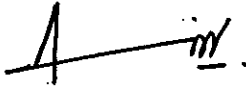


FORM OF ORDER SHEET

Court of _____

Appeal No. 1377/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/06/2023	<p>The appeal of Mr. Nasir Abbas Noori resubmitted today by Uzma Syed Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Nasir Abbas Noori Sub Inspector Police Line Kohat received today i.e. on 09.06.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal is incomplete and illegible which may be completed and replaced by legible/better one.
- 2- Page no.9 of the appeal is illegible.
- 3- Wakalat.nama is blank and unattested.

No. 1721 /S.T.

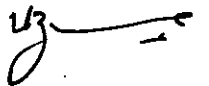
Dt. 12-06 /2023.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Uzma Syed Adv.
High Court Peshawar.

Sit

objection (1 do 3) removed & file re-submitted



20-6-2023

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1377 /2023

Nasir Abbas Noori

Versus

Police Deptt.

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-07
2.	Application Condonation of delay	-----	08
3.	Copy of ACR	---A---	09-10
4.	Copy of D. APPEAL	---B---	11-14
5.	Copy of letters	---C---	15-18
6.	Copy of judgment	---D---	19-22
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APPELLANT

Nasir Abbas Noori

THROUGH:

UZMA SYED

ADVOCATE, HIGH COURT

SYED NOMAN ALI BUKHARI,

ADVOCATE, HIGH COURT

Cell No: 0306-5109438

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

APPEAL NO. 1377 /2023

NASIR ABBAS NOORI No.16K Sub-Inspector
Presently Police Line Kohat.

(Appellant)

VERSUS

1. The Inspector General of Police, KP, Peshawar.
2. The Regional Police Officer Kohat Region Kohat.
3. The District Police Officer, Kohat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE ADVERSE REMARKS FROM PERIOD 01-01-2019 TO 17-
01-2019 AND 17-01-2019 TO 09-10-2019 WHEREIN THE
APPELLANT WAS AWARDED GRAD-B AND ALSO
REMARKED THAT (THE APPELLANT) MAY BE REMOVED
FROM POLICE BEING STIGMA ON FORCE
COMMUNICATE TO THE APPELLANT ON 29/05/2022 AND
AGAINST NOT DECIDING THE APPEAL OF THE
APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
ADVERSE REMARKS ADVERSE REMARKS FROM
PERIOD 01-01-2019 TO 17-01-2019 AND 17-01-2019 TO 09-10-
2019 MAY KINDLY BE EXPUNGE BEING ILLEGAL AND
NOT COMMUNICATE TO THE APPELLANT IN TIME. ANY
OTHER REMEDY WHICH THIS AUGUST TRIBUNAL
DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE
AWARDED IN FAVOUR OF APPELLANT.

