

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN .. CHAIRMAN**
FAREEHA PAUL .. MEMBER (Executive)

Service Appeal No.708/2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur. (Mob# 0310-0559068).

.....*Appellant*)

Versus

1. **Commissioner Hazra Division, Abbottabad.**
2. **Deputy Commissioner (Collector) District, Haripur.**

.....*(Respondents)*

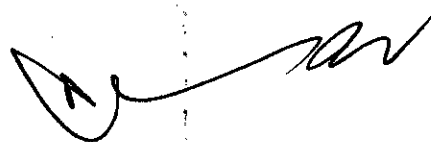
Present:

Mr. Ashraf Ali Khattak,
Advocate.....For appellant.

Mr. Muhammad Riaz Khan Paindakhel,
Assistant Advocate General.....For respondents.

Date of Institution.....29.05.2019
Dates of Hearing.....29.11.2022
Date of Decision.....29.11.2022

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE DECISION/ORDER DATED 22.04.2019 OF THE LEARNED RESPONDENT NO.1 VIDE WHICH THE APPELLANTS DEPARTMENTAL APPEAL, CHALLENGING ADVERSE REMARKS OF RESPONDENT NO.2, AS RECORDED IN THE APPELLANT'S ANNUAL CONFIDENTIAL REPORT (ACR) PERTAINING TO THE YEAR 2014, HAS BEEN DISMISSED, BUT ON A SOLITARY GROUND OF LIMITATION, RATHER THAN ON MERITS AND IN ACCORDANCE WITH THE LAW.



JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: The appellant has filed this appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the decision/order dated 22.04.2019 of respondent No.1 vide which the appellant's departmental appeal, challenging the adverse remarks of respondent No.2 recorded in the appellant's Annual Confidential Report(ACR) of 2014, had been dismissed on the ground of limitation.

2. The appellant was appointed as Patwari in 1998 and remained posted on different positions under the control of the respondents; that the ACR of the appellant for the year 2014 was containing adverse remarks by the second countersigning authority i.e. respondent No.2, which according to the appellant, was not communicated in due course of time and he approached the concerned office vide application dated 17.12.2018; that on receipt of the adverse ACR, the appellant filed departmental representation to respondent No.1; that after making hectic efforts, the appellant ultimately received copy of the impugned anti-dated decision on 24.05.2019 and, hence, this appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.



4. We have heard learned counsel for the appellant and learned law officer for the respondents and have perused the available record

5. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order(s).

6. In the ACR of the appellant for the year 2014, the reporting officer i.e. Tehsildar Haripur held him fit for promotion and in the general remarks recorded that the appellant was hardworking and honest person. The countersigning officer i.e. the Assistant Commissioner Haripur agreed with the remarks of the reporting officer. While the Deputy Commissioner Haripur i.e. the second countersigning authority remarked that the appellant was not fit for promotion and that he might be compulsory retired. These remarks of the countersigning authority are under challenge before us. It is contended by the appellant that the second countersigning authority was Mr. Humayun Khan, Deputy Commissioner, Haripur, who was posted as such vide Notification dated 02.04.2015 and within two months and twenty days he was transferred from the post of Deputy Commissioner Haripur to the post of Additional Secretary, Excise & Taxation, Department meaning thereby he remained posted at Haripur for less than three months and was not supposed to have recorded the impugned remarks for the sole reason that the appellant had not worked under him for a period of three months so that his work could have been properly assessed by respondent No.2. The respondents in reply to ground "b" of the appeal made evasive denial regarding the allegation that the second countersigning authority remained posted for less than three months. No specific denial was made regarding the assertions of the appeal. As to the delayed challenge it is held that



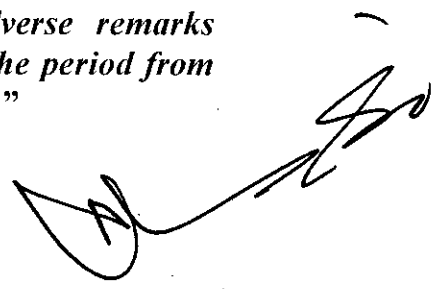
although the departmental representation filed by the appellant before Respondent No.1 was apparently barred by limitation yet the instructions of the government about writing of ACRs issued by the then West Pakistan Government's letter No.S(R)-3542 S&GAD4-8/65-SO-XIII dated 12.02.1968 para 4 says as under:

"Minimum period for writing reports:-- The minimum period during which an officer is expected to form judicious about the work of his subordinate for the purpose of writing a report on his work and conduct has been prescribed as three months. The report recorded in respect of period less than the minimum prescribed period should be ignored."

Admittedly the impugned adverse remarks are for a period of less than three months and, hence, the department should have ignored those as required by the aforesaid instructions.

7. Reliance is placed on 2007 PLC (CS) 1316 titled "Irshad Akhtar Gulab DSP/SDPO City Rahim Yar Khan versus DIG Discipline Lahore", wherein the worthy Punjab Service Tribunal held as under:

"in view of what has been stated above, it can be said that the Performance Evaluation Report for the period in question could not be legally recorded and hence the same cannot be considered to the disadvantage of the appellant and so the adverse remarks contained therein are liable to be expunged. In this view of the matter the appellate authority should have ignored the limitation while deciding the departmental appeal, because there can be no limitation for challenging an illegal and void order. The Evaluation Report in question having been recorded for a period which was less than three months is liable to be expunged and as such the impugned order dated 24.08.2005 passed by the Respondent No.1 is liable to be set aside. Accordingly the appeal is accepted, the impugned order dated 24.08.2005 is set aside and the adverse remarks recorded in the ACR in question for the period from 19.04.1999 to 23.06.1999 are expunged."

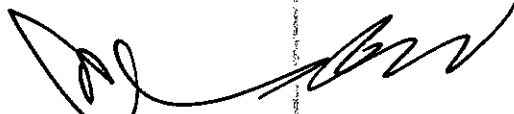


8. The question before us is no different. Here too the impugned adverse remarks are for the period of less than three months and in view of the standing instructions of the government such remarks are not warranted and are liable to be expunged.

9. Besides there is nothing on the record that the appellant had ever earned any adverse entry throughout his service career. Therefore, the impugned drastic differing with the remarks of the reporting and countersigning officers was not at all justified by the second countersigning authority. Record is also silent about the fact that before recording the adverse remarks the second countersigning authority had given counseling to the appellant or not. The impugned remarks are also without any tangible material, therefore, not sustainable.

