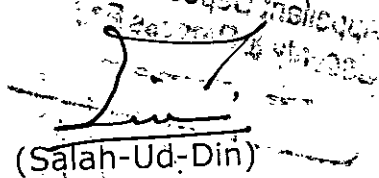


18.07.2022

Appellant in person present.


Perusal of the record would show that notices have not been issued to the respondents, therefore, in this respect explanation be called from the concerned official. Notices be issued to the respondents through ordinary means as well as through registered post for submission of reply/comments on 19.09.2022 before the S.B at Camp Court Abbottabad.

The appellant shall submit registered A.D within 02 days.


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

19th Sept 2022 Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Yaseen, Superintendent for respondents present.

Written reply not submitted. Representative of the respondents seeks time submit written reply/comments on the next. Respondents are directed to submit written reply/comments positively. To come up for written reply/comments on 14.11.2022 before S.B at camp court Abbottabad.


(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

19.05.2022

Counsel for the appellant present and heard.

Learned counsel for the appellants submits that against communication of the adverse remarks recorded in the Annual Confidential Report for the period from 01.01.2018 to 29.09.2018 communicated to the appellant vide letter No. 1295-PF-ACR/D&SJ dated 01.03.2019, he preferred departmental appeal on 18.03.2019, which was dismissed and the result was communicated to the appellant vide letter No. 9424-PACRF/DSJ dated 24.11.2021 and he filed this appeal on 22.12.2021 which is within time. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for submission of reply/comments before the S.B on 13.06.2022 at camp court Abbottabad.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. Arshad Khan
24/5/22



(Kalim Arshad Khan)
Chairman
Camp Court Abbottabad

13.06.2022

Clerk of learned counsel for the appellant present.
Mr. Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Notice be issued to the respondents for submission of written reply/comment. To come up for written reply/comments on 18.07.2022 before S.B at Camp Court Abbottabad.



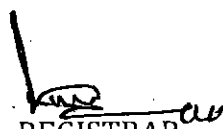
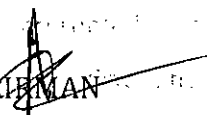

(Fareeha Paul)
Member (E)
Camp Court A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7906/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2021	<p>The appeal of Mr. Habib Ur Rehman presented today by Tayyiba Rani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to touring S. Bench at Abbottabad for preliminary hearing to be put there on <u>14-03-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>16.05.2022 None for the appellant present.</p> <p>Notices for prosecution of appeal be issued to the appellant as well as his counsel.</p> <p>To come up for Preliminary hearing before S.B on <u>19.05.2022</u> at camp court Abbottabad.</p> <p style="text-align: right;"> (Kaleem Arshad Khan) Chairman Camp Court Abbottabad</p>

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

Habib ur Rehman
..... Appellant

Versus

Dist & Session
..... Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: <u>Advocate</u> <u>Court</u>	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On _____		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	√	
26.	Whether copies of comments/reply/rejoinder submitted? On _____		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- Tayyiba Ravi

Signature:- Ravi

Dated:- 22-12-2022

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7906 /2021

Habib ur Rehman

..... Appellant

V/S

District & Sessions Judge Haripur etc Respondents

SERVICE APPEAL

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal alongwith affidavit, addresses of the parties		
2.	Copy of appointment letter	"A"	
3.	Copy of impugned letter dated 01.03.2019 of respondent No.1	"B"	
4.	Copy of departmental appeal/ representation dated 18.03.2019	"C"	
5.	Copies of departmental appeal and order of respondent No.3 dated 24.11.2021 alongwith covering letter of respondent No.1	"D"	
6.	Wakalat Nama		

Dated 22-12-2021

Habib
Appellant
Habib ur Rehman

Through counsel

Ubaid ur Rehman Khan
Advocate High Court
At Haripur

Tayyaba Rani
Advocate High Court
At Haripur

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2021

Habib-ur-Rehman Junior Clerk/Moharrir, Judge Family Court-I,
Tehsil & District Haripur.

