

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

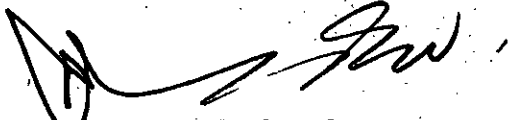
  
CHAIRMAN,

31<sup>st</sup> 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.*



  
(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.

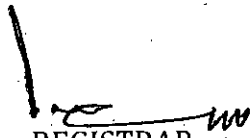


  
Reader

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	<p>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.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27.08.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>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.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (J)</p>

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 appellatant for completion and resubmission within 15 days.

- ① Address of appellatant 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.

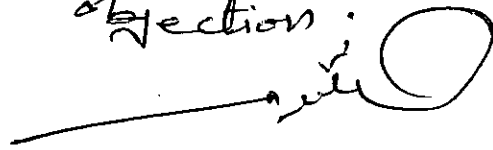
No. 1055 /S.T,

Dt. 22/06 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Mudassir Pirzada Adv. Kohat.

Re-Submitted after  
removal of office  
objection.



2

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 6740 2021

WAQAR ALAM IHC / 39 DISTRICT HANGU

(Appellant)

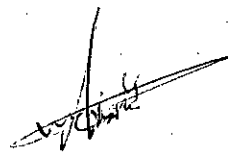
VERSUS

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

(Respondent)

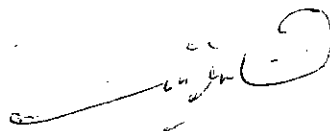
INDEX

Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-5
2	Affidavit		6
3	Address of the Parties		7
4	Copy of impugned Order dated 18-02-2021 with ACR Report along with acknowledgement etc	A	8-11
5	Copy of Departmental Representation dated <u>01/3</u> -2021.	B	12
6	Wakalatnama	C	



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 TO THE APPELLANT BLESSED WITH ADVERSE REMARKS IN ACR/PER AND THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION FOR EXPUNCTION 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-1 on 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.



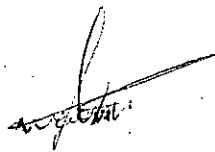


- m. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law, the same is based on wrong assumption of facts.
- n. That there is no any departmental enquiry is pending before any forum against the appellant.
- o. That the impugned order is out come of surmises 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.

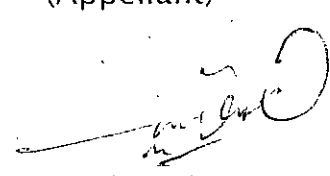
Pray:

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 .

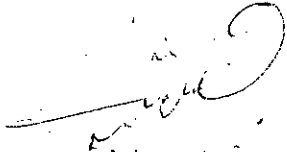
## List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

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

Through

  
Appellant

Date 21/16/2021

Syed Mudasar Pirzada  
Advocate HC  
0345-9645854



OFFICE OF THE  
REGIONAL POLICE OFFICER  
KOHAT REGION

*Annexure A*  
*P-8*

No 138 /CC

Dated 18/12/2020

To - The District Police Officer, Hangu.

Subject: ANNUAL CONFIDENTIAL REPORTS

MEMO

Refer to above

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

In the Annual Confidential Report on the working of the following officers 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 Countersigning Officer
1	PHC Muhammad Tahir No.314	22.5.2019	28.11.2019	A	An average type Police Officer.	Downgraded to "B"
2	PHC Umar Farooq No.16	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "B"
3	PHC Mustafa Ali No.10r	10.07.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
4	PHC Ijaz Ahmed No.92	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
5	PHC Habib-ur-Renman No.331	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
6	PHC Ihsanullah No.412	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
7	PHC Inam Bad Shah No.15r	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
8	PHC Waqar Alam No.39	01.04.2019	28.11.2019	B	An average type Police Officer.	Downgraded to "C"
9	PHC Eid 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 his on the attached duplicate copy of this communication and sent to his office for record on his Character Roll Dossier

*PA/RK-*  
*M.A*

*[Signature]*  
Regional Police Officer,  
Kohat Region.

