

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	04.11.2019	<p style="text-align: center;"><u>BEFORE THE YBER PAKHTUNKHWA SERVICE TRIBUNAL</u> Service Appeal No. 71/2019</p> <p style="text-align: center;">Date of Institution 09.01.2019 Date of Decision 04.11.2019</p> <p>Mr. Waheed Ullah Inspector No.M-160, Investigation Wing, Police Line Dir Lower. <p style="text-align: right;">Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. The Inspector General of Police Khyber Pakhtunkhwa, Peshawar. 2. The Deputy Inspector General of Police, Malakann Region at Saidu Sharif Swat. 3. The District Police Officer, Dir Upper. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member(J) Mr. Ahmad Hassan-----Member(E)</p> <p style="text-align: center;"><u>JUDGMENT</u> <u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> Appellant</p> <p>with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General present.</p> <p>2. The appellant (Inspector) has filed the present service appeal against the adverse remarks in his ACR for the period 01.01.2014 to 31.08.2014 communicated to him vide office letter dated 15.11.2018. The appellant has also assailed the order dated 14.12.2018 whereby his representation against the adverse remarks in his ACR, was filed.</p> <p>3. Learned counsel for the appellant argued that respondent</p> </p>

4.11.2019


No.3 with malafide intention and personal grudges recorded adverse remarks in his ACR for the year 2014 by describing him as Mental Disturb; that the adverse remarks were communicated to the appellant after a period of four (04) years vide office letter dated 15.11.2018. Further argued that no counseling was issued to the appellant by the reporting officer prior to recording of adverse remarks in his ACR. Further argued that this Tribunal has already accepted similar nature service appeals bearing No.1153/2013, 530/2017, 1022/2017 and 95/2018 due to non-issuance of prior counseling.

4. As against that learned Additional Advocate General argued that the reporting officer is competent to judge his subordinates and record remarks in their ACRs accordingly; that no malafide intention exist on the part of respondents and all the actions were passed in official capacity; that no personal grudges exist on the part of respondents while conveying remarks on the ACR of the appellant and the appellant was treated in a fair manner.

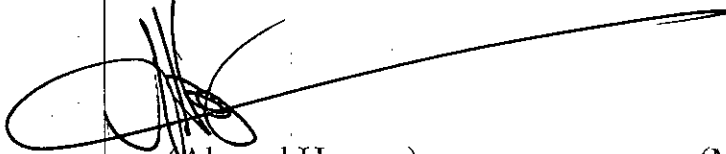
5. Arguments heard. File perused.

6. It is well settled proposition that before recording adverse remarks in the ACR/PER, the reporting officers shall ensure proper counseling to the concerned officers under report.

7. This Tribunal has already accepted number of cases for expunction of adverse entries recorded in the ACR/PER on the ground that adverse remarks were recorded without prior counseling/advice. Consequently the present service appeal is also


4.11.2019

accepted and the impugned adverse remarks recorded in the ACR/PER for the year 2014 of the appellant are expunged. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member

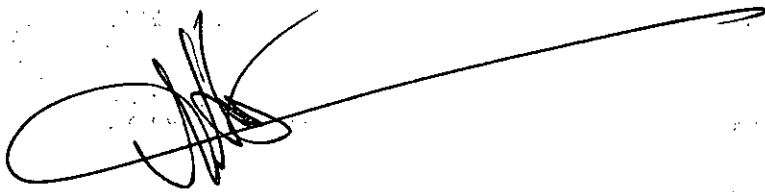


(Muhammad Hamid Mughal)
Member

ANNOUNCED
04.11.2019

04.11.2019

Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Vide separate judgment of today of this Tribunal placed on file, the present service appeal is accepted and the impugned adverse remarks recorded in the ACR/PER for the year 2014 of the appellant are expunged. Parties are left to bear their own costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

ANNOUNCED.
04.11.2019

02.05.2019

Counsel for the appellant and Mr. Mr. Usman Ghani, District Attorney alongwith Zewar Khan, S.I (Legal) for the respondents present.

Parawise comments on behalf of respondents received which ^{are} placed on record. To come up for arguments on 16.07.2019 before the D.B. The appellant may submit rejoinder within fortnight, if so advised.