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RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant joined the Police Department as constable in the year 2001. Since his enrollment the appellant served the department with devotion and dedication.
 2. That in the year 2009 on account of his hard work and selfless services, the appellant became/designated as PASI. The appellant continued his meritorious and selfless services and in credit he was promoted as Inspector in the year 2017.
 3. That while serving smoothly and satisfactorily, the appellant was shocked to know on 29-5-2022, that the then Worthy Distt: Police Officer Kohat vide ACR No.13-7 for the period from 01-01-2019 to 17-01-2019 and 17-01-2019 to 09-10-2019 awarded him report B. the following column, complaint against the appellant is shown as Nil while at the end it is recommended that appellant "may be removed from Police being stigma on force". **Copy of ACR is attached as annexure-A.**
 4. That on 29-5-2022, when the appellant went to the officer of the DPO Kohat, official over there informed the appellant about the impugned ACR. Upon request of the appellant copy of the impugned ACR was shown and delivered to the appellant. The appellant for sufficient time the appellant was kept in dark regarding the impugned ACR while ultimately a fake signature of the appellant was obtained from someone else, and thus it was shown as served upon the appellant.
 5. That upon seeing such an ACR, the appellant was shocked and stunned. The appellant has a number of legal and factual reservations over the impugned ACR, therefore the appellant filed departmental appeal on 27/06/2022 in response to which various correspondence has been done and last correspondence was made on 26/04/2023 but till date the appeal of the appellant was not responded. **Copy of Representation and letters are attached as Annexure-B & C.**
1. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the impugned ACR for the period 01-01-2019 to 09-10-2019 is not even then the impugned ACR was sent to the appellant as an adverse ACR.
- B) That when there is no complaint against the appellant, then the question arises that on which ground worthy competent authority formed negative opinion against the appellant.
- C) That by non-mentioning sources of information against the appellant, the impugned ACR has become legally defective.
- D) That according to the ACR Rules when it is intended to award negative report to subordinate official, it is mandatory that the competent authority before awarding the adverse remarks will call him and give him counseling to mend his ways and this fact is to be mentioned in the ACR but no such practice was exercised by the Worthy Competent Authority. Hence the impugned ACR is not only irregular but also does not fulfill legal formalities.
- E) That remarks on the impugned ACR are very surprising because, the competent authority has not disclosed the sources of information upon which he formed adverse opinion against the appellant, secondly, recommendation against the appellant is unwarranted because the competent authority under the law is equipped to remove Sub-Inspector from the department, hence recommendation for removal of the appellant was not required. Hence at this score alone, the impugned ACR has got no legal value and thus not sustainable in the eyes of law.
- F) That in the impugned ACR, no reason for removal of the appellant from the Police Deptt: has been highlighted.
- G) That the appellant is son of Fareed Hussain Shaheed who was martyred in the year 2009 in a suicide attack while serving in the Distt: Police Mardan. Being son of Shaheed, the appellant has never indulged himself in illegal or unethical activities nor kept his personal interest above the official interest. The appellant has always discharged his official functions with devotion and dedication.
- H) That such unjustified, unwarranted, unilateral and one sided remarks against the appellant have not only lowered status and reputation of

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the appellant, in general public but also lowered his position in the eyes of his worthy officers.

- I) That if the impugned ACR remains intact, the appellant is likely to sustain irreparable loss. That the server of the impugned ACR, did not serve the ACR upon the appellant but on another official by putting forged signature of the appellant upon copy of the ACR as token of receipt but did not deliver the same to the appellant. As submitted in Para No.8 when the appellant went to the office of the Worthy DPO Kohat on 29-5-2022 official over there informed the appellant about the impugned ACR. Hence moving the instant appeal was delayed which was not due to the fault of the appellant. It is requested that the unintentional delay may kindly be condoned.
- J) That the impugned ACR is neither sustainable legally nor factually, hence it deserves to be expunged.
- K) That the impugned adverse remarks are communicated is time barred and no justification has been given by the authority for delayed communication.
- L) That from the above per it is very much conclude the remarks of the reporting officer are bias malafide, and based on reiteration without any evidence.
- M) That the adverse remarks are contrary to instructions circulated by the Government for writing PER/ACR. Therefore the same adverse remarks are liable to be expunged.
- N) That as per instructions contained in the PER/ACR writing instruction there should be counseling/warning prior to adversing PER/ACR but in case of appellant no such prior counseling/warning has ever been given to the appellant which is violation of the laid down instructions
- O) That no prior counseling/warning has ever been given to the appellant which is again the violation of instruction regarding PER writing and impugned remarks are baseless on personal like without any proofing.
- P) That the similar placed employees filed service appeal no: 15575/2020 which was allowed by the Hon'able Tribunal vide judgment dated 14/07/2022, so the appellant also entitled to the same relief. **Copy of judgment is attached as annexure-D.**

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- Q) That the appellant has been condemned unheard because in respect of adverse remarks and PER/ACR no inquiry has been conducted to substantiate the adverse remarks nor the appellant was given a personal hearing right regarding such remarks
- R) That the appellant seeks permission to advance others 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.

Nasir Abbas Noori
APPELLANT

Nasir Abbas Noori

THROUGH:

Uzma Syed
UZMA SYED

ADVOCATE, HIGH COURT

Syed Noman Ali Bukhri
&

SYED NOMAN ALI BUKHRI,
ADVOCATE, HIGH COURT

6

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Nasir. Abbas Noori

V/S

Police Deptt:

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.


DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.


