

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 1755/2023.

Mukhtaj Ali SI .....Appellant.

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

& Others.....Respondents.

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21-12-2023  
Peshawar.

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

**SERVICE APPEAL No. 1755/2023.**

Mukhtaj Ali SI.....Appellant.

**Khyber Pakhtunkhwa  
Service Tribunal**

**VERSUS**

Diary No. 10014

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

Dated 21-12-23

& Others.....Respondents.

**WRITTEN REPLY BY RESPONDENTS.**

Respectfully Sheweth:

**Preliminary Objections.**

1. That the appellant has got no cause of action and locus standi to file instant appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by law and & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That the instant appeal is not maintainable in its presents form.
6. That the appellant concealed the material facts from this Hon'ble Tribunal.
7. That the appellant has been estopped by his own conduct to file the appeal.

**REPLY ON FACTS.**

1. The contents of this para pertains to service record of the appellant, hence, need no comments.
2. Incorrect and baseless as his ACR for the year 2020(27.01.2020 to 03.08.2020) speaks otherwise. The alleged adverse remarks made by the reporting officer is sufficient to prove his bad policing and inefficiency during his service. **(Copy of ACR is attached as annexure "A")**.
3. Correct as the appellant was rendered an incompetent and lazy officer, having bad reputation and poor performance. Moreover, his appeal was examined by the appellate authority and found the adverse remarks as well-founded, hence, his appeal was rejected. **(Copy of rejection order is attached as annexure "B")**.
4. Correct and replied in the proceeding para (No. 3).
5. Pertains to record need no comments.
6. Correct to the extent of appeal rejection but on valid and legal, grounds. Hence, denied.
7. The adverse remarks recorded in the ACR for the period 27.01.2020 to 03.08.2020 are well-founded and based on facts/principle of justice while the instant appeal is groundless and liable to be dismissed with cost.

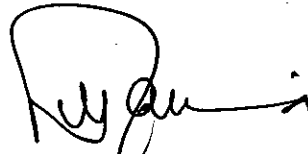
**GROUND.**

- A. Incorrect. The impugned order dated 31.12.2020 and the appellate order dated 25.07.2023 are passed in accordance with law, facts and rules. Hence, tenable in the eyes of law.

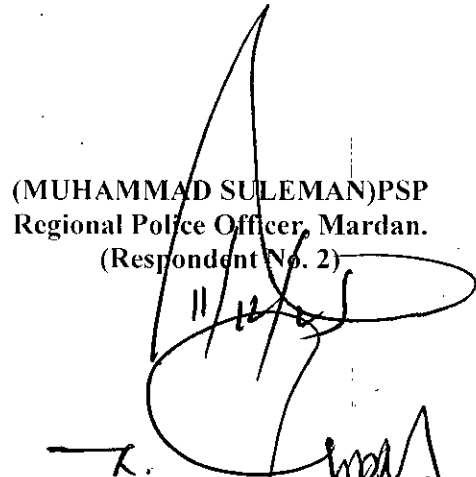
- B. Incorrect. The impugned orders are constitutional, indiscriminative, within discretion and with lawful authority.
- C. Incorrect. The action and inaction of the respondents are legal and effective upon the rights of appellant, hence, need no comments.
- D. Incorrect and baseless. There is no discrimination on the part of respondents No. 1 & 2 because the appellant was found incompetent, ill-reputed and poor performing officer. Hence, the respondent No. 1 reported the alleged adverse remarks against him in the ACR.
- E. Incorrect. All the codal formalities were fulfilled by providing every opportunity of defence/hearing to the appellant, hence, denied.
- F. Incorrect and again baseless. The appellant had proved himself an inefficient, corrupt and ill-reputed officer. The impugned adverse remarks are rightly given by the reporting officer, hence, denied.
- H. Incorrect as he has been found an incompetent and inefficient officer, hence, denied.
- I. Incorrect. The same were duly communicated to the appellant which he deserved, hence, denied.
- J. Incorrect. There is no violation of any article of the constitution 1973, hence denied. The respondents seek leave to raise additional grounds at the time of arguments.

Prayer.


Keeping in view the above narrated facts, it is humbly prayed that the instant appeal being devoid of merits may very kindly be dismissed with costs, please.



(HAROON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No. 3)



(MUHAMMAD SULEMAN)PSP  
Regional Police Officer, Mardan.  
(Respondent No. 2)



(DR. MUHAMMAD AKHTAR ABBAS)PSP  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No: 1755/2023.


Mukhtaj Ali SI .....Appellant.

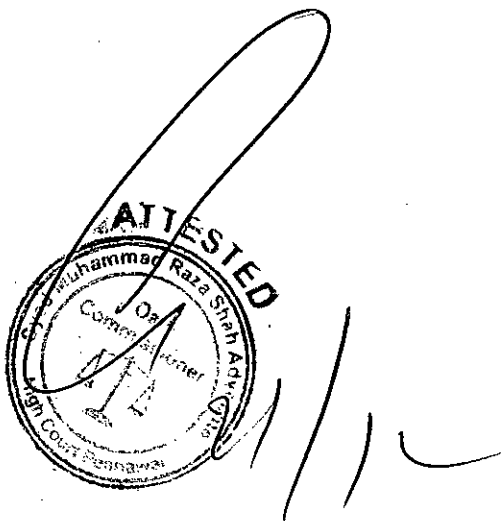
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.  
& Others.....Respondents.

AFFIDAVIT:-

We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge/ belief and nothing has been concealed from the honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.

  
(HARGOON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No. 3)



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 1755/2023.

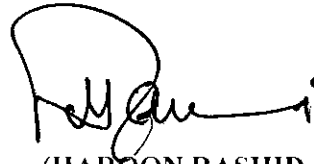
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VERSUS

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& Others..... Respondents.

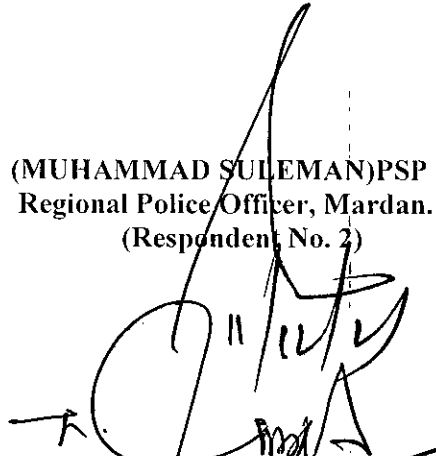
POWER OF ATTORNEY.

We, the respondent No. 1 to 3 do hereby appoint Mr. Shafeeq Ahmad DSP Legal/Topi Swabi as special representative on our behalf in the above noted appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt: Pleader attach to Tribunal.



(HAROON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No. 3)

(MUHAMMAD SULEMAN)PSP  
Regional Police Officer, Mardan.  
(Respondent No. 2)



(DR. MUHAMMAD AKHTAR ABBAS)PSP  
DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 1)

5

"A"

Duplicate

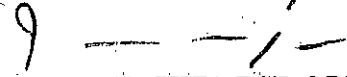
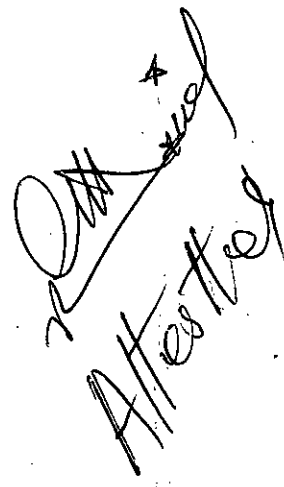
Police No. 99

No. 13-17

POLICE DEPARTMENT.

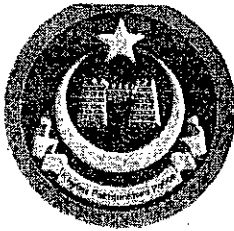
SWABI DISTRICT

Annual confidential report on the working of Sub Inspectors and Inspectors for the year ending 31<sup>st</sup> December, 2020.

Name Provincial or Range No. Rank and Grade.	SI Mukhtaj Ali No.427/MR
Father's Name	Ali Akbar
Where and on what duties employed during the past 12 months.	27.01.2020 to 08.03.2020 Suspended (Police Line). Reverted 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. 03.06.2020 to 28.07.2020 PS Parmuli. 29.07.2020 to 03.08.2020 ASHO PS Zaida. Transferred to Investigation wing Swabi on 04.08.2020.
Class of District Police Officer's report, i.e. 'A' or 'B'.	"B"
Is he honest?	Not above board.
Remarks by: -  1. District Police Officer and 2. Deputy Inspector General of Police.  <i>May be communicated</i> <i>→ "Adverse"</i>  <div data-bbox="243 1452 658 1656" style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">             (SHER AKBAR)              PSP, S.S.I              Regional Police Officer,              Mardan.           </div>	<i>An incompetent and lazy officer, having bad reputation and poor performance</i>  <div data-bbox="846 1248 1270 1426" style="text-align: center;">               (IMRAN SHAHID) PSP, QPM              District Police Officer,              Swabi.           </div> <div data-bbox="862 1477 1144 1961" style="text-align: center;">               Attestor           </div>

6

"B"



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR.  
Phone: 091-9210927 Email: [secretbranchcpo9@gmail.com](mailto:secretbranchcpo9@gmail.com)

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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 filed/rejected.

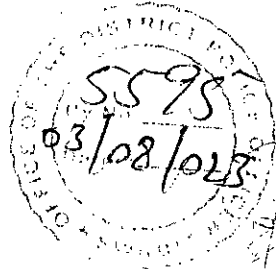
Sd/-  
DIG/HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

- Copy of above is forwarded for information and necessary action, to the:-
1. Regional Police Officer, Mardan Region w/r to his memo No. 117/ACR, dated 18.04.2022. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
  2. District Police Officer, Swabi.
  3. Supdt: "E-III" Branch, CPO.

~~OB/EA/PA~~

D. J. Swabi  
1/8.



25/07/23  
OB 914  
7-8-23

*(Signature)*  
25/07/23  
(AFSAR JAN)  
Registrar  
For Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

*(Signature)*  
KAT/2023