

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1609 /2022.

DSP Muslim Khan of CCP Peshawar..... Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . Respondents.

I n d e x

S.NO	DOCUMENTS	ANNEXURE	PAGES
1	REPLY		1 TO 03
2	AFFIDAVIT		04
3	Authority		05
4	Copy of ACR	A	06 -15

①

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REPLY BY RESPONDENTS NO. 1 and 2.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record, However, the Para clearly reflects that a fair process in the respondent department is done and in case of commission of misconduct, the defaulter is penalized under the relevant law as per gravity of misconduct. The instant case is an example of fairness and impartiality.
2. Pertains to record. Hence needs no comments.
3. Incorrect. As for as posting of the retired Army personnel in Lady Reading Hospital alleged by the appellant is concerned it is to clarify that this establishment does not concern with the posting of any private bodies. However, during the period of posting in LRH several complaints were received against the appellant, but the appellant did not improve his performance resultantly the reporting officer had passed the adverse remarks against him.
4. Incorrect. The fact of the para is that the local Police have their own lawful duties based on law & order situation and bound to proceed on each and every complaint filed by the general public as enumerated in the constitution of Pakistan. Further the appellant concealed the actual position from this Hon'ble Tribunal, actually the appellant was verbally directed to mend his way, but he turned deaf ears toward his directions, therefore the adverse remarks were passed.
5. Incorrect. If any conspiracy was made by the Security guard Hazrat Khan in collaboration of others companions against the appellant then he was under obligation to brought the matter in kind notice of his superior officers. Moreover, rest of

allegations in the para are concerned, it is pertinent to mention that Annual confidential report (ACR) is based on the performance of the personnel prepared by the high ups and placed it in a secret file. As for as communication regarding the said adverse remarks to the appellant is concern, the same was communicated accordingly. (Copy of ACR is annexure as A).

6. Correct to the extent that departmental representation for the expunction of adverse remarks is filed/rejected after due consideration based on the contents of adverse remarks made by the countersigning officer after the receipt of several complaints by the authority of LRH Peshawar. Moreover, appeal of the appellant being devoid of merits may be dismissed on the following grounds.

REPLY ON GROUNDS:-

- A. Incorrect. Actually during the period of posting in LRH several verbal complaints were received to the Reporting Officer, in view of which appellant was repeatedly directed to mend his way but failed, which subsequently resulted in recording adverse remarks by the Reporting Officer in his ACR for the year 2021. Further the Reporting Officer was in better position to evaluate the performance of a subordinate officer.
- B. Incorrect. Para not related to replying respondents. Further, several chances were given to the appellant to mend his way but the appellant paid no attention toward the directions.
- C. Incorrect. Order issued by the competent authority was based on the performance of the appellant.
- D. Incorrect. As Reporting Officer has no ill will towards appellant. Hence remarks recorded by the Reporting Officer was in its true sense image, decorum of the department was involved, hence the said remarks recorded in the ACR.
- E. Incorrect. Appellant has no right to put his own guilt/misconduct in the shoulder of others.
- F. Incorrect. The appellant was given opportunity of self defense time and again verbally directed to mend his way, but appellant turned deaf ears toward his directions, therefore the adverse remarks were passed.
- G. Incorrect. The appellant was treated as per law/rules and no violation of law/rules has been done by the respondents. The appellant was aware about the adverse remarks passed by the reporting officer.
- H. Incorrect. The appellant was dealt in accordance with law/rules and no malafide intension was involved.

PRAYERS:-

It is therefore prayed that in light of the above facts and submissions, appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with costs please.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**

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VERSUS

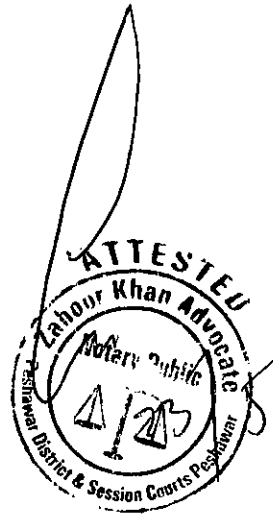
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AFFIDAVIT.

We respondents 1, and 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.



