


17.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General present.

Security and process fee not deposited. Learned counsel for the appellant submitted an application for extension of time to deposit security and process fee; allowed with the direction to deposit the same within 3 working days. Whereafter, notices be issued to respondents for reply/comments. To come up for written reply/comments on 19.08.2022 before S.B at Camp Court Abbottabad.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. Muffin
22/6/22


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

07.04.2022

Counsel for the appellant present.

The instant appeal pertains to the territorial jurisdiction of Hazara Division, therefore, it is appropriate to post the appeal at Camp Court Abbottabad. Adjourned. To come up for preliminary hearing on 20.04.2022 before S.B at Camp Court Abbottabad.

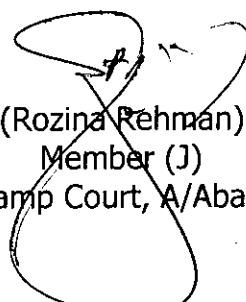


(MIAN MUHAMMAD)
MEMBER(E)

20.04.2022

Appellant present through counsel. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. 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. To come up for reply/comments on 17.06.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....556/2022

Muhammad Ajmal Inspector No.H/72 presently posted at
Police Traing School, Mansehra.(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. (**Respondents**)


SERVICE APPEAL

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Through


Appellant


(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated: 07-03-2022

①

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No.....

Muhammad Ajmal Inspector No.H/72 presently posted at
Police Training School, Mansehra.....(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. (**Respondents**)

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 15-03-2022 OF THE
PROVINCIAL POLICE OFFICER KPK PESHAWAR WHEREBY
APPELLANT'S DEPARTMENTAL APPEAL AGAINST EXPUNCTION OF
ADVERSE REMARKS IN ACR FOR THE PERTIOD FROM 01-01-2020
TO 23-09-2020 HAS BEEN REJECTED ILLEGALLY WITHOUT REASON.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER
DATED 15-03-2022 MAY GRACIOUSLY BE SET ASIDE AND
IMPUGNED ADVERSE REMARKS IN ACR FOR THE PERIOD FROM
01-01-2020 TO 23-09-2020 BE EXPUNGED.**

Respectfully Sheweth:

1. That appellant was inducted in police department at Karachi in the year 1987 and subsequently transferred and posted at Mansehra in KPK police department. Appellant had also been promoted as Inspector (BPS-16) on 05-11-2014. Appellant has rendered about 35 years service in the police department.
2. That for the last more than 07 years the appellant has been performing his duties as Inspector BPS-16.

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Appellant's Education Qualification is M.A. Appellant always performed his assigned duties with devotion, dedication and honestly to the entire satisfaction of his officers and never permitted any chance of reprimand. He has been awarded with the Commendation Certificates and Cash Reward by his Police High-ups on account of his tremendous services. **(Copies of Educational & Commendation Certificates are attached as Annexure-A).**

3. That not to speak of adverse remarks in his ACRs for the period from 01-01-2020 to 23-09-2020 (08 months and 23 days), the appellant has never been served upon with a single explanation by his officers throughout his entire services of 35 years. Appellant service record can be perused and checked with regard to his performance and conduct.
4. That while appellant posted as Incharge Police Lines Mansehra for the period from 01-01-2020 to 23-09-2020, then Reporting Officer (District Police Officer Mansehar) had incorporated some adverse remarks in his ACR that "the officers does not know anything about practical police. He is capable of wearing uniform and doing sentry duties". The adverse remarks were communicated to appellant. **(ACR's Communication letter dated 24-03-2021 is attached as Annexure "B").**
5. That before recording Adverse Remarks in his ACR the appellant was never subjected to counseling nor was served with any Explanation, Charge Sheet and Show Cause Notice etc. The insertion of Adverse Remarks in

appellant's ACR for a period of Eight Months and 23 days is the result of Reporting Officer's personal dissention with him otherwise there was nothing wrong on the part of appellant to give the Reporting Officer a chance for recording such adverse remarks.

6. That through out his entire service of 35 years appellant he was never awarded with such adverse remarks in his ACRs by police officers, before and after the referred one, wherefrom it is quite clear that the same were the result of personal dissention of Reporting Officer with appellant. Reporting Officer has given no reason for such observations against appellant.
7. That appellant aggrieved of the adverse remarks preferred a departmental appeal dated 12-04-2021 before the Provincial Police Officer KPK Peshawar which has been rejected vide order dated 15-03-2022 without going through the contents and grounds of departmental appeal and without giving any reasons. **(Copies of departmental appeal and its rejection order dated 15-03-2022 are as Annexure "C&D")**. Hence instant service appeal on the following grounds:-

GROUND:

- A) That orders dated 15-03-2022 of PPO KPK Peshawar and Adverse Remarks communicated vide letter dated 24-03-2021 of respondents are illegal, unlawful, against the facts, departmental rules & regulation, Police E&D Rules 1975 and passed in a cursory, whimsical and arbitrary manner; hence are liable to be set aside.

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- B) That appellant was never served with any Explanation, Charge Sheet or Show Cause Notice etc nor any counseling was made nor was he ever informed by his officers with regard to his any deficiency in performance and illegality in his conduct and discipline. Even opportunity of personal hearing was not provided to appellant and he was condemned unheard by recording adverse remarks in his ACR from 01-01-2020 to 23-09-2020 thus principle of natural justice was seriously violated.
- C) That appellant never committed any wrong on his part especially during the period from 01-01-2020 to 23-09-2020 and generally through out his whole span of service spreading over 35 years even then adverse remarks has been recorded in the ACRs of appellant and that too without any reason and justification.
- D) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds of appeal taken by appellant in his departmental appeal. Thus the impugned order of appellate authority is contrary to the law as laid down in Guidelines for Recording Evaluation Reports, Police E&D Rules 1975 read with section 24-A of General Clause Act 1897 and Article 10A of the Constitution of Islamic Republic of Pakistan 1973.
- F) That instant service appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain & adjudicate upon the lis.

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PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service appeal order dated 04-11-2021 and 13-01-2022 of respondents may graciously be set aside and adverse remarks in his ACR from 01-01-2020 to 23-09-2020 be expunged with all consequential service back benefits. Any other relief which this Honorable Tribunal deems fit and proper in circumstances of the case may also be granted.


Appellant

Through:



(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 07-03-2022

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 07-03-2022


Appellant

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Muhammad Ajmal Inspector No.H/72 presently posted at
Police Traing School, Mansehra.(**Appellant**)

VERSUS

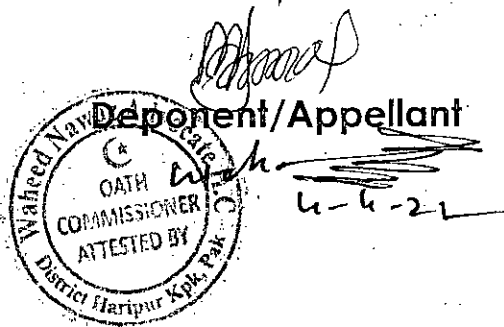
1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. (**Respondents**)

SERVICE APPEAL

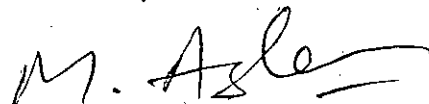
AFFIDAVIT:

I, Muhammad Ajmal, appellant do hereby solemnly declare
and affirm on oath that the contents of the instant Service
Appeal are true and correct to the best of my knowledge
and belief and nothing has been suppressed from this
Honorable Service Tribunal.

Dated: 07⁴-03-2022



Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur


Appellant

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Muhammad Ajmal Inspector No.H/72 presently posted at
Police Traing School, Mansehra.(**Appellant**)

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra. (**Respondents**)

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honorable Service Tribunal or any other court prior to
instant one.


APPELLANT

Dated: 07-03-2022



کراچی یونیورسٹی

University of Karachi

FACULTY OF ARTS

Master of Arts

کلیۃ فنون

ایم۔ اے

Whereas MUHAMMAD AJMAL S/O
MUHAMMAD IRFAN

برگاہ محترمہ
محمد رفیق

has pursued a course of study prescribed by this University for the Degree of Master of Arts in POLITICAL SCIENCE in the Faculty of Arts and has passed the requisite examination, held in 19 98 having been placed in THIRD class.

It is hereby certified that he/~~she~~ has been duly admitted to the degree of Master of Arts in this University.

نے کلیۃ فنون کے مضمون سیاسیات میں ایم۔ اے کی سند کے لیے اس جامعہ کے منظورہ نصاب کی تکمیل کرنی ہے اور مطلوبہ امتحان منعقدہ ۱۹۹۸ میں کامیاب ہو کر سوم درجہ حاصل کر لیا ہے، لہذا تصدیق کی جاتی ہے کہ انھیں اس جامعہ میں ایم۔ اے کے درجہ پر فائز کیا گیا۔

Muhammad

Registrar

Dated Karachi, the 16TH MARCH 1999

Muhammad

Vice-Chancellor

19 99

کراچی، بتایخ ۱۶ مارچ

Note :- Detailed transcripts of examination results have been issued separately.

