

13.06.2019

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Farooq, Inspector (Legal) for the respondents present. Arguments heard. To come up for order on 28.06.2019.


(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

Order


28.06.2019

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Mr. M. Farooq, Inspector for respondents present. Arguments heard and record perused.

This appeal is also accepted as per detailed judgment of today placed on file in service appeal No. 63/2019 titled "Kifayatullah Khan-vs- Inspector General of Police, Khyber Pakhtunkhwa Peshawar and three others." Parties are left to bear their own cost. File be consigned to the record room.

Announced:
28.06.2019


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

26.03.2019

Learned counsel for the appellant present. Written reply not submitted. Asghar H.C representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 12.04.2019 before S.B


Member

12.04.2019

Counsel for the appellant and Addl. AG alongwith Yaqub Khan, H.C for the respondents present.

Representative of respondents has submitted reply on behalf of all the respondents. The same is placed on record. To come up for arguments before the D.B on 09.05.2019. The appellant may furnish rejoinder within a fortnight, if so advised.


Chairman

09.05.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned. To come up for arguments on 13.06.2019 before D.B.



(Muhammad Amin Khan kundi)
Member

06.03.2019

Counsel for the appellant Muhammad Anwar Shah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant is serving in Police Department as Stenographer in the office of District Police Officer (Bannu). It was further contended that the appellant received letter dated 03.07.2018 wherein adverse remarks regarding Annual Confidential Report with effect from 28.4.2017 to 31.12.2017 was received against the appellant. It was further contended that adverse remarks was regarding the period with effect from 28.04.2017 to 31.12.2017 but the same was received to the appellant through letter dated 03.07.2018 after a delay of more than eleven months. It was further contended that the appellant filed departmental appeal on 17.07.2018 which was rejected on 25.10.2018 and thereafter, filed mercy petition on 12.11.2018 which was rejected on 06.12.2018 and received to the appellant on 10.12.2018 hence, the present service appeal on 07.01.2019. It was further contended that before the impugned adverse remarks neither any opportunity of counseling or warning was provided to the appellant nor the adverse remarks was communicated to the appellant within the stipulated period therefore, the impugned adverse is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs 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, notice be issued to the respondents for written reply/comments for 26.03.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member



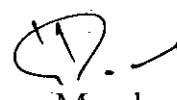

Appellant Deposited
Security & Process Fee

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 65/2019

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | 2 | 3 |
| 1- | 14/1/2019 | <p>The appeal of Mr. Muhammad Anwar Shah resubmitted today by Naila Jan 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 14/1/19</p> |
| 2- | 16-1-19 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>14-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 14.02.2019 | <p>Due to general strike of the bar, the case is adjourned. To come up for preliminary hearing on 07.03.2019 before S.B.</p> <p style="text-align: right;"> Member</p> |

The appeal of Mr. Muhammad Anwar Shah Stenographer DPO Office Bannu received today i.e. on 07.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellant.
- ✓ 2- Annexures of the appeal may be flagged.
- ✓ 3- Annexures of the appeal may be attested.
- ✓ 4- Affidavit may be got attested by the Oath Commissioner.
- ✓ 5- Copy of Mercy Petition dated 25.10.2018 mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓ 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ✓ 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 42 /S.T,

Dt. 8-1- /2019.

8/1/19
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Naila Jan Adv. Peshawar.

*resubmitted & removed all the objections
-> appeal has been signed by me
-> the appellant
oath commissioner and attested by me
also in sequence
-> hence also submitted
by Naila Jan Adv
8/1/2019*

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A. 65 /2019

Muhammad Anwar Shah

VERSUS

Inspector General of Police Khyber Pakhtunkhwa and
others

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Shah
Appellant
*Naila Jan Advocate
Peshawar High Court*
Atc
Naila Jan

Through

Advocate, High Court
Peshawar.

Dated: 07/01/2019

①

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

**Khyber Pakhtukhwa
Service Tribunal**

S.A. 65 /2019

Diary No. 33

Dated. 7-1-2019

Muhammad Anwar Shah, Stenographer, DPO
Office Bannu.

-----(*Appellant*)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General Establish Khyber Pakhtunkhwa Peshawar.
3. Regional Police officer Bannu Region Bannu.
4. District Police officer Bannu.

-----(*Respondents*).

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT, 1974 AGAINST THE ADVERSE
REMARKS FOR THE PERIOD W.E.F
28/04/2017 TO 31/12/2017 COMMUNICATED
VIDE LETTER DATED 03/07/2018 AND
ORDER DATED 25/10/2018 WHEREBY
DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED AND ORDER
DATED 06/12/2018 WHEREBY MERCY
PETITION OF THE APPELLANT WAS
REJECTED FOR NO GROUNDS.**

Filed to-day

Registrar

7/1/19

Re-submitted to -day
and filed.