16.07.2019

Learned counsel for the appellant and ^{Chairman} Mr. Riaz Khan Paindakhel learned Assistant Advocate General alongwith Mr. Zewar SI for the respondents present. Learned counsel for the appellant submitted rejoinder which is placed on file; and seeks adjournment. Adjourned. To come up for arguments on 16.09.2019 before D.B



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

16.09.2019

Clerk to counsel for the appellant present. Addl: AG for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 04.11.2019 before D.B.



Member



Member

13.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has filed the present service appeal being aggrieved against the adverse remarks in the Annual Confidential Reprot pertaining to the period w.e.f 01.01.2014 to 31.08.2014 communicated to him on 15.11.2018. The appellant has also challenged the order dated 14.12.2018 through which his representation was rejected/filed.

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 01.04.2019 before S.B.

Appellant Deposited
Security & Process Fee


Member

01.04.2019

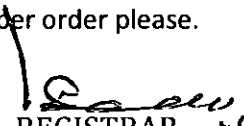

Counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 02.05.2019 before S.B.


(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 71/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/1/2019	<p style="text-align: center;">The appeal of Mr. Waheed Ullah resubmitted today by Mr. Noor Muhammad Khattak 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 15/1/19</p>
2-	16-1-19	<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Waheedullah Inspector No. M-160 Investigation Wing Police Line Dir Lower received today i.e. on 09.01.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.

No. 63 /S.T,

Dt. 09/01 /2019.

Waheed 09/11/19.
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

Sir,

*All objections have been removed
hence re-submitted today dated 15/1/2019.*

M. Khattak
15/1/2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. 71 /2019

WAHEED ULLAH

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Order dated 29.10.2018	A	4.
3	ACR	B	5- 6.
4	Medical fitness cetificate	C	7.
5	ACR's	D	8- 12.
6	Departmental appeal	E	13.
7	Rejection order	F	14.
8	Vakalat nama	15.

APPELLANT

THROUGH:

NOOR MOHAMMAD KHATTAK,
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 71 /2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 39

Dated 09-1-2019

Mr. Waheed Ullah, Inspector No.M-160,
Investigation Wing, Police Line, Dir Lower.

..... APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat.
- 3- The District Police Officer, Dir Upper

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE APPELLATE ORDER DATED 14.12.2018 COMMUNICATED TO THE APPELLANT ON 20.12.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR EXPUNCTION OF THE ADVERSE REMARKS IN THE ANNUAL CONFIDENTIAL REPORT FOR THE YEAR 2014 W.E.F. 01-01-2014 TO 31-8-2014 CONVEYED TO THE APPELLANT ON 15.11.2018 HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned appellate order dated 14.12.2018 communicated to the appellant on 20.12.2018 may very kindly be set aside and the adverse remarks recorded in the Annual Confidential Report of the appellant for the year 2014 w.e.f. 01-01-2014 to 31-8-2014 may very kindly be expunged/ set aside. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

1. That, the appellant was appointed in the respondent Department under the deceased quota and since then the appellant is performing his duty (now in the Rank of Inspector) quite efficiently and up to the entire satisfaction of high ups and has never given any one the chance of any complaint.

