

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 "Kifayatulah
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

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 13.06.2019 for arguments before
D.B.


(Muhammad Amin Khan Kundi)
Member

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

12.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal against the adverse remarks in ACR pertaining to the period w.e.f 20.05.2017 to 31.12.2017. The appellant has also challenged the order dated 25.10.2018 through which his departmental appeal was rejected and against the order dated 06.12.2018 issued upon the mercy petition of the appellant.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for written reply. To come up for written reply/comments on 26.03.2019 before S.B.

Appellant Deposited
Security & Process Fee


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

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 47/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/1/2019	<p>The appeal of Mr. Tariq Hayat 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 11/1/19</p>
2-	16-1-19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Tariq Hayat Junior Clerk 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 First departmental appeal in respect of appellant mentioned in para-5 of the memo of appeal is not attached with the appeal which may be placed on it.
- ✓6- 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.
- ✓7- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- ✓8- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

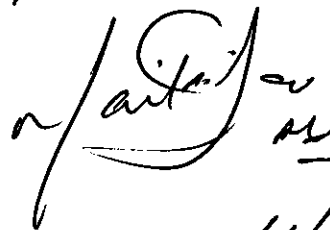
No. 46 /S.T,

Dt. 8-1- /2019.


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

Naila Jan Adv. Peshawar.

*Resubmitted and
covered all the deficiencies
Signed by the appellant
and attested by the Oath
Commissioner and also completely
Six more copies*


N/C

11/11/2019

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

S.A. 47 /2019

Tariq Hayat

VERSUS

Inspector General of Police Khyber Pakhtunkhwa and
others

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Appellant

Through **Naila Jan Advocate**
Peshawar High Court


Naila Jan

Advocate, High Court
Peshawar.

Dated: 07/01/2019

①

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

S.A. 47 /2019

Khyber Pakhtukhwa
Service Tribunal

Diary No. 229

Dated 7-1-2019

Tariq Hayat, Junior Clerk, 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)*

Filed to-day
Registrar
7/1/19

**APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL
ACT, 1974 AGAINST THE ADVERSE
REMARKS FOR THE PERIOD W.E.F
20/05/2017 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.**

Naila Jan Advocate
Peshawar High Court

Re-submitted to-day
and filed.

Registrar
11/1/19

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 as **Junior Clerk** on **23/12/1992** 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 of the appellant was never given any adverse ACR which

shows the outstanding and unblemished service of the appellant.

4. That the appellant was surprised to receive the ACR for the period from 20/05/2017 to 31/12/2017 vide letter No.2575/18 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 24/10/2018. (Copy of Departmental appeal and rejection order are annexed as annexure "B" & "C")

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

Naila Jan Advocate
Peshawar High Court

(4)

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



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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")**

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.

Naila Jan Advocate
Reshawaf High Court

(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.



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, 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, **Tariq Hayat, Junior Clerk, 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.

DEPONENT

Identified By;

*Naila Jan Advocate
Peshawar High Court*

NAILA JAN
Advocate High Court
Peshawar.



11.01.19

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

S.A _____/2019

Tariq Hayat

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

(a)

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

B. That the final order was communicated to the applicant on 10/12/2018.

C. 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 interest of justice.

East

Appellant

Through

Naila Jan

Advocate, High Court
Peshawar.

Dated: 07/01/2019

BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

S.A _____/2019

Tariq Hayat

VERSUS

Inspector General of Police Khyber Pakhtunkhwa and others

ADDRESSES OF PARTIES

APPELLANT.

Tariq Hayat, Junior Clerk, 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.

[Signature]
Appellant
Naila Jan Advocate
Peshawar High Court

Through

Naila Jan
 Advocate, High Court
 Peshawar.

Dated: 07/01/2019

**GOVERNMENT OF K.P.K
POLICE DEPARTMENT.**

CONFIDENTIAL REPORT

For the period from 20.05.2017 to 31.12.2017.

PART - I

- 1-Name:- Tariq Hayat 1(a) Father's Name:- Umer Hayat.
2-Designation:- Junior Clerk.
3-Date of Birth:- 05.10.1966 3(a) Qualification:- B.A.
4-Date of Entry into Govt: Service 23-12-1992 as a Junior Clerk.
5-Section/Branches in which employed during the year, with period: 20-05-2017 to 31-12-2017.
Receipt Clerk DPO Office Bannu.