Registrar

14/1/19

Naila Jan Advocate
Peshawar High Court

PRAYERS:-

**ON ACCEPTANCE OF THE INSTANT APPEAL
THE IMPUGNED ORDERS DATED 03/07/2018,
25/10/2018 AND ORDER DATED, 06/12/2018
MAY KINDLY BE SET ASIDE AND THE
ADVERSE REMARKS MAY KINDLY BE
EXPUNGED IN THE BEST INTEREST OF
JUSTICE.**

Respectfully Sheweth,

The appellant submits as under:-

1. That the appellant was appointed on 16/05/1988 and since his appointed the appellant performed his duty with great zeal and zeast and enthusiasm and there was no complaint what so ever against the appellant.
2. That due to his outstanding service record and devotion towards his duties.
3. That though the service cases of the appellant the appellant was never given any adverse ACR which shows the

*Nazir Khan Advocate
Peshawar High Court*

outstanding and unblemished service of the appellant.

4. That the appellant was surprised to receive the ACR for the period from 28/04/2017 to 31/12/2017 vide letter No.2581/18 dated 03/07/2018 which is based on malafide illegal. **(Copy of the impugned ACR is annexed as annexure "A")**

5. That feeling aggrieved from the impugned adverse ACR's the appellant filed departmental appeal on dated 17/07/2018. However the same appeal was turned down vide order dated 25/10/2018. **(Copy of Departmental appeal and rejection order are annexed as annexure "B" & "C")**

Naila Jan Advocate
Peshawar High Court

6. That the appellant thus filed on individual departmental appeal/ mercy petition on ~~12~~¹²/11/2018 which was rejected on 06/12/2018 received by the Appellant

10/12/2018.(Copy of mercy petition and order are annexed as annexure "D" & "E")

7. That feeling aggrieved from the impugned ACRs and orders the appellant filing the instant appeal on the following grounds.

GROUND:-

A. That the impugned ACRs as well as orders are against Law, rules principles of Natural Justice and void abinitio hence not sustainable under the law.

B. That the Respondent are under legal obligation to call the appellant for counseling however the opportunity of counseling has not been provided to the appellant hence the impugned remarks are liable to be expunged being contrary to law and rules.

C. That throughout the service of the Appellant no complaint or explanation, has

Naila Jan Advocate
Peshawar High Court

Jan

been called from the appellant which negate the stance of the Respondent.

D. That neither opportunity of personal hearing has been provided to the appellant hence the appellant has been condemned unheard.

E. That adverse remarks for the same period has been recorded in the ACRs of nine others which was expunged by the Respondent however the appellant was subjected to discrimination hence the Respondents violated Article 25 of the constitutional of Islamic Republic of Pakistan 1973, which makes all the impugned orders as void. **(Copies of ACRs are annexed as annexure "F")**

Mulla Jan Advocate
Peshawar High Court
Peshawar High Court
2019

F. That even no Show Cause Notice has ever been issued to the appellant nor did any complaint has ever been filed against the appellant by anyone.

6

G. That the appellant has not been provided opportunity of fair trial as guaranteed by Art 10-A of the constitution of Islamic Republic of Pakistan 1973.

H. That the appellant seek permission to adduce other grounds during Arguments.

It is, therefore, most humbly prayed that the appeal may kindly be accepted as prayed for in the heading of the appeal.

Any other relief not specifically asked for may also graciously be extended in favour of the appellant in the circumstances of the case.

Shah
Appellant

Through *Naila Jan* Advocate
Peshawar High Court

Naila Jan

Advocate, High Court
Peshawar.

Dated: 07/01/2019

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Naila Jan Advocate
Peshawar High Court
Advocate



**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2019

Muhammad Anwar Shah

VERSUS

Inspector General of Police Khyber Pakhtunkhwa and
others

AFFIDAVIT

I, **Muhammad Anwar Shah, Stenographer, DPO Office Bannu**, do hereby solemnly affirm and declare that all the contents of the **accompanied appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Muhammad Anwar Shah

DEPONENT

Identified By;

*Naila Jan Advocate
Peshawar High Court*

NAILA JAN

Advocate High Court
Peshawar.

ATTESTED

IRFAN ULLAH ADVOCATE

14/02/2019

(2)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2019

Muhammad Anwar Shah

VERSUS

Inspector General of Police Khyber Pakhtunkhwa and
others

APPLICATION FOR CONDONATION OF DELAY

RESPECTFULLY SHEWETH:-

Applicant submits as under.

1. That the above mentioned appeal is filing before this Hon'ble Tribunal in which no date is fixed for hearing so far.
2. That the final impugned order was communicated to the appellant on 10/12/2018 and the instant appeal is within time, however if this it would be considered time bard then the limitation is condonable on the following grounds

GROUND:

- A. That the impugned order is void order, because the Respondents violated Article 25 of the

(9)

constitution of Islamic Republic of Pakistan
1973, by subjected the appellant to
discrimination therefore no limitation runs
against such void order.

B. That there are number of precedents of
Supreme Court of Pakistan which provides that
the cases shall be decided on merits rather than
technicalities.

*It is therefore requested that the limitation
period (if any) may kindly be condone in the in-
trust of justice.*


Appellant

Through


Naila Jan

Advocate, High Court
Peshawar.

Dated: 07/01/2019

(10)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

S.A _____/2019

Muhammad Anwar Shah

VERSUS

Inspector General of Police Khyber Pakhtunkhwa and
others

ADDRESSES OF PARTIES

APPELLANT.

