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.

Pakhtunkhij

(Kalim Arshad Khan) Chairman

Mw

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.\CLast 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.

y Reader

#### Form- A

## FORM OF ORDER SHEET

<ul> <li>Court of</li> </ul>			
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÷.	6101	<b>-</b>	
Cașe No	· (°) / · · · · ·	/2021	<u> </u>

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. Ihsan Ullah resubmitted today by Syed Mudasi Pirzada Advocate may be entered in the Institution Register and put up to
		the Worthy Chairman for proper order please.
 !-		This case is entrusted to S. Bench for preliminary hearing to be put up there on $270812$ .
·-		CHAIRMAN
27.0	8.2021	Clerk of counsel for the appellant present an requested for adjournment on the ground that learne 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. Ihsanullah IHC no. 412 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.

  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.

No. 1059 /S.T,

Dt. 22./06 /2021

REGISTRAR .
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Syed Mudassir Pirzada Adv. Kohat.

Re-Submitted afters vermanal of office objections.

#### BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Jei vice Appealzoz i	Service	Appeal	2021
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#### IHSAN ULLAH IHC No.412 DISTRICT HANGU. PS DASA

(Appellant).

#### **VERSUS**

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

(Respondent)

#### INDEX

Sr	Description of Documents	Annexure	Page
No			
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	Α .	8-12
5	Copy of Departmental Representation dated 01-3-2021.	В	13-14
6	Copy of Certificate etc	C ,	15-3
	Wakalatnama		

Appellant

Through

Syed Mudasir Pirzada Advocate HC 0345-9645854

#### BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal

IHSAN ULLAH IHC No.412 DISTRICT HANGU.

(Appellant)

Khyber Pakhtukhy Service Tribunal

**VERSUS** 

INSPECTOR GENERAL OF KPK POLICE PESHAWAR. 1

DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOH 2.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18-02-2021 NO-138/CC IN WHICH THE RESPONDENT NO:-2 OR COGENT REASON AND WITHOUT ISSUING JUSTIFICATION COUNSELING T0 THE APPELL ACR/PER THE PREFERRED AND APPELLANŢ <u>REMARKS</u> IN DEPARTMENTAL REPRESENTATION FOR EXPUNGTION ON DATED 25-02-THE RESPONDENT GIVEN FALSE CONSOLATION 2021 AND REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS 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:-

iledto-day

Facts Cegista

riefly facts are that the appellant while serving in the department with the entire  $\frac{1}{2}$  atisfaction of the respondent above and for the period of 01-04-2019 to 28-1-2019 the respondent No-3 without any complaint or without any lawful stification 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 Blong 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 (Copy of Certificate are annexed as annexure C).

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.
- 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.
- 1. 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: <u>2///</u>2\_\_/2021.

(Appellant)

Through

Syed Mudasir Pirzada

Advocate HC.

District Courts Kohat

0345-9645854

#### Cestificate:-

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 ribunal

Advocate

#### BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

* *	,	
Service Appeal		2021

IHSAN ULLAH IHC No.412 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 :-

IHSAN ULLAH IHC No.412 DISTRICT HANGU

#### RESPONDENTS

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

Through

Date <u>21 1 6 1 2021</u>

Syed Mudasir Pirzada Advocate HC

Appellant

0345-9645854

OFFICE OF THE REGIONAL POLICE OFFICER KOHAT REGION

No

To.

/CC

Subject

The District Police Officer, Hangu.

MEXIC:

ANNUAL CONFIDENTIAL REPORTS

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

cited above.

