


Form- A

FORM OF ORDER SHEET

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

Implementation Petition No. 806/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	03.11.2023	<p>The joint implementation petition of Mr. Waqar Alam &amp; Others submitted today by Syed Mudasir Pirzada Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha peshi is given to counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CHECK LIST**

**CASE TITLE:** *Muhammad Alam etc vs JGP etc*

S#	CONTENTS	YES	NO
1	This Appeal has been presented by:	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		
26	Whether copies of comments/reply/rejoinder submitted? On _____		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: *Syed Mudassir Ali Raza*  
 Signature: *[Handwritten Signature]*  
 Dated: *3/10-2023*

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

Execution Petition 806 / 2023.

- 1:- Waqar Alam IHC/39 District Hangu ..... (Appeal No.6740/2023)  
2:-Mr Ihsan Ullah IHC NO.412 District Hangu P.S Doaba Appeal No.6742/2023)  
3:-Mr Eid Manoor IHC /125 District Hangu .....(Appeal No.6738/2023)  
(Appellant)

Versus

- 1: Deputy Inspector General of Police, Kohat Region Kohat.  
2: Provincial Police Officer/ Inspector General of Police KPK Peshawar..  
(Respondents)

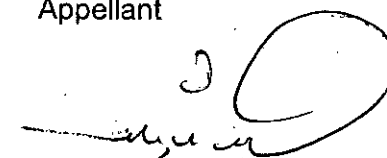
**INDEX**

S.No	Description of Documents	Annexure	Pages
1.	Execution Petition with Affidavit		1-4
2.	Correct Address of the parties		5
3.	Copy of Judgment of KPK Service Tribunal Peshawar 14.09.2023 <i>along with application</i>	A	6-10
4.	WakalatNama		10

Dated: \_\_\_\_\_ / 2023.

  
Appellant

Through

  
Syed Mudasir Pirzada  
Advocate HC  
Cell 0345-9645854.

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

Execution Petition 806 / 2023.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8851

- 1:- Waqar Alam IHC/39 District Hangu (Appeal No.6740/2023) Dated 3-11-2023  
2:-Mr Ihsan Ullah IHC NO.412 District Hangu P.S Doaba Appeal No.6742/2023  
3:-Mr Eid Manoor IHC /125 District Hangu .....(Appeal No.6738/2023)  
(Appellant)

Versus

- 1: Deputy Inspector General of Police, Kohat Region Kohat.  
2: Provincial Police Officer/ Inspector General of Police KPK Peshawar...  
(Respondents)

**EXECUTION PETITION AGAINST THE ORDER /CONSOLIDATED JUDGMENT OF  
HONOURABLE SERVICE TRIBUNAL PESHAWAR DATED 14-09-2023**

Respectfully Sheweth,

1:- That the addresses of the parties have been given correctly in the title of this petition which are sufficient for service of summons or any other process that may be issued by this honorable Tribunal from time to time.

2:- That through the instant execution petition the appellant humbly seeks indulgences of this honorable tribunal for initiating execution proceedings against the respondents for disobeying and disregarding order dated 14/09/2023, passed by this honorable tribunal where by the impugned order was set-aside and order that adverse remarks expunged but the respondent are not complied the orders / decision (**Copy annexed as annexure A**)

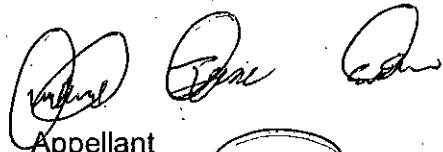
3:- That succinctly stated facts given raise to filling of this instant execution petition are that, that the appellant filed the service appeal regarding the expunged the adverse remarks and the respondents given false consolation that they will expunged the adverse remarks but respondents not expunged the adverse remarks till to date.

(52)

5: That the respondent have committed a gross contempt of this Honorable tribunal by not complying with the decision /orders. The respondent have frustrated, and abused the process of law by ignoring disobeying the directions/orders by not deciding the matter of appellant . The respondent have in fact shown disrespect and disregard to the rule of law and the authority of this honorable tribunal.

PRAYER:-

In the light of above circumstances it is respectfully prayed that the petition may kindly be accepted and strick compliance for implantation on the judgment date no 14.09.2023 be asked as well as stern proceeding against the respondents may please be initiated for the end of justice .



Appellant

Through



Syed Mudasir Pirzada  
Advocate HC  
Cell 0345-9645854

Certificate:-

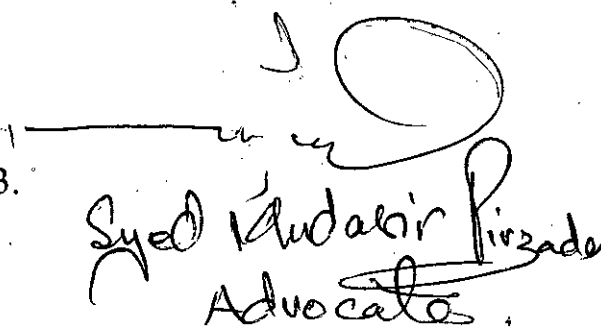
It is Certified that upon the instructions of the clint it is the first execution petition filed for this honorable tribunal for disobeying order dated 14/09/2023 passed by this honorable court.

ADVOCATE.

LIST OF BOOKS

Constitution of Islamic Republic of Pakistan 1973.

Any other Book according to need.

  
Syed Mudasir Pirzada  
Advocate

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

Execution Petition 03 / 2023.

- 1:- Waqar Alam IHC/39 District Hangu (Appeal No.6740/2023)  
2:-Mr Ihsan Ullah IHC NO.412 District Hangu P.S Doaba Appeal No.6742/2023)  
3:-Mr Eid Manoor IHC /125 District Hangu .....(Appeal No.6738/2023)  
(Appellant)

Versus

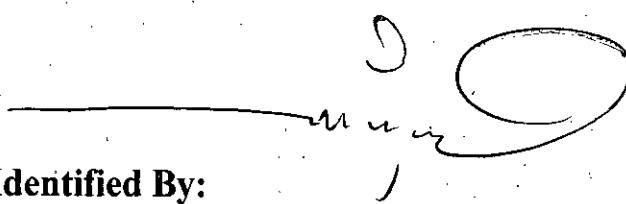
- 1: Deputy Inspector General of Police, Kohat Region Kohat.  
2: Provincial Police Officer/ Inspector General of Police KPK Peshawar..  
(Respondents)

**AFFIDAVIT**

We the Appellants above do hereby solemnly affirm and declare that the contents of enclosed petition are true and correct to the best of our knowledge and belief and nothing has been concealed there from

**Verification :-**

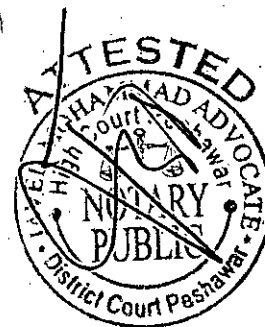
**Verified on oath at Kohat that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed there from.**



**Deponent**

**Identified By:**

**Syed Mudasir Pirzada  
Advocate**



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

Execution Petition \_\_\_\_\_ / 2023.

26

- 1:- Waqar Alam IHC/39 District Hangu (Appeal No.6740/2023)  
2:-Mr Ihsan Ullah IHC NO.412 District Hangu P.S Doaba Appeal No.6742/2023)  
3:-Mr Eid Manoor IHC /125 District Hangu .....(Appeal No.6738/2023)  
(Appellant)

Versus

- 1: Deputy Inspector General of Police, Kohat Region Kohat.  
2: Provincial Police Officer/ Inspector General of Police KPK Peshawar..  
(Respondents)

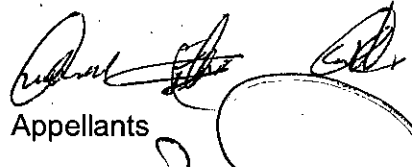
**CORRECT ADDRESS OF THE PARTIES**

**Appellants**

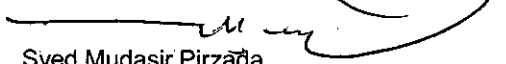
- 1:- Waqar Alam IHC/39 District Hangu (Appeal No.6740/2023)  
2:-Mr Ihsan Ullah IHC NO.412 District Hangu P.S Doaba Appeal No.6742/2023)  
3:-Mr Eid Manoor IHC /125 District Hangu .....(Appeal No.6738/2023)

**Respondents**

- 1: Deputy Inspector General of Police, Kohat Region Kohat.  
2: Provincial Police Officer/ Inspector General of Police KPK Peshawar.

  
Appellants

Through

  
Syed Mudasir Pirzada  
Advocate HC  
Cell 0345-9645854

Service Appeal No.6740/2021 titled "Waqar Alam & others -vs- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others", declared on 14.09.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN**  
**MUHAMMAD AKBAR KHAN ... MEMBER (Executive)**

***Service Appeal No.6740/2021***

Date of presentation of Appeal.....21.06.2021  
Date of Hearing.....14.09.2023  
Date of Decision.....14.09.2023

**Mr. Waqar Alam IHC/39 District Hangu.....Appellant**

Versus

- 1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar**
- 2. Deputy Inspector General of Police, Kohat Region, Kohat.....(Respondents)**

***Service Appeal No.6742/2021***

Date of presentation of Appeal.....21.06.2021  
Date of Hearing.....14.09.2023  
Date of Decision.....14.09.2023

**Mr. Ihsan Ullah, IHC No.412, District Hangu, P.S Doaba. ....Appellant**

Versus

- 1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar**
- 2. Deputy Inspector General of Police, Kohat Region, Kohat.....(Respondents)**

***Service Appeal No.6738/2021***

Date of presentation of Appeal.....21.06.2021  
Date of Hearing.....14.09.2023  
Date of Decision.....14.09.2023

**Mr. Eid Manoor IHC/ 125 District Hangu.....Appellant** **TESTED**

Versus

- 1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar**
- 2. Deputy Inspector General of Police, Kohat Region, Kohat.....(Respondents)**

**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

Present:

Syed Mudasir Pirzada, Advocate.....For the appellants  
Mr. Fazal Shah Mohmand, Additional Advocate General .....For respondents

Mo



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**APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18.02.2021 VIDE NO.138/CC IN WHICH THE RESPONDENT NO.2 WITHOUT ANY LAWFUL JUSTIFICATION OR COGENT REASON AND WITHOUT ISSUING ANY COUNSELING TO THE APPELLANTS BLESSED WITH ADVERSE REMARKS IN ACR/PER AND THE APPELLANTS PREFERRED DEPARTMENTAL REPRESENTATIONS FOR EXPUNCTION ON 25.02.2021 AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS NOT CONSIDERED/ENTERTAINED NOR REJECTED TILL TO DATE.**

**CONSOLIDATED JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN:** Through this single judgment all the above appeals are going to be decided as all the three are similar in nature and almost with the same contentions, therefore, all can conveniently be decided together.

2. The appellants' cases in brief are that adverse remarks were communicated to them vide order dated 18.02.2021, which were recorded in his Performance Evaluation Report (PER) for the period from 01.04.2019 to 28.11.2019.

3. Feeling aggrieved, they filed departmental appeals for expunction of the impugned adverse remarks but their appeals were not responded to, hence, the present service appeal.

4. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

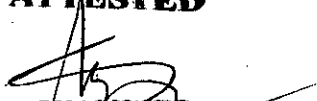
**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar  
Page



5. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.
6. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Additional Advocate General controverted the same by supporting the impugned order(s).
7. Perusal of record shows that appellants were serving as IHCs. While performing their duties, they were warned regarding their performance of duties as well as their presence at duty station. In the disputed remarks in the PER for the period from 01.04.2019 to 28.11.2019 vide order dated 18.02.2021, the appellants were given downgraded to "C" and the same were communicated to the appellants on 25.01.2021. The remarks in the PERs were that the appellants were a counterproductive officials and had failed to perform their duties vigilantly.
8. We have given due consideration to the adverse observations in the light of relevant instructions and we are obliged to find that they do not appear to have been strictly observed. It is provided in the Guidelines that the officer being reported upon, should be counseled about his weak points and also advised 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 to show that such proper 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

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Service Appeal No.6740/2021 filed "Waqar Alam & others -vs- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others", declared on 14.09.2023 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

such an advice having been duly administered. The PERs are silent about any reason for recording adverse remarks.

8. For the reasons mentioned above, we are of the opinion that the adverse remarks in these cases have been recorded in disregard of the relevant instructions. Therefore, on acceptance of these appeals, the adverse remarks recorded in the PERs for the period from 01.04.2019 to 28.11.2019 are expunged. Consign.

9. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14<sup>th</sup> day of September, 2023.

  
KALIM ARSHAD KHAN

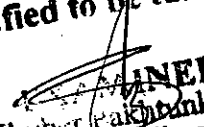
Chairman

  
MUHAMMAD AKBAR KHAN

Member (Executive)

\*Mutazem Shah\*

Certified to be true copy

  
Mutazem Shah  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application	25/9/23
Number of Words	47
Copying Fee	200
Urgent	50
Total	250
Name of Copyist	
Date of Completion	25/9/23
Date of Delivery of Copy	25/9/23

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خدمت خانہ ایئر ڈیولپمنٹ ایسوسی ایشن  
کراچی

مابین

Attest  
Counsel  
3/11/23

بہ سب سے سائنڈن ایئر لائنز و قمار عالم احسان اللہ (شاہ) عید ماہ اور  
کو "ACR" میں "C" دیا گیا تھا۔ جس کے بابت ہم  
سائنڈن نے سروس ٹرانسپورٹ میں اپیل کی تھی۔  
جو کہ صورت ۵۹/۱۴ باقاعدہ طور پر منظور ہوئی اور  
2023

جس کے نقولات تو ہے

ہذا اسٹڈیا  
پر عمل درآمد کیا جائے۔  
سروس ٹرانسپورٹ

26/09/2023

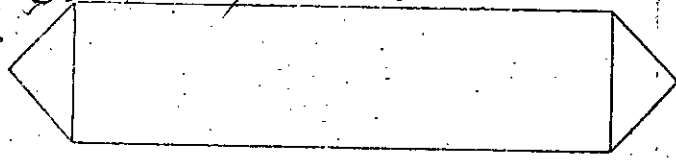
سائنڈن

عید ماہ اور

احسان اللہ

قمار عالم

Received  
AIG Clerk  
on 26/09/23



BC - 09 - 1969

03459645854

2023 پنجاب عدالت

بنام  
198  
وعسما

اصان اسلم معزہ سنا

مورثہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ڈی آر  
آن مقام کے لیے سرور کیلئے سید سید عزیز زارن اور سید عزیز علی کی  
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 و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا یکطرفہ یا اپیل کی برادگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار 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 مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے وہ ہوگا۔ 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 سند ہے۔

2023

Approved  
Attested

المرقوم

کے لئے منظور ہے۔

مقام