(UZMA SYED)
ADVOCATE HIGH COURT

(4)

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Nasir Abbas Noori

V/S

Police Deptt:

AFFIDAVIT

I, Nasir Abbas Noori, (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT

Nasir Abbas Noori

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BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Nasir Abbas Noori

V/S

Police Deptt

APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honorable Tribunal in which no date has been fixed.
2. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (2003, PLD (SC) 724.
3. That the impugned ACR was void ab-initio being not communicated and passed in violation of rules.
4. That according to Superior Court Judgment there is no limitation run against the void order. So there is in interest of justice the limitation may be condoned
5. That the deptt intentionally delay the matter of the appellant and not decided the departmental appeal of the appellant.

It is therefore most humbly prayed that the instant appeal may be decided on merit by condoning the delay, to meet the ends of justice.

APPELLANT

Nasir Abbas Noori

THROUGH:

(UZMA SYED)

ADVOCATE, HIGH COURT
PESHAWAR

A-9

No. 13-17 DUPLICATE

POLICE DEPARTMENT

KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 01.01.2019 to 09.10.2019.

Name, Provincial or Range No.
Rank and Grade

SI Nasir Abbas Noori

Name

Farid Hussain

Period on what duties Employed

From 01.01.2019 to 17.01.2019 P.S. Kohat
From 17.01.2019 to 09.10.2019 P.S. Shabli Kohat

Signature of Superintendent of Police's
or "B"

B

Signature of

No
may be removed
Shama Police
being suspended from
duty

(2) Deputy Inspector General of
Police

14/10/19 to 27/3/2019

(Capt. S. Waheed Mehmoed)PSP
District Police Officer,
Kohat

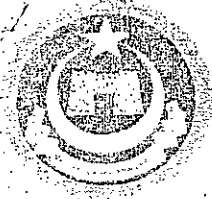
28/10/19 to 09/10/2019

agree with the comments of
DPO/Kohat. Convey as advised remarks

[Signature]

[Signature]

AS/PS/CS
30/4/21



OFFICE OF THE
REGIONAL POLICE OFFICER
KOHAT REGION

No. 259 /CC

Dated 24/9 /2021

To: The District Police Officer, Kohat.

Subject: ANNUAL CONFIDENTIAL REPORTS

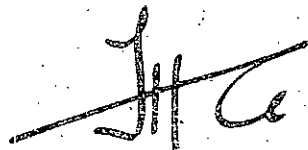
MEMO:

In the Annual Confidential Report on the working of SI Nasir Abbas Noori for the period from 01.01.2019 to 09.10.2019 is as under:-

Class of the Report	"B"
Remarks of Reporting Officer	May be removed from Police being stigma on Force.
Remarks by the countersigning Officer	Agree with comments from DPO/Kohat. Convey as adverse remarks

The above remarks may please be conveyed to the officer 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 sent to this office for record on his Character Roll Dossier.


Regional Police Officer,
Kohat Region

Through Proper Channel

B-11

THE HONOURABLE DEPUTY INSPECTOR GENERAL OF POLICE
KOHAT REGION KOHAT

COMPLAINT AGAINST THE ADVERSE BEHAKRS AWARDED BY THE
THEN WORTHY DISTRICT POLICE OFFICER KOHAT VIDE
WHICH FROM PERIOD 01-01-2019 TO 17-01-2019 AND
17-01-2019 TO 09-10-2019 THE APPELLANT WAS
AWARDED GRAD-B AND ALSO REMARKED THAT HE (THE
APPELLANT) MAY BE REMOVED FROM POLICE BEING STIGMA
ON FORCE.

Respected Sir,

With great respect and veneration, the appellant may graciously be allowed to submit the following for your kind and sympathetic consideration;

Facts of the Case:

1. That the appellant joined the Police Department as constable in the year 2001.
2. That since his enrolment the appellant served the department with devotion and dedication.
3. That in the year 2009 on account of his hard work and selfless services, the appellant became/designated as PASI.
4. That the appellant continued his meritorious and selfless services and in credit he was promoted as Inspector in the year 2017.
5. That while serving smoothly and satisfactorily, the appellant was shocked to know on 29-5-2022, that the then Worthy Distt. Police Officer Kohat vide ACR No.13-7 for the period from 01-01-2019 to 17-01-2019 and 17-01-2019 to 09-10-2019 awarded him report B.
6. That in the following column, complaint against the appellant is shown as Nil while at the end it is recommended that appellant "may be removed from Police being stigma on force".

