08.04.2022 No one is present for the appellant. Notice be issued to the appellant and his counsel for 31.05.2022 before S.B

CHAIRMAN,

31st May, 2022 Despite being served no-body put appearance on behalf of the appellant till closing hours of the court. Dismissed for want of prosecution. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 31st day of May, 2022.*

Khyber Pakhtunkhwa Service Tribunal Peshawar

(Kalim Arshad Khan)
Chairman

13.10.2021 Clerk of learned counsel for the appellant present.

Former requests for adjournment on the ground that the learned counsel is not available today. Adjourned. To come up for preliminary hearing before the S.B on 09.12.2021.

(MIAN MUHAMMAD)
MEMBER (E)

09.12.2021 Appellant in person present and requested for adjournment on the ground that his counsel is affected by Dengue Virus. Last chance is given for preliminary arguments where-after the service appeal will be dismissed for non-pursuance. To come up for preliminary hearing on 03.02.2022 before S.B.

(Mian Muhammad)
Member (E)

03.02.2022 The Tribunal is non-functional, therefore, the case is adjourned to 08.04.2022 before S.B for the same.

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 6740 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/07/2021	The appeal of Mr. Waqar Alam resubmitted today by Syed Mudasir Pirzada Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on 27/08/21. CHAIRMAN
27.08.2021		Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing before the S.B on 13.10.2021. (SALAH-UD-DIN) MEMBER (J)

The appeal of Mr. Waqar Alam IHC no. 39 District Hangu received today i.e. on 21.06.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Address of appellant is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
2. Annexure-A of the appeal is illegible which may be replaced by legible/better one.
3. Copies of certificates mentioned in para-f of the grounds of appeal are not attached with the appeal which may be placed on it.
4. Date of departmental appeal mentioned in the memo of appeal is 25.2.2021 while the date put on the copy of departmental appeal is 01.3.2021 the same may be rectified.
5. One copy/set of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1055 /S.T,

Dt. 22/06 /2021

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Mudassir Pirzada Adv. Kohat.

Re-Submitted after removal of office objection.

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 6740 2021

WAQAR ALAM IHC / 39 DISTRICT HANGU

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

(Respondent)

INDEX

Appellant

Through

Date 21/6/2021

Syed Mudasir Pirzada
Advocate HC
0345-9645854

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____2021

WAQAR ALAM IHC / 39 DISTRICT HANGU

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18-12-2021 VIDE NO-138/CC IN WHICH THE RESPONDENT NO:-2 WITHOUT ANY LAWFUL JUSTIFICATION OR COGENT REASON AND WITHOUT ISSUING ANY COUNSELING T0 THE APPELLANT BLESSED WITH ADVERSE REMARKS IN ACR/PER AND THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION FOR EXPUNGTION ON DATED 25-02-2021 AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS NOT CONSIDER / ENTERTAIN NOR REJECTED TILL TO DATE.

Pray:

In view of above submission it is requested, by accepting of instant service appeal the impugned order of Respondents No 2 may please be set a side and the expunge the adverse remarks in ACR/PER for the period, mentioned above.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following facts and grounds:-

Facts:

Briefly facts are that the appellant while serving in the department with the entire satisfaction of the respondent above and for the period of 01-04-2019 to 28-11-2019 the respondent No-3 without any complaint or without any lawful justification as well in the absence of counseling / warning blessed with the impugned adverse remarks in ACR/PER as downgraded to C' and the same were communicated to the appellant on dated 25-02-2021**(Copy of impugned order along with complied reports is annexed as annexure A)**

That prior to blessing of impugned order by respondent No-2 awarding adverse remarks in ACR/PER the respondent No-2 does not peruse the previous good

ACR for different periods in the same year in which it has been mentioned that the appellant performance remains satisfactory .