PART-II						
A PERFORMANCE		A1	A	B	C	D
1	Referencing, paging of notes and correspondence			✓		
2	Movement of files & record of suspense cases.			✓		
3	Keeping files and papers in tidy conditions.		✓	✓		
4	Promptness and accuracy in disposing of work			✓		
B PERSONAL TRAITS						
5	Intelligence			✓		
6	Knowledge of procedure and regulations			✓		
7	Punctuality		✓	✓		
8	Cooperation and tact		✓			
9	Amenability of discipline			✓		
10	Skill in drafting			✓		

11. Integrity

Assessment

I. Incorruptible _____

YES

II. Reported to be corrupt _____

NO

III. Believed to be corrupt, because of _____

NO

(a) Monetary consideration _____

NO

(b) Other Consideration _____

NO

Yes

No

12. Knowledge of Typing/Computer.

13. Trust worthiness in confidence and secret matters.

14. Any disciplinary action taken during the period under report

Naila Jan Advocate
Peshawar High Court

PART-III

By Reporting Officer By Countersigning Officer

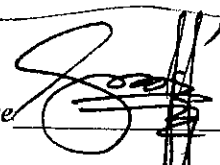
- (a) Recommended for accelerated promotion.
- (b) Fit for Promotion.
- (c) Recently promoted/appointed consideration for promotion pre-mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

PART-IV

General Assessment		By Reporting Officer	By Countersigning Officer
I	Very Good		
II	Good		
III	Average	D	D
IV	Below Average		
V	Poor		

PEN PICTURE

An average officer with weak knowledge and poor drafting skills.

Reporting Officer's Signature 

Name (in Block letters) (SADIQ BALOCH) PSP


Dated 08/01/2018 Designation District Police Officer, Bannu.

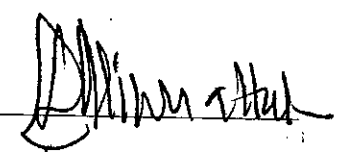
IVEYED AS ADVERSE REMARKED
Vide No. II/2575/18 dated 03/07/18

General Remarks by higher Officer..

I agree

Natta Jan Advocate
Peshawar High Court
Pl Communicate


Additional ICP Headquarters
Bannu
Dated / / 20

Countersigning Officer's Signature 
Name (in Block letters) DAR ALI KHAN KHATTAK, PSP
Designation Dy. Inspector General Of Police
Bannu Region, Bannu



12

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

No. S/ 2575 /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 Junior Clerk Tariq Hayat, for the period/year 20.05.2017 to 31.12.2017 it has been mentioned that:-
Remarks of the Reporting Officer.

12.	Knowledge of Typing	"No"
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PART-III

d.	Not yet fit for promotion	"YES"
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<u>Pen Picture</u> "An average officer with weak knowledge and poor drafting skills"
<u>1st Countersigning Officer Remarks (RPO)</u> "I agree"
<u>2nd Countersigning Officer Remarks (Addl: IGP/HQrs:/KPK)</u> "Please communicate as Adverse"

The above adverse remarks may please be conveyed to the official concerned in order that he may remedy the defects. Representation if made should be sent not later than one month from the date of receipt of this communication.

The acknowledgement as token of the receipt of this memo: may be obtained from him on the attached duplicate copy of this communication and returned to this office for record in his Character Roll Dossier.

Handwritten signature and date: 12/07/2018

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

Handwritten date: 2/7/18

Naila Jan Advocate
Peshawar High Court

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 سالانہ 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 ایسرنے 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 دارومدار 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 حکمانہ 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 جانچی 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 ہوتے 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

Naila

سالان

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



14

Annexure (C)

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

No. S/ 4225-28 /18, Dated Peshawar the 24/10/2018.

ORDER

This order pertains to the representation preferred by Junior Clerk Tariq Hayat 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 rejected and remarks maintained. 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.

DPO/Lakki/c

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

delivered
RPO/Bxu

29/10/18

(SYED ANIS-UL-HASSAN)

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

24/10/18

Naila Jan Advocate
Peshawar High Court

رحم درخواست

عنوان:

جناب عالی!

گزارش ہے کہ میں بذریعہ رحم درخواست معروض ہوں کو مجھے سال 2017 کے ACR میں ایڈورسری مارکس Convey کئے گئے 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 اہلکاروں کی ترقی کا دارومدار ہوتا ہے۔ اور یہ جاننا میرا حق ہے کہ میرے خلاف 2017 ACR میں ایڈورسری مارکس کس بنیاد پر دئے گئے ہیں۔ کیونکہ میرے خلاف کوئی بھی محکمانہ کارروائی 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 اس سلسلے میں سابقہ ریکارڈ آپ جناب کے دفتر یعنی CPO میں موجود ہے۔ جن 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 گزاری تھی اس درخواست میں بھی پیش ہونے کی استدعا کی گئی تھی نتیجاً ان میں سے کچھ اہلکاروں کے ACRs پیشی کر کے Expunge کئے گئے لیکن بقایا کو 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

سائل
طارق حیات (جو نیئر کلرک)
DPO آفس بنوں



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

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.