Muhammad Anwar Shah, Stenographer, DPO
Office Bannu.

RESPONDENTS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General Establish Khyber Pakhtunkhwa Peshawar.
3. Regional Police officer Bannu Region Bannu.
4. District Police officer Bannu.

Shah
Appellant

Through

*Naila Jan Advocate
Peshawar High Court*

Naila Jan

Advocate, High Court
Peshawar.

Dated: 07/01/2019

GOVERNMENT OF KHYBER PAKHTUNKHWA

PERFORMANCE EVALUATION REPORT FORM FOR P.Ss., P.As.,
STENOGRAPHERS/STENO TYPISTS.NAME OF DEPARTMENT/OFFICE POLICE DEPTT:ANNUAL
SPECIALREPORT FOR THE PERIOD 28.04.2017 To 31.12.2017

PART-I

Name: Mohammad Anwar Shah Father's Name: Dost MohammadDate of Birth: 01.04.1968 Qualification: B.ADesignation: Stenographer Grade: 16 Pay Rs: 49310/- P.MDate of entry into Government Service 16.05.1988 Date of appointment to the present Grade 03.03.1991Training courses, if any: NIL

PART-II

| (A) | A1 | A | B | C | D | Remarks |
|---------------------------------------------------------------------------|----|---|---|---|---|---------|
| (1) Standard of Shorthand/Typing: (a) Speed. (b) Accuracy. | | | | D | | |
| (2) Maintenance of Officers engagement, diary and conducting of visitors. | | | D | | | |
| (3) Movement of files and record of suspense cases. | | | D | | | |
| (4) Dress and cleanliness. | | | D | | | |
| (5) Regularity and punctuality in attendance. | | | D | | | |
| PERSONAL TRAITS | | | | | | |
| (6) Intelligence. | | | | D | | |
| (7) Perseverance and devotion to duty. | | | | D | | |
| (8) Cooperation and tact. | | | | D | | |
| (9) Amenability to discipline. | | | | D | | |
| (10) Any disciplinary action taken during the period of report | | | | | | |

(11) Integrity: -

- (i) Incorruptible.....
- (ii) Reported to be corrupt.....
- (iii) Believed to be corrupt, because of:
- (a) Monetary consideration.....

Assessment

| | | |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Naila Jan Advocate
Peshawar High Court

Naila Jan

(12) Trust worthiness in confidential and secret matters. **(11)** **(A)** YES NO.

Note: - The rating should be recorded by initializing the appropriate column of box.
 'A1' Very Good; 'A' Good; 'B' Average; 'C' Below Average; 'D' Poor.

PART-III

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES
 (Appraise in the present grade by initialing the appropriate column below)

| Very Good | Good | Average | Below Average | Poor | Special aptitude, if any. |
|-----------|------|---------|---------------|------|---------------------------|
| | | | D | | |

PART-IV

SUITABILITY FOR PROMOTION
 (Initial the appropriate box below)

- (A) Recommended for accelerated promotion.
- (B) Fit for promotion.
- (C) Recently promoted/appointed/consideration for promotion per-mature.
- (D) Not yet fit for promotion.
- (E) Unfit for further promotion.
- (F) Fitness for retention after 25 years service. Fit Unfit

PEN-PICTURE

He is shirker, malingering and irresponsible. He needs
constant push. Moreover, he is dull and incorrigible.
"A dead wood,

(Signature)

(DAR ALI KHAN KHATTAK) PSP
 Regional Police Officer,
 Bannu Region, Bannu.
 Signature, Name and Designation of Reporting Officer.

Dated 13-02-2018
 Official Stamp

(Signature)
 Comments
 Naila Jan Advocate
 Peshawar High Court

(Signature)



12

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

No. S/ 2581 /18, Dated Peshawar the 03/07/2018.

Confidential/In-duplicate

To:- The Regional Police Officer,
Bannu Region, Bannu.

Subject: - ACR/COMMUNICATION OF ADVERSE REMARKS

Memo:

In the Annual Confidential Report on the working of Stenographer Muhammad Anwar Shah for the period/year 28.04.2017 to 31.12.2017 it has been mentioned that:-

Remarks of the Reporting Officer (RPO).

Part-II

A)

1. (1) Standard of Shorthand/Typing: "C"
(a) Speed
(b) Accuracy

PERSONAL TRAITS

6. Intelligence "C"
7. Preservance and devotion to duty. "C"
8. Cooperation and tact. "C"
9. Amenability of discipline "C"

Part-III

Below Average "Yes"

PART-VI

E. Unfit for further promotion "Yes"

F. Fitness for retention after 25 years service..... "Unfit"

Pen Picture

"He is shirker, malingerer and irresponsible. He needs constant push. Moreover, he is dull and incorrigible. A dead wood"

2nd countersigning Officer (Add: IGP/HQrs:)

"Please communicate. "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.

Received on Copy

Naila Jan Advocate
Peshawar High Court

(Signature)

(Signature)

بخدمت جناب انسپکٹر جنرل آف پولیس صوبہ خیبر پختونخوا

ACR/COMMUNICATION OF ADVERSE REMARKS

عنوان:

جناب عالی!