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That for sufficient time the appellant was kept in dark regarding the impugned ACR while ultimately a fake signature of the appellant was obtained from someone else and thus it was shown as served upon the appellant.

8. That on 29-5-2022, when the appellant went to the officer of the DPO Kohat, official over there informed the appellant about the impugned ACR.
9. Upon request of the appellant copy of the impugned ACR was shown and delivered to the appellant.
10. That upon seeing such an ACR, the appellant was shocked and stunned.
11. That the appellant has a number of legal and factual reservations over the impugned ACR, which are detailed below for your kind and sympathetic consideration.

Grounds of Appeal:

- A. That the impugned ACR for the period 01-01-2019 to 09-10-2019 is not

own, then the impugned ACR was sent to the appellant as an adverse ACR.

- B. That when there is no complaint against the appellant, then the question arises that on which ground worthy competent authority formed negative opinion against the appellant.

- C. That by non mentioning sources of information against the appellant, the impugned ACR has become legally defective.

- D. That according to the ACR Rules when it is intended to award negative report to subordinate official, it is mandatory that the competent authority before awarding the adverse remarks will call him and give him

(V3)

counseling to mend his ways and this fact is to be mentioned in the ACR but no such practice was exercised by the Worthy Competent Authority. Hence the impugned ACR is not only irregular but also does not fulfill legal formalities.

C. The remarks on the impugned ACR are very surprising because, the competent authority has not disclosed the sources of information upon which it formed adverse opinion against the appellant, secondly, recommendation against the appellant is unwarranted because the competent authority under the law is equipped to remove Sub-Inspector from the department, hence recommendation for removal of the appellant was not required. Hence at this score alone, the impugned ACR has got no legal value and thus not sustainable in the eyes of law.

h. That in the impugned ACR, no reason for removal of the appellant from the Police Deptt. has been highlighted.

i. That the appellant is son of Fareed Hussain Shaheed who was martyred in the year 2009 in a suicide attack while serving in the Distt. Police-Mardan. Being son of Shaheed, the appellant has never indulged himself in illegal or unethical activities nor kept his personal interest above the official interest. The appellant has always discharged his official functions with devotion and dedication.

That is similar to the Distt. Police Kohat Officers

L. That such unjustified, unwarranted, unilateral and one sided remarks against the appellant have not only lowered status and reputation of the appellant in general public but also lowered his position in the eyes of his worthy officers.

14

M. That if the impugned ACR remains intact, the appellant is likely to sustain irreparable loss.

N. That the server of the impugned ACR, did not serve the ACR upon the appellant but on another official by putting forged signature of the appellant upon copy of the ACR as token of receipt but did not deliver the same to the appellant.

As submitted in Para No.8 when the appellant went to the office of the Worthy DPO Kohat on 29-5-2022 official over there informed the appellant about the impugned ACR. Hence moving the instant appeal was delayed which was not due to the fault of the appellant. It is requested that the unintentional delay may kindly be condoned.

O. That period of limitation will commence from 29-5-2022, hence appeal is within the prescribed period.

P. That the impugned ACR is neither sustainable legally nor factually, hence it deserves to be expunged.

Q. That if deemed proper the appellant may kindly be heard in person.

Prayer:

In view of the above legal and factual facts, it is humbly prayed that the impugned ACR for the period from 01-01-2019 to 09-10-2019 being suffering from legal and factual lacunas, inconsistent, not in accordance with law and rules may kindly be set aside in the interest of law and justice. The appellant and his family will pray for your long life and prosperity.

Thanking you in anticipation.

Yours Obediently.....

Dated: 27-06-2022.

NASIR ABBAS NOORI (Appellant)

No.16K

Sub-Inspector

Presently Police Line Kohat.

Cell No. 0333-9669176.

Received
Nasir
No. 16K
27/6/2022

For Inspector General of Police,
Kyber Pakhtunkhwa, Peshawar
Registrar
d/c (NOOR ARGHAN)

22/07/2022

[Handwritten signature]

Inspector General of Police
Kyber Pakhtunkhwa, Peshawar

good-self for para-wise comments please.