That the respondent No.2 awarding adverse remarks as down graded "C" which was not communicated to the appellant well with in time and on dated 25-02-2021 the appellant were serving under the kind control of DPO Hangu intimated to the appellant that respondent No. 02 had blessed with adverse remarks as downgraded "C" in ACR which speaks that no counseling or warning were ever been issued to the appellant which is against to the service norms.

That there is nothing on record which impales the respondent No-2 to award the adverse remarks in ACR/PER for the period mentioned above and the appellant feeling aggrieved preferred departmental representation before the respondent No-1on dated 25-02-2021 which were still not consider nor entertain till to date **(Copy of departmental representation is annexed as annexure B respectively)**

That the appellant had received good performance certificate on different occasions but this aspect has not been considered while awarding impugned adverse remarks in ACR / PER without any lawful justification or without any reason mentioned therein .

That as per rule the respondent no 2 were duty bound to issue warning prior to the issuance of adverse remarks as well as no counseling opportunity has ever been extended towards the appellant which shows the biasness on the part of Respondent No 2.

That the appellant again feeling aggrieved when the Deptt: Representation were not entertained, hence having no alternate remedy except to prefer instant service appeal before the Honourable Tribunal on the following grounds inter alia:

Grounds:

a. That the appellant is honest and dedicated and leave no stone unturned to discharge in his assigned duties.

b. That there is nothing on record which shows that the appellant is an unbecoming officer or the performance is not up to the mark.

c. That according to the prevailing rules when the competent authority reached to the conclusion for the purpose of awarding remarks in ACR in such like manner it must be communicated to the officer concerned with in time but the same has not been communicated to the appellant.

d. That there is nothing on record nor any complainant as well as there is no single evidence or any subjudice issue pending against the appellant which signifies that the appellant services were recommended for adverse remarks.

e. That the appellant never remains absent from his lawful duty nor have any secret diaries against the conduct of the appellant .

f. That if the services were not satisfactory then the appellant must be noticed for any disciplinary proceedings and the appellant were duty bound to submit his justification, but there is nothing on record regarding any disciplinary proceedings and the appellant is a responsible officer and in the entire service receives many commendation certificates from superiors ([redacted])

g. That the appellant has always earned a good name for Department and never ever become a burden on exchequer of the Government but without pursuing the service record directly award the adverse remarks in ACR for the period of 01.04.2019 to 28.11.2019 as downgraded "C" which is liable to be expunged.

h. That an unjust has been done with the appellant by not given the opportunity of personal hearing to explain the satisfactory plausible justification.

i. That the appellant is still not understand that what element was consider by the time of giving adverse impugned remarks in ACR of the appellant.

j. That the biasness is proved on the part of Respondent No. 2 that the impugned adverse remarks were issued for the period of 01.04.2019 to 28.11.2019 and the same were communicated to the appellant on dated 25-02-2021 reason not explained till to date and the same adverse remarks were kept pending and secretly kept which apparent from the report.

k. That again an unjust has been done with the appellant by not considering / entertaining the Deptt: representation of the appellant as in the light of superior courts guidelines that every representation must be decided with in scribed period with independent mind with a speaking order.

l. That by the time of awarding impugned adverse remarks in ACR for the period mentioned above during the kind under control service of the Respondent No 2 no single complaint or inefficiency or any other unsatisfactory services were not ever been tender by appellant which would be verify from the service record of the appellant.

The appellant had numerous good entries in his service record which could be verified form the service record of the appellant.

That the reporting officers vide in their findings not personally heard the present appellant .

m. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law, the same is based on wrong assumption of facts.

n. That there is no any departmental enquiry is pending before any forum against the appellant.

o. That the impugned order is out come of surmises and conjecture.

p. That the impugned order is suffering from perversity of reasoning, hence liable to be set aside and expunged the adverse remarks.

q. That the adverse remarks and order of the respondent No 2 is very much harsh in nature.

r. That as per UDHR 1948 prohibits arbitrary discretion.

s. That the Honourable Tribunal in same identical situation case's held and set a side the impugned order and directed to expunge the adverse remarks but the appeal in hand is also one of the same fact and not be dealt as every case has own merits and crux.

t. That some other grounds will be agitated at the time of arguments with the prior permission of the Honorable highness.