.....Appellant

VERSUS

1. District & Sessions Judge, Haripur
2. Civil Judge Ghazi (Reporting Officer) Ghazi District Haripur
3. Registrar Peshawar High Court, Peshawar

....Respondents

**SERVICE APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL
ACT 1974 AGAINST IMPUGNED ORDER OF HONORABLE
RESPONDENT NO.3 DATED 24.11.2021 AND LEARNED
RESPONDENT NO.1 DATED 10.03.2019 REGARDING THE
ADVERSE REMARKS OF RESPONDENT NO.2 IN THE ACR
FOR THE PERIOD OF 01.01.2018 TO 29.09.2018 BE
DECLARED ILLEGAL AND NULL & VOID AND EXPUNGED.**

**PRAYER :- *On acceptance of the appeal, the impugned
order dated 10.03.2019 issued by learned
Respondent No.1 and order dated 24.11.2021
of Honorable Respondent No.3 may graciously
be set aside and ACR period 01.01.2018 to
29.09.2018 be expunged being illegal,***

unlawful and against the facts and circumstances. Any other relief which this Honorable Court deem proper may also be granted in the best interest of justice.

Respectfully Sheweth:-

Brief facts giving rise to the present appeal are arrayed as under:-

1. That the appellant is permanent employee of District Judiciary Haripur since 03.10.2001 and presently performing his duty as Reader/Junior Clerk in the Court of learned Judge Family Court-III, Haripur. Copy of appointment order is annexed as **Annexure "A"**.
2. That the appellant has performed his duties since his appointment in different courts on different posts with honesty, dedication and devotion to the satisfaction of his all presiding office including reporting officer, there has no written or oral complaint against the appellant available on my service record, in this regard previous ACRs shows the honesty and performance of the appellant.
3. That during the posting with the respondent No.2/ Reporting Officer, the ACR of appellant w.e.f 01.01.2018 to 29.09.2018 communicated adverse remarks against the appellant.

4. That on the adverse remarks in the ACR of report of reporting/respondent No.2, the learned respondent No.1 District & Sessions Judge agreed with the reporting officer and issued impugned letter No. 1295-PF-ACR/D&SJ dated 01.03.2019 with direction to prefer representation before competent authority. Copy of order/letter dated 01.03.2019 is annexed as **Annexure "B"**.
4. That the appellant filed appeal/representation against the order of learned 01.03.2019 through proper channel vide No.559 dated 18.03.2019 before the Honorable Registrar Peshawar High Court/Respondent No.3. Copy of departmental appeal/representation dated 18.03.2019 is annexed as **Annexure "C"**.
5. That the representation/Departmental appeal of appellant dismissed by the Honorable Respondent No.3 vide letter No.689/Confdl dated 24.11.2021. Copies of order of respondent No.3 dated 24.11.2021 alongwith covering letter of respondent No.1 are annexed as **Annexure "D"**.
6. That appellant aggrieved from the impugned orders of respondents knock the door of this Honourable Court for setting aside the orders of respondents on the following grounds:-

GROUND'S OF APPEAL:-

- (a) That the orders of respondents are illegal, unlawful and against the law, hence untenable in the eye of law.
- (b) That during the period under reports, if the appellant involved in alleged allegation, the respondent No.1&2 had not issued any explanation/warning letters, show cause notice to appellant which was necessary before taking any adverse remarks under the law.
- (c) That the appellant previous record is spotless, having no any written or oral complaint received or made by any corner whatsoever found in the record which can be perused which shows that the appellant's performance remained quite satisfactory, the adverse remarks by reporting officer in ACR of appellant are baseless, unfounded, without any substantiating and incriminating material and biased.
- (d) That the appellant condemned unheard as prior to recording adverse remarks, the learned respondents did not bother to hear the appellant in personal appearance and all the proceeding had taken place in absentia which is against the law and norms of justice.

