


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1755/2023**

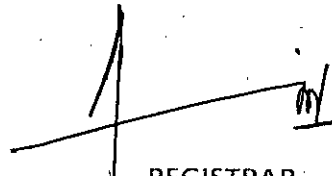
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/08/2023	<p>The appeal of Mr. Mukhtaj Ali is re-submitted today by Mr. Munfat Ali Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <b>31-08-2023</b>.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal submitted by Mr. Munfat Ali Yousafzai, Advocate today i.e. on 22.08.2023 is incomplete on the following score which is returned to him for completion and resubmission within 15 days.:

1. Appeal has not been flagged /marked with annexures.
2. Check list is not attached with the appeal.
3. Pages No. 6& 7 of the appeal are illegible which may be placed with legible/better one.

No. 3001 /S.T,

Dt. 25-08 /2023

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Munfat Ali Yousafzai Adv.  
High Court Peshawar.

Dear Sir, All the need full has been done hence for re submission.



8  
28  
2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Appeal No. 1755 of 2023

Mukhtaj Ali

VERSUS

Police Department

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Dated 22.08.2023

Through

Appellant

(M)

**Munfat Ali Yousafzai**  
**Advocate, High Court,**  
**Peshawar**

**Cell No. 93449213367**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Appeal No. 1755 /2023

Mukhtaj Ali Sub Inspector No. 427/MR Investigation Wing Police  
Station Kalo Khan District Swabi.

..... Appellant

**VERSUS**

1. The District Police Officer District Swabi.
2. The Regional Police Officer Mardan Region Mardan .
3. The Inspector General of Police Khyber Pakhtunkhwa  
Central Police Office Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNAL ACT, 1974, AGAINST THE  
IMPUGNED ADVERSE REMARKS RECORDED  
IN ACR IN THE APPELLANT OF THE YEAR 2020  
STARTED FROM THE PERIOD 27.01.2020 TO  
03.08.2020 DATED 31.12.2020 AND AGAINST THE  
APPELLATE ORDER DATED 25.07.2023 OF THE  
RESPONDENT NO. 3 WHEREBY THE  
DEPARTMENTAL APPEAL OF THE APPELLANT  
WAS FILED/REJECTED ON NO GOOD  
GROUNDS.**

**PRAYER:**

On acceptance of the instant Service Appeal the impugned adverse remarks recorded in ACR started from the period of 27.01.2020 to 03.08.2020 dated 31.12.2020 and the appellate order dated 27.05.2023 may very kindly be set aside and adverse remarks recorded against the appellant may kindly be expunged from the ACR of 2020 of the appellant.

Any other remedy which this august Tribunal deems appropriate/proper may also be awarded in favor of the appellant.

**Respectfully Sheweth:**

**FACTS**

The appellant respectfully submits as under:

- 1) That the appellant was appointed as Constable in Police Department Khyber Pakhtunkhwa dated 01.07.1991 and during his service completed/passed different Training Courses and Promoted to the post of ASI in the year 2012 and subsequently promoted to the post of Sub-Inspector in year of 2016.
- 2) That the appellant have and unblemished good record and is performing his duty with zeal and zest and entire satisfaction of his department till date.
- 3) That the reporting authority i.e the DPO District Swabi and the Regional Police Officer Mardan Region recorded adverse remarks in the ACR of the appellant started from the period of 27.01.2020 to 03.08.2020 dated 31.12.2020. (Copy of the adverse remarks is attached as Annexure-A).
- 4) That the appellant preferred a Departmental appeal against adverse remarks to Regional Police Officer Mardan Region dated 04.04.2022 after getting knowledge of the same. (Copy of Departmental appeal is attached as Annexure- B).
- 5) That the Regional Police Officer Mardan forwarded my Departmental appeal to Khyber Pakhtunkhwa Inspector General of Police Peshawar vide order dated 18.04.2022 is attached as annexure- C).
- 6) That the Khyber Pakhtunkhwa Inspector General of Police filed/rejected Departmental appeal of the appellant vide order dated 25.07.2023 on no good grounds.

- 7) That aggrieved by adverse remark order dated 31.12.2020 and the appellate order dated 25.07.2023 the appellant have no other remedy but to file this service appeal on the following grounds amongst the others:-

**GROUND**

- A). That the impugned order dated 31/12/2020, and the appellate order dated 25.07.2023 are against the law, facts Rules therefore not tenable in the eye of law and is liable to be set aside.
- B). That the impugned orders mentioned above are unconstitutional, discriminative, excessive used of discretion and without lawful authority.
- C). That this action and inaction of the Respondent being illegal and ineffective upon the rights of the appellant therefore no legal footing to be stand.
- D). That the impugned proceeding of the Respondents No. 1 and 2 are discriminative because the appellant throughout his career earned best remark in his ACR and even got cash prizes of his officers.
- E). That the appellant is unheard throughout the proceedings against him therefore these are against the law of natural justice therefore be set aside.
- F). That the adverse remarks are without cogent reasons and not supported by any visible material on record. Hence are with bad extent and are biased.
- H). That there is no complaint whatsoever against the appellant throughout his career.