10. Therefore, on acceptance of this appeal, the adverse remarks in the ACR of 2014 of the appellant recorded by respondent No.2 are expunged having been recorded for the period of less than three months of the posting of respondent No.2 as superior officer of the appellant and similarly the appellate order passed by respondent No.1 dismissing the departmental appeal is also set aside. Costs shall follow the event. Consign.

11. *Pronounced in open Court at Peshawar, and given under our hands and the seal of the Tribunal on this 29th day of November, 2022.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)


ORDER

29th Nov, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

2. Vide our detailed judgement of today placed on file, ~~XXXXXX~~, on acceptance of this appeal, the adverse remarks in the ACR of 2014 of the appellant recorded by respondent No.2 are expunged having been recorded for the period of less than three months of the posting of respondent No.2 as superior officer of the appellant and similarly the appellate order passed by respondent No.1 dismissing the departmental appeal is also set aside. Costs shall follow the event. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 29th day of November, 2022.*


(Kalim Arshad Khan)
Chairman


(Fareeha Paul)
Member(Execution)

19.07.2022

Appellant in person present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 19.09.2022 before D.B.



(Fareeha Paul)
Member(E)

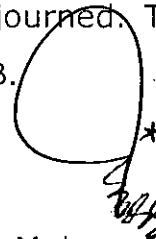


(Rozina Rehman)
Member (J)

19.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 29.11.2022 before the D.B.




(Mian Muhammad)
Member (Executive)

12.01.2022

Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Afzal, Assistant for the respondents present.

Learned counsel for the appellant requests for adjournment. Adjourned to 22.02.2022 before the D.B.


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


Chairman

22.02.2022

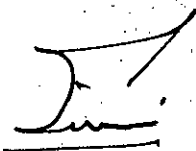
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 19.05.2022 for the same as before.


Reader

19.05.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

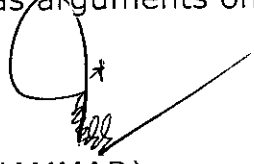
Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 19.07.2022 before the D.B.


(Salah-ud-Din)
Member (Judicial)

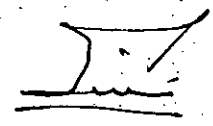
22.10.2021

Nemo for the appellant. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for rejoinder, if any, as well as arguments on 22.02.2022 before the D.B.



(MIAN MUHAMMAD)
MEMBER (E)



(SALAH-UD-DIN)
MEMBER (J)

21.12.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Former made a request for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments before D.B on 06.01.2022.

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


Chairman

06.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 12.01.2022.

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


Chairman

19.10.2020

Nemo for parties.

Usman Ghani learned District Attorney present.

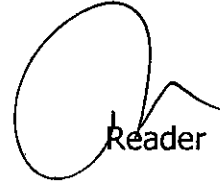
Notice be issued to appellant/counsel and respondent for submission of written reply/comments. To come up for written reply/comments on 14.12.2020 before S.B at Camp Court, Abbottabad.



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

14.12.2020

Due to Covid-19, case is adjourned to 15.03.2021 for the same as before.



Reader

15.03.2021

Appellant in person present.

Riaz Khan Paindakheil learned Assistant Advocate General alongwith Mr. Afzal Assistant for respondents present.

Representative of respondents submitted written reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 16.06.2021 before D.B at Camp Court Abbottabad.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, A/Abad

بخدمت جناب چیئرمین صاحب سروس ٹریبونل پشاور

عنوان: درخواست برائے تبدیلی اپیل نمبر 13585/20⁷⁰⁸ فخر نواز بنام ڈپٹی کمشنر ہری پور

21/12/2021 D.B

جناب عالی:

مودبانہ گزارش ہے کہ مقدمہ عنوان بالا میں مورخہ 10/11/2021 مقرر تھی۔ جبکہ اس کی اگلی تاریخ پیشی 08/02/2021 کو پرنسپل سیٹ پر مقرر کی گئی ہے۔ جس میں تقریباً تین مہینے کا گپ ہے۔

درخواست گزار چونکہ نوکری سے برخاست کیا گیا ہے۔ اور مالی دشواری کا سامنا ہے۔

لہذا آپ صاحبان سے مودبانہ گزارش ہے کہ درج بالا اپیل کو معزز چیئرمین صاحب سروس ٹریبونل کے بیچ میں سماعت کے لیے مقرر کی جائے اور پیشی کی نزدیک تاریخ مقرر کی جائے

عین نوازش ہوگی

ارض

مخزمان ولد شیر افضل خان

سکنہ: تحصیل ضلع ہری پور

موبائل نمبر: 03100559068

المرقوم: 22/11/2021

Due to covid ,19 case to come up for the same on / /
at camp court abbottabad.


Reader

Due to summer vacation case to come up for the same on 119
10 / 20 at camp court abbottabad.


Reader


18.11.2019

Clerk to counsel for the appellant present. Written reply not submitted. Muhammad Afzal representative of respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 19.12.2019 before S.B at Camp Court, Abbottabad.


Member
Camp Court, A/Abad

19.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Zia Ullah, Deputy District Attorney alongwith M/S Bahadar Khan, Assistant and Muhammad Afzal, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Representatives of the respondents requested for further time to file written reply. Case to come up for written reply/comments on 17.02.2020 before S.B at Camp Court Abbottabad.


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

23.08.2019

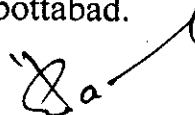
Appellant in person present. Heard.

The appellant (Patwari) has filed the present service appeal being aggrieved against the order dated 22.04.2019 of the respondent No.1 through which the departmental appeal filed by the appellant for expunging of adverse remarks in ACR for the year 2014, was rejected being time barred.

Submission made by the appellant needs consideration. The present service appeal is admitted for regular hearing subject to all just legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 24.10.2019 before S.B at Camp Court, Abbottabad.


Appellant Deposited
Security & Process Fee

01/10/19


Member
Camp Court, A/Abad



24.10.2019

Appellant in person present. Mr. Usman Ghani, District Attorney alongwith Muhammad Afzal, Asstt. for the respondents present. Representative of the respondents seeks adjournment to furnish reply. Granted. To come up for reply/comments on 18.11.2019 before S.B at camp court, Abbottabad.


Member
Camp court, A/Abad

Form- A
FORM OF ORDER SHEET

Court of _____
Case No.- 708 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/05/2019	<p style="text-align: center;">The appeal of Mr. Fakhar Nawaz received today by post through Syed Altaf Hussain Shah 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 29/5/19</p>
2-	24-8-19	<p style="text-align: center;">This case is entrusted to touring S. Bench for preliminary hearing to be put up there on <u>23-08-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 708 /2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur.

(APPELLANT)

V E R S U S

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur.

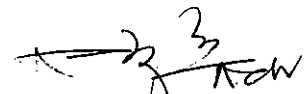
(RESPONDENTS)

SERVICE APPEAL
INDEX

S.No.	Description of Document	Annexure	Page No.
1.	Appeal alongwith affidavit and Certificate and Addresses of the parties alongwith Application for Condonation of Delay	--	1-12
2.	Copy of the application submitted by the appellant before the concern officer for delivery of ACR 2014 and that of the ACR 2014, delivered in consequence thereof,	"A" & "B"	13-16
3.	Copy of the Memo of Departmental Appeal	"C"	17-19
4.	Copies of the appellant's application dated 24/05/2019 and that of the impugned order of the dismissal of appeal	"D" & "E"	20-21
5.	Copy of the order, dated 02/04/2015, vide which respondent No.2 was posted as D.C Haripur and that of his subsequent repatriation dated 23/06/2015	"F" & "G"	24-25
6.	<i>Vakalat nama</i>		26


...APPELLANT

Through:


KAW

Dated: 27/05/2019

(SYED ALTAF HUSSAIN SHAH)
Advocate High Court, Abbottabad

1

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 708 /2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur. (Mob# 0310-0559068)

...APPELLANT

Khyber Pakhtukhwa
Service Tribunal

Diary No. 821

Dated 29/5/2019

V E R S U S

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur.

...RESPONDENTS

APPEAL, U/S 4 OF THE KPK ~~ACT~~ ^{service-Tribunal} ACT, 1974,
AGAINST THE DECISION / ORDER, DATED 22/04/2019, OF
THE LEARNED RESPONDENT NO.1, VIDE WHICH
THE APPELLANT'S DEPARTMENTAL APPEAL,
CHALLENGING ADVERSE REMARKS OF RESPONDENT
NO.2, AS RECORDED IN THE APPELLANT'S ANNUAL
CONFIDENTIAL REPORT (ACR), PERTAINING TO THE
YEAR 2014, HAS BEEN DISMISSED, BUT ON A SOLITARY
GROUND OF LIMITATION, RATHER THAN ON MERITS
AND IN ACCORDANCE WITH THE LAW.

Filed to-day
[Signature]
Registrar
29/5/19

PRAYER:-

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED DECISION / ORDER OF THE LEARNED RESPONDENT NO.1, IN CONSEQUENCE WHEREOF THE

ABSOLUTELY UNWARRANTED ADVERSE AND PERVERSE REMARKS IN THE APPELLANT'S ANNUAL CONFIDENTIAL REPORT, 2014, AS RECORDED BY RESPONDENT NO. 2, HAVE STOOD SUSTAINED AS VALID, MAY GRACIOUSLY BE SET-ASIDE WITH FURTHER DECLARATION, QUA THE IMPUGNED ADVERSE REMARKS, TO HAVE BEEN RECORDED WITHOUT LAWFUL AUTHORITY AND JURISDICTION, AND, AS SUCH, BEING ILLEGAL AND VOID AB-INITIO, ARE OF NO LEGAL EFFECT, OR ANY OTHER RELIEF, AS IS DEEMED APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE, MAY ALSO, GRACIOUSLY, BE GRANTED.

Respectfully Sheweth,

FACTS:

1. That, the appellant, after having been appointed as Patwari in the year 1998 and, subsequently, posted as ATRA, and subject to further administrative orders, made from time to time, still remains posted as Patwari in the Revenue estate of Kali Lar, U/C Amazai, Haripur.s
2. That, though the appellant had, in due course of time and process, been receiving his Annual Confidential Reports (ACRs), yet one of such ACRs, pertaining to the year 2014, recently, was found to have not duly been communicated nor received by the appellant, thus, compelling him to approach the concerned office for its delivery, vide the application dated, 17/12/2018.

(Copy of the application, to the effect, is attached as Annexure "A" and that of the ACR of the year 2014, delivered in consequence thereof, is Annexure "B")

3. That, on perusal of the contents of the above mentioned ACR, 2014, the reason, for non communicating the same to the appellant, as per the normal course of procedure, apparently, was no other than that of the *malafide* and malicious concealment, aimed at depriving the appellant of his right of appropriate remedy.
4. That, the appellant, feeling extremely aggrieved against the illegal and unwarranted adverse remarks as were recorded by respondent No.2 in the appellant's above mentioned ACR 2014, without unnecessary delay, approached respondent No.1, by means of departmental, appeal for redress of his grievance. **(Memo of departmental appeal is annexed as Annexure "C")**
5. That, after exhausting the extreme period in which the departmental appeal required to be decided, but not so done, the appellant made several unsuccessful efforts, by means of personal appearance in the concerned office, to know the fate of his appeal and,

lastly, was compelled to submit a written application to this effect and thus, in consequence thereof, the copy of the impugned anti-dated decision, was issued to him on 24/05/2019. **(Copies of the appellant's application dated 24/05/2019 and that of the impugned order of the dismissal of appeal are annexed as Annexure "D" & "E" respectively)**

6. That, having been left with no alternate remedy, the appellant is obliged to file the instant appeal against the impugned proceedings including the order of respondent No.1 dated 22/04/2019, which, being entirely illegal, without jurisdiction, void ab-initio and coram non iudice, is liable to be quashed and set-aside, inter-alia, on the following grounds:-

GR O U N D S:-

- a. That, the impugned adverse remarks, as recorded in the appellant's Annual Confidential Report (ACR) 2014, beside having never been communicated or delivered to the appellant as per the law, Rules and Mode as prescribed thereunder, was based on malafide as also the result of some extraneous reasons best known only to the learned respondent No.2 himself, who, without recording any cogent reason or making reference to any act of poor performance or inefficiency of the appellant, simply ignored and struck down the favourable remarks of the concerned reporting officer, duly endorsed and acknowledged by the next competent authority i.e.

the Assistant Commissioner. In this view of the fact, the impugned adverse remarks, having no basis either in law, fact or reason and, ex-facie, recorded in vacume, are void ab-initio and, as such, were liable to be quashed by learned respondent No.1 failing which, the impugned order of respondent No.1 dismissing the appellant's departmental appeal, is unwarranted, illegal, without jurisdiction and untenable in the eyes of the law.