- (e) That the appellant never accorded any opportunity or given chance of personal hearing to answer such allegations or adverse remarks, the appellant never indulged any negative or illegal activities in his entire service and always performed his assigned duties with dedicated, quite honestly.
- (f) That the ACR always prepared on the available record per annum, during the said period the appellant has not issued any explanation/warning letters, show cause notice to appellant, ***the reporting officer/ respondent No.2 from 01.01.2018 to 29.09.2018 assigned adverse remarks but the remaining period of ACR 2019 there is no any adverse remarks*** which shows the malafide intention of reporting officer with the appellant, all the proceeding were initiated one-sided against the appellant, which is liable to be declared null, void and expunged in the best interest of justice.
- (g) That the valuable rights of the appellants are involved in the instant service appeal which is well within time.
- (h) That other points will be agitated at the time of arguments.

In the light of above stated facts it is humbly prayed that on acceptance of the appeal, the impugned order dated 10.03.2019 issued by learned Respondent No.1 and order dated 24.11.2021 of Honorable Respondent No.3 may graciously be set aside and ACR period 01.01.2018 to 29.09.2018 be expunged being illegal, unlawful and against the facts and circumstances. Any other relief which this Honorable Court deem proper may also be granted in the best interest of justice.

Dated 22-12-2021


Appellant
Habib ur Rehman

Through counsel

Ubaid ur Rehman Khan
Advocate High Court
At Haripur

Tayyaba Rani
Advocate High Court
At Haripur

VERIFICATION

Verified on oath that the contents of forgoing Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Service Tribunal.

Dated 22-12-2021

Appellant

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

Service Appeal No. _____/2021

Habib ur Rehman

..... Appellant

V/S

District & Sessions Judge Haripur etc Respondents

SERVICE APPEAL

AFFIDAVIT

I, Habib-ur-Rehman Junior Clerk/Moharrir, Judge Family Court-I, Tehsil & District Haripur do hereby solemnly affirm and declare on oath that the contents of the foregoing service appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Court.

Dated: 22-12-2021

Deponent

Habib-ur-Rehman

CNIC # 13302-0502792-5

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

Service Appeal No. _____/2021

Habib ur Rehman Appellant

V/S

District & Sessions Judge Haripur etc Respondents

SERVICE APPEAL

ADDRESSES OF THE PARTIES

APPELLANT

Habib-ur-Rehman Junior Clerk/Moharrir, Judge Family Court-I,
Tehsil & District Haripur.

RESPONDENTS

1. District & Sessions Judge, Haripur
2. Civil Judge Ghazi (Reporting Officer) Ghazi District Haripur
3. Registrar Peshawar High Court, Peshawar

Dated 22-12-2021

Habib

Appellant
Habib ur Rehman

Through counsel

**Ubaid ur Rehman Khan
Advocate High Court
At Haripur**

**Tayyaba Rani
Advocate High Court
At Haripur**

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, HARIPUR.

OFFICE ORDER:

Subject: POSTING/PLACEMENT.

They are being appointed on the recommendation of Selection Committee, the following appointments are made on purely temporary basis in the public interest, however, their services will be liable to termination at any time without notice and without assigning any reason, subject to their medical fitness:-

1. Mr. Haqir Rehman son of Manzoor Rehman r-o village Sarai Saleh, Haripur is hereby appointed as Naib Qasid BPS-1 and posted in the Court of Miss Muneera Abbasi, C.J./J.M. Haripur. He is however, directed to perform his duties in the Court of Adl: District and Sessions Judge-II, Haripur till further order.
2. Mr. Muhammad Shamrez son of Gulab Khan, r-o village Sarai Nemat Khan, Haripur is hereby appointed as Sweeper BPS-1 and posted in the Court of Maveed Haider, C.J./J.M. Haripur. He is however, directed to perform his duties generally till further order.

Dated: 3.10.2021

Sd/-
(Alamzeb Khan),
District & Sessions Judge,
Haripur.

No. 1402-6-21 Dated Haripur, the 3-10-2021

Copy forwarded to:-

1. Adl: District & Sessions Judge-II, Haripur.
2. Senior Civil Judge, Haripur.
3. Mr. Maveed Haider, C.J./J.M. Haripur.
4. Miss Muneera Abbasi, C.J./J.M. Haripur.
5. Officer in Charge, Haripur.

Alamzeb Khan
District & Sessions Judge,
Haripur.

Anx-B

CONFIDENTIAL

**OFFICE OF THE DISTRICT & SESSIONS JUDGE,
HARIPUR**

Ph#0995-611152 Fax#0995-627150

Email: dsjharipur@gmail.com

NO. 1275 -PF-ACR/D&SJ


Dated Haripur the 01 / March / 2019

TO MR. HABIB-UR-REHMAN,
JUNIOR CLERK/MOHARRIR POSTED IN THE COURT
OF JUDGE FAMILY COURT-I, HARIPUR

Subject: ANNUAL CONFIDENTIAL REPORT FOR THE PERIOD W.E.F
01/01/2018 TO 29/09/2018.

In your ACR for the period w.e.f. 01/01/2018 to 29/09/2018, the Reporting Officer in Part-II of the ACR has held you "Reported to be corrupt" and untrustworthy in confidential and secret matters. In Part-III he has held you "Not yet fit for promotion". In Part-IV he has placed you "Average" and in Pen Picture has recorded that "During the period under report, the official was found lazy in duties. He is also reportedly involved in corrupt practices."

Since, the undersigned/Countersigning Officer has agreed with the Reporting Officer, therefore, you may prefer representation before the competent forum, if so desired.


(SALAHUDDIN)
DISTRICT & SESSIONS JUDGE,
HARIPUR

Annex - C

To
The Worthy Registrar,
Peshawar High Court,
Peshawar.

Through: Proper channel.

SUBJECT: REPRESENTATION AGAINST THE ADVERSE
REMARKS IN THE ACR FOR THE PERIOD W.E.F.
01/01/2018 TO 29/09/2018.

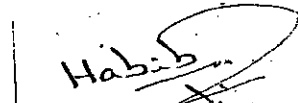
Respected Sir,

Respectfully submitted that I have been communicated adverse remarks for the subject period vide Honourable the District & Sessions Judge, Haripur letter No.1295-PF-ACR dated 01/03/2019 (copy attached).

The adverse remarks recorded by my Reporting Officer in said ACR seem to be result of misunderstanding. As during my posting under control of Reporting Officer I was not informed about any complaint either by the Reporting Officer, by Bar Association or by the public at large. I worked with devotion and dedication and never committed slackness in performance of my official duties.

I enjoy unblemished career record during which I never received such adverse remarks from my Presiding Officers. Therefore, in view of my previous service record the adverse remarks recorded in ACR for the period w.e.f. 01/01/2018 to 29/09/2018 may kindly be expunged. I assure that I will always perform my duties honestly, efficiently and with dedication, please.

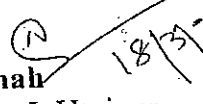
Yours obediently,


(Habib-ur-Rehman),
Junior Clerk/Moharrir Posted in the Court
of Judge Family Court-I, Haripur

Dated: 18-3-19

No. 559

Forwarded in original to the learned Senior Civil Judge for further necessary action please.


Nazima Shah
Judge Family Court-I, Haripur

Ann - D



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
phcphs@gmail.com

Dated 24/11/2021

CONFIDENTIAL

689/Confdl

From The Registrar,
Peshawar High Court,
Peshawar.

To, The District & Sessions Judge,
Haripur.

Subject: REPRESENTATION AGAISNT THE ADVERSE REMARKS OF MR.HABIB UR REHMAN IN HIS PER FOR THE PERIOD OF 01.01.2018 TO 29.09.2018.

Sir,
Reference your letter No.1755/dated 19.03.2019 on the subject noted above, and to return herewith the subject representation alongwith original record of PERs dossier of the concerned official alongwith the following remarks passed by the Hon'ble Senior Puisne Judge.