5

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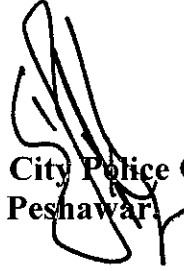
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents**

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

**Capital City Police Officer,
Peshawar.**



CERTIFICATE

Annexure A

6

Certificate that I MUSLIM KHAN PROVINCIAL 17
(Name of officer) (Group/Service (BS))

have on _____ submitted my Performance Evaluation Report
(Date)

to Mr. YASIR AFRIDI (PSP) SSP-OPERATIONS, PESHAWAR
(Name/Designation of reporting officer)

My countersigning officer is ABBAS AHSAN, CCP, PESHAWAR
(Name/Designation of countersigning officer)

(MUSLIM KHAN)

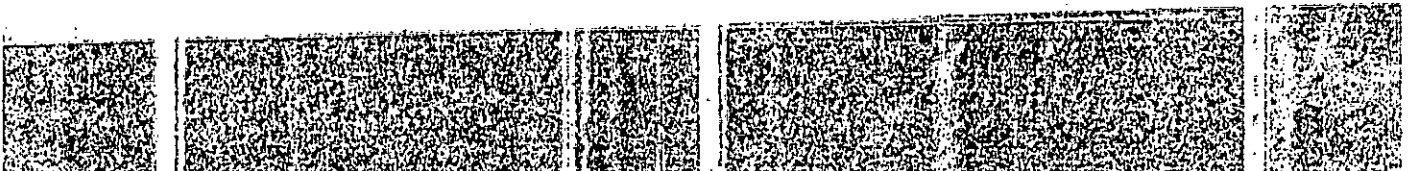
DY. SUPERINTENDENT OF POLICE,
LRH, PESHAWAR

Name/Designation/Department of officer

Note:- This certificate is required to be dispatched by the officer being reported upon to the officer incharge entrusted with the maintenance of his /her C.R. Dossier on the same date the PER is forwarded to his/her reporting officer.

Attested

Guidelines 1



7

FOR OFFICERS IN BPS 17 & 18

RESTRICTED

اسکیل ۱۷ اور ۱۸ کے افسران کے لیے

محدود

GOVERNMENT OF KHYBER PAKHTUNKHWA

حکومت خیبر پختونخواہ

Ministry /Division/ POLICE

Service/Group PROVINCIAL

Department/Office _____

وزارت / ڈویژن / محکمہ / دفتر

سروس / گروپ

PERFORMANCE EVALUATION REPORT

کارکردگی رپورٹ

FOR THE PERIOD

01.01.2021 TO 31.12.2021

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PART I

حصہ اول

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

(متعلقہ افسر خود پُر کریں)

1. Name (in block letters) MUSLIM KHAN
نام (واضح حروف میں)
2. Personnel number 38259
انفرادی نمبر
3. Date of birth 13.02.1970
تاریخ پیدائش
4. Date of entry in service 30.06.1988
ملازمت اختیار کرنے کی تاریخ
5. Post held during the period (with BPS) DSP / Security LRH Peshawar
پیش نظر عرصہ میں عہدہ (مع اسکیل)
6. Academic qualifications FA
تعلیم
7. Knowledge of languages (Please indicate proficiency in speaking (S), reading (R) and writing (W))
(بولنے (ب)، پڑھنے (پ)، اور لکھنے (ل) کی صلاحیت)
ENGLISH, URDU, PUSHTO (R.W.S)
زبانوں کا علم

Attested
Bullat

15

9. Knowledge of relevant regulations, instructions and procedures.

اہدایات اور طریق کار سے واقفیت

Exceptionally well in keeps abreast of latest trends in صورت حال سے آگاہ:

	A الف	B ب	C ج	D د	
2. Confidence and will power خود اعتمادی اور قوت ارادی Exceptionally confident and resolute انتہائی پر اعتماد اور مستقل مزاج	20				Uncertain; hesitant ہم اعتماد اور یقین پختہ کا شکار
3. Acceptance of responsibility ذمہ داری اٹھانے کی آمادگی Always prepared to take on responsibility even in difficult cases. مشکل معاملات میں بھی ذمہ داری اٹھانے کے لیے ہمیشہ آمادہ	20				Reluctant to take on responsibility; will av it whenever possible. ذمہ داری اٹھانے سے گریز کرنے والا
4. Reliability under pressure دباؤ کی حالت میں کام کرنے کی صلاحیت Calm and exceptionally reliable at all times - ہر حالت میں قابل اعتماد	20				Confused and easily flustered even under normal pressure. بیٹھان، معمولی دباؤ میں حواس باختہ
5. Financial responsibility مالی معاملات میں احساس ذمہ داری Exercises due care and discipline احتیاط سے کام لیتا/ لیتی ہے، قواعد و ضوابط کا خیال رکھتا/ رکھتی ہے	20				Irresponsible غیر ذمہ دار
6. Relations with - آشناقات (i) Superiors - اعلیٰ افسران کے ساتھ Cooperative and trusted معاون اور قابل اعتماد	20				Un-cooperative غیر معاون
(ii) Colleagues رہنمائے کار کے ساتھ Works well in a team میل جمل کر اچھا کام کرتا/ کرتی ہے	20				Difficult colleague مشکل رہنمائی کار
(iii) Subordinates - ماتحتوں کے ساتھ Courteous and effective; encouraging خوش اخلاق، مؤثر اور جوصل دینے والا/ والی	20				Discourteous and intolerant; بد اخلاق
7. Behavior with public عوام کے ساتھ رویہ Courteous and helpful - خوش اخلاق اور معاون	20				Arrogant, discourteous and indifferent مغرور اور لاتعلقی
8. Ability to decide routine matters روزمرہ معمولات کے فیصلے کرنے کی صلاحیت Logical and decisive - منطقی اور فیصلہ کن	20				Indecisive; Vacillating متذبذب اور ڈانٹوں ڈول

1. Please comment with special reference to how far the above has been stated in your answer (۲)

The
in

1	Quality of Always pr high Qual
2	Output o Always u arrears

Attested
[Signature]

(11)

	A الف	B ب	C ج	D د	
9. Knowledge of relevant laws, rules, regulations, instructions and procedures. تعمارت قوانین، قواعد، ضوابط، ہدایات اور طریق کار سے واقفیت	2 D				Ignorant and Uninformed. لاعلم اور ناواقف
Exceptionally well informed, keeps abreast of latest developments. قواعد و ضوابط پر غیر معمولی طور پر تازہ ترین صورت حال سے آگاہ					

PART IV - حصہ چہارم
(REPORTING OFFICER'S EVALUATION)
(ریپورٹنگ افسر کا جائزہ)

1. Please comment on the officer's performance on the job as given in Part II(2) with special reference to knowledge of work, quality and quantity of output. How far was the officer able to achieve targets? Do you agree with what has been stated in Part II (2)?

حصہ دوم (۲) میں بیان کی گئی کارکردگی کا جائزہ لیں۔ کام سے متعلق افسر کے علم اور کارکردگی کے معیار و مقدار کے حوالے سے بھی رائے دیں۔ اہداف کو پورا کرنے میں افسر کس حد تک کامیاب رہا/ رہی؟ کیا آپ حصہ دوم (۲) میں دی گئی معلومات سے متفق ہیں؟

The KPIs given were Performed in a effective manner 2: D

	A الف	B ب	C ج	D د	
1 Quality of work Always produce work of exceptionally high Quality بیشہ غیر معمولی معیار کا کام پیش کرتا ہے۔	2 D				Generally produces work of poor quality. عموماً ناقص معیار کا کام پیش کرتا ہے۔
2 Output of work Always up-to-date; accumulates no arrears بیشہ مستند: کام جمع نہیں کرتا۔	2 D				Always behind schedule; very slow disposal. بیشہ دیر سے کام ختم کرتا ہے۔

Attested.
[Signature]

Uncertain; hesitant
مستعد اور ہچکچاہٹ کا شکار

reluctant to take on possibility; will av whenever possible.
روااری اٹھانے سے گریز کر۔

sed and easily d even under pressure.
یشان معمولی رباؤتیر

est

6. Overall g
بجوعی درجہ

(i)
(ii)
(iii)
(iv)

2. Integrity (Morality, uprightness and honesty) - دائمتہ (اخلاقہ راست بائزکہ ایمانداری)

	A	B	C	D	
	الف	ب	ج	د	
1. Integrity a. General Irreproachable خوش کردار	2 ج				Unscrupulous غیر مروتانہ
b. Intellectual Honest & straightforward ایماندار اور راست باز	2 ج				Devious; Sycophant گمراہہ پاپٹوں ٹوٹا مری

7. Fitness
مناستہ

(i)
(ii)
(iii)
(iv)

3. Pen picture with focus on the officer's strengths and weaknesses not covered in Part III (Weakness will not be considered as adverse entries unless intended to be treated as adverse).