- b. That, the learned respondent No.2, the then Deputy Commissioner, Haripur, namely Hamayun Khan, having succeeded his predecessor-in-office on 02/04/2015 i.e. Four months after the end of the year 2014, in the absence of any evidence to the contrary, had no justifiable reason to record such extremely adverse remarks or to disagree with those as recorded by the reporting officer. In this view of the matter, the impugned adverse remarks of the learned respondent No.2, being absolutely bereft of any evidence or basis, and, as such, void ab-initio, were liable to be struck down by the learned appellate authority, failing which the impugned order or proceedings, as the case may be, are liable to be quashed by this honourable Tribunal. **(Copy of the order, dated 02/04/2015, vide which respondent No.2 was posted as D.C Haripur and that of his subsequent repatriation dated 23/06/2015 are annexed as Annexure "F" & "G" respectively.**
- c. That, the fact, that respondent No.2, had never taken or initiated any action or proceeding against the appellant, as contemplated under the impugned

Support

adverse remarks, lends full support to the appellants' pleas that the impugned ACR, being tainted with malafide and prejudice, was put in the *limbo* and was deliberately withheld from access or notice of the appellant, so as to deprive him of an appropriate legal remedy against the same. Failing to take notice of this material fact, the appellate authority i.e. respondent No.1, has gone wrong in the law of limitation and, thus, the impugned order or proceedings, being without lawful authority, are liable to be set-aside and quashed by this honourable Tribunal.

- d. That, had the appellant been aware of the order, action or proceedings as impugned herein, he would, certainly, have assailed the same in his erstwhile service appeal No.1056/15, yet pending adjudication before this honourable Tribunal. In this view of the fact, the delay, if any, as held by the learned appellate authority as a ground of dismissal of the departmental appeal, was condonable under section-5 of the Limitation Act and likewise, the appellant is also entitled to some benefits, if so found, in the instant appeal.
- e. That, the limitation or prescriptive period, in the instant case, does not begin to run against the appellant, because non-communication of the impugned action i.e. ACR, was the result of a willful and active concealment of material information that would give rise to the appellant's claim and, therefore, the impugned action, proceeding or order, being void ab-initio, even if challenged beyond the prescriptive period, are amenable to condonation

under Article-5 of the Limitation Act to which effect, a separate application is annexed.

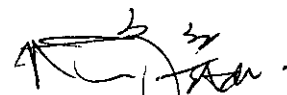
- f. That, the impugned unwarranted action, order or proceeding, if not quashed, would be taken as a permanent stigma on, otherwise, unblemished record of the appellant's service.
- g. That, impugned ACR 2014, after having been recorded by the concerned reporting officer, duly, and competently endorsed and confirmed by the competent authority, needed only to be countersigned by the learned respondent No.1, and, therefore, the impugned adverse remarks on his part, being without justification and the result of some extraneous reason, are of no legal effect, and, as such, are liable to quashment, of course, on acceptance of this appeal.
- h. That, the instant appeal is well within time.

PRAYER:-

In view of the submissions, as made above, it is humbly prayed that, on acceptance of the instant appeal, the impugned order, action or proceedings, may graciously be set-aside and quashed and, any other relief as is deemed appropriate in the circumstances of the case, may also graciously be granted.


...APPELLANT

Through:



(SYED ALTAF HUSSAIN SHAH)

Advocate High Court, Abbottabad.

Dated:-27/05/2019

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____ /2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur.

...APPELLANT

V E R S U S

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur.

...RESPONDENTS

APPEAL
AFFIDAVIT

I, Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur, **appellant**, do hereby declare that the contents of instant **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT

Dated:-27/05/2019



BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____ /2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur.

...APPELLANT

V E R S U S

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur.

...RESPONDENTS

APPEAL
CERTIFICATE

Certified that no such Service Appeal has earlier been filed before this Hon'ble Tribunal



...APPELLANT

Through:

Dated:-27/05/2019



(SYED ALTAF HUSSAIN SHAH)

Advocate High Court, Abbottabad..

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____ /2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur.

...APPELLANT

V E R S U S

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur.

...RESPONDENTS

SERVICE APPEAL

ADDRESSES OF THE PARTIES

Respectfully Sheweth,


The addresses of the parties are as under:-

APPELLANT:

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur.

RESPONDENTS:

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur



...APPELLANT

Through:

Dated:-27/05/2019


(SYED ALTAF HUSSAIN SHAH)
Advocate High Court, Abbottabad..

BEFORE THE KHYBER PAKHTUKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. _____ /2019

Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC
Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali
Lar UC Amazai, Tehsil Ghazi, District Haripur.

...APPELLANT

V E R S U S

1. Commissioner Hazara Division, Abbottabad.
2. Deputy Commissioner (Collector) District, Haripur.

...RESPONDENTS

SERVICE APPEAL

APPLICATION, UNDER SECTION-5 OF THE LIMITATION ACT
READ WITH OTHER ENABLING PROVISIONS OF THE LAW AND
PRECEDENTS, FOR CONDONATION OF ANY DELAY, IF THE
INSTANT APPEAL FOUND TO SUFFER WITH.

Respectfully Sheweth,

1. That, the above cited appeal is being filed and this application is an integral part thereof.
2. That, though the instant appeal, as well as the departmental one, both, under the doctrine of contra -non volentum, do not suffer from any inordinate or wilful delay, yet, if any, found to have occurred, might be the result of circumstances beyond the control of appellant. and, as such, kindly be condoned.
3. That, the facts and circumstances of the instant appeal as mentioned therein also render the appellant as to be


entitled to condonation on the ground of sufficient cause.
Affidavits to this effect is annexed.

It is, therefore, humbly prayed, that the appellant may graciously be given the benefit of the aforesaid provision of the law as also of the relevant judgments of the Honourable Supreme Courts, to be cited if so required.


...APPELLANT

Through:

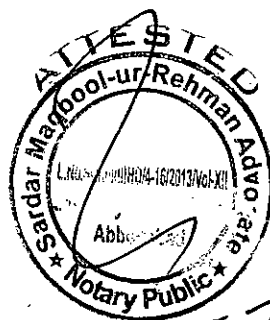
Dated:-27/05/2019


(SYED ALTAF HUSSAIN SHAH)
Advocate High Court, Abbottabad.