I am directed to enclose herewith a Representation performed by Sub Inspector Nasir Abbas No. 16/K of district Kohat for the expunction of Adverse Remarks contained in his ACR for the period from 01.01.2019 to 09.10.2019 recorded by your

Memor:

REPRESENTATION

Wahid Mehmood (PSP),
SSP Counter Terrorism Department (CTD),
Regional Officer, CTD,
Old Airport road, next to Jinnah Park,
Opposite Pind Police Lines PSO Pump,
Kawalpindi.

Subject:

OFFICE OF THE
GENERAL OF POLICE,
KHAYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Phone: 991-9210221
Fax: 991-9210221
No. S/ 1585
22, dated Peshawar the
27/07/2022



OFFICE OF THE

Annex - C

157

16



OFFICE OF THE

OFFICE OF THE
GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Phone: 31-211027 Fax: _____

No. S/ 2474 /22, dated Peshawar the 27 /10/ 2022

To:

Wahid Mehmood (PSP),
SSP Counter Terrorist Department (CTD),
Regional Officer, CTD
Old Airport Road, next to Jinnal Park,
Opposite Pindi Police Lines PSO Pump,
Rawalpindi.

Reminded-I

Subject: - REPRESENTATION

Memo:

Please refer to this office letter No. S/1585/22, dated 25/07/2022 on the subject cited above and to state that reply from your end is still awaited, which may be sent to this office at the earliest to proceed further in the matter.

M
26/10
(AESAR JAN)
Registrar
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

e/c

17



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. SP 3142 /22, dated Peshawar the 27/12 2022.

Reminders-II

To : Wahid Mehmood (PSP),
SSP Counter Terrorist Department (CTD),
Regional Officer,CTD
Old Airport Road, next to Jinnah Park,
Opposite Pindi Police Lines PSO Pump,
Rawalpindi.

Subject: REPRESENTATION.

Memo :

Please refer to your office letters No./1585/22, dated 25.07.2022, and S 2474 22 dated 27.10.2022, dated 16.11.2022 on the subject cited above and to state that reply from your end is still awaited, which may be sent to this office at the earliest to proceed further in the matter

Mc
27/12

O/C (AFSAR JAN)
Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

26/12/2022

OFFICE OF THE
GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Phone: 091-9210927 Email: centralpolice@kpk.gov.pk

No. S/ 1069 /23, dated Peshawar the 26 / 11 / 23

3TH REMINDER

To:

Wahid Mehmood (PSP),
SSP Counter Terrorist Department (CTD),
Regional Officer, CTD
Old Airport Road, next to Jinnal Park,
Opposite Pindi Police Lines PSO Pump,
Rawalpindi.

Subject: - REPRESENTATION

Memo:

Please refer to this office letter No. S/1585/22, dated 25.07.2022
No. S/2474/22, dated 27.10.2022 & last reminder bearing No. S/3142/22, dated
27.12.2022 on the subject cited above and to state that reply from you end is still
awaited, which may be sent to this office at the earliest to proceed further in the matter

O/C (AFSAR JAN)

Registrar

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

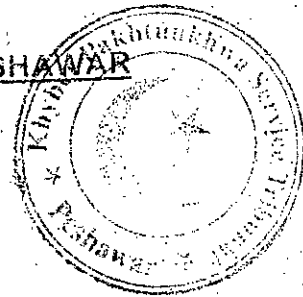
20/04/23

19
Amnez D

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 15575/2020

Date of Institution 03.12.2020
Date of Decision 14.07.2022



Riaz Hussain R/O Afzal Hussain R/O Kohat & presently working
and posted as Officer Incharge Investigation, P.S Mulana Riaz
Shaheed, District Kohat.

(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar
and two others.

(Respondents)

Sadiq Ali Momand,
Advocate

For appellant.

Riaz Khan Paindakhel,
Assistant Advocate General

For respondents.

Salah Ud Din
Rozina Rehman

Member (J)
Member (J)

JUDGMENT

Rozina Rehman, Member(J): The appellant's case in brief is that
adverse remarks were communicated to the appellant from his
Performance Evaluation Report for the period from 01.01.2019 to
26.09.2019. Feeling aggrieved, he filed departmental appeal for
expunction of the impugned adverse remarks but his appeal was
rejected, hence, the present service appeal.

2. We have heard Sadiq Ali Momand Advocate learned counsel for
appellant and Riaz Khan Paindakhel, learned Assistant Advocate
General for the respondents and have gone through the record and
the proceedings of the case in minute particulars.

