

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

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

Service Appeal No.2330/2023

Date of presentation of appeal.....08.11.2023
Date of Hearing.....19.04.2024
Date of Decision.....19.04.2024

Haji Aman Ullah Khan son of Haji Musharraf Khan R/O Sarmast Mira Khel Tehsil District Bannu Presently serving a ASI (15/B) Police Department (Investigation Officer) at PS Data Khel North Waziristan.....(*Appellant*)

Versus

1. **Inspector General of Police** Khyber Pakhtunkhwa, Peshawar.
2. **Additional Inspector General of Police**, CTD Khyber Pakhtunkhwa, Peshawar.
3. **Regional Police Officer**, Bannu.
4. **S.P CTD, Bannu-I**.....(*Respondents*)

Present:

Syed Roman Shah, Advocate.....For appellant
Mr. Muhammad Jan, District AttorneyFor respondents

**APPEAL AGAINNST NEGATIVE REMAKRS IN THE
ACR OF THE APPELLANT.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal, the appellant was serving in the Police Department as Assistant Sub Inspector and was posted at Police Station Data Khel North Waziristan; that in the year 2022, the Superintendent of Police, Counter Terrorism Department, being reporting officer, made entry in the Annual Confidential Report of the appellant, as "Incompetent Police Officer"; that against the said remarks, the appellant filed departmental appeal but the same was not responded, hence, the instant service appeal.



02. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents 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.

03. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

04. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

05. Perusal of record reveals that the appellant was serving as Assistant Sub-Inspector in the Police Department. In the year 2022, when his Annual Confidential Report was forwarded to the Superintendent of Police, Counter Terrorism Department, the said SP marked him as "Incompetent Police Officer" which showed repudiation of his services and the said was finalized without any remarks or signature of the DIG/Countersigning Officer.

06. It is worth to mention that after remarks of the Reporting Officer, the said report is forwarded to the Countersigning Officer, who decides the report whether he/she (the Countersigning Officer) is agreeing with the remarks of the Reporting Officer or otherwise, adverse that is communicated to the official concerned. In the instant case, the SP has given adverse remarks, but the Deputy Inspector General of Police (CTD) Khyber Pakhtunkhwa, Peshawar has neither made any report nor has counter signed the same.

06. In view of the above situation, we are of the view to allow the appeal and remit the matter back to the respondents to fulfill the codal formality of Countersigning it, and after his remarks, whether he is agree with the adverse remarks those shall be communicated to the appellant. The above exercise is directed to be done within a month of the receipt of this judgment. Costs shall follow the event. Consign.

07. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of April, 2024.*



KALIM ARSHAD KHAN
Chairman



MUHAMMAD AKBAR KHAN
Member (Executive)

Mutazem Shah

18th Mar. 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Aamir Abbas, DSP (Legal) for the respondents present.

2. Reply on behalf of the respondents submitted. Copy of the same was handed over to the learned counsel for appellant. To come up for arguments on 19.04.2024 before D.B. P.P given to the parties.



(Kalim Arshad Khan)
Chairman

Mutazem Shah

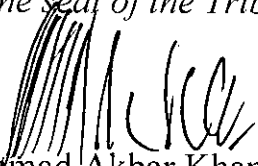
ORDER


19th Apr. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Syed Aamir Abbas, DSP (Legal) for the respondents present.

2. Vide our detailed judgment of today placed on file we are of the view to allow the appeal and remit the matter back to the respondents to fulfill the codal formality of Countersigning it, and after his remarks, whether he is agree with the adverse remarks those shall be communicated to the appellant. The above exercise is directed to be done within a month of the receipt of the judgment. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of April, 2024.*


(Muhammad Akbar Khan)
Member (J)


(Kalim Arshad Khan)
Chairman

Mutazem Shah