قلمی خاکہ: افسر کی خوبیوں اور کمزوریوں کا جائزہ لیں (کو تا ہی کو اس وقت تک مثنی تصور نہیں کیا جائے گا جب تک رپورٹنگ افسر ضروری تصور نہ کرے)

The officer is hard working, trustworthy and professional who always come up with good results.

Special aptitude
خصوصی استعداد

A Good field officer

Recommendations for future training
آئندہ تربیت کے لیے سفارشات

Rec. for Junior Command Course

Attested
[Signature]

13

6. Overall grading

تعمیراتی درجہ

		Reporting officer رپورٹنگ افسر	Countersigning officer کاؤنٹر سائننگ افسر
(i)	Very Good اعلیٰ	2 nd D	
(ii)	Good اچھا		
(iii)	Average اوسط		A
(iv)	Below Average اوسط سے کم		

درجہ (انگریزی)

Lupulous

بیمار

Lycophant

کمزور

7. Fitness for promotion

ترقی کے لیے مناسبت

		Reporting officer رپورٹنگ افسر	Countersigning officer کاؤنٹر سائننگ افسر
(i)	Fit for promotion ترقی کے لیے موزوں	2 nd D	
(ii)	Recently promoted/appointed. Assessment premature حال میں ترقی ہو چکی ہے / مزید ترقی قبل از وقت ہے		
(iii)	Not yet fit for promotion ترقی کے لیے ابھی موزوں نہیں		A
(iv)	Unlikely to progress further مزید ترقی کے قابل نہیں		

Name of the reporting officer YASIR AFRIDI
(Capital letters)

رپورٹنگ افسر کا نام (دراصل حروف میں)

Signature

(دستخط)

Designation SSP/OPERATIONS, PESHAWAR

عہدہ

Date

تاریخ

Attested
Director

(14)

REMAI

PART V

حصہ پنجم

(REMARKS OF THE COUNTERSIGNING OFFICER)

(کاؤنٹر سائننگ افسر کی رائے)

1. How well do you know the officer? If you disagree with the assessment of the reporting officer, please give reasons

آپ افسر کو کس حد تک جانتے ہیں؟ اگر آپ رپورٹنگ افسر کی رائے سے متفق نہیں تو وجہ بیان کریں

DSP Muslim Khan had a very average performance. He was reported against by the head of Khyber Teaching Hospital and subsequently did not show any improvement while posted in Lady Reading Hospital.

Moreover, he took any responsibility assigned to him very casually.

Name

م

Desi

د

2. Evaluation of the quality of assessment made by the reporting officer

رپورٹنگ افسر کے جائزہ کے معیار کے بارے میں کاؤنٹر سائننگ افسر کی رائے

Exaggerated
(مبالغہ آلود)

Fair
(مناسب)

Biased
(جانب دار)

Name of the countersigning officer ABBAS AHSAN
(Capital letters)

Signature

کاؤنٹر سائننگ افسر کا نام (واضح حروف میں)

(دستخط)

Designation CAPITAL CITY POLICE OFFICER, PESHAWAR

Date

عہدہ

تاریخ

Attested
[Signature]

CONVEYED AS ADVERSE REMARKS

Vide No: S/ 2154/011 dated 20/09/02.

PART VI

حصہ ششم

REMARKS OF THE SECOND COUNTERSIGNING OFFICER (IF ANY)

دوسرے کاؤنٹر سائننگ افسر (بشرط موجودگی) کی رائے

of
He
ing
improvement
A
nsibility

Name _____

نام

Signature _____

(دستخط)

Designation _____

عہدہ

Date _____

تاریخ

Attested
Cuttler