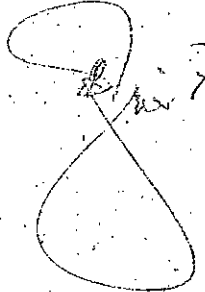
ATTESTED

Member (J)
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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3. Sadiq Ali Momahd Advocate, learned counsel for appellant submitted that the adverse observations made in his Performance Evaluation Report are factually incorrect and that they have been made in disregard of the relevant instructions which serve as Guide to Performance Evaluation. It was further pleaded that the appellant was not treated in accordance with law and rules and that the respondents acted in violation of Article-4 of the Constitution of Islamic Republic of Pakistan, 1973; that no adverse remarks were ever recorded in his previous Annual Confidential Reports except the present one and that the unblemished record of the appellant cannot be brushed aside easily. Reliance was placed on 2007 SCMR 1251 and 1993 PLC (C.S) 332. Lastly, he submitted that neither any warning was given to the appellant nor any disciplinary action was initiated in view of the comments of respondents which show that there was no cogent evidence with the Reporting Officer in order to substantiate the guilt of the appellant. He, therefore, requested that the impugned adverse remarks and the rejection order may be declared as illegal, unlawful and without lawful authority and the disputed remarks may kindly be expunged.

4. Conversely, learned AAG submitted that the appellant was proceeded against departmentally on different occasions and was awarded different kinds of punishments including one of dismissal from service, however, he was reinstated in service in de-novo proceedings. He contended that the appellant did not improve his performance and after going through the performance of the appellant, respondents passed their remarks in his ACR for the period w.e.f 01.01.2019 to 26.09.2019. Lastly, he submitted that service record of the appellant is self-explanatory and that he was heard in



2019
26/09/2019
Sadiq Ali Momahd Advocate

person by respondent No.3 in departmental proceedings and warned to improve himself but fiasco.

5. From the record it is evident that the present appellant was working as Sub Inspector. He was awarded adverse remarks for the period from 01.01.2019 to 26.09.2019. We have given due consideration to the adverse observation in the light of relevant instructions and we are obliged to observe that some of them do not appear to have been strictly observed. It is provided in the guide that the reporting officer is expected to counsel the officer being reported upon about his weak points and advise him how to improve and that adverse remarks should ordinarily be recorded when the officer fails to improve despite counseling. In the present case, however, there is nothing in writing to show that such counseling was ever administered to the appellant. In view of the importance of this instruction, the reporting officer or the countersigning officer should not only impart appropriate advice but also keep a record of such advice having been duly administered. Moreover, the adverse remarks had been awarded for the period from 01.01.2019 to 26.09.2019, whereas, he was awarded Commendation Certificate-III by District Police Officer, Kohat on 10.04.2019. Similarly, another Commendation Certificate-III was awarded on 20.05.2020. He produced list of cases which were registered by the appellant from 15.01.2019 to 20.04.2019 which registration of cases were never denied by the respondents in their comments.


6. For the reasons mentioned above, we are of the opinion that the adverse remarks in this case have been recorded in disregard of the relevant instructions. These are accordingly expunged from the

ATTESTED

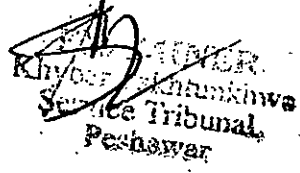
M. SAAD KHAN
Assistant Commissioner
District Police
Kohat

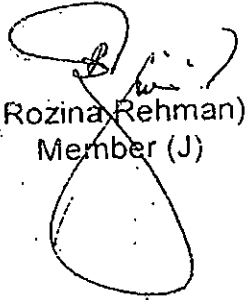
appellant's Annual Confidential Report, in acceptance of the instant appeal. There will be no order as to costs. File be consigned to the record room.

ANNOUNCED
14.07.2022


(Salah Ud Din)
Member (J)

Certified to be true copy


Seal of the Service Tribunal,
Peshawar


(Rozina Rehman)
Member (J)

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KP Service Tribunal, Peshawar

2023 منجانب

ناصر عباس ولد نام
پولیس

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام Peshawar کیلئے عظیمی سید دین ولد سید

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ میڈیٹل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2023

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المرقوم

العبد گواہ العبد