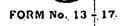
In the Annual Confidential Report on the working of the following IHC 10. the period as noted against each their names is as under-

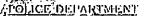
	Rank & Name	From		nudet:-	. The working of th	
1.	HIC Muhaman		To	of the		Remarks by (
: 2. !	HiC Muhammad Tahi		28.11.2019	Report	An average type	Officer
	IHC Umer FarooqNo.16	01.04.2019	28.11.2019	В	Police Officer. An average type	"B"
-	H4C tabatata Al No.10i	10.07.2019	28 (1.2019	ğ	Police Officer, An average type	"B"
	IIIC Ijaz Ahmed No.92	01.04.2019	28.11.2019	В	Police Officer. An average type	"C"
[ ! ;	:HC Habib-ur-Rehman No 331	01 04.2019	28.11.2019	В	Police Officer. An average type	) 400000
:	filit, ihsanullah No.412	01.04.2019	28:11.2019	В	Police Officer. An average type	"C"
H	HC Inam Bad Shah lo.358	01.04.2019	28 11.2019	é	Police Officer. An average type	"C.
	10 Waqar Alam No.39	01,04.2019	28.11.2019		Police Officer,	Downgraded
11-	ICSid Manorr No.125	01.04.2019	28:11.2019		An average type Folice Officer An average type	"C.,
i	.				College Office	Downgraded (

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 more from the date of receipt of this communication.

An acknowledgement as token of the receipt of the memorandura man also be obtained from his on the attached duplicate copy of this communication and sent to be. office for record on his Character Roll Dossier







#### ANNUAL CONFIDENTIAL REPORT

"Ajmual Cambicential Report on the working of Assistant Sub-Inspectors, Sub-

Inspirences, and Inspectors for the vent ending 31.9 December 01.04.2019 to 28.11.2019 Name of rovincial of Range No. Rank 46C Insan Ullah No. 412 and Grade, Aman Ullah lather's Name 01.04.2019 to 13.07 2019 1/C Rescue 15 Where indians what droves employed during the spirit 2 months. 14,07,2019 to 28,11,2019 PS Thall Class of Suponincendent of Police's Report Le "A" or "U". Is he Honesi? REMARKS BY : efficiently bolive Officer, Kohat. MR. UMAR HAYAT KHAN SUB DIVISIONAL POLICE OFFICER. 14.07.2019 to 28.11.2019 . Kohal Ceglan SYEU SHAUKAT ALISHAM BUKHARI SUR DIVISIONAL POLICE OFFICER. R" IHSAN ULLAH KHANIPSPI

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12.	3 ok 8 Name	Periou	Signature	
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,	in this ar Remman	01.04.2019 to 28.11 2019	1	25-02-021
2:	the thair and No. 412	01.04.2019 to 28.11 2019	3	24-2-021
j.	i et salabilanda Na Mu	01.04.2019 to 28.11.2019	و منتع بعد	24-02-021
Lt	क्षा प्रकार श्वाम No. 39	01.04.2019 to 28.11.2019		24-02-021
~ !	s bid (Aanor) No. 125	, 01.04.2019 to 2 28.11.2019		24-02-2021

Ameane B

#### BEFORE THE INSPECTOR GENERAL OF POLICE KHYABER PAKHTUNKHWA

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:-

#### Pacts:

- 1. That the appellant trending good services since induction in the department till to
- 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 dury 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).

Alleghani



- That the appellant has always carned a good name for department and never less become a burden on exchequer of the government but without perusing the service record directly award the service and the government but without perusing the service record directly award the service and the service and the service are the period of 01 04 2019 to record directly award the adverse remarks in ACR for the period of 01.04.2019 to 28.11.2019 as downgraded.
- h. That an unjust has been done with appellant by not given the opportunity of personal hearing to explain the satisfications.
- That the appellant is still not understand that what element was consider by the time of giving adverse improved
  - 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. 1.2019 may graciously be expunged for the end of justice.

(Appellant) Name: Ihsan Ullah IHC/412 District: Hangu

Siz

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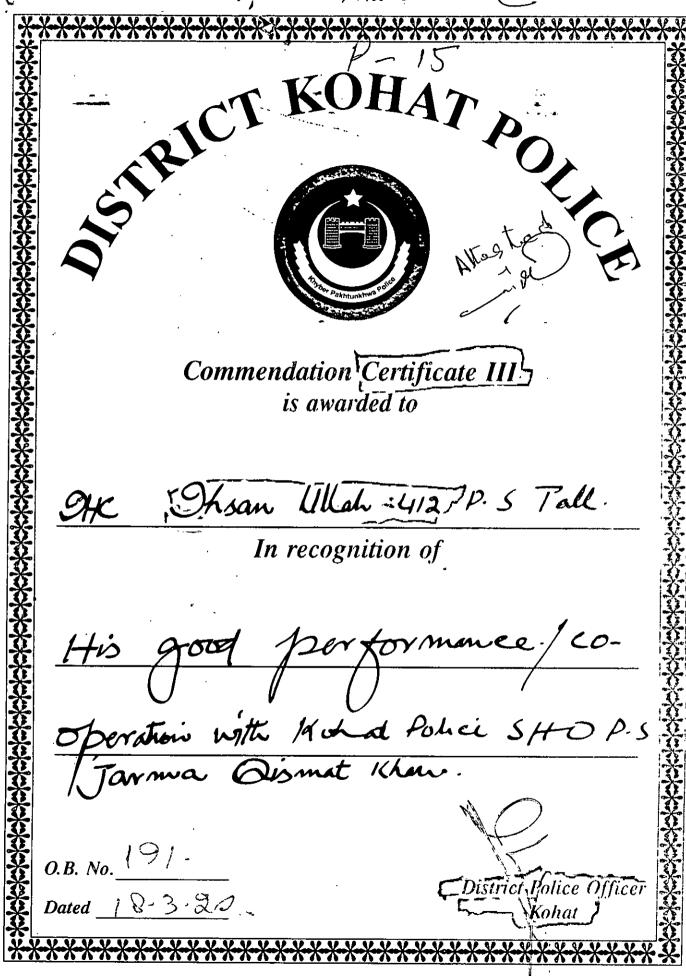
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DSP Head Quarter

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OTIVE COLUMN THE CANAL COLUMN THE CANAL

## Commendation Certificate II

is awarded to

HC: 'DI Ishan Ullah with Cash Reward 500/-

in recognition of

Good performance in His duty Work

Dated: 1233-013.

Order Book No. 2/3

QUILLE TRAINING COLLEGE

## Commendation Certificate II

is awarded to

HC: Ishan Orakzai Drill Staff

in recognition of

(Wining Rassa Kashi Match)

Dated: 9-1-2-13 Order Book No. 24

TRAINING COLLEGE AND SOLL OF THE STATE OF TH

Commendation (Certificate II)
is awarded to

Hc/Di Ihsan Orak Zai With Cash Reward Rs: 50/-

in recognition of

**Good Turn Out in General Parade** 

Dated: 15-09-014 Order Book No. 526

Police Training College Hangu

ON THE TOTAL AND THE SECOND SE

## Commendation Certificate II;

is awarded to

HC/Di Absan Ullah Cash Reward RS: 1000/in recognition of

Doing good Performance in his Official duty work

Dated: 9-07-013

Order Book No. 505

OVICE TIRATNING COLLEGE OF THE STATE OF THE

## Commendation Certificate II

is awarded to

HC: Abban Khan Drill Staff With Cash Reward Rs: 500

in recognition of

Taking interest in his official work

Dated: Lo -6 -2 > 13
Order Book No. 426

OVICE TRAINING COLLEGE

## Commendation Certificate II's

is awarded to

HC/DI Ishan Ullaha Drill Staff with Cash RS 500/

in recognition of

Good Instructor

**Dated:** 13-09-2012

Order Book No. 78

Commandant

Police Training College Hangu

OVICE TRAINING COLUMN AND COLUMN

## Commendation Certificate II;

is awarded to

HC/DI(Insan)

in recognition of

(His good performance of duty)