امتحان کے مضامین اور حاصل کردہ نشانات کی تفصیلات علیحدہ جاری کی گئی ہیں۔

Attested
Muhammad

طام
مستجیل

9

Ajmal



Sindh Reserve Police

Commendation Certificate Class II

GRANTED CC-II WITH CASH Rs. 200/- ONLY

TO CONSTABLE NO. 6904 MUHAMMED AJMAL

OF SINDH RESERVE POLICE FOR GOOD

PERFORMANCE OF HIS DUTY...

Dated Karachi/11/5/53
the 09 23 1953 19__

16
A. J. Siddiki
92
(NIAZ AHMED SIDDIKI) PSP.
Deputy Inspector General of Police Commandant
Sindh Reserve Police
Karachi.

10

Amex-A/2

OFFICE OF THE ADDL: INSPECTOR GENERAL OF POLICE
 SPECIAL BRANCH SINDH KARACHI



COMMENDATION CERTIFICATE
 CLASS-II

*Sub-Inspector Muhammad Ajmal of Gulshan-e-Iqbal Town
 (Political) Special Branch Karachi is granted Commendation
 Certificate Class-II with Cash Reward Rs. 1000/- for his
 excellent performance of duty.*

*Attest
 [Signature]*

Sanction No. SB/IDM/E-LS/8692-98

Dated 18-08-2010.

[Signature]
 DEPUTY INSPECTOR GENERAL OF POLICE,
 SPECIAL BRANCH SINDH,
 KARACHI.

(11)

Annex - A/3



COMMENDATION CERTIFICATE

CLASS III with Rs: 150/-

Granted to C/ Ajmal of S.R.P for his good performance of duty during Financial year 1992-93.

Multiple horizontal lines for additional text or details, mostly blank.

Attested
[Signature]

[Signature]
15/8

Sanction No. 5564-65/A.2.

Dated 15-8-93.

(SALMAN SYED MUHAMMAD) PPM, PSP
Assistant Inspector General of Police (W)
Sindh Karachi



SINDH POLICE COMMENDATION CERTIFICATE

CLASS III with cash Rs.75/-

Granted to P.C. 6082 Muhammad Ajmal

son of Muhammad Irfan, resident of N.W.F.P village,
Bairat Police Station Bairat District,
Mansikhera

in recognition of his good discipline and vigilant performance on
VVIP duty assigned by the I.C.P.Sindh on 9.3.88 at 1510 hours on
Ehajoor Chowk, Alwan-e-Saddar Road, Karachi.

Dated No. 985-87/A-2/88
The 17.3.88 19

[Signature]
Superintendent of Police

Notes—(i) If a Police officer, add rank and number in lined.
(ii) Cash rewards, if any to be specified.

Area-7/13

12

[Handwritten signature]



13
OFFICE OF THE *Amir A/S*
DEPUTY INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH SINDH

NO. SB/ADMN/E-I/SSC/ 87-92-95 /2010.

Dated:- 18-08-2010

ORDER

REWARD :- Under the authority vested in me vide Rule 15.7 of the Punjab Police Rule read with serial No.1 part-II of the West Pakistan Delegation of Power under the Financial Rules and Power of Re-appropriation Rules-1962, the Deputy Inspector General of Police (Political) Special Branch Sindh, is pleased to grant **Commendation Certificate Class-II** with **Cash Reward Rs.1000/-** to **Sub-Inspector Muhammad Ajmal** of Gulshan-e-Iqbal Town (Political) Special Branch, Karachi, for his excellent performance of duty.

The expenditure of **Rs.1000/- (Rupees One Thousand)** only is debitable to the Head "SC-21014(014)-Police, Special Branch "A06103 - REWARD (SP/Political,SB,Karachi (KA-4112)" during the current Financial year 2010-2011.

Encl: 01

(Signature)
(SYED ZAFAR ABBAS BUKHARI) PSP,
DEPUTY INSPECTOR GENERAL OF POLICE,
(POLITICAL) SPECIAL BRANCH SINDH

Copy forwarded to the following for information and necessary action:-

1. Accountant General Sindh, Karachi.
2. Sr. Superintendent of Police, Special Branch, (Political). Amount will be drawn from Account Branch of Political, SB, Karachi.
3. Superintendent of Police, Special Branch, Hyderabad, w/r to his letter No. SB/Estt./10243 dated 30-07-2010.
4. Incharge Gulshan-e-Iqbal Town (Political) SB, Karachi, alongwith 01 Commendation Certificate Class-II.
5. Incharge Accounts (Political) Special Branch, Karachi.
6. DOB.
7. SSC.

Accepted
(Signature)



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

Ajmal B
76

No. S/ 1292 /21, Dated Peshawar the 24/03/2021.

Confidential/In-duplicate

To:- The Regional Police Officer,
Hazara Region, Abbottabad.