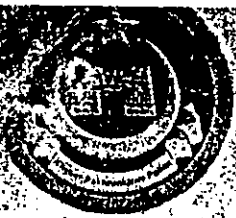
PA

(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Naila Jan Advocate
Peshawar High Court

Received by Tariq Hayat

10/12
2018



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

No. SI/4368-7/18, Dated Peshawar the 29/10/2018

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
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 his
Character Roll

Muhammad

R.P.O. Bannu

29/10

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

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

12
No. 24364-67/18 Dated Peshawar 29/10/18

ORDER

This order pertains to the representation preferred by Senior C/O: Sibhatullah 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. ICP/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 file
Character Roll.

Muhammad
RBR/BXU
29/10

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

[Signature]
Main 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 his

Character Roll.

[Handwritten Signature]
RPO/Bx

29/10

(SYED ANIS-UL-HASSAN)

Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

[Handwritten Signature]
12/10/18

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 21/10/2018

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/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/Bxu/ce

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

M. Akbar

R.Po/Bxu

29/10

(SYED ANIS-UL-HASSAN)
Registrar

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Peshawar High Court

757/18



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

No. S/4201-4204/18, Dated Peshawar the 24/10/2018

ORDER

This order pertains to the representation preferred by Junior Clerk Jarmullah 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 DSP
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. 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/BxU/CC

To inform the official
and placed on his
Character Roll.

M.A.A.
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 Iaved 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, DSP
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.

ce
Placed on his
Character Roll.

RPO/Bnu
29/10

High Court

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



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

No. SI/4209-12-18, Dated Peshawar the 29/10/2018.

ORDER

This order pertains to the representation preferred by Junior Clerk Haroon Rashid 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/commensigning 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

Advocate
Peshawar High Court

(SYED ANIS-UL-HASSAN)

Registrar
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar



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

No. S/ 4217-20 /18. Dated Peshawar the 24/10 2018.

ORDER

This order pertains to the representation preferred by Junior Clerk Sauid 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 heard.

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 (Ops)
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Ends: 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. "I-V" Branch, CPO.

CC

Placed on his
Character roll.

RPO/BxU

29/10

(SYED ANIS ULL-HASSAN)
Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Full Advocate
Federal High Court

DPO OFFICE BANNU, RANGE OFFICE BANNU
HAVING ADVERSE REMARKS

26

S.No	Name & Rank	Place of Posting	Period From	Period To	Signature
1	Asstt: Grade Clerk Ghulam Muhammad	DPO Office Bannu	20.05.2017	31.12.2017	
2	Asstt: Grade Clerk Nazar Hayat	DPO Office Bannu	20.05.2017	31.12.2017	
3	Senior Clerk Rahim Ullah Khan	DPO Office Bannu	20.05.2017	31.12.2017	
4	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 Jan Advocate
Peshawar High Court

HAVING ADVERSE REMARKS

26

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

Naila Jan Advocate
Peshawar High Court
[Signature]

وکالت نامہ

بعدالت
 Jariq Hayat نام Police
 2/11/2019 تاریخ Appeal منجانب

اپیل نمبر 47/19 باعث تحریر آنکھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام Peshawar کے لئے

نانکھ جان ایڈوکیٹ ہائی کورٹ اینڈ جنرل سیشن

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہوں 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 پکھری کے کسی اور جگہ سماعت ہونے یا بعد از تعطیل یا پکھری کے کسی اور جگہ سماعت ہونے یا بعد از تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچنے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا اختیار نامہ اپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو مرضی دعویٰ و جواب دعویٰ اور درخواست اجراء و ڈگری و نظر ثانی اپیل و گمانی ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد اثاثی و ماضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اہل و برآمدگی مقدمہ یا مشرفی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری جس اذاجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ اختیار 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 اہل و برآمدگی کے واسطے کسی دوسرے وکیل، ایئر سٹریکچر 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 کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا توں مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ اختیار نامہ لکھ دیا تاکہ سند رہے۔ مورخہ 2/11/2019 مضمون تختہ نامہ من لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

Naila Jan Advocate
 Peshawar High Court
 نائلہ جان ایڈوکیٹ ہائی کورٹ پشاور

Ahmed Khan
 (H)

Tariq Hayat

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.47 /2019

Tariq HayatAppellant

Versus

The Inspector General of Police, KPK, Peshawar and others

..... Respondents

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DEPONENT

11101-1483421-1

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Appeal No.47 /2019

Tariq HayatAppellant

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 20.05.2017 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

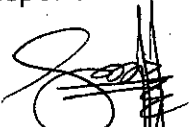
- A. Incorrect. The impugned ACR as well as ACRs orders issued by the Respondents Department is in according to law/rules.
- B. Incorrect. The appellant was afforded all legal opportunities for his self defense but he badly failed to mend his way.
- C. Pertains to record. Hence, needs no comments.
- 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.


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.47 /2019

Tariq HayatAppellant

Versus


The Inspector General of Police, KPK, Peshawar and others


..... Respondents


AUTHORITY LETTER.