گزارش ہے کہ ذیل کلرکل سٹاف بنوں ریجن عرض کرتے ہیں کہ ہم سائلان کو مورخہ 28.04.2017 تا 31.12.2017 کے ACRs میں ہمارے خلاف ADVERSE REMARKS دئے گئے ہیں جن کو دیکھ کر ہم سب حیران اور پریشان ہے کہ نہ تو ہمارے خلاف کوئی Explanation وغیرہ تھی اور نہ ہی ہم سے دوران ڈیوٹی ایسی کوئی کوتاہی ہوئی ہے کہ جس کی بنیاد پر ہمارے خلاف ADVERSE REMARKS آئے ہیں۔ کیونکہ اگر دیکھا جائے تو سارے صوبے میں ایسے انتقامی ACR کسی بھی افسر نے اپنے ماتحتوں کو نہیں دئے ہیں جو کہ ظلم پر مبنی ہیں۔

جناب عالی!

کیونکہ سالانہ ACRs کی بنیاد پر ہی ہماری کارکردگی اور ترقی کا دار و مدار ہوتا ہے اور یہ جاننا ہمارا حق ہے کہ اگر ہمارے خلاف 2017 ACRs میں جو ریمارکس دئے گئے ہیں وہ کس بنیاد پر دئے گئے ہیں کیونکہ ذیل ملازمین میں سے کسی کے خلاف بھی کوئی محکمانہ کارروائی جاری نہیں تھی۔ اور نہ ہی کسی کو اس ضمن میں کوئی وارننگ لیٹر جاری ہوا تھا۔ نہ ہی کسی کو ساری سروس میں کوئی خراب ACR دیا گیا ہے۔

جناب عالی!

ہمارے سابقہ ریکارڈ آپ جناب کے دفتر CPO میں موجود ہیں جس سے ہمارے سابقہ کارکردگی جابی اور پرکھی جاسکتی ہے لہذا استدعا کرتے ہیں کہ ہم جملہ سٹاف بنوں ریجن آپ کے حضور پیش ہو کر اپنی عرضداشت بیان کرنا چاہتے ہیں ہمیں پیشی کا موقع فراہم کیا جائے اور ہمارے سابقہ کارکردگی کو دیکھتے ہوئے 2017 ACRs کی Adverse Remarks ختم کی جائے۔ اور EXPUNGE کیا جائے۔

نوٹ:- جملہ سٹاف ٹوٹل 23 سٹاف ممبران (DPO آفس بنوں سٹاف، ریجن آفس بنوں سٹاف) کی لسٹ درخواست کے

ہمراہ لف ہے۔

مورخہ: 17.07.2018

Naila Jan Advocate
Peshawar High Court

سائلان

جملہ سٹاف ممبران (DPO آفس بنوں، ریجن آفس بنوں)

DPO OFFICE BANNU, RANGE OFFICE BANNU
HAVING ADVERSE REMARKS

26

| No | Name & Rank | Place of Posting | Period From | Period To | Signature |
|----|------------------------------------|--------------------|-------------|------------|-----------|
| | Asstt: Grade Clerk Ghulam Muhammad | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| | Asstt: Grade Clerk Nazar Hayat | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| | Senior Clerk Rahim Ullah Khan | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| | Senior Clerk Gul Aslam | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 5 | Senior Clerk Abdul Malik | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 6 | Senior Clerk Shareen Zaman | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 7 | Senior Clerk Kifayat Ullah Khan | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 8 | Junior Clerk Tariq Hayat | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 9 | Junior Clerk Farman Ullah | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 10 | Junior Clerk Muhammad Ismail | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 11 | Junior Clerk Muhammad Youns | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 12 | Junior Clerk Muhammad Asif Qurashi | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 13 | Junior Clerk Tariq Hayat | DPO Office Bannu | 20.05.2017 | 31.12.2017 | |
| 14 | Stenographer Muhammad Anwar Shah | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 15 | Asstt: Grade Clerk Muhammad Riaz | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 16 | Senior Clerk Sibghat Ullah Khan | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 17 | Senior Clerk Tahseen Ullah Khan | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 18 | Senior Clerk Mir Muhammad | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 19 | Senior Clerk Sibghat Ullah Khan | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 20 | Junior Clerk Wasim Ullah Khan | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 21 | Junior Clerk Haroon Rashid | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 22 | Junior Clerk Muhammad javid | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 23 | Junior Clerk Saud Khan | Range Office Bannu | 28.04.2017 | 31.12.2017 | |
| 24 | Junior Clerk Muhammad Sulaman Khan | Range Office Bannu | 28.04.2017 | 31.12.2017 | |

Naila Jaz Advocate
Peshawar High Court

No. S/ 4400-4403 /18, Dated Peshawar the 25/10/2018.

ORDER

This order pertains to the representation preferred by Stenographer Muhammad Anwar Shah of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby rejected and remarks maintained.

