

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

Service Appeal No. ^{275/022} 3475/2022
Malik Sheraz Khan
Junior Clerk, District Kohat

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & Others

..... Respondents

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Representative

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Service Appeal No. 275/2022
Malik Sheraz Khan
Junior Clerk, District Kohat

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 2427

Date 22/12/22

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appeal is not maintainable in its present form.
- v. That the appellant is estopped to file the instant appeal for his own act.
- vi. That the appeal is bad in eyes of law.
- vii. That the appellant has not approached the honorable Tribunal with clean hands.
- viii. That the appeal is bad for limitation.

Facts:-

- 1. Pertains to record, hence no comments.
- 2. Irrelevant, hence no comments.
- 3. The reporting officer of the evaluated performance of the appellant and passed the following remarks on account of his performance.

01.01.2019 to 31.06.2019 & 01.11.2019 to 31.11.2019

Remarks of the reporting officer.

- 13. Trust worthiness in confidential and secret matters..... No.
- 14. Any disciplinary action taken during the period..... No.

Part-III

- e. Not yet fit for promotion..... Yes.

Part IV

- iv. Below Average Yes.

Pen Picture

"Needs improvement as clerk"

In view of above, the 2nd countersigning officer (Additional IGP / HQrs KP) has communicated.

- 4. The competent authority i.e appellant authority is not bound to follow the subsequent statement / report on the representation of appellant, which is contradictory to his earlier report / remarks passed on the PER of appellant.

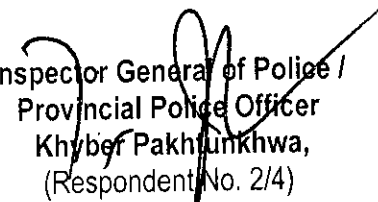
- P-2
5. Correct, the competent authority has maintained the earlier remarks of the reporting officer and department representation of the appellant is rejected on the basis of evidence / material placed on record.


Grounds:-

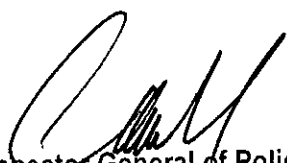
- A. Incorrect, the reporting officer of the appellant has correctly evaluated the performance of the appellant during the period under review and his representation is rejected on merits by the appellate authority.
- B. Incorrect, the adverse remarks passed by the reporting officer and communicated to the appellant have not been expunged by the appellant / competent authority and maintained.
- C. The period described in Annual Confidential Report has been correctly recorded.
- D. The legal proceedings have been completed by the reporting officer.
- E. Incorrect, the required procedure has been followed by the reporting, countersigning and appellate authorities.
- F. Incorrect, the appellant has been treated in accordance with the relevant rules by the authorities concerned.
- G. The appellant has failed to annexed with his appeal any Departmental Promotion Committee proceedings from where he has been dropped.
- H. The respondents may also be allowed to advance other grounds during the course of arguments.

Prayer:-

In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable may graciously be dismissed with costs.


Inspector General of Police /
Provincial Police Officer
Khyber Pakhtunkhwa,
(Respondent No. 2/4)


Secretary Home &
TAs Affairs Department
Khyber Pakhtunkhwa,
(Respondent No. 1)


Dy: Inspector General of Police /
Kohat Region, Kohat
(Respondent No. 3)

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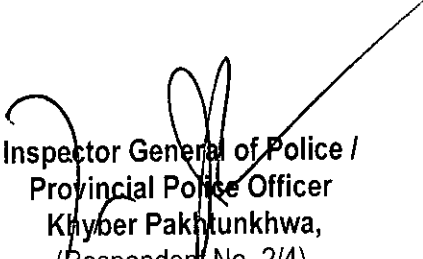
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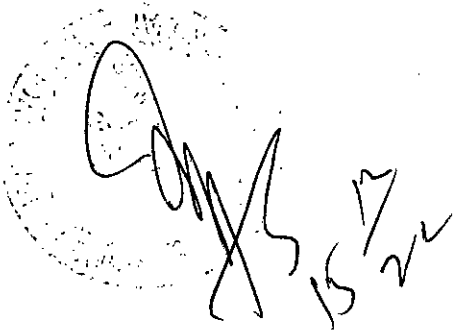
COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Inspector General of Police /
Provincial Police Officer
Khyber Pakhtunkhwa,
(Respondent No. 2/4)


Secretary Home &
TAs Affairs Department
Khyber Pakhtunkhwa,
(Respondent No. 1)


Dy: Inspector General of Police /
Kohat Region, Kohat
(Respondent No. 3)


15/7/22

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AUTHORITY LETTER

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


Dy: Inspector General of Police /
Kohat Region, Kohat
(Respondent No. 3)