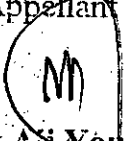
- I. That the adverse remarks are not communicated to the appellant.
- J. That the recording of the adverse remarks are without notice to the appellant therefore violative of the Article-10-A of the Constitution of Islamic Republic of Pakistan 1973.
- F. That the appellant seek permission to advance other grounds and proofs at the time of hearing.

It is therefore most humbly prayed that On acceptance of the instant Service Appeal the impugned adverse remarks recorded in ACR started from the period of 27.01.2020 to 03.08.2020 dated 31.12.2020 and the appellate order dated 27.05.2023 may very kindly be set aside and adverse remarks recorded against the appellant may kindly be expunged from the ACR of 2020 of the appellant.

Dated 22.08.2023

Through

  
Appellant

  
**Munfat Ali Yousafzai**  
**Advocate, High Court,**  
**Peshawar.**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR.**

Appeal No. \_\_\_\_\_/2023

Mukhtaj Ali Sub Inspector No. 427/MR Investigation Wing  
Police Station Kalo Khan District Swabi.

..... Appellant

**VERSUS**

1. The District Police Officer District Swabi.
2. The Regional Police Officer Mardan Region Mardan .
3. The Inspector General of Police Khyber Pakhtunkhwa  
Central Police Office Peshawar.

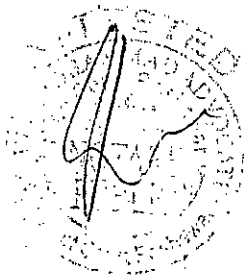
..... Respondents

**AFFIDAVIT**

I, Munfat Ali Yousafzai on the instructions and on behalf of my client do hereby solemnly affirm and declare on oath that the content of the Service Appeal, application are true and correct to the best of my knowledge and belief and nothing has been kept secret and concealed from this Hon'ble Tribunal.



Munfat Ali  
Advocate High Court Peshawar





**POLICE DEPARTMENT**

SWABI DISTRICT A-6

Annual Confidential report on the working of Sub-Inspectors and Inspectors for the year ending 31 December, 2020.

Name (Provincial or Range No., Rank and Grade): SI Makhli AI No- 17/MP  
 Father's Name: AIF Akbar  
 Where and on what duties employed during the past 12 months:  
 27.01.2020 to 08.03.2020 - Suspended (Police Line)  
 Referred to the rank of ASI on 08.03.2020  
 09.03.2020 to 03.06.2020 - PS Parmuli  
 Restored as SI on 03.06.2020  
 01.06.2020 to 28.07.2020 - PS Parmuli  
 29.07.2020 to 01.08.2020 - ASHO PS Zaida  
 Transferred to Investigation wing Swabi on 04.08.2020

Class of District Police Officers report: "B"

Is he honest?

Not above board

Remarks by:  
 1. District Police Officer and  
 2. Deputy Inspector General of Police.

An incompetent and l  
 officer, having bad  
 reputation and poor f

May be commended  
 as "Adverse"

9-1-  
 (IMRAN SHAHID) PSP, QPM  
 District Police Officer,  
 Swabi.

(SHER AKBAR)  
 PSP, S.S.  
 Regional Police Officer,  
 Mardan

At New  
 (M)

محکمہ صحت ضلع ایچ بی اے ایف ایس آفیسر مراد مراد

B-7

درخواست مراد مراد / ایف ایس آفیسر مراد مراد

ACR ایف ایس آفیسر مراد مراد

ضلع عالی

1. تجویز شدہ فتنہ ACR سال 2020 میں فراہم ہوں کہ سائل کے ACR ایف ایس آفیسر مراد مراد (competent officer, having bad reputation and bad character) کے پاس (B) ہے۔
2. یہ کہ سائل مراد مراد 1999 میں بحیثیت ایف ایس آفیسر ایف ایس آفیسر مراد مراد سے وابستہ تھے۔
3. یہ کہ سائل نے ایف ایس آفیسر مراد مراد کے پاس (A) کے طور پر عمل کیا ہے جس میں جو کہ سائل کے ACR ایف ایس آفیسر مراد مراد سے منسلک ہے۔
4. یہ کہ سائل کے خلاف تمام سروس کے دوران ایف ایس آفیسر مراد مراد نے شکایتیں اور سفارشات مان کر کی ہیں اور سائل نے ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں۔
5. یہ کہ سائل نے تمام کو (B) ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں اور سائل نے ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں۔
6. یہ کہ سائل کو ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں اور سائل نے ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں۔
7. یہ کہ سائل نے ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں اور سائل نے ایف ایس آفیسر مراد مراد سے شکایتیں اور سفارشات مان کر کی ہیں۔