Sd/-

Dr. Ishtiaq Ahmad, PSP/PPM
Addl: IGP/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy of above is forwarded for information and necessary action. to the:-

1. Regional Police Officer, Bannu Region w/r to his memo: No. 52/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

DPO/Lakhi/ce

To inform the official concerned and one copy please in character roll.

Alaqa

RPO/Bxv

29/10

Naila Jan Advocate
Peshawar High Court
Naila

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

بخدمت جناب انسپکٹر جنرل آف پولیس صوبہ خیبر پختونخوا

رحم درخواست

منوان
جناب عالی!

گزارش ہے کہ میں بذریعہ رحم درخواست معروض ہوں کو مجھے سال 2017 کے ACR میں ایڈورسری مارکس Convey سے لگے ہیں جن کو دیکھ کر میں انتہائی حیران و پریشان ہوا، کہ نہ تو میرے خلاف کوئی Explanation وغیرہ تھی اور نہ ہی دوران ڈیوٹی کوئی ایسا جرم سرزد ہوا ہے۔ جس کی بنیاد پر ایڈورسری مارکس دئے گئے ہیں۔ کیوں کہ اگر دیکھا جائے تو سارے صوبے میں ایسے انتقامی ACRs اتنے بڑے پیمانے پر جملہ ماتحتان کو دئے گئے ہوں۔ جو کہ ظلم پر مبنی ہے کیونکہ سالانہ ACRs کی بنیاد پر ہی ہم سرکاری ملازمین کی ترقی کا دار و مدار ہوتا ہے۔ اور یہ جاننا میرا حق ہے کہ میرے خلاف 2017 ACR میں ایڈورسری مارکس کس بنیاد پر دئے گئے ہیں۔ لہذا کہ میرے خلاف کوئی بھی جملہ کاروائی وغیرہ نہیں تھی۔ اور نہ ہی مجھے کوئی نوٹس وغیرہ جاری ہوا تھا۔ اس سلسلے میں میں پورے وثوق سے کہتا ہوں کہ مجھے ساری سروس میں کوئی بھی خراب ACRs نہیں دئے گئے ہیں۔ اور تقریباً A-1 ACRs حاصل کر چکا ہوں۔ میرا تعلق ہے۔ سابقہ ریکارڈ آپ جناب کے دفتر یعنی CPO میں موجود ہے۔ جس سے میری سابقہ کارکردگی جانچی اور پرکھی جاسکتی ہے۔ لہذا استدعا ہے کہ آپ کے حضور پیش ہو کر اپنی آرزوداشت پیش کرنے کا موقع فراہم کیا جائے اور میری سابقہ کارکردگی کو دیکھتے ہوئے 2017 ACRs میں جو ریمارکس دئے گئے ہیں انکو Expunge کیا جاوے۔

جناب عالی!

اس سلسلے میں DPO آفس بنوں اور ریجن آفس بنوں کے جملہ 24 مینیسٹرکل سٹاف نے ایک متفقہ درخواست آپ جناب کو پیش کی ہے جس میں درخواست میں بھی پیش کرنے کی استدعا کی گئی تھی نتیجاً ان میں سے کچھ اہلکاروں کے ACRs پیشی کر کے Expunge کرنے کیسے بقیہ یا اس حق سے محروم رکھا گیا اور نہ ہی Expunge کرنے کے لئے سنا گیا۔ میری درخواست کیساتھ جملہ بقایا اہلکاران کی لسٹ بھی لف ہے۔

مورخہ: 12.11.2018

Naila Jan Advocate
Peshawar High Court

سائن
محمد نور شاہ (سٹیٹوگرافر)
آفس بنوں



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

16

Annexure (E)

No. S/ 4844 /18, Dated Peshawar the 06/12/2018.

To: The Regional Police Officer,
Bannu Region, Bannu.

Subject:- Applications—(Mercy Petitions)

Memo:

Please refer to your office memo: 8571/PA, 8572/PA, 8573/PA, 8574/PA, 8575/PA, 8576/PA, 8577/PA, 8578/PA, 8579/PA, 8580/PA, 8581/PA, 8582/PA, dated 13.11.2018 on the subject cited above.

The competent authority has examined the cases submitted by Ministerial Staff of Bannu Region, as per "Instructions on Performance Evaluation Report (PER)" Article 6.2 (iv), which is reproduced below:-

"According to the existing instructions, there is scope for only one representation against adverse remarks, which should be submitted, if desired, by the officer concerned, within (30 days), of the receipt of those remarks".

There is no provision of Mercy Petition in the rules.

PA

(SADIQ BALOCH)PSP
AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

10 ¹²/₂₀₁₈

Received by Muhammad Anwar Shah

Naila Jay Advocate
Peshawar High Court
Naila Jay



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

No. S/ 4368-7/18, Dated Peshawar the 25/10/2018

ORDER

This order pertains to the representation preferred by Senior Clerk Mir Muhammad of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby expunged.

Sd/-
Dr. Ishtiaq Ahmad, PSP/PPM
Add: IG P/HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action, to the:-

1. Regional Police Officer, Bannu Region w/r to his memo No. 52/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

cc
Placed on his
Character Roll
MUA
R.P.P.B.K.
29/10

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

Naila Jan Advocate
Peshawar High Court
Peshawar High Court
Naila Jan Advocate

No. 4369-67/18 Dated Peshawar 25/10/18

ORDER

This order pertains to the representation preferred by Senior Clerk Sibghatullah s/o Noor Nawaz Khan of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby expunged.

Sd/-
Dr. Ishtiaq Ahmad, PSP/PPM
-Addl: IGP/HQrs
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Endst. No. & date even:

Copy of above is forwarded for information and necessary action to the:

1. Regional Police Officer, Bannu Region w/r to his memo No. 52/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt. "E-V" Branch, CPO.

cc
Placed on file
Character Roll.
Muhammad
RBR/Bxv
29/10

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

Muhammad
Advocate
Peshawar High Court



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

No. S/ 4205-08/18. Dated Peshawar the 24/10/2018.

ORDER

This order pertains to the representation preferred by Junior Clerk Waseem Ullah of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby expunged. He was also heard in person by the Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.

Sd/-
Sher Akbar, PSP
DIG/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy of above is forwarded for information and necessary action, to the:-

1. Regional Police Officer, Bannu Region w/r to his memo: No. 52/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

cc

Placed on vis

Character Roll.

[Handwritten Signature]
RPO/Rxv
29/10

[Handwritten Signature]
(SYED ANIS-UL-HASSAN)

Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

18/10/18

Naila Jan Advocate
Peshawar High Court

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

No. S/ 4197-4200/18; Dated Peshawar, the 21/12/2018

ORDER

This order pertains to the representation preferred by Junior Clerk Muhammad Younas of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 20.05.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 20.05.2017 to 31.12.2017 is hereby expunged. He was also heard in person by the Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.

Sd/
Sher Akbar PSP
DIG/HQs
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action, to the:-

1. Regional Police Officer, Bannu Region w/r to his memo No. 52/CC dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

DPs/BXU/ce

To inform the official concerned and one copy placed on his Character Roll.

Muhammad

RPS/BXU

29/10

(SYED ANIS UL HASSAN)

Registrar
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Peshawar High Court
High Court



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

No. S/4201-4204/18, Dated Peshawar the 29/10/2018

ORDER

This order pertains to the representation preferred by Junior Clerk Muhammad of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 20.05.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground, the Adverse Remarks recorded in his ACR for the period from 20.05.2017 to 31.12.2017 is hereby expunged. He was also heard in person by the Deputy Inspector General of Police, Headquarters Khyber Pakhtunkhwa, Peshawar.

Sd/-
Sher Akbar, PSP
DIG/HQ
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action to the:-

1. Regional Police Officer, Bannu Region w/r to his memo: No. 152/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

DPo/BxU/CC

To inform the official
and placed on his
Character Roll.

Musa
R Po/BxU
29/10

(Signature)
(SYED ANIS UL HASSAN)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Advocate
High Court

ORDER

This order pertains to the representation preferred by Junior Clerk Muhammad Javed Khan of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/counselling officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby expunged. He was also heard in person by the Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.

Sd/-
Sher Akbar, PSP
DIG/HQs

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action to the:-

1. Regional Police Officer, Bannu Region w/r to his memo No. 52/GC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

e.e
Placed on his
Character Roll.
RPD/Bsu
29/10

(SYED ANIS-UL-HASSAN)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

High Court



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

No. S/ 4209-12 /18, Dated Peshawar the 27/10/2018

ORDER

This order pertains to the representation preferred by JIP of/CI/111 Haroon Rasheed of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby expunged. He was also heard in person by the Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.

Sd/
Sher Akbar, PSP
DIG/HQs
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action to the:-

1. Regional Police Officer, Bannu Region w/r to his memo No. 52/CC dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

cc

Placed on his
Character Roll.

RPO/Bnu

29/10

(SYED ANIS UL HAASAN)

Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Advocate
Peshawar High Court



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

No. SI/4217-20/8, Dated Peshawar the 24/10/2018

ORDER

This order pertains to the representation preferred by Junior Clerk Saad Khan of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby expunged. He was also heard in person by the Deputy Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.

Sd -

Sher Akbar, PSP

DIG HQrs.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy of above is forwarded for information and necessary action, to the:-

1. Regional Police Officer, Bannu Region wr to his memo: No. 52/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPC.

CC

Placed on his
Character roll.

R.Po/Ryo

29/10

(SYED ANIS-UL-HASSAN)

Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Advocate
Federal High Court

وکالت نامہ

بعدالت کف Science Tribunal Peshawar
 نام محمد انور شاہ
 7/11/2019 تاریخ اپیل

اپیل نمبر 65/2019 باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام کف Science Tribunal

نانکہ جان ایڈوکیٹ ہائی کورٹ

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رہبر عدالت حاضر ہونا ہوگا۔ اور بوقت پارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت رونگہ اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے کسی اور جگہ سماعت ہونے پر من مظہر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختیار نامہ اہل کرنے کے سبب صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرواختہ صاحب موصوف مش کدہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو مرضی دعویٰ و جواب دعویٰ اور درخواست اجمائے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر خط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کا روپیہ وصول کرنے اور سیدھے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد دائی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا سوسٹی ڈگری یا کٹر ذمہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا تنگی علیحدہ مختیار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا برسر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کر دیں گے۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختیار نامہ کچہری یا تاکہ سند رہے مورخہ 7/11/2019 مضمون مختیار نامہ بن لیا ہے اور اسی طرح کچہری اور منظور ہے۔

ATTESTED AND ACCEPTED
 Nalla JUDGE
 Peshawar High Court

نانکہ جان ایڈوکیٹ ہائی کورٹ پشاور

Hing
 Cpl

محمد انور شاہ

محمد انور شاہ

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.65 /2019

Muhammad Anwar ShahAppellant

Versus

The Inspector General of Police, KPK, Peshawar and others

..... Respondents

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| 3 | Affidavit | | 4 |
| 4 | Order Copy | "A" | 5 |
| 5 | ACR | | 6 |


DEPONENT

11101-1483421-1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.65 /2019

Muhammad Anwar ShahAppellant

Versus

The Inspector General of Police, KPK, Peshawar and others
..... Respondents

PARA WISE COMMENTS/REPLY ON BEHALF OF RESPONDENTS NO.1,2,3 & 4

Preliminary Objections

1. That the appeal of the appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from this Honourable Tribunal.
4. That the appeal is bad in law due to non-joinder and mis-joinder of unnecessary parties.
5. That the appellant has approached the Honourable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct to file the instant appeal.
8. That the instant appeal is badly time barred.

OBJECTIONS ON FACTS:

Respectfully Sheweth

1. Pertains to record. Hence, Needs no comments.
2. Pertains to record. However, the appellant has not annexed any document in support of his claim.
3. Pertains to record. Hence, Needs no comments.
4. Incorrect. The Respondent No.3 has the authority to assign performance evaluation report to the appellant on the basis of his performance. Hence, respondent No.3 acted in accordance with law.
5. Correct to the extent that the appellant preferred an appeal before the Respondent No.1. After perusing the relevant record, comments and material on grounds, the adverse remarks recorded in ACR of the appellant for the period w/e from 28.04.2017 to 31.12.2017 the appeal was rejected being devoid of merit. (Copy of the order is annexed as annexure "A").
6. Correct to the extent that the appellant filed an appeal/mercy petition on 12.11.2018 to Respondent No.1 but was rejected according to Police Rules 16-29

(2) "There shall be one appeal only from the original order, and the order of the appellate authority shall be final". As per law and rules.

7. The respondent Department also submit his reply on the following grounds:-

OBJECTIONS ON GROUNDS

- A. Incorrect. The impugned ACR as well as ACRs orders issued by the Respondents Department is in according to law/rules.
- B. Incorrect. The appellant was afforded all legal opportunities for his self defense but he badly failed to mend his way.
- C. Pertains to record. Hence, needs no comments.
- D. Incorrect. Reply has already been given in para "B".
- E. Pertains to record. Hence, needs no comments.
- F. Incorrect. The appellant was provided all opportunities of personal hearing and self defense but he badly failed to substantiate stance further there is no need of issuing a show cause before recording adverse remarks.
- G. Incorrect. Reply has already been given in the above para.
- H. That the respondent department may be allowed to advance any other grounds & material as evidence at the time of arguments.

PRAYER:

In view of the above replies, it is most humbly prayed that the appeal of the appellant may kindly be dismissed with cost please.

20/11
District Police Officer,
Bannu
(Respondent No.4)

Regional Police Officer
Bannu Region, Bannu
(Respondent No.3)

AIG Establishment,
Khyber Pakhtunkhwa Peshawar
(Respondent No.2)

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.65 /2019

Muhammad Anwar ShahAppellant

Versus

The Inspector General of Police, KPK, Peshawar and others

..... Respondents

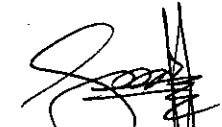
AUTHORITY LETTER.


Mr: Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.


District Police Officer,
Bannu
(Respondent No.4)


Regional Police Officer,
Bannu Region, Bannu
(Respondent No.3)


AIG Establishment,
Khyber Pakhtunkhwa Peshawar
(Respondent No.2)


Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar
(Respondent No.1)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.65 /2019

Muhammad Anwar ShahAppellant

Versus

The Inspector General of Police, KPK, Peshawar and others

..... Respondents

AFFIDAVIT

I, **Muhammad Farooq Khan**, Inspector Legal representative for Respondent Nos. 1,2,3 and 4 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT

11101-1483421-1

No. S/ 4400-4403 /18, Dated Peshawar the 25 / 10 /2018.

ORDER

This order pertains to the representation preferred by Stenographer Muhammad Anwar Shah of Bannu Region for the expunction of Adverse Remarks contained in his ACR for the period from 28.04.2017 to 31.12.2017 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 28.04.2017 to 31.12.2017 is hereby rejected and remarks maintained.

Sd/-
Dr. Ishtiaq Ahmad, PSP/PPM
Addl: IGP/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action, to

1. Regional Police Officer, Bannu Region w/r to his memo: No: 52/CC, dated 18.07.2018. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Supdt: "E-V" Branch, CPO.

DPO/Lahri/ce

To inform the official
concerned and one copy
please in character roll.

Alia
RPO/Rsu
29/10

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

Naila Jan Advocate
Peshawar High Court
Naila

(11)

Annexure (A)

GOVERNMENT OF KHYBER PAKHTUNKHWA

PERFORMANCE EVALUATION REPORT FORM FOR P.Ss. P.As. STENOGRAPHERS/STENO-TYPISTS

NAME OF DEPARTMENT/OFFICE POLICE DEPTT.

ANNUAL SPECIAL

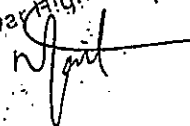
REPORT FOR THE PERIOD 28.04.2017 To 31.12.2017

PART-I

Name: Mohammad Anwar Shah Father's Name: Dost Mohammad
 Date of Birth: 01.04.1968 Qualification: B.A
 Designation: Stenographer Grade: 16 Pay Rs.: 49310/- P.M
 Date of entry into Government Service 16.05.1988 Date of appointment to the present Grade 03.03.1991
 Training courses, if any: NIL

PART-II

| (A) | A1 | A | B | C | D | Remarks |
|---------------------------------------------------------------------------|----|---|---|---|---|--------------------------------|
| (1) Standard of Shorthand/Typing: (a) Speed. (b) Accuracy. | | | | D | | |
| (2) Maintenance of Officers engagement, diary and conducting of visitors. | | | D | | | |
| (3) Movement of files and record of suspense cases. | | | D | | | |
| (4) Dress and cleanliness. | | | D | | | |
| (5) Regularity and punctuality in attendance. | | | D | | | |
| PERSONAL TRAITS | | | | | | |
| (6) Intelligence. | | | | D | | |
| (7) Perseverance and devotion to duty. | | | | D | | |
| (8) Cooperation and tact. | | | | D | | |
| (9) Amenability to discipline. | | | | D | | |
| (10) Any disciplinary action taken during the period of report | | | | | | |
| (11) Integrity: | | | | | | Assessment |
| (i) Incorruptible..... | | | | | | <input type="text" value="D"/> |
| (ii) Reported to be corrupt..... | | | | | | <input type="text"/> |
| (iii) Believed to be corrupt because of: | | | | | | <input type="text"/> |
| (a) Monetary consideration..... | | | | | | <input type="text"/> |

Naila Jan Advocate
 Peshawar High Court


(12) Trust worthiness in confidential and secret matters.

(1) (A)

YES

NO.

Note: - The rating should be recorded by initializing the appropriate column of box. 'A1' Very Good; 'A' Good; 'B' Average; 'C' Below Average; 'D' Poor.

PART-III

GENERAL ASSESSMENT OF ANY PARTICULAR QUALITIES

(Appraise in the present grade by initialing the appropriate column below)

| Very Good | Good | Average | Below Average | Poor | Special aptitude, if any. |
|-----------|------|---------|---------------|------|---------------------------|
| | | | D | | |

PART-IV

SUITABILITY FOR PROMOTION

(Initial the appropriate box below)

(A) Recommended for accelerated promotion.

(B) Fit for promotion.

(C) Recently promoted/appointed/consideration for promotion per-mature.

(D) Not yet fit for promotion.

(E) Unfit for further promotion.

(F) Fitness for retention after 25 years service.

PEN-PICTURE

He is shirkor, malingere and irresponsible. He needs constant push. Moreover, he is dull and incorrigible.
 A dead wood.

(Signature)

(DAR ALI KHAN KHATTAK) PSP
Regional Police Officer, -
Bannu Region, Bannu.
Signature, Name and Designation of
Reporting Officer.

Dated 13-02-2018
Official Stamp

Comments
Naila Jan Advocate
Peshawar High Court

(Signature)

(Signature)



(12)

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

No. SI/2581/18, Dated Peshawar the 03/07/2018.

Confidential/In-duplicate

To:- The Regional Police Officer,
Bannu Region, Bannu.

Subject: - ACR/COMMUNICATION OF ADVERSE REMARKS

Memo:

In the Annual Confidential Report on the working of Stenographer Muhammad Anwar Shah for the period/year 28.04.2017 to 31.12.2017 it has been mentioned that:-

Remarks of the Reporting Officer (RPO).

Part-II

A)

1. (1) Standard of Shorthand/Typing:
 - (a) Speed
 - (b) Accuracy

"C"

PERSONAL TRAITS

6. Intelligence
7. Preservance and devotion to duty.
8. Cooperation and tact.
9. Amenability of discipline

"C"

"C"

"C"

"C"

Part-III

Below Average "Yes"

PART-VI

E. Unfit for further promotion "Yes"

F. Fitness for retention after 25 years service..... "Unfit"

Pen Picture "He is shirker, malingerer and irresponsible. He needs constant push. Moreover, he is dull and incorrigible. A dead wood"

2nd countersigning Officer (Addl: IGP/HO's):

"Please communicate. 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.

Received DPA Copy

Naila Jan Advocate
Peshawar High Court

(Signature)