AFFIDAVIT:-

I, Fakhar Nawaz S/o Sher Afzal Khan, Permanent resident of Village Koka UC Rehana, District & Tehsil Haripur, Presently posted as Patwari, Rev Circle Kali Lar UC Amazai, Tehsil Ghazi, District Haripur, appellant, do hereby solemnly declare that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.

Dated:-27/05/2019




DEPONENT

ANNEX A

P-13

درخواست سفر در فوج پاکستان 2014

سال 2014ء کی وجہ سے ایک عینیت پر ترقی اپائی
تاریخ سفر 17/12/18

القارن
Allowed as per law/rules.

17/12/18

AC Officer
Diary No
Date

17/12/2018

18/12/18

ANTI B 66

P-14

5. Observation in his
(a) Intelligent.

(b) Knowledge of procedure and regulations.

Good

(c) Integrity and reputation.

He is honest person / official

(d) Amenability to discipline.

(c) fitness for promotion.

Fit for promotion

(a) Aptitude for
(a) field work.

V Good

(b) office work: (moharrir)

al

02120

18/12/8

7. General remarks:-

He is hard worker & honest person / official

Halqa Off
Naib-Tehsildar/Tehsildar Haripur

Remarks by Assistant Collector

Agreed with remarks of Reporting Officer.

M. K. S. S. S.
ASSISTANT COMMISSIONER
HARIPUR

Dated: -

Sub-Divisional Officer/Revenue Assistant.

Remarks by Collector:-

He is not fit for promotion.
He may be compulsorily retired

Dated: -

Deputy Comm. / Settlement Officer
HARIPUR

P-15

Confidential Report for the year 2014-

Fakhar Nawaz s/o Sher Azgal

Posts held, with dates.

Tehsil Revenue Accountant

2. Does the Patwari reside in his halqa

(i) Alone?

-

(ii) With family?

-

3. Has he performed any special duties outside his sphere? If so, with what result?

He is good Patwari & Tehsil Revenue Accountant.

4. Comment on

(a) His handwriting.

Good

(b) The condition of records maintained by him.

Good

(c) accuracy in his work.

Good

(d) promptness in submission of returns and tamila't

v. Good

(c) his behavior towards

(i) public

Good

(iii) other Departments

Good

(i) his interest in

(i) Basic Democracies.

Good

(ii) Social Welfare.

al
18/12/14

28/1/17

P-16

Year	Case No.	Description / Parties	Category	Outcome
1787-92				
1793	9484 IV/DC	انگریزی میں لکھی اور گریڈ 1793	4	
1794	15/7/205	اطلاع فیصلہ کو تیار کیا اطلاع فیصلہ کے متعلق علاقہ کو تیار کرنے میں قبضہ کے بارے میں ایک شخص نے ایک لکھنے کے بارے میں	4	
1795		درخواست لکھ کر محمد خان ولد محمد خان ساکن جوہر ماہر درستی خواہ گروہی عزیزان 615-611 واقعہ	4	
1796		درخواست خلیل الرحمن ولد محمد خان ساکن ڈھنڈہ ماہر درستی نام فروری 19 اور لکھنے کے بارے میں	4	
1797	16589	انگریزی میں لکھی غریب اور درخواست لکھ کر لکھی اور DC نے ایک 5169 فورم 15/7/205 کا بائٹ	4	
		Transfer of Redeemed Land of PCFL Haripur To New Tower Reak Estate as Per Court order	6	
1798		درخواست لکھ کر ناصر بیان صنفی گروہر لکھنے کے بارے میں (1) کے بارے میں اور خانہ جوہر + بکچہ - نور پور سولہ - کھیٹا	4	
1799-1802		اجلاس کی تفسیر اور صوبہ بابا راجہ چارسالہ 15-2014 کے گروہر لکھنے کے بارے میں - کلکتہ - محمد اعجاز - 1504 صوبہ	4	
1803	35022	انگریزی میں لکھی اور پٹنہ 23 لینتھ لکھنے کے بارے میں حسین بائٹ Petition by	4	
1804	8714 DC	انگریزی میں لکھی 16/7/205 کا بائٹ انفارمیشن علی عبدالغفور ولد محمد اور فضل الرحمن وغیرہ ولد محمد اعجاز	4	
1805		انگریزی میں لکھی اور درخواست لکھ کر خلیل الرحمن ولد محمد خان ساکن ڈھنڈہ ماہر درستی خواہ گروہی عزیزان 615-611 واقعہ	4	

بخدمت جناب کمشنر صاحب، ہزارہ ڈویژن، ایم بیٹ آباد

عنوان: اپیل حکمانہ برخلاف حکم (Adverse Remarks) بابت ACR ایوانٹ

سال 2014ء ازاں جناب ڈپٹی کمشنر ہری پور۔

جناب عالی! مضمون اپیل ذیل عرض ہے:-

- 1- یہ کہ سائل سال 1998ء میں بحیثیت پٹواری محکمہ مال میں بھرتی ہوا تھا۔
- 2- یہ کہ سائل سال 2004ء سے بحیثیت TRA، ATRA کی پوسٹ پر اپنے فرائض سرانجام دیتا رہا۔
- 3- یہ کہ سائل اپنے طور پر اپنی ملازمت کے سلسلہ میں ہر سال متعلقہ ACR حاصل کرتا رہا اور ہمیشہ اس تاثر میں رہا کہ اس کے پاس تمام عرصہ کی ACRs موجود ہیں۔
- 4- یہ کہ چند ماہ قبل سائل نے اپنا ریکارڈ بابت ACR چیک کیا تو اس میں ACR سال 2014ء موجود نہ تھی جس پر سائل نے متعلقہ آفس سے رابطہ کیا تو سائل کو بتایا گیا کہ مذکورہ ACR بابت سال 2014ء سائل کو بذریعہ تحصیل ایجنسی بھیجی گئی تھی جس کا ریکارڈ متعلقہ ڈسٹریکٹ رجسٹر/Peon Book میں درج کر دیا گیا تھا۔
- 5- یہ کہ مذکورہ اطلاع موصول ہونے پر سائل نے حسب ضابطہ رجسٹر متعلقہ کاریکارڈ حاصل کرنے کیلئے مورخہ 14 دسمبر 2018ء کو ایک تحریری درخواست دی جسکی نقل لف اپیل ہذا ہے۔
- 6- یہ کہ مذکورہ بالا درخواست کے نتیجہ میں متعلقہ نقول حاصل کرنے پر پتہ چلا کہ سائل کو مذکورہ بالا رجسٹر کے سیریل نمبر 1793 مورخہ 14/07/2015 میں Adverse remarks کے حوالے سے چٹھی کا حوالہ موجود ہے مگر وصولی کے حوالے سے سائل کا کوئی دستخط موجود نہ ہے۔