Filed to-day
Registrar
09/11/19

Re-submitted to -day
and filed.
Registrar
15/11/19

2. That, the appellant having exceptional services were given promotions to different ranks and presently the appellant has been promoted to the Rank of Inspector (BPS-16).
3. That, after promotion to the post of Inspector the appellant was posted at far flung areas and recently vide order dated 29.10.2018 the appellant was posted as inspector investigation wing, Dir Lower. Copy of the order is attached as annexure **A.**
4. That the appellant was quite hopeful for his regular promotion/confirmation to the Rank of Inspector but the respondent No.3 conveyed the ACR for the period w.e.f. 1.1.2014 to 31.8.2014 vide dated 15.11.2018 whereby in the remarks column the respondent No.3 has declared the appellant as **mentally disturbed**. Copy of the ACR is attached as **Annexure**..... **B.**
5. That it is pertinent to mention that the appellant ACR for the year 2013, 2015, 2016, 2017 and 2018 are excellent and outstanding but the respondent No.3 with malafide intentions and personal grudges recorded adverse remarks in the ACR for the year 2014. That so much so the medical fitness certificate is evident of the fact that the appellant is highly fit person. Copies of the Medical Fitness certificate and ACR's are attached as annexure **C and D.**
6. That appellant feeling aggrieved from the impugned ACR for the year 2014 conveyed vide dated 15.11.2018 preferred Departmental Appeal to respondent No.2 but the same was rejected on good grounds vide appellate order dated 14.12.2018 communicated to the appellant on 20.12.2018. Copies of the Departmental appeal and rejection order are attached as annexure **E and F.**
7. That appellant feeling aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned order dated 14.12.2018 issued by the respondent No.2 is against the law, facts, material on record and norms of natural justice hence not tenable in the eye of law and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That no show cause notice has been served on the appellant by the respondents before recording adverse remarks in the ACR of the appellant for the year 2014.
- D- That no chance of personal hearing/defense has been provided to the appellant before recording adverse remarks in the ACR of the appellant for the year 2014.
- E- That the respondents acted in arbitrary and malafide manner while recording adverse Remarks in the ACR of the appellant for the year 2014.
- F- That late communication of the adverse remarks in the ACr is highly been deprecated by the apex Court, therefore the impugned appellate order and adverse remarks is not tenable and liable to be expunged.
- G- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 8.1.2019

APPELLANT



WAHEED ULLAH

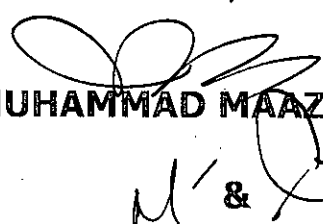
THROUGH:

NOOR MOHAMMAD KHATTAK

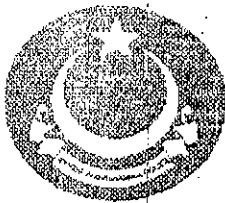


MUHAMMAD MAAZ MADNI

MIR ZAMAN KHAN SAFI,
ADVOCATES



A-4

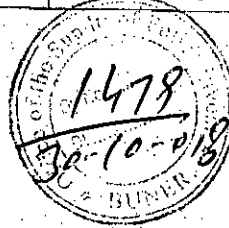


**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND**
ATSAIDU SHARIF SWAT.
 Ph: 0946-9240381 & Fax No. 0946-9240390
 Email: digmalakand@yahoo.com

ORDER:

As nominated by Superintendent, of Police, Investigation Buner and Chitral as substitute of Inspector Muhammad Ghulam No. M/62 and Inspector Sajjad Hussain No. M/251 respectively, the following transfer /posting of Inspectors are hereby ordered with immediate effect and till further order:-

S#	Name and No.	From	To
1.	Insp: Waheed Ullah	Inv: Wing Buner	Inv: Wing Dir Lower
2.	Insp: Akbar Shah No. M/512	Inv: Wing Chitral	Operation Staff Dir Lower



[Signature]
 Regional Police Officer,
 Malakand, at Saidu Sharif Swat
 Saleem

No. 9450-53 /E,

Dated 29-10-2018.

Copy for information and necessary action to the:-

1. District Police Officer, Dir Lower.
2. Superintendent of Police, Investigation Buner with reference to his office memo: No. 2873/E, dated 12/10/2018.
3. Superintendent of Police, Investigation Dir Lower.
4. Superintendent of Police, Investigation Chitral with reference to his office memo: No. 2059/E, dated 12/10/2018.

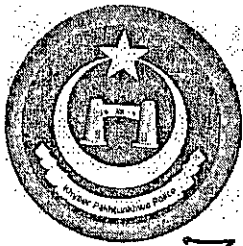
ATTESTED

[Signature]

EC
 For m/a.

[Signature]
 SP/Inves B: Buner
 30-10-2018

B-5



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

ATSAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

No. 712 /AS, dated Saidu Sharif the 15, 11 /2018

To: *The sp* Investigation Wing, Dir Lower.

Subject: **ANNUAL CONFIDENTIAL REPORTS (COMMUNICATION OF ADVERSE REMARKS).**

Memorandum:

In the Annual Confidential Reports on the working of Inspector Wahid Ullah No. 160/M of Dir Upper District (Now performing his duty in Investigation Wing, Dir Lower) for the period mentioned below:-

1. From 01/01/2014 to 31/08/2014

Remarks of the reporting Officer:

Mental Disturb.