"The Annual Confidential Report communicated to the appellant is based on subjective evaluation of the reporting officer i-e.Civil Judge Haripur, to which no exception can be taken.

The instant representation is treated as Departmental appeal is hereby dismissed"

(INAMULLAH KHAN)
Registrar



DISTRICT & SESSIONS JUDGE HARIPUR

Phone #+92-995-920500, Fax # +92-995-920501

Email: dsjharipur@gmail.com

No. 9424 -PACRF/DSJ

Dated Haripur the 29-11 November, 2021

CONFIDENTIAL

TO **MR. HABIB-UR-REHMAN,**
JUNIOR CLERK/READER, COURT OF JFC-III, HARIPUR.

Subject: **REPRESENTATION AGAINST THE ADVERSE REMARKS OF**
MUHAMMAD NADEEM, IN HIS PER FOR THE PERIOD W.E.F.
01.01.2018 TO 29.09.2018..

The Copy of Hon'ble Peshawar High Court, Peshawar letter
No. 689/Confdl.; dated 24.11.2021, on the subject, is annexed herewith for
your information.

JEHANZEB SHINWARI
District & Sessions Judge Haripur



OFFICE OF THE
DISTRICT & SESSIONS JUDGE HARIPUR

Phone # +92-995-920500, Fax # +92-995-920501


Website: districtcourtsiharipur.net.pk

Email: dsjharipur@gmail.com

OFFICE ORDER:

Mr. Muhammad Yaseen, Superintendent of this court is hereby appointed as representative of the Worthy Registrar, Hon'ble Peshawar High Court, Peshawar (Respondent No. 3) and the District & Sessions Judge, Haripur (Respondent No. 1) in service appeals No. 7906/2021 titled "Habibur-Rehman Vs DSJ, Haripur etc." and No. 7907/2021 titled "Imtiaz Hussain Shah vs DSJ, Haripur etc." before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court, Abbottabad. He is directed to appear before said court on 19/09/2022 and on all the dates fixed in said appeals, in future.

Dated: 14/09/2022

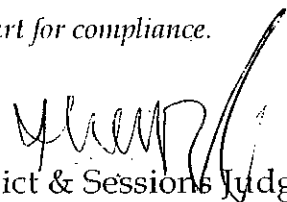

JEHANZEB SHINWARI
District & Sessions Judge Haripur

No. 6446-6448 - 5/13/DSJ

Dated at Haripur the 14th September, 2022

Copy forwarded for information to:

- 1) The Worthy Registrar; Hon'ble Peshawar High Court, Peshawar.
- 2) The Worthy Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar Camp Court, Abbottabad.
- 3) Mr. Muhammad Yaseen, Superintendent of this court for compliance.


District & Sessions Judge Haripur

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No. Regd.

TB A/A

APPEAL No.....7906..... of 2021

Habib ur Rehman

Appellant/Petitioner

Versus

DSJ Haripur

RESPONDENT(S)

Notice to Appellant/Petitioner RSP: NO 2
Civil Judge (Repositing officer)
Ghazi Distt.
Haripur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 19-9-22 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court

A/Abad

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB A.1A

APPEAL No..... of 20

7906

21

.....
Habib ur Rehman

Appellant/Petitioner

Versus

.....
DSJ Hari Pur

RESPONDENT(S)

Notice to ~~Appellant/Petitioner~~

Respondent I

.....
District & Sessions Judge

.....
Hari Pur

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on..... at.....

19-9-2022

9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*at camp court
A/Abad.*

.....
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

"A"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

TB A/Abad

APPEAL No. 7906 of 20 21

Habib ur Rehman

Appellant/Petitioner

Versus

DSJ Haripur

RESPONDENT(S)

Resp: No 3
Notice to Appellant/Petitioner Registrar Peshawar
High Court
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 19-9-22 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at camp court
A/Abad.

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Recd today
A
6709-2022