Principal
Kohli
20/12/18

7- یہ کہ مذکورہ بالا چٹھی کے علم میں آنے پر سائل نے متعلقہ ACR کے حصول کیلئے ایک اور درخواست حسب ضابطہ جناب DC صاحب ہریپور کو دی جس کے نتیجے میں سائل کو متعلقہ ACR کی نقل دی گئی۔ نقل درخواست و نقل ACR لف ہے۔

8- یہ کہ باوجود بات ذیل ACR مذکورہ بالا میں جناب DC صاحب ہریپور کے ریماکس قطعی طور پر غیر مجازانہ، غلط اور خلاف قانون و ضوابط ہیں جسکے خلاف سائل کے پاس ماسوائے اپیل ہذا کے کوئی دیگر دادرسی موجود نہ ہے۔ لہذا اپیل ہذا دائر کی جا رہی ہے جسکی وجوہات ذیل ہیں:-

(i) یہ کہ ریسیانڈنٹ اتھارٹی کیلئے لازم تھا کہ وہ Adverse remarks کی حامل ACR سائل سے حسب ضابطہ اور لازمی وصول کراتے۔ جبکہ اس ضمن میں قانون کو مد نظر نہ رکھا گیا اور نہ ہی حسب ضابطہ چٹھی وصول کرائی گئی۔ تائید میں متعلقہ صفحہ رجسٹر سیریل نمبر 1793 قابل ملاحظہ ہے جو لف ہے۔

(ii) یہ کہ ریسیانڈنٹ نے Adverse remarks تحریر کرتے وقت کوئی معقول وجہ تحریر نہ کی کہ کس بنیاد پر رپورٹنگ آفیسر متعلقہ کے ریماکس (رپورٹ) سے متفق نہ ہے۔

(iii) یہ کہ رپورٹنگ آفیسر کی رپورٹ ابتدائی قانونی اور واقعاتی اہمیت کی حامل ہے کیونکہ سائل کا واسطہ اور اس کی پیشہ دارانہ ذمہ داریوں سے متعلقہ رپورٹنگ آفیسر ہی برائے راست واقف تھا۔ لہذا ریسیانڈنٹ کیلئے رپورٹنگ آفیسر مذکورہ کی رپورٹ سے اختلاف کرنے کی وجہ بیان کرنا لازمی تھی جو نہیں کی گئی۔

(iv) یہ کہ رپورٹنگ آفیسر کی رپورٹ کے علاوہ ریسیانڈنٹ (DC) صاحب کا سائل سے نہ تو کوئی براہ راست رابطہ تھا اور نہ ہی کسی اور ذریعہ سے سائل کے بارے میں کوئی ایسی شہادت یا ثبوت فراہم کیا گیا یا اس ضمن میں کوئی کوشش کی گئی جسکی روشنی میں Adverse remarks کا جواز پیدا ہوتا۔ لہذا ریسیانڈنٹ کے ریماکس قانونی طور پر ناقابل بحالی اور قابل درستی ہیں۔

(v) - یہ امر بھی قابل ذکر ہے کہ ریسیانڈنٹ نے بحیثیت DC ہر رپور اپنی ذمہ داریاں ACR مرتب ہونے سے تقریباً 2 ماہ قبل سنبھالی تھیں اور اس قلیل عرصہ میں وہ نہ تو سائل کی سال بھر کی کارکردگی سے آگاہ تھا اور نہ ہی آگاہی کے بارے میں کوشش کی گئی۔ ان حالات میں ریسیانڈنٹ کے پاس کوئی قانونی یا معقول جواز نہ تھا کہ وہ رپورٹنگ آفیسر کے ریمارکس یا رپورٹ سے اختلاف کر کے Adverse ریمارکس تحریر کرتا۔ DC صاحب کے پوسٹنگ ٹرانسفر پیڑی کی کاپی لف ہے۔


(vi) یہ کہ باوجود بات بالاسائل کی ACR سال 2014ء میں تحریر شدہ Adverse ریمارکس منجانب ریسیانڈنٹ قطعی غلط، غیر مجازانہ، خلاف قانون درولز ہیں۔ لہذا ACR مذکور قابل تسخیح بمطابق ریمارکس (رپورٹ) آفیسر متعلقہ ہے۔

لہذا، استدعا ہے کہ Adverse ریمارکس بابت سال 2014ء منسوخ فرمائے جائیں اور سائل کو ACR حسب ضابطہ بمطابق رپورٹنگ آفیسر عنایت کرنے کا حکم صادر فرمایا جاوے۔

الترقوم 20/12/19

سائل:

فخر نواز ATRA، تحصیل و ضلع ہری پور
حال ملازم داسو ہائیڈرو پاور پراجیکٹ کوہستان
رابطہ نمبر: 0310-0559068


20/12/19

در صورت ضابطه اشتراط کمشنر (لوگو/نمبر/ایڈیشن) هزاره ڈویژن ایبٹ آباد

P-20 D (درخواست) ANX

درخواست برآمد و صرفہ: درخواست ایبٹ آباد، 2014ء، ایبٹ آباد ڈی سی ڈی

ضابطہ عالی:

گزارش عدلیہ سائل کے کمشنر صاحب ایبٹ آباد کو اینٹیل ٹی عمر - صیغہ ایبٹ آباد

اسٹیل و صدقہ قاضی درخواست و وصلہ می ملو



العلق

عمر کو لوگو/نمبر/ایڈیشن
ایبٹ آباد

24/5/2019
03100559068



Registered
E 60

OFFICE OF THE
COMMISSIONER HAZARA DIVISION
ABBOTTABAD

No: CHD /Estb/ Appeal/ 7/6-18
Dated: 22/04/2019

ANX, E 60

P-21

To

Mr. Fakhar Nawaz,
ATRA, Haripur,
Posted in DHPP, Kohistan Upper.