SUPERINTENDENT OF POLICE,
INVESTIGATION DIR LOWER

DIARY NO: 1634

DATE: 20/11/18

Remarks of the Officer:-

of the Countersigning Convey as adverse.

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

The acknowledgment in token of the receipt of memo: may please be obtained from him on the attached duplicate copy of this communication and sent to this office for record on his CR dossier.

[Signature]
Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. _____ /AS,

Copy for information to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar with reference to CPO, Peshawar memo: No. S/3276-3326/18, dated 16/08/2018 and No. S/3401-48/18, dated 28/08/2018 and this office memo: No. 640/AS, dated 28/09/2018 please.

ATTESTED
[Signature]

[Signature]
Regional Police Officer,
Malakand, at Saidu Sharif Swat

ACR/E.C No. 512 JEB, Dt: 20/11/2018
copy to Insp: Wahid Ullah

CO Time registration for information & further M.A. as directed by the W/O R.P.O.

[Signature]
Superintendent of Police
Investigation Dir Lower
20/11/18

6

No. 13-17

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

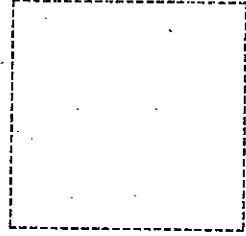
Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the period/year 01.01.2014 to 31.08.2014

Name, Provincial or Range No. Rank and Grade	INSPECTOR Waheed Ullah No. M/160 (BS-16)
Father's Name	Amin-ul-Haq
Where and on what duties Employed during the period.	Focal Person input form 01.01.2014 to 31.08.2014
Class of Superintendent of Police's Report, i.e "A" or "B"	B
Is he honest?	<i>M. J. Dir Upper</i>
Remarks by :- (1) Superintendent of Police, (2) Deputy Commissioner (3) Deputy Inspector of Police.	<p><i>g</i></p> <p>(MUHAMMAD JAVAID) District Police Officer, Dir Upper</p> <p><i>conveyed as adverse</i></p> <p><i>AK</i></p> <p>(ABDULLAH KHAN)PSP Regional Police Officer, Malakand Region, Saidu Sharif, Swat</p> <p>ATTESTED</p> <p><i>M</i></p> <p>712/AS Dated 15-11</p>

C-7

OFFICE OF THE MEDICAL SUPERINTENDENT DHO HOSPITAL TIMERGERA.

Medical Fitness Certificate



Father's Name:

Mr. Amin-ul-Haq

Gender:

Male

Age:

37 years

1. Weight: 70 kg

(kg)

Height

5'-9"

(cm) BP

120/80

2. Blood group:

O + B₄

3. Lungs:

Normal

4. Heart:

Normal

5. Vision:

Left Eye 6/6

Right Eye 6/6

Details of Glasses (if worn):

6. Hearing:

Normal

7. Any Impediment in Speech:

NIL

8. Any Disability:

NIL

9. Any Neurological / Psychiatric disease, (if yes, please give details):

NIL

10. Suffering from Hepatitis B / Hepatitis C / HIV (AIDS)

(Non-Destructive)

11. Any significant Disease Diagnosed in the past:

NIL

12. Vaccinated (Yes/No/Partially):

(yes)

13. Taking any medicine on regular basis (if yes, please give details):

NIL

14. Allergies if any:

NIL

15. Any Communicable / Contagious Disease:

NIL

16. Mark of Identification:

A Star on Rt side of forehead

I certify that I have examined Mr / Ms

Wahid Ullah Khan

Son / Daughter of

Amin

Ullah

who is an applicant for and could not notice that he / she has any physical or mental disease and is FIT for undertaking studies and jobs.

Signature of Doctor

Medical Superintendent
DHO Hospital Timergara

Date:

4/8/2018

ATTACHED

[Signature]

D-8 8-8

POLICE DEPARTMENT

DISTRICT DIR UPPER.

Annual confidential report on the working of Assistant Sub Inspector, Sub Inspector and Inspector for the year ending 2013.