D.P.O. HANGU  
Date: 15/12/20  
By: [Signature]

9



DUPLICATE



FORM No. 13-17

DEPT. SICT HANGU

ANNUAL CONFIDENTIAL REPORT

Report on the working of Assistant Sub-Inspector and  
Police Inspectors for the year ending 31st December  
01.04.2019 to 28.11.2019

1. Name of the Officer	Mr. No. Rank	Mr. No. Rank	Mr. No. Rank
		Mr. No. Rank	Mr. No. Rank
		Muhammad Amin Khan	
		AMIC 18	Thal - 01.01.2019 to 28.11.2019
			IC for Chief Clerk Post - 23.07.2019 to 28.11.2019
			"B"

Reviews By :  
1-4-2019 to 28-11-2019

01.04.2019 to 28.11.2019  
NO Complaint

Downgraded to **C**  
He

*[Signature]*  
SYED SHARAF ALI SHAH BUKHARI  
SUB-DIVISIONAL POLICE OFFICER,  
THAL








01.04.2019 to 28.11.2019  
An average Police officer

*[Signature]*  
MR. HSAN ULLAH KHAN (PSP)  
DEPT. SICT POLICE OFFICER,  
HANGU





Handwritten signature or initials in the top right corner.

No	Name & Number	Period	Signature
01	IHC M. V. G. Al No 10	10-07-2019 to 28-11-2019	 24-02-2021
02	IHC M. G. Al No 92	01-04-2019 to 28-11-2019	 24-02-2021
03	IHC Habib ur-Rahman No 51	01-04-2019 to 28-11-2019	 25-02-2021
04	IHC M. S. Al No 412	01-04-2019 to 28-11-2019	 24-2-2021
05	IHC Inam Baddhan No 355	01-04-2019 to 28-11-2019	 24-02-2021
06	IHC Waqar Al No 39	01-04-2019 to 28-11-2019	 24-02-2021
07	IHC Sid Mansur No 125	01-04-2019 to 28-11-2019	 24-02-2021



Amir B

BEFORE THE INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA  
PESHAWAR

SUBJECT: APEAL FOR EXPUNCTION 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 appellatant on the following grounds:-

**Facts:**

1. That the appellatant 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 appellatant has been awarded "C" as downgraded which was not communicated to the appellatant and dated 24-02-2021 the appellatant through concern quarter at DPO office Hangu intimated about the impugned remarks in ACR without any cogent reason.
4. That the appellatant intends to expunged the adverse remarks downgraded "C" in ACR on the following grounders inter alia.

**Ground:**

- a. That the appellatant 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 appellatant 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 appellatant.
- 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 appellatant which signifies that the appellatant services are unsatisfactory.
- e. That the appellatant never remains absent from his lawful duty nor have any secret dairies against the conduct of the appellatant.
- f. That if the services were not satisfactory then appellatant must be noticed for any disciplinary proceedings and the appellatant were duty bound to submit his justification, but there is nothing on record regarding any disciplinary proceedings and the appellatant 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: 1/13/2021



(Appellant)

Name: Waqar Alam

District: Hangu

IHC/39

Forwarded

DSP Head Quarter  
Hangu

02.03.2021

روس ٹریڈنگ کمپنی

اورٹ

۲۰۰۰ منجانب ایڈولٹ

۱۰۰۰

بنام

وفاقی عالم

مقدمہ  
عالت نمبر  
جرم زید دفعہ  
مورخہ  
تھانہ

باعث تحریر آنک

مقدمہ درجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و چواید ہی کل کارروائی متعلقہ آں مقام کے لیے

سید درم پھر و او ایڈولٹ

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالثہ فیصلہ 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 ایک طرفہ یا اپیل کی برآمدگی اور منسوخی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزو کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے امراء 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 پر داخستہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہر جانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق کیا صاحب موصوف ہوگا 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۔ لہذا کالت نامہ لکھ دیا کہ سندر ہے۔

۲۰۰۰

عجری

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المرقوم

*[Handwritten signature]*

مقام کو ہاٹ کے لیے منظور ہے  
*[Handwritten signature]*