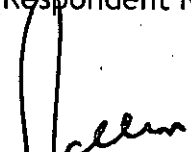
Mr. Muhammad Farooq Khan, Inspector Legal is hereby authorized to appear before The Service Tribunal Khyber PakhtunKhwa Peshawar on behalf of the undersigned in the above cited case.

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.47 /2019

Tariq HayatAppellant

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

GOVERNMENT OF K.P.K
POLICE DEPARTMENT.

CONFIDENTIAL REPORT

For the period from 20.05.2017 to 31.12.2017.

PART - I

1-Name:- Tariq Hayat
 2-Designation:- Junior Clerk
 3-Date of Birth:- 05.10.1966
 4-Date of Entry into Govt. Service:- 23-12-1992 as a Junior Clerk
 5-Section/Branches in which employed during the year, with period: 20-05-2017 to 31-12-2017
 Receipt Clerk DPO Office Bannu.

1(a) Father's Name:- Umer Hayat
 3(a) Qualification:- B.A.

PART-II

A		PERFORMANCE				
		A1	A	B	C	D
1	Referencing, paging of notes and correspondence			✓		
2	Movement of files & record of suspense cases.			✓		
3	Keeping files and papers in tidy conditions.			✓		
4	Promptness and accuracy in disposing of work		✓			
B		PERSONAL TRAITS				
5	Intelligence					
6	Knowledge of procedure and regulations			✓		
7	Punctuality			✓		
8	Cooperation and tact	✓				
9	Amenability of discipline	✓				
10	Skill in drafting			✓		

11. Integrity

- I. Incorruptible _____
- II. Reported to be corrupt _____
- III. Believed to be corrupt, because of
 - (a) Monetary consideration _____
 - (b) Other Consideration _____

Assessment

YES

NO

NO

NO

NO

- 12. Knowledge of Typing/Computer. _____
- 13. Trust worthiness in confidence and secret matters. _____
- 14. Any disciplinary action taken during the period under report _____

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Naila Jan Advocate
Peshawar High Court

(Signature)

(11) (A)
PART-III

By Reporting Officer By Countersigning Officer

- (a) Recommended for accelerated promotion
- (b) Fit for Promotion.
- (c) Recently promoted/appointed, consideration for promotion pre-mature.
- (d) Not yet fit for promotion.
- (e) Unfit for further promotion.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

PART-IV

General Assessment		By Reporting Officer	By Countersigning Officer
I	Very Good		
II	Good		
III	Average	✓	D
IV	Below Average		
V	Poor		

PEN PICTURE

An average officer with weak knowledge and poor drafting skills.

Reporting Officer's Signature

Name (in Block letters)

[Signature]

(SADIQ BALOCH)

Dated 08/01/2018

Designation

District Police Officer,
Barnu.

CONVEYED AS ADVERSE REMARKS
Memo No. 11/2575/18 dated 03/07/18

General Remarks by higher Officer..

I agree

*Nana-Jad Advocate
Peshawar High Court*

communicate

Countersigning Officer's Signature

Name (in Block letters)

[Signature]

DAR ALI KHAN KHATTAK

Dated 1/2/2018

Designation

By: Inspector General of Police
Barnu Region, Barnu



(12)

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

No. S/ 2575 /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 Junior Clerk Tariq Hayat, for the period/year 20.05.2017 to 31.12.2017 it has been mentioned that:-
Remarks of the Reporting Officer.

12. Knowledge of Typing	"No"
-------------------------	------

PART-III

d. Not yet fit for promotion	"YES"
------------------------------	-------

<u>Pen Picture</u>	"An average officer with weak knowledge and poor drafting skills"
<u>1st Countersigning Officer Remarks (RPO)</u>	"I agree"
<u>2nd Countersigning Officer Remarks (Addl: IGP/IOs:/KPK)</u>	"Please communicate as Adverse"

The above adverse remarks may please be conveyed to the official concerned in order that he may remedy the defects. Representation if made should be sent not later than one month from the date of receipt of this communication.

The acknowledgement as token of the receipt of this memo may be obtained from him on the attached duplicate copy of this communication and returned to this office for record in his Character Roll Dossier.

(IRFAN ULLAH KILAN) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

2/7/18

Received
12/07/2018

Naila Jan Advocate
Peshawar High Court



(14)

Annexure C

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

No. SI/4225-28/18, Dated Peshawar the 24/10/2018.

ORDER

This order pertains to the representation preferred by Junior Clerk Tariq Hayat 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 rejected and remarks maintained. 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 wrt 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/Lakki/c

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

[Handwritten signature]

RPO/BxU

29/10/18

[Handwritten signature]
(SYED ANIS-UL-HASSAN)
Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

29/10/18

Naila Jan Advocate
Peshawar High Court