Name Provincial or Rang No. Rank and Grade	Inspector Waheed Ullah Khan 160/M
Father Name	Amin ul Haq
Where and on what duties employed during the past 12 month	01-01-013 to 31-12-013
Class of superintendent of Police's report i.e. "A" or "B"	'A'
Is he honest?	No complaint
Remarks by	<p>01-01-013 to 17-06-013 CIO, Wari <i>A gentle police officer and his performance remained satisfactory</i> (Riaz Hussain) SP, Investigation, Dir Upper</p> <p>17-06-013 to 17-08-013 CIO, Wari Less than three months (Muhammad Arif Khan) SP Investigation, Dir Upper.</p> <p>18-08-013 to 31-12-013 CIO, Wari <i>I am agree with the above remarks.</i> (Bahrud Din Khan) SP, Investigation, Dir Upper.</p> <p>(Ihsan Ullah Khan) District Police Officer, Dir Upper. 01.01.2013 to 30.05.2013. <i>Agree</i> (Dr. Mohammad Khurram Rasheed) PSP District Police Officer, Dir Upper. 30.05.2013 to 15.10.2013 <i>period less than three months</i> (Mohammad Javaid) District Police Officer, Dir Upper. Period Less than three month</p>
(1). Superintendent of Police	
(2). Deputy Inspector General of Police	

ATTESTED
[Signature]

Police No. 99

GS&PD NWFP 1559 F.S 500P of 100-9-12 1990 (62)


No.13-17

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA

9

Annual Confidential Report on the working of Assistant Sub: Inspector, Sub: Inspectors, and Inspectors for the years ending 31 December.

Name Provincial or Range No. Rank and Grade.	Inspector Waheedullah
Where and on what duties employed during the past 12 month	01/01/2015 to 31/03/2015 Incharge National Action Plan (NAP) 01/04/2015 to 31/12/2015 I/C Guard District Jail Timergara.
Class of Superintendent of Police's report i.e A,B	B
Is he honest	Yes
Remarks by:- 21. Superintendent of Police, 22. Regional Deputy Inspector General of Police	He is an honest, simple police officer.  (QASIM ALI) (P.S.P) District Police Officer Dir Lower at Timergara.

ATTESTED
a

10
10

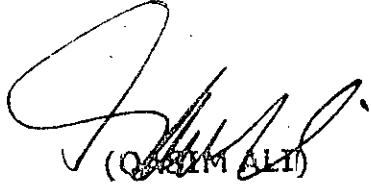

Police No.99

GS&PD NWFP 1559 F.S 500P of 100-9-12 1990 (62)

POLICE DEPARTMENT

No.13-17 KHYBER PAKHTUKHWA

Annual confidential report on the working of 'D' list Head Constables, Assistant Sub: Inspector, Sub: Inspector and Inspector for the year, 2016.

Name Provincial or Range No. Rank and Grade.	Insp: Wahid Ullah No.160/M
Father Name	Amin ul Haq
Where and on what duties employed during the past 12 month	01-01-2016 to 19-05-2016 Incharge Guard District Jail Timergara
Class of Superintendent of Police's Report i.e A,B	
Is he honest	<i>No complaints.</i>
Remarks by: 1: Superintendent of Police, 2: Regional Deputy Inspector General of Police	<i>A competent officer.</i>  (QASIM ALI) (PSP) District Police Officer, Lower. ATTESTED  (AKHTAR HAYAT KHAN) (PSP) Regional Police Officer, Malakand at Saidu Sharif Swat.

POLICE DEPARTMENT

INVEST: WING DISTRICT BUNER

Annual confidential report on the working of Assistant Sub-Inspector, Sub-Inspectors and Inspectors for the year ending 31st December, 2017.

Name Provincial or Rang No. Rank and Grade	Inspector Wahid Ullah No.160/M
Where and on what duties employed during the past 12 months.	28.08.2017 To 10.09.2017 Police Line Daggar 11.09.2017 To 31.12.2017 I/C Invest: PS Pirbaba
Class of Superintendent of Police's Report, i.e. 'A' or 'B'.	A
Is he honest?	No complaint.
Remarks by:- (i) Superintendent of Police; (ii) Deputy Commissioner; and (iii) Deputy Inspector – General of Police.	A good and hard working officer Dawesh Khan (DARWESH KHAN) HEAD OF INVESTIGATION BUNER (28.08.2017 TO 31.12.2017)

ATTESTED

AKHTAR HUSSAIN KHAN
PS
Deputy Inspector General of Police
Malakand Region, Saidu Sharif Swat.