07-06-2012 **Dated: Order Book No.**486

TRAINING COLLEGE, TRAINING COL

Commendation Certificate II

Hollpsen Allen Digit fustructor Marke

in recognition of

"his good performance"

Dated: 28.7.2011 Order Book No: 615

Commandant

RAINING COLLEGE

Estb 1935

### Commendation Certificate II

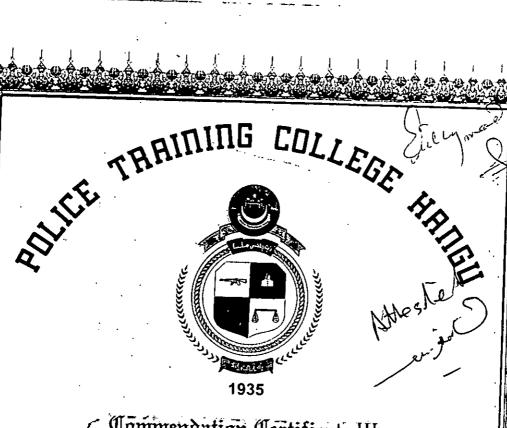
is awarded to Rs. 300/-

.H.C Ihsan Ullah Drill Instructor PTC Hangu

in recognition of

suhis good performance & dedication to his duty...

Dated: 31.5.2011 Order Book No: 420





Commendation Certificate III

is awarded to

ASI /DI. IHSAN KHAN DRILL STAFE

in recognition of

HIS OUTSTANDING PERFORMANCE IN DISCHARGE OF HIS DUTIES

Dated: /3-07-2016 Order Book No. 483

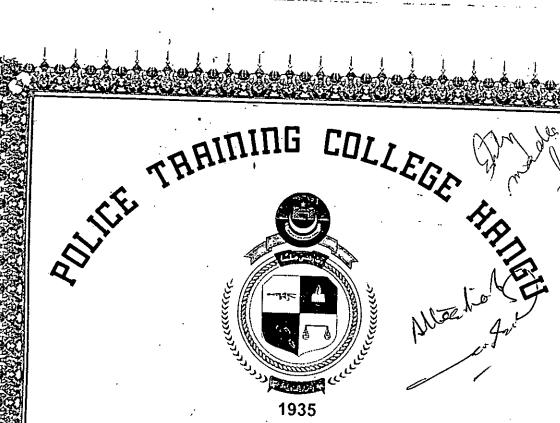
Commendation. Certificate III is awarded to

Ihsan Ullah Asi/Di in recognition of

His good performance with cash 18 eward: Rs. 1300/-

8: /3 /16

Dated: 88 Order Book No.





1935

Commendation Certificate III is awarded to

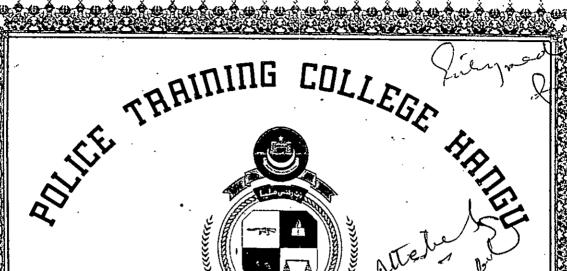
ASI; IHSAN ULLAH DRILL STAFF: in recognition of

GOOD TURN OUT IN GENERAL PARADE

15-06-2015

Dated:

Order Book No.