Attest  
(M)



Phone No: 0937-9230113-114,  
Fax No: 0937-9230115  
Email: [digmardan@gmail.com](mailto:digmardan@gmail.com)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
OFFICE OF THE  
REGIONAL POLICE OFFICER,  
MARDAN

C-8

No. 117 /ACR, dated, Mardan Region the 18<sup>th</sup> April, 2022.

To: The Assistant Inspector General of Police,  
Establishment, Khyber Pakhtunkhwa,  
Peshawar.

Subject: APPEAL.

Memo:

SI Mukhtaj Ali No.427/MR was awarded bad report by the then DPO Swabi for the period 27-01-2020 to 03-08-2020, and was later on directed to be conveyed as "adverse" by the then countersigning officer/RPO Mardan dated 18.02.2021. The DPO Swabi conveyed the same remarks to the official via Commandant Elite Force Office Khyber Pakhtunkhwa dated 22-03-2021.

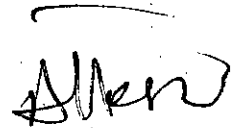
3. Now, SI Mukhtaj Ali has submitted his appeal for expunging the said adverse remarks, which is sent herewith for necessary action.

Encl: As Above.

  
REGIONAL POLICE OFFICER,  
MARDAN.

CC.

Copy of above is forwarded to District Police Officer Mardan w/r to his office letter No.2256/EC, dated 11-04-2022



Better Copy

D — 9

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

No. S 1971-73 /23, dated Peshawar the 25/07/2023

ORDER

This order pertains to the representation preferred by Sub-Inspector Mukhtaj Ali No. 427/MR of District Swabi for the expunction of adverse Remarks contained in his ACR for the period from 27.01.2020 to 03.08.2020 recorded by the reporting/countersigning officer. Comments were also obtained.

After going through the relevant record, comments and material on ground the Adverse Remarks recorded in his ACR for the period from 27.01.2020 to 03.08.2020 are maintained and his representation is hereby/rejected.

Sd/-  
DIG/HQrs  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

Endst No. and date even

Copy of above forwarded for information and necessary action to the:-

1. Regional Police Officer, w/r to his memo No. 117/ACR dated 18.04.2022. Necessary entry into this effect may also be made in his Disciplinary Character Roll Dossier. The applicant may also please be informed accordingly.
  2. District Police Officer Swabi.
  3. Supdt: E-III Branch CPO.
- .....

AFSAR KHAN  
Registrar  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

D-9



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

ORDER

Reference is made to the application filed by the applicant for the issue of a Police Record Certificate (A.C.R.) for the period from 27/01/2020 to 27/01/2022. The application was recorded by the Registrar, Peshawar on 27/01/2022. The applicant has not furnished any supporting documents in this regard. The Registrar, Peshawar has accordingly issued an order rejecting the application. The applicant is hereby informed that the application for the issue of a Police Record Certificate (A.C.R.) for the period from 27/01/2020 to 27/01/2022 is hereby rejected.

Sd/-  
DIG HQs  
Inspector General of Police  
Khyber Pakhtunkhwa

No. & date even

- Copy of above is forwarded for information and necessary action to Regional Police Officer, Mardan Region wr to his memo No. 117/804/2022. Necessary entries in this effect may also be made in the character Roll Dossars. The applicant may also please be informed accordingly.
- District Police Officer, Swabi
- Supdt. I-III Branch, CPO

(AFSAR JAN)  
Registrar

For Inspector General  
Khyber Pakhtunkhwa

*Affidavit*  
*M*

## بعدالت

سید کنول گوہر کی لکھی ہوئی دستاویز

مورخہ 20 مئی 2017ء

بنام

سید

پولیس ڈیپارٹمنٹ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

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

کیلئے منتخب علی گوہر صاحب

آن مقام 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 از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زر این پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل 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 لکھدیا کہ سندر ہے۔

20

ماہ

مقام

المرقوم

اسرار

واہ العبد

العبد

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