No. 13-17

12

POLICE DEPARTMENT

INVEST: WING DISTRICT BUNER

Annual confidential report on the working of Assistant Sub-Inspector, Sub-Inspectors and Inspectors for the year ending 31st December, 2018.

Name Provincial or Rang No. Rank and Grade.	Inspector Wahid Ullah No.160/M
Where and on what duties employed during the past 12 months.	01.01.2018 to 04.03.2018 I/C Inv: PS Pir Baba 05.03.2018 to 09.06.2018 7 th Advance Course 10.06.2018 to 31.10.2018 PS Pir Baba
Class of Superintendent of Police's Report, i.e. 'A' or 'B'.	A
Is he honest?	No complaint
Remarks by:- (i) Superintendent of Police; (ii) Deputy Commissioner; and (iii) Deputy Inspector – General of Police.	<p>Good police officer.</p> <p><i>Darwesh Khan</i> (DARWESH KHAN) HEAD OF INVESTIGATION BUNER (01.01.2018 TO 28.10.2018)</p> <p>ATTESTED</p> <p><i>H</i></p>

E-13-10-10-10
جناب عالی!

بحوالہ مشمولہ چھٹی نمبری 712/AS، مورخہ 15-11-2018 جناب RPO صاحب ملائند بابت
Adverse ریمارکس ACR برائے مورخہ 01-01-2014 تا 30-08-2014 سائل ذیل عرائض گزار
ہے۔

1. یہ کہ سائل کو سال 2014ء کے ACR کارپورٹ سال 2018ء میں Adverse موصول ہو کر جو کہ تادم تحریر
سائل کو عرصہ مقررہ میں کوئی تحریری شکایت حسب قاعدہ موصول نہیں ہوا ہے۔
 2. یہ کہ سائل کی ذہنی کیفیت کارپورٹ مجاز میڈیکل افسر کر سکتا ہے جو کہ میرے بالا تر افسر کو میرے کارکردگی کارپورٹ
تحریر کرنا ہے۔
 3. یہ کہ سائل کو سال 2014ء کے باقی 04 ماہ یعنی 30-08-2014 تا 31-12-2014 ACR (A) ملا
ہے جو کہ ریکارڈ پر موجود ہے۔
 4. یہ کہ سال 2015ء، 2016ء، 2017ء کے ACR بھی مجاز افسران نے اچھی کارکردگی کے بنیاد پر اچھے ACR دے
کر جو کہ ACR سال 2014ء کے 08 ماہ کی رپورٹ کے نفی کر رہا ہے۔
 5. یہ کہ بحیثیت پولیس افسر تادم تحریر من سائل کے خلاف عوامی یا انتظامی شکایت ریکارڈ پر موجود نہ ہے۔
 6. یہ کہ سائل بفضل خدا جوان العمر اور اچھی صحت کا مالک ہے۔
 7. یہ کہ میرے والد محترم نے پولیس کے اندر ہوتے ہوئے وطن کی دفاع، تحفظ اور قانونی کی پاسداری کیلئے جام شہادت نوش
کر کے میری والدہ اور ہمیں کم سنی میں کافی دیگر گول حالات میں چھوڑ کر جو کہ ان حالات کا بھی مقابلہ کیا اور بعد وصولی
تعلیم پولیس میں شہداء کوٹہ میں بھرتی ہوا۔
 8. یہ کہ ہم نے بطور خاندان کافی انشعب، فرازدیکھ کر جو کہ اب جملہ خاندان کی کفالت میرے کندھوں پر ہے۔
 9. یہ کہ عرصہ رپورٹ شدہ کے دوران سائل نے مقدمات کی تفتیش کر کے جو کہ اچھی تفتیش کے بنیاد پر ملزمان کی سزایابی
ہوئی ہیں جو کہ ریکارڈ کا حصہ ہے۔
 10. یہ کہ موصول شدہ ریمارکس 04 سال بعد موصول ہونا قرین مصلحت نہیں اور نہ سائل کو بروقت اس سے کوئی آگاہی
حاصل ہوئی ہے، اسی طرح بعد کی جملہ رپورٹ ہائے اس کی نفی کرتے ہیں۔
- بہ حالت بالا استدعا ہے کہ رپورٹنگ افسر کے ریمارکس کو Expunge کر کے سائل کو عرصہ 01-01-2014 تا
30-08-2014 رپورٹ A کرنے کا حکم صادر فرمائے۔

