:

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 pericd 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.

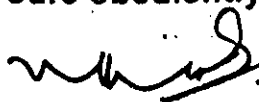
6 I personally got acknowledged that my paternal cousin on the basis of petty nature rivalry sent some substanceless and prejudice complaints with the intention to damage my service career, which complaints adequately got inquired and probed by the Distinct learned Judicial Officers of the province without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



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

From:-

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

To:-

The Registrar,  
Peshawar High Court,  
Peshawar

Annexure "G"

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.

  
**(ISHFAQ AHAMD)**  
District & Sessions Judge/  
Zilla Qazi, Malakand at Batkhela.

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

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

Submitted, please

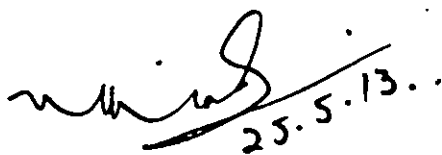
  
25-5-13

(MUHAMMAD RASHID KHAN)  
SUPERINTENDENT,  
SESSIONS COURT, MALAKAND

AFFIDAVIT

I, Muhammad Rashid Khan, Superintendent Sessions Court Malakand, solemnly affirm and verify that contents of Pctition/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



*The*  
**PESHAWAR HIGH COURT**  
*Peshawar*

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

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106/ Confdl

Dated 20/08/2013

From,

The Registrar,  
Peshawar High Court,  
Peshawar.

To,

The District and Session Judge,  
Malakand at Battkahela.



Annexure "H"

Subject: - Request for speedy and sympathetic decision of the representations for expunction of adverse remarks in the annual confidential reports for the year 2010-2011 with retrospective effect promotion/ upgradation.

Sir,

I am directed to refer to your Ends: No: 1768/D&SJ/ZQ (MKD) Dated 04-07-2013 on the subject noted above and to inform you that Hon'ble Chief Justice has been pleased to pass the following remarks,

***"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"***

Please convey the official accordingly,

*Office Suptd.*

**Dist: & Sessions Judge /  
Zilla Qazi  
Malakand At Battkahela**

02.9.13

*(Signature)*  
**(MUHAMMAD ARSHAD)**  
Registrar  
19/08/13

# بعدالت حیدر خزانہ سروسز سہیل نعام کیمپ کورٹ سہیل

کوریج فیس	قیمت ایک روپیہ
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مورخہ 04-11-2013  
 مقدمہ محمد شہد خان سہیل سہیل نعام کورٹ  
 دعویٰ حیدر خزانہ سہیل نعام کورٹ  
 جرم سہیل نعام کورٹ

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کاروائی متعلقہ آن مقام سہیل سہیل نعام کورٹ / اسرار اللہ ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیاط ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ ڈائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ بصورت ضرورت مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہاگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند ہے

محمد شہد خان  
 04-11-2013

المقوم  
 ۲۰۱۳  
 ۲۰۱۳

العبد گواہ شدہ العبد

Attended and Accepted by

Signature

بمقام کل دہ سہیل