1935

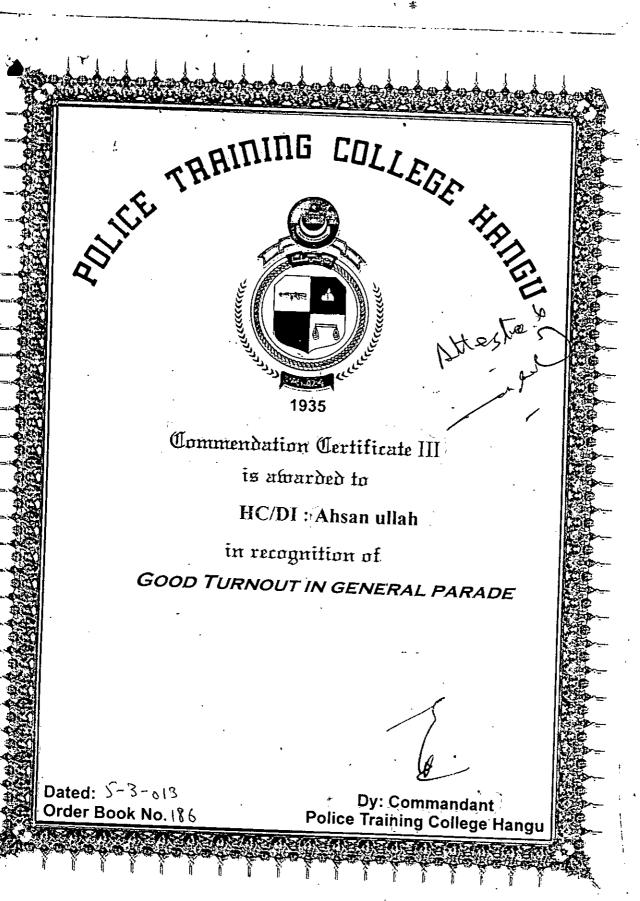
Commendation Certificate III

ASI. IHSAN ORAKZAI DRILL STAFF

in recognition of

GOOD TURN OUT IN GENERAL PRADE

Dated: 9-02-2015 Order Book No. 117





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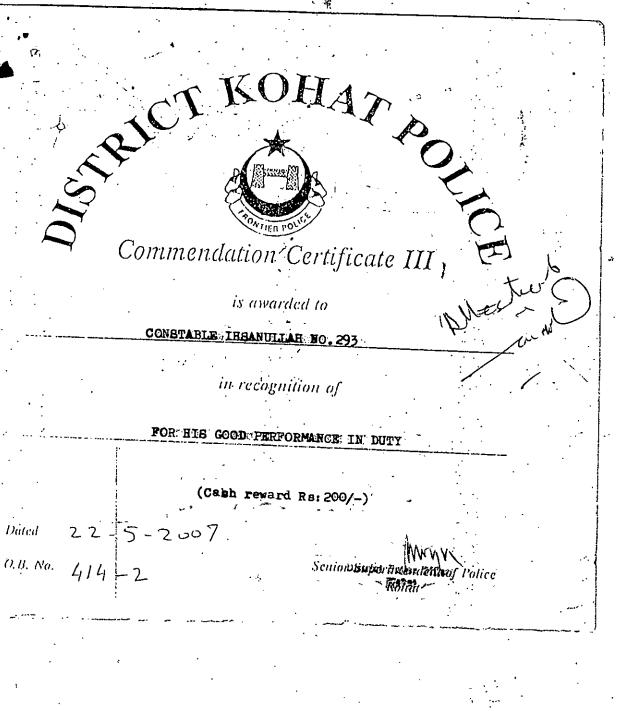
COLLEGE

Commendation Certificate III is awarded to

HC : DI Ishan DRILL STAFF

in recognition of GOOD MARCH IN GENERAL PARADE

Dated: 19-2-013 Order Book No. 162



# GOVERNMENT OF KHYBER PAKHTOON KHWA OFFICE OF THE DISTRICT POLICE OFFICER HANGU

## COMMENDATION CERTIFICATE CLASS - III

Name. Thean Ullah	Rank/No9/-1C
of. District Hange	
In Recognition of Best per formance	in TOPL security sepecal duty.
,	<i>J</i> / - <i>J</i>
With Cash of Rs. 900/	Granted By. Thean Ullah Khan
O.B. No	
Date. 25-01-2017	
	District Police Officer, Hangu