Subject:- ACR/COMMUNICATION OF ADVERSE REMARKS

Memo:
In the Annual Confidential Report on the working of Inspector
Muhammad Ajmal No. H/72 the period/year 01.01.2020 to 23.09.2020 it has been
mentioned that:-

Reporting Officer Remarks

Class of Report....."C"

Remarks:-

"The officer does not know anything about practical police.
He is capable of wearing uniform and doing sentry duties"

1st Countersigning Officer Remarks (RPO)

"Endorsed"

2nd Countersigning Officer Remarks

"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.

(IRFANULLAH KHAN)PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Allsted
Ajmal

18/3

15

Amea C

جناب عالی!

بحوالہ لیٹر نمبری S/1292/21 مورخہ 24.03.2021 بجاریہ دفتر جناب انسپکٹر جنرل آف پولیس، خیبر پختونخواہ، سنٹرل پولیس آفس، پشاور، جس میں سائل کی ACR میں جناب DPO صاحب مانسہرہ کی طرف سے Adverse ریمارکس دیئے گئے، کے سلسلہ میں معروض خدمت ہوں کہ:

۱- سائل کی ACR از مورخہ 01.01.2020 تا 23.09.2020 کے دوران سائل بطور RI پولیس لائن، انچارج ماڈل کورٹ و سمن ورنٹ تعینات رہا۔ اس دوران سائل کے خلاف کسی قسم کی کوئی شکایت نہ ہے۔ سائل اپنے فرائض منصبی بطریق احسن سرانجام دیتا رہا ہے اور کسی قسم کی کوئی کوتاہی/لا پرواہی نہ کی ہے۔

۲- سائل کی عمر تقریباً 53/54 سال ہے اور سائل کی محکمہ پولیس میں سروس 32 سال ہو چکی ہے۔ سائل نے اپنی سروس کے دوران افسران بالا کو کبھی بھی کسی شکایت کا موقع نہ دیا ہے اور سائل اپنی ڈیوٹی انتہائی جان نشانی سے سرانجام دیتا رہا ہے۔

۳- قبل ازیں تمام ACRs میں مجاز افسران نے سائل کو اچھی رپورٹ دی۔ سائل نے محکمہ پولیس کا وقار بلند کرنے کیلئے عوام الناس کی بے لوث خدمت کی ہے۔

۴- سائل کو علم نہ ہے کہ کس بناء پر ACR میں سائل کو Adverse ریمارکس دیئے گئے ہیں۔ جبکہ اس عرصہ کے دوران سائل کو نہ تو افسران بالا کی جانب سے کسی قسم کا کوئی شوکانہ نوٹس، چارج شیٹ، Explanation وغیرہ بھی نہ دی گئی۔

۵- اگر سائل کی ACR میں Adverse ریمارکس ختم نہ کئے گئے تو سائل کا کیریئر تباہ ہونے کا خدشہ ہے۔ جو کے سائل کے ساتھ سراسر نا انصافی ہے۔

بذریعہ اپیل/درخواست استدعا ہے کہ سائل کے سابقہ ریکارڈ کو مد نظر رکھتے ہوئے سائل کی ACR میں Adverse ریمارکس ختم کئے جانے کے احکامات صادر فرمائے جاویں۔
سائل جناب کا انتہائی مشکور اور ہمیشہ دعا گو رہے گا۔

عین نوازش ہوگی۔

المرقوم: 12021-04-12

ارخصی

انسپکٹر محمد اجمل نمبر H/72 حال متعینہ IPTS مانسہرہ (سائل)

Attested
[Signature]

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Annex-D

S.A. Qayum Road, Peshawar
Tel: 091-9210457 Fax No. 091-9213165
www.kppolice.gov.pk



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Phone: 091-9210457 Email: ig@kppolice.gov.pk

No. S/ 498

22, dated Peshawar the

15.10.2022

ORDER

This order pertains to the representation preferred by Inspector Muhamd Ajmal No. H-72 of Manshra District for the expunction of Adverse Remarks contained in ACR for the period from 01.01.2020 to 23.09.2020 recorded by the reporting officer. Comments were also obtained.

After going through the relevant record, comments and material on ground Adverse Remarks recorded in his ACR for the period from 01.01.2020 to 23.09.2020 recorded by the authority are well founded. The representation is hereby filed.

Sd/-

(SABIR AHMED) PSP
Addl: Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even

Copy of above is forwarded for information and necessary action to

1. Regional Police Officer, Hazara Region w/r to his memo No: 8464/AS. 26.04.2021. Necessary entry into this effect may also be made in his Dup Character Roll Dossier. The applicant may also please be informed accordingly.
2. Office Superintendent "E-II" Branch CPO.

Attested

(IRFAN TARIQ) PSP
AIG/Establishment

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

10/03/2022