العارض 26/11/18
انسپکٹر وحید اللہ نمبر M-160
متعینہ انوسٹی گیشن ونگ ڈیر لورر،

A.C.R.I.E.
ATTESTED

Superintendent of Police
Investigation Dir Lower
26/11/18



No. S/ 4

This order pertains to
Khan No. M/160 of Malakand Region
ACR for the period from 01.01.2014
Lower (Mr. Muhammad Javed) the off

From the perusal of the
recorded by the then DPO/Dir U
No. M/160 for the period from 0
also agreed with the reporting off

Keeping view the
weight to expunge the adverse re
This issues with the

SUPERINTENDENT OF POLICE
INVESTIGATION DIR LOWER

DIARY NO: 1818
DATE: 24/12

Endst: No. & date even.

Copy of

1. Regional Police
No. 726/AS
made in his
The Represent
2. Superintendent
3. Office Superintendent
4. Office Superintendent
5. U.O.P. File

ACR/E.C

Superintendent of Police
Investigation, Dir Lower

21/13/18

VAKALATNAMA

KP Service Tribunal, Peshawar

No. _____/2019

Waheed Ullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

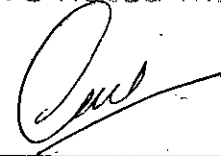
Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Waheed Ullah

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2019



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK



SHAHZULLAH KHAN YOUSAFZAI



MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Phone: 091-2211391

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service Appeal No.....71..... /2019

Mr. Waheed Ullah Inspector No. M-160 Investigation Wing Lower Dir
..... Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Upper.....Respondents.

INDEX

S.#	Detail of documents	Annexure	Pages
1.	Para wise comments.	-	1-3
2.	Affidavit.	-	4
3.	Power of Attorney	-	5


(ZEWAR KHAN)
SI LEGAL
DIR LOWER

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No..... /2017

Mr. Waheed Ullah Inspector No. M-160 Investigation Wing Lower
Dir Appellant.

VERSUS.

- 1) Provincial Police Officer, Khyber Pakhtunkhawa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Upper.....Respondents.

PARA WISE REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

ON FACTS:

1. Pertains to record, hence needs no comments.
2. Pertains to record, hence needs no comments.
3. Pertains to record, hence needs no comments.
4. Correct and needs no comments, as respondent No. 03 conveyed ACR to the appellant by keeping in view the bodily and mentally status of the appellant.
5. Incorrect, no malafide intention or personal grudges exist on the part of respondent No. 03 and all the actions are passed in official capacity. Being head of department (respondent No. 03), the remarks conveyed rightly arising from the conduct of appellant.

6. Incorrect, the respondent No. 02 rightly rejected the departmental appeal for having no weight on ground level.
7. Incorrect, the appellant has got no cause of action to file the instant appeal.

GROUND

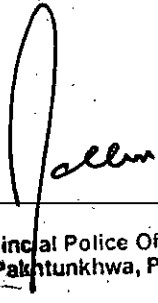
- (A) Incorrect, the order issued by respondent No. 02 is in accordance with law, based on fact and natural Justice and no illegality has been committed.
- (B) Incorrect, the appellant has been treated in accordance with law and rules. No violation of the constitution of Pakistan has been committed by respondents.
- (C) Incorrect, ACR is confidential report, prepared by Reporting officer of the department secretly about overall actions/inactions of subordinates. This is different from departmental proceedings and the remarks have been communicated to the appellant within time.
- (D) Incorrect, as discussed in preceding para, that ACR is confidential report which is can't be exposed, but it is worth mention here that the remarks has been communicated to appellant within time and he failed to make representation within time.
- (E) Incorrect, no malafide intension exists on the part of respondent while conveying remarks on the ACR of the appellant and the appellant has been treated in fair manner.
- (F) Incorrect, no such delay caused by respondents and the remarks has been sent upon requisition of high ups while dealing the cases of promotion.
- (G) The respondents also seek leave of this honorable Tribunal to rely on additional grounds at the time of arguments/ hearing.

PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply the service appeal may graciously be dismissed with costs.

Respondent No.1

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.2

Regional Police Officer,
Malakand Region Saidu Sharif Swat


Regional Police Officer,
Malakand Region Saidu Sharif, Swat.

Respondent No.3

District Police Officer,
Dir Upper.


DISTRICT POLICE OFFICER
DIR UPPER.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No...../2017

Mr. Wahid Ullah Inspector No. M/160 Investigation Wing Dir Lower
..... Petitioner.

VERSUS


1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif Swat
3. District Police officer Dir Upper Respondents.

AFFIDAVIT

We the undersigned do hereby solemnly affirmed and declared that the contents of this para-wise reply are true and correct to the best of our knowledge and nothing has been concealed from this honorable tribunal

Respondent No.1

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.2

Regional Police Officer,
Malakand Region Saidu Sharif Swat.


Regional Police Officer,
Malakand at Saidu Sharif, Swat.

Respondent No.3

District Police Officer,
Dir Upper.


DISTRICT POLICE OFFICER
DIR UPPER.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No..... /2017

Mr. Waheed Ullah Inspector No. M-160 Investigation Wing
Lower Dir Appellant.

VERSUS.

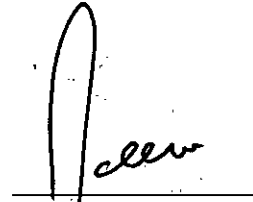
- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Upper.....Respondents.

POWER OF ATTORNEY.

We the undersigned do hereby appoint and authorized DSP Legal Upper Dir to appear on each and every date in the cited case. He is also authorized to file para wise reply, application and to submit all relevant documents in the cited appeal.

Respondent No.1

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Respondent No.2

Regional Police Officer,
Malakand Region Saidu Sharif Swat.



Regional Police Officer,
Malakand Region Saidu Sharif, Swat.

Respondent No.3

District Police Officer,
Dir Upper.



DISTRICT POLICE OFFICER
DIR UPPER.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 91/2019

WAHEED ULLAH

VS

POLICE DEPTT:

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R.SHEWETH:

PRELIMINARY OBJECTIONS:

(1 TO 6):

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct hence needs no comments.
- 2- Admitted correct hence needs no comments.
- 3- Admitted correct hence needs no comments.
- 4- Admitted correct to the extent that the respondent No.3 conveyed ACR's for the period w.e.f. 01.01.2014 to 31.8.2014 while the rest of Para is incorrect and baseless. That in the remarks column of the above mentioned ACR the respondent No.3 has declared the appellant as mentally disturbed which is against the fact and based on malafide intention as well the adverse remarks recorded in the ACR on the basis of personal grudges.
- 5- Incorrect and not replied accordingly. That the appellant ACR's for the year 2013,2015,2016,2017 and 2018 are excellent and outstanding but the respondent No.3 with malafide intentions and personal grudges recorded adverse remarks in the ACR for the year 2014. That so much so the medical fitness certificate is evident of the fact that the appellant is highly fit person.
- 6- Incorrect and not replied accordingly. That Departmental appeal of the appellant was rejected on no good grounds.

ROUNDS:

(1 TO G):

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That no show cause notice has been served on the appellant by the respondents before recording adverse remarks in the ACR of the appellant for the year 2014. That no chance of personal hearing/defense has been provided to the appellant before recording adverse remarks in the ACR of the appellant for the year 2014. That the respondents acted in arbitrary and malafide manner while recording adverse remarks in the ACR of the appellant for the year 2014. That late communication of the adverse remarks in the ACR is highly been deprecated by the Apex Court, therefore the impugned appellate order and adverse remarks are not tenable and liable to be expunged.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favor of the appellant.

APPELLANT


WAHEED ULLAH

THROUGH:


**NOOR MOHAMMAD KHATTAK
ADVOCATE**