Subject: APPEAL FOR EXPUNGE OF ADVERSE REMARKS IN ACR

I am directed to refer to your subject appeal dated 30/01/2019 and to inform you that your appeal being time barred has been rejected by the competent authority.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Ⓞ

Endst: Even No & Date:

Copy forwarded to the:-

1. Deputy Commissioner Haripur with the request to inform Mr. Fakhar Nawaz, ATRA, Haripur.
2. PS to Commissioner, Hazara Division, Abbottabad for information.

Assistant to Commissioner (Rev/GA)
Hazara Division Abbottabad

Ⓞ



ANX 9366

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

P-23

DATED PESHAWAR, JUNE 23, 2015.

NOTIFICATION

NO. SO/E/VERAD/1-1/2014 (V) The Government of Khyber Pakhtunkhwa is pleased to order posting/transfer of the following officers, in the public interest, with immediate effect.

S.R.#	NAMES OF OFFICERS	FROM	TO
1.	Mr. Humayun Khan (PAS BS-18)	Deputy Commissioner, Haripur	Additional Secretary, Excise & Taxation Department, in his own pay and scale, against the vacant post.
2.	Mr. Tasieem Khan (PMS BS-18)	Director, Land Record Board of Revenue, Khyber Pakhtunkhwa	Deputy Commissioner, Haripur, in his own pay and scale, vice Sr. No. 1.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Encls. of even and

Copy forwarded to the

1. Senior Member Board of Revenue, Khyber Pakhtunkhwa
2. Additional Chief Secretary, P&D Department.
3. Additional Secretary (P&D), FATA Secretariat.
4. Additional Secretary to Government, Khyber Pakhtunkhwa.
5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
7. All Divisional Commissioners in Khyber Pakhtunkhwa.
8. Accountant General, Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. Political Agents in FATA.
11. Director (PD) Establishment Division, Govt. of Pakistan Islamabad.
12. Director, Land Record Board of Revenue, Khyber Pakhtunkhwa.
13. Section Officer (P&D/PAS), Establishment Division, Islamabad.
14. District Accounts Officer, Haripur.
15. Director Information & Public Relations, Khyber Pakhtunkhwa.
16. PRG to Chief Secretary, Khyber Pakhtunkhwa.
17. Joint Secretary Establishment/PS to SS(E)/SS (Reg)/PA AS(HRD)
SS(E)/SO(E.I) Establishment Department.
18. Joint Secretary (Admn./D.S(A)/SO(Secret)/Estate Officer/ACSO Cycle
(IT) and Director Protocol Administration Department, Khyber
Pakhtunkhwa.

23/6/2015
Peshawar, Khyber Pakhtunkhwa

(MUHAMMAD JAVEED) (D.I.G.)
SECTION OFFICER (E-IT-1)
PH & FAX # 091-5210529

P-24

A.T.C.5.

(See Para. (3) of Annex. A to Chapter 2 of section IV Audit Code)

LAST PAY CERTIFICATE

Accounts Office Manshra

Special Seal Authority

#148
CAP

Personal #: 700604
Name: MUHAMMAD ALI BUKHARI
Dsg: ASSISTANT COMMISSION

DDO: MA7001
Date Of Transfer: 01.09.2014
Date Of Leaving: 01.09.2014

Reason for Issuance: 21 Temporary inactive

The rates of Pays, Allowances and Deductions are as under:

PAY & ALLOWANCES:

0001	Basic Pay	18,400.00
1971	Adhoc Allowance 2011@ 15%	1,477.00
1973	Adhoc Allowance 2011@ 50%	4,925.00
1974	Medical Allowance 2011	1,477.00
2119	Adhoc Relief Allow. (2012)	3,680.00
2148	15% Adhoc Relief All-2013	2,760.00
2174	Adhoc Relief Allow-2014	1,840.00
Gross Pays and Allowance		34,559.00

paid upto 31/08/2014

DEDUCTIONS:

3500	Income Tax	59.00
3017	GPF Subscription - Rs2240	2,240.00
3501	Benevolent Fund	250.00
3521	Adm Group Insurance	25.00
3534	Group Insurance	230.00
3620	House Rent Deduction 5%	920.00

Total Deductions

3,724.00

ADDITIONAL LOAN DETAILS

Principal	Balance	Recovery to Date
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INCOME TAX DETAILS:

Total Income	Taxable Income	Tax Payable	Tax Deducted
412978.00	412978.00	585.30	59.00

LEAVES DURING:

Opening Balance	Leave Availed	Leave Balance
4	0	4

Casual Leave:

- 1) Authorised to draw pay & allowances w.e.f. 1-9-2014 to 7-9-2014
- 2) Availed no casual leave during his stay at this station.
- 3) Handled over charge of the Post on 08.9.2014 (F.W)

District Officer Manshra

P-25



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

MODEL ORDER NO. JEST/0110

- Copy forwarded to the following:
1. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
 2. Additional Chief Secretary, P&D Department.
 3. Additional Chief Secretary (FATA), FATA Secretariat.
 4. Principal Secretary to Governor, Khyber Pakhtunkhwa.
 5. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
 6. All Administrative Secretaries to Government of Khyber Pakhtunkhwa.
 7. All Divisional Commissioners in Khyber Pakhtunkhwa
 8. Accountant General, Khyber Pakhtunkhwa, Peshawar.
 9. Director General, Excise & Taxation, Khyber Pakhtunkhwa.
 10. All Deputy Commissioners and in Khyber Pakhtunkhwa
 11. All Political Agents in FATA
 12. Director (PD) Establishment Division, Islamabad.
 13. Section Officer (E-5/PAS) Establishment Division, Islamabad.
 14. Director Information & Public Relations, Khyber Pakhtunkhwa.
 15. PS to Secretary Commerce, Government of Pakistan, Islamabad.
 16. PSO to Chief Minister, Khyber Pakhtunkhwa
 17. PSO to Chief Secretary, Khyber Pakhtunkhwa.
 18. All District Accounts Officers concerned.
 19. PS to Chief Secretary, Khyber Pakhtunkhwa.
 20. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA, AS(HRD)/AS(E)/DS(E)/D.S(HRD Wing) SO(E.II), SO(HRD.I) SO(HRD.II) E&AD.
 21. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/Estate Officer/ACSO Cypher/Dy Director (IT) and Director Protocol Administration Department.
 22. All other concerned.

