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

**Service Appeal No. 1830/2023**
**Rehmat Ullah** ..... **Appellant**
SI, District Kohat

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat

..... **Respondents**

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Deponent

20-03-2024

SB
Peshawar

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

**Service Appeal No. 1830/2023**
**Rehmat Ullah**
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..... **Appellant**



**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat

..... **Respondents**

## PARAWISE COMMENTS BY RESPONDENTS.

**Respectfully Sheweth:-**
**Preliminary Objections:-**

i. That the appellant has got no cause of action to file this instant appeal.
ii. That the appellant due to his own conduct is estopped to file this appeal.
iii. That the appeal is bad because necessary parties have not been arrayed.
iv. That the appellant has not come to this Honorable Tribunal with clean hands.
v. That the appeal is liable to be dismissed in lim ine.

**On Facts:-**

1. Pertains to adverse remarks recorded by the countersigning officer by using powers under rule 13.17 of Police Rules 1934, keeping in view performance of the appellant. As per the rues ibid, Deputy Inspector General of Police may amend the report regarding any Police officer according to his performance as former is the supervisory officer.
2. Incorrect, and misleading as the remarks have been recorded on his performance for the specific period and has no concern with his past history.
3. Incorrect, as already explained vide above para.
4. Incorrect, due to the conduct of the appellant, he was awarded adverse remarks by the respondent No. 2. After receipt of adverse remarks, instead of mending his conduct he started file frivolous and baseless appeals to the respondent No. 1 and thereafter to this Honorable Service Tribunal. His departmental appeal was duly considered by the respondent No. 1, but having found no substance, he was having no other option except to file / reject the appeal. Similarly, the instant appeal filed before the Honorable Service Tribunal is also without any substance and worth to be dismissed. Copy of order is **annexure A**.

5. Incorrect, as already explained vide above para- 2.
6. Incorrect, adverse remarks have been recorded as per law / rules.
7. This para is also incorrect and without foundation, because the appellant failed to substantiate his plea and thus his departmental appeal was rightly rejected by the respondent No. 1. Hence the appellant has got no cause of action to file the instant appeal before the Honorable Service Tribunal.

**On Grounds:-**

a) Every Police officer is under obligation to perform duties with honesty and devotedly.
b) Incorrect, the adverse ACR has been granted by the authority within his lawful jurisdiction.
c) Incorrect, already explained vide above paras.
d) Incorrect, adverse ACR has been recorded keeping in view performance of the appellant for the specific period.
e) Incorrect, already explained vide above para.
f) Incorrect, already explained vide above para.
g) Incorrect, adverse remarks were recorded for the specific period.
h) Incorrect, already explained vide above para.
i) Incorrect, already explained vide above para.
j) Incorrect, already explained vide above para.
k) Incorrect, the departmental appeal of the appellant was rejected by the departmental appellate authority on merits. (Copy annexed).
l) Incorrect, as submitted above, forwarding adverse remarks, complaint or perusal of the service record of the official / officer is not a pre requisite. Personal hearing is also not mandatory under the ACR rules and good entries are also irrelevant while awarding adverse remarks to an official / officer.
m) Incorrect, adverse remarks awarded to the appellant are based on hard realities and sound reasons. The adverse remarks are neither based on assumption nor on presumptions. The adverse remarks being based on sound footings are quite sustainable in the eyes of law and cannot be called in question.
n) Incorrect, for awarding adverse remarks, existence of departmental inquiry is not required. Hence, this para is misleading and of no legal consequence.
o) Incorrect, the adverse remarks awarding to the appellant are neither outcome of the surmises nor conjectures.
p) Incorrect, that the adverse remarks awarded to the appellant are not suffering from legal or factual defect, hence the adverse remarks cannot be called in question.

q) Incorrect, the adverse remarks are neither harsh nor arbitrary. The adverse remarks commensurate with the performance of the appellant.

r) Incorrect, adverse report has been given within the administrative jurisdiction of the authority and no human right has been violated.

s) Incorrect, each and every case has its own merits. Hence reference to the cases already adjudicated by the Honorable Tribunal cannot prove beneficial to the appellant.

t) The respondent department may also be allowed to advance additional grounds at the time of hearing before the Honorable Tribunal.

**PRAYER**:-

It is therefore, requested that the instant appeal deserves to be dismissed with costs while adverse remarks awarded to the appellant may kindly be upheld in the great interest of law, justice and fair play, please.

DIG / Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**

Dy, Inspector General of Police
Kohat Region Kohat
(Respondent No. 2)
**(SHER AKBER) PSP, S.St**

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

**Service Appeal No. 1830/2023**
**Rehmat Ullah** ..... **Appellant**
SI, District Kohat

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat

..... **Respondents**

**AFFIDAVIT**

I, Sher Akber, Regional Police Officer, Kohat Respondent No. 2 do hereby solemnly affirm and declare on oath that the contents of reply to the appeal are true and correct to the best of my knowledge and 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 is struck off.

SAJID AHMED KHAN ADVOCATE
ANTI CORRUPTION COMMISSION
DISTRICT COURT KOHAT

16-03-2024

Dy. Inspector General of Police
Kohat Region Kohat
(Respondent No. 2)
**(SHER AKBER) PSP, S.St**

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31-7-23

Annex-A P-5

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

No. S/ 1974-76 /23, dated Peshawar the 25th / 07 /2023

## ORDER

This order pertains to the representation preferred by Sub-Inspector Rehmat Ullah No. 242/K of district Karak for the expunction of Adverse Remarks contained in his ACR for the period from 14.06.2020 to 31.12.2020 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 14.06.2020 to 31.12.2020 are maintained and his representation is hereby filed/rejected.

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

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**Endst: No. & date even.**

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

1. Regional Police Officer, Kohat Region w/r to his memo: No. 327/C, dated 26.05.2022. 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, Karak.
3. Supdt: "E-III" Branch, CPO.

ID 335 /E
Date 31-07-2023

(AFSAR JAN)
Registrar
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

25/07/2023

SP Investigation Kohat
For information and action plz. also informed the concerned.

31/7

PA/ERI plz forward
For information & n.a &
also inform the officer concerned

Superintendent of Police
Investigation Kohat
31/7/2023

Attested by

Attested
Aleem

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OFFICE OF THE
REGIONAL POLICE OFFICER
KOHAT REGION

No 226 /CC Dated 19/4/2022

Dy No. 213
22-4-2022

To:- The District Police Officer, Karak.

Subject:- ANNUAL CONFIDENTIAL REPORT/CERTIFICATE

MEMO:

In the Annual Confidential Report on the working of SI Rehmat Ullah for the period from 14.06.2020 to 31.12.2020 is as under:-

| | |
|---|---|
| Class of the Report | "A" |
| Remarks of Reporting Officer | - |
| Remarks by the countersigning Officer | "Below Average Officer" "Not Agreed" |

The above remarks may please be conveyed to the officer concerned in order to remedy the defects. Representation if made should be sent no later than one month from the date of receipt of this communication.

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

Regional Police Officer,
Kohat Region

PA
to RPO Kohat

Attested by Counsel

Attested
Taken

KARAK DISTRICT

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...IAL REPORT ON THE WORKING OF INSPECTOR, ASSTT: SUB: INSPECTOR
...S FOR THE PERIOD 14.06.2020 to 31.12.2020

| ...vincial Cadre Off: Rank and Grade | Sub Inspector Rahmat Ullah No |
|---|---|
| Off: Name | Rab Nawaz |
| Along and In another duties employed during the last 12 months | 14.06.2020 to 28.06.2020 (Suspended) Police Lines, Karak<br>29.06.2020 to 05.08.2020 Police Lines Karak<br>06.08.2020 to 17.09.2020 I/C Narcotics Cell<br>18.09.2020 to 31.12.2020 SHO PS Teri |
| Character & personal attributes of Police officer reported upon (Brief) | A<br>Yes |

Remarks by:

1. Superintendent of Police
2. Regional Deputy Inspector General of Police

Below avg - 5/12/21

Not Agreed

(IRFAN ULLAH KHAN) PSP
District Police Officer, Karak

Attested by Council

Attested
Nasim

KHYBER PAKHTUNKHWA
AL POLICE OFFICE, PESHAWAR.
1-9212927 Email secretbranch.po92@gmail.com

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No. S/ 753-54 /22, dated Peshawar the 14 / 4 /2022

To:

The Regional Police Officer,
Kohat Region.

Subject: ANNUAL CONFIDENTIAL REPORTS/CERTIFICATE

Memo:

Please refer to your office memo No. 93/CC, dated 09.03.2022 on the subject cited above.

The Competent Authority has directed to convey following remarks recorded by the countersigning officer i.e Regional Police Officer Kohat on ACR of SI Rehmat Ullah for the period from 14.06.2020 to 31.12.2020

"Below Average Officer"
"Not Agreed"

Moreover, ACR in original of the aforesaid Sub Inspector is returned herewith for further necessary action and token of its receipt may be acknowledged, please

13/04/22

(IRFAN TARIQ) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even:

Copy of above is send to Office Superintendent, Carrier Planning Branch (CPB) for record.

Attested
Naeem

Attested
by
Council

Annexure (15)
Page (10) P.9

Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Through: PROPER CHANNEL

Subject: REPRESENTATION

Respected Sir,

With profound regards, appellant submit representation for expunged of the Adverse Remarks recorded by countersigning Authority ( RPO Kohat ) for the period 14-06-2020 to 31-12-2020. The remarks were conveyed vide your good officer letter No. 753-54/22 dated 14-04-2022 through regional Police officer Kohat letter No. 226/cc dated 19.04.2022.

**FACTS:**

1. That appellant is serving Khyber Pakhtunkhwa Police in the rank of Sub-Inspector under your kind command and control. Appellant is posted in district Karak of Kohat Region Police.
2. That during the period under review appellant was also posted in district Karak. The reporting officer rated appellant as good Police officer and held. The class of Report as "A" but unfortunately the countersigning Authority declared the appellant as " Below Average officer" and did not agree with remarks of Reporting officer for the impuged period. The remarks were conveyed as Adverse. Therefore this representation on those following grounds.

**GROUNDS:**

a. That the remarks of countersigning officer is outcome of misunderstanding. The countersigning officer has not properly evaluated the performance of appellant for the impugned period. Law and rules emphasis objectives but not subjective assessment of the performance. The countersigning officer has not referred to any specific lapses and omission and source behind the impugned remarks. Therefore the remarks are herewith expunged.

b. That appellant has earned good report from reporting officer who was immediate superior of the appellant and was directly supervising the working of appellant. Therefore the remarks of countersigning officer without advance of reasons of disagreement with assessment of reporting officers, suffered from vagueness.

c. That the countersigning officer has not supplementary the adverse remarks with any material evidence. He has not referred to the weighing scale of performance evaluation. Therefore inconsistent remarks of countersigning officer with the reporting officer without any tangible evidence are against his was settled principles of performance evaluation.

d. That counseling of an officer reported upon is must before recording was not ensured nor warning or advice notice was issued to appellant. The remarks were recorded at the back of appellant.

Attested

Attested

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...ie remarks pertaining to the year 2020 were conveyed to appellant in the year 2022, ...efore the late dispatch of the remarks also prove the misunderstanding on the part of ...ountersigning officer.

That a chain of reporting and countersigning officer have rated appellant as good officer throughout long span of service. Human conduct does not change abruptly which further support that the remarks are outcome of misunderstanding.

g. That the counter signing officer has probably took the adverse notice of suspension of appellant during the period. Actually appellant was proceeded against departmentally during the period under review but was exonerated of the charges and re-instated from the date of suspension, thus the stigma of suspension was do away with on acceptance of the representation the impugned remarks may please be expunged.

Your's obediently
Rehmat Ullah
SI No. 242 /K
Police Lines Karak
Cell: 0333-9623524
05.5.2022

Attested

Attested by Counsel

Attested
Aleem

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

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**Service Appeal No. 1830/2023**
**Rehmat Ullah** ..... **Appellant**
SI, District Kohat

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, Kohat Region, Kohat

..... **Respondents**

## AUTHORITY LETTER

Mr. Usman Ali Khan, DSP Legal Kohat is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.

DIG / Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
**(DR. MUHAMMAD AKHTAR ABBAS) PSP**

Dy. Inspector General of Police
Kohat Region Kohat
(Respondent No. 2)
**(SHER AKBER) PSP, S.St**