Pray:

In view of above submission it is requested, by accepting of instant service appeal the impugned order of Respondent No-2 may graciously be set aside with the direction to expunge the adverse remarks in ACR/PER for the period mentioned above for the end of justice or blessed with any other remedy along with all consequential back benefits in the larger interest of appellant .

Dated: 21/6/2021.

(Appellant)

Through

Syed Mudasir Pirzada
Advocate HC.
District Courts Kohat
0345-9645854

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client .

List of Books

1:- Constitution of Pakistan 1973

2:- Police Rules

3:- Case Law according to need.

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____2021

AFFIDAVIT

I ,Syed Mudasir Pirzada Advocate ,as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal

Advocate

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____2021

WAQAR ALAM IHC / 39 DISTRICT HANGU

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

(Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

WAQAR ALAM IHC / 39 DISTRICT HANGU

RESPONDENTS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

Appellant

Through

Date 21/6/2021

Syed Mudasir Pirzada
Advocate HC
0345-9645854

OFFICE OF THE
REGIONAL POLICE OFFICER
KOHAT REGION

Annexure A
P-8

No 138 /CC

Dated 15/1/2020

To -

The District Police Officer, Hangu.

Subject:

MEMO:

ANNUAL CONFIDENTIAL REPORTS

Please refer to your letter No.105/PA dated 24.01.2020 on the subject cited above

In the Annual Confidential Report on the working of the following IHC for the period as noted against each their names is as under:-

S.No	Rank & Name	From	To	Class of the Report	Remarks of Reporting Officer	Remarks by the countersigning Officer
1	IHC Muhammad Tahir No.314	22.5.2019	28.11.2019	A	An average type Police Officer.	Downgraded to "B"
2	IHC Umer FarooqNo.16	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "B"
3	IHC Mustafa Al No.101	10.07.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
4	IHC Ijaz Ahmed No.92	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
5	IHC Habib-ur-Rehman No.331	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
6	IHC Asadullah No.412	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
7	IHC Imam Bad Shah No.69	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
8	IHC Waqar Alam No.39	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
9	IHCEid Manorr No.125	01.04.2019	28.11.2019	B	An average type Police Officer	Downgraded to "C"

The above remarks may please be conveyed to the officers concerned in order to remedy the defects. Representation if made should be sent no later than one month from the date of receipt of this communication.

An acknowledgement as token of the receipt of the memorandum may also be obtained from him on the attached duplicate copy of this communication and send to this office for record on his Character Roll Dossier

PA/RK-

M. A

Regional Police Officer,
Kohat Region.

D.P.O. HANGU
Diary No. 153/PA
Dt. 22/1/2020

DUPLICATE

(9)

FORM No. 13 – 17

ANNUAL CONFIDENTIAL REPORT

Report on the working of Assistant Superintendent of Police/Deputy Superintendent of Police/Circle Officer for the year ending 31st December

01.04.2019 to 28.11.2019

No. Rank (In Capital Block Letters)

Muhammad Alam Khan

Unit employed

Date of assumption of Police's

"B"

Reporting Period

1-4-2019 to 28-11-2019

01.04.2019 to 28.11.2019

NO Complaint

Downgraded to C

SYED SHAUKAT ALI SHAH BUKHARI
SUPERINTENDENT POLICE OFFICER
HANGU

01.04.2019 to 28.11.2019

An Average Police officer

MR. IHSAN ULLAH KHAN (PSP)
DISTRICT POLICE OFFICER
HANGU

S.No	Rank & Name	Period	Signature	
01	IHC Mudasir Ali No.10	10.07.2019 to 28.11.2019		24-02-2021
02	IHC Riaz Ahmed No.92	01.04.2019 to 25.11.2019		24-02-021
03	IHC Habib ur-Rehman No.111	01.04.2019 to 28.11.2019		25-02-021
04	IHC Rasheed Shah No.112	01.04.2019 to 28.11.2019		24-02-021
05	IHC Inam Badshah No.355	01.04.2019 to 28.11.2019		24-02-021
06	IHC Waqar Alam No.39	01.04.2019 to 28.11.2019		24-02-021
07	IHC Lal Mahmood No.125	01.04.2019 to 28.11.2019		24-02-2021

Annexure B

BEFORE THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA PESHAWAR

SUBJECT: APEAL FOR EXPUNTION OF ADVERSE REMARKS IN ACR FOR THE PERIOD 01.04.2019 TO 28.11.2019 IN THE IMPUGNED ACR.

Respectfully Sheweth,

With great veneration the instant departmental representation is preferred by the appellant on the following grounds:-

Facts:

1. That the appellant trending good services since induction in the department till to date.
2. That the application has been blessed with impugned adverse remarks in ACR for the period 01.04.2019 to 28.11.2019 as downgraded "C" (Copy Annexed as Annexure A).
3. That for the period of 01.04.2019 to 28.11.2019 the appellant has been awarded "C" as downgraded which was not communicated to the appellant and dated 24-02-2021 the appellant through concern quarter at DPO office Hangu intimated about the impugned remarks in ACR without any cogent reason.
4. That the appellant intends to expunged the adverse remarks downgraded "C" in ACR on the following grounders inter alia.

Ground:

a. That the appellant is honest and dedicated and leave no stone unturned to discharge in his assigned duties.
b. That there is nothing on record which shows that the appellant is an unbecoming officer or the performance in not up to the mark.
c. That according to the prevailing rules when the competent authority reached to the conclusion for the purpose of awarding in ACR in such like manner it must be communicated to the officer concerned but the same has not been communicated to the appellant.
d. That there is neither nothing on record nor any complainant as well as there is no single evidence or any subjudice issue pending against the appellant which signifies that the appellant services are unsatisfactory.
e. That the appellant never remains absent from his lawful duty nor have any secret dairies against the conduct of the appellant.
f. That if the services were not satisfactory then appellant must be noticed for any disciplinary proceedings and the appellant were duty bound to submit his justification, but there is nothing on record regarding any disciplinary proceedings and the appellant is a responsible officer and in the entire service receives commendation certificates from superiors(Copy of certificate are annexed).

g. That the appellant has always earned a good name for department and never ever become a burden on exchequer of the government but without perusing the service record directly award the adverse remarks in ACR for the period of 01.04.2019 to 28.11.2019 as downgraded "C" which liable to be expunged.

h. That an unjust has been done with appellant by not given the opportunity of personal hearing to explain the satisfactory plausible justification.

i. That the appellant is still not understand that what element was consider by the time of giving adverse impugned remarks in ACR of the appellant.

j. That some other material facts would be agitated at the time of personal hearing if so awarded.

k. **Pray:**

It is therefore most humbly prayed that the impugned adverse remarks in ACR of the appellant for period 01.04.2019 to 28.11.2019 may graciously be expunged for the end of justice.

Date : 1 /3 /2021

(Appellant)
Name: Waqar Alam HC/39
District: Hangu

Forwarded

DSP Head Quarter
Hangu
02.03.2021

بعدالت جناب سروس ٹریبونل ۸

سروس اپیل

درخواست نمبر

سنہ ۲۰ء منجانب اسلام

مقدمہ

علت نمبر

جرم زیر دفعہ

مورخہ

تھانہ

بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی کل کاروائی متعلقہ آں مقام کے لیے

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ وتقرر ثالث وفیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجرا اور وصولی چیک در روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زراس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی نظر ثانی وپیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزو کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور وقبول ہوگا۔ دوران مقدمہ میں جو خرچہ وہرجانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق کیا صاحب موصوف ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔ لہٰذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم ۱۸ ماہ جون ۲۰۱۹ء

مقام کوہاٹ کے لیے منظور ہے