SECTION OFFICER (E/TT I)
PHON & FAX 091-5210629

2015/04/03

وکالت نامہ

کورٹ فیس

بعدالت خط کسٹم خانہ کسٹم خانہ کسٹم خانہ کسٹم خانہ
عنوان: فتح پور نام کسٹم خانہ
منجانب: ریسرٹ کسٹم خانہ
نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کارروائی متعلقہ آن مقام

سید الطاف حسین صاحب
مرتبہ 28715-5-2300
کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر فائنٹ و فیصلہ بر ملک و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دخل کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا محکمہ صاحب کالونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر ساختہ مجھ کو منکھور قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے نیز بتایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر محکمہ مقرر کردہ میں کوئی جزو بھایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد تجارت ٹائٹل بیٹھ مغلشی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 27/05/2019

بمقام:



فتح پور ریسرٹ



محکمہ خدمات چیئر مین صاحب سروس ٹریبونل پشاور

درخواست برائے Extension Period of Govt Fee اور ٹرانسفر کیس فرام

ایبٹ آباد پنچ سے چیئر مین صاحب سروس ٹریبونل پشاور اپیل نمبر 708

جناب عالی

سائل مندرجہ ذیل عرض رساں ہے:-

1- یہ کہ سائل کی اپیل نمبر 708 تھی جو کہ مورخہ 23-8-2019 کو سننے کے لئے ایبٹ آباد پنچ نے منظور کر لی تھی۔ اس کے

بعد سائل کاروڈ ایکسٹینڈنٹ ہو گیا اور بدیں وجہ سائل بروقت گورنمنٹ کا Fee داخل نہ کر سکا۔ لہذا مہربانی کر کے سائل کو ابھی مذکورہ
فیس داخل کرنے کی اجازت دی جائے۔

2- یہ کہ سائل کا ائندہ تاریخ ایبٹ آباد میں مورخہ 25-10-2019 کو مقرر ہے۔ ٹھہرانی کر کے سائل کا کیس ایبٹ آباد پنچ
سے ٹرانسفر کر کے چیئر مین صاحب سروس ٹریبونل پشاور کے پاس بھیجوائی جائے تاکہ چیئر مین صاحب سائل کا کیس خود سن کر فیصلہ
کریں۔ سائل آپ صاحبان کا یہ احسان کبھی نہیں بھولے گا۔ اور تاحیات دعا گورے گا۔

المرقوم 27-09-2019

فخر نواز ولد شیر افضل خان سکند گاون کوکا UC ریحانہ تحصیل اینڈ ڈسٹرکٹ ہری پور

شناختی کارڈ نمبر 13302-0453139-7

موبائل نمبر 0310-0559068

The period for repayment
deposits extended for 3
three days.

11/10/19

دستخط
27/09/2019

بعدالت جناب سروس ٹریڈیونل، خیبر پختونخواہ، پشاور

موجودہ تاریخ پیشی: 19/07/2022

اپیل نمبر: 708/19

فخر نواز

بنام

ڈپٹی کمشنر، ہری پور

درخواست مقدمہ ٹرانسفر پشاور بیچ ٹو ایبٹ آباد بیچ

* * *

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

یہ کہ سائل کو ڈپٹی کمشنر ہری پور نے سروس سے برخاست کیا تھا اور چند مہینے پہلے سروس ٹریڈیونل پشاور عدالت نے مجھے ملازمت پر بحال کر دیا ہے۔ اور اب میں تحصیلدار ہری پور کی طرف سے عدالت ہری پور میں شہادت دینے کی ڈیوٹی دے رہا ہوں۔ اب میرے لئے پشاور آنا جانا بہت مشکل ہے۔ مہربانی فرما کر میرے کیس نمبری 708/19 کو ایبٹ آباد بیچ میں لگایا جائے تاکہ سائل کے لئے بہت آسانی ہو۔

لہذا استدعا کی جاتی ہے کہ بمنظوری درخواست ہذا سائل کا مقدمہ پشاور بیچ سے ایبٹ آباد بیچ میں لگایا جائے تاکہ سائل کو آنے جانے میں آسانی ہو اور ہر تاریخ پر حاضر ہو۔ نیز دیگر دادرسی جو مسترین النصف ہو وہ بھی مرحمت فرمائی جائے۔

المرقوم: 19/07/2022

العبد:

سائل / مدعی: فخر نواز ولد شیر افضل، پٹواری

شناختی کارڈ نمبر: 7-139-04531302-13302

DBA No: 654
 BC No:
 Name of Advocate: اللہ یار خان

وکالت نامہ



S.No: 39570



DBA
Haripur
LIBRARY

بعدالت: فیسر محترم سروسز ٹریبونل پشاور
 عنوان: فختر نواز
 منجانب: اپیلانٹ
 نوعیت مقدمہ: سروسز اپیل
 باعث تحریر آنکھ: _____

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی برائے پیشی یا تصدیقہ مقدمہ بمقام _____ کے لیے
اللہ یار خان (تہذیبی) ایڈووکیٹ محرم عدالت اللہ یار خان (تہذیبی)
 کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا اور بروقت
 پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا۔ اگر پیشی پر منظر حاضر نہ ہوا اور مقدمہ میری
 غیر حاضری کی وجہ سے کسی طور پر میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طور پر ذمہ دار نہ ہوں گے نیز وکیل صاحب
 موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہوں گے اور مقدمہ پکھری کے علاوہ کسی اور جگہ سماعت ہونے پر یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے
 پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا نجات دہانے کے بھی صاحب
 موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات منظور و مقبول ہوگا اور صاحب موصوف کو
 عرض دعویٰ یا جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور اور کسی حکم یا ڈگری کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور
 اس کے تالیفی و راضی نامہ و فیصلہ بر حلف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا اور بصورت جانے بیر و نجات از پکھری صدر
 اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا مٹھرنہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از گرفتاری و اجراءے ڈگری بھی صاحب
 موصوف کو بشرط ادائیگی علیحدہ جتانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ
 مزکور یا اس کے کسی جزو کی کاروائی کے یا بصورت اپیل کسی دوسرے وکیل کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے وکیل کو
 بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ جو کچھ ہر جانہ
 التوا پڑے گا وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب
 موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے
 برخلاف نہیں ہوگا۔

Accepted
19/7/22
AA

Accepted
19/7/22

لہذا وکالت نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔ مورخہ: 19/07/2022
 دن 19/07/2022

(Handwritten signature)