FORM OF ORDER SHEET

Court of	
Appeal No.	463/2024

S.No.	Date of order proceedings.	Order or other proceedings with signature of judge
1	2	3
1	29/03/20 2 4	The appeal of Mr. Iftikhar Ali resubmitted today by Mr. Muhammad Irshad Advocate. It is fixed for
	:	preliminary hearing before Single Bench at Peshawar or
		01.04.2024.Parcha Peshi given to the counsel for the
		appellant.
		By the order of Chairman
		REGISTRAR
, '		

The appeal of Mr. Iftikhar Ali received today i.e on 27.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal are unattested.
- 2- Check list is blank.

No. 70/ /S.T.

Dt. 28/3 /2024.

REGISTRAR

SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Muhammad Irshad Adv. High Court Mardan.

Vesubonin after complitud

29-3-24

Before The Service Tribunal, Peshawar.

Service Appeal No. 462 J2024

Iftikhar Ali SI

Versus

Govt of KPK & others

Appeal

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4.	Copy of order of Judicial Magistrate Mardan	"B"	5
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Dated 27/03/2024

Appellant

Through counsel

Muhammad-irsha

Advocate

High court at Mardan

Cell # 03438567931

mirshadhumraz@gmail.com

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 462/2024

Iftikhar Ali S/O Mian Gul (SI 426/MR District Police Mardan), Village Kalushah Haji Zarghon Shah Killi Tehsil Takht Bhai District Mardan presently posted at Nowshehra PoliceAppellant

Versus

Government of KPK through

- 1. The Inspector General of Police K.P.K Peshawar.
- 2. Regional Police Officer Mardan Division Mardan.
- 3. District Police Officer Mardan. Respondents

Appeal under section 4 of The service Tribunal Act, 1974 against the order of the Respondent No.1, vide order dated 13/03/2024 No S/458-460/24, whereby the Appellant's petition/representation was 'rejected and filed' and adverse remarks of classification "C" in the ACR of appellant was maintained and not expunged despite the fact that the appellant has been discharged by the court in FIR 684 dated 13/06/2021 U/S 161, 162, 119B, 118D, Act-2017 PPC PS Toru.

Prayer in Appeal:-

That the appellant may please be restored to the position prior to 13/06/2021 with back service benefits and the adverse remarks in the ACR of appellant from 01/01/2021 to 31/12/2021 may please be expunged with classification from "C" to "A" as appellant has been declared innocent by the concern judicial magistrate Mardan and orders of respondents bearing date 13/03/2024 No S/458-460/24, 211/ACR dated 08/06/2023 and 6171/PA dated 15/06/2023 may please be declared null and void and without lawful authority. Any other relief which this honorable tribunal deems proper may also be awarded to the appellant.

Respectfully Sir,

Appellant submits as under

- 1. That the Appellant was posted as station house officer (SHO) at police station Toru in District Police Mardan.
- 2. That the appellant was malafidely charged in FIR 684 dated 13/06/2021 and was suspended. Copy of FIR attached as annex "A"
- 3. That the appellant was discharged of the allegation by the concern judicial magistrate Mardan. Copy of order of Judicial Magistrate Mardan attached as annex "B"
- 4. That the respondents have awarded punishment in shape of adverse remarks in the ACR of appellant for the period 01/01/2021 to 31/12/2021 as "C". Copy of DPO & RPO order attached as annex "C"
- 5. That Appellant was aggrieved from the order of respondent no 2 & 3 moved appeal/representation against adverse remarks received through DPO Nowshehra from RPO Mardan, for expunging the adverse remarks with classification from "C" to "A" in the ACR which was rejected and filed by the respondent no 1 vide order no s/458-460/24 dated 13/03/2024. Copy of appeal/representation & order of IGP attached as annex "D"
- 6. That the impugned orders are illegal, unjustified and against the principles of naturel justice. Hence, the same are liable to be set-aside on the following amongst many other grounds:-
- A. That the respondents had no authority to place appellant in classification "C" ACR as the allegations leveled against appellant by local police were baseless is the reason why the then Judicial Magistrate has discharged the appellant from all those allegations, Hence, the respondents has acted beyond their authority, by imposing such penalty.

- B. That the impugned orders were passed as punishment, which are not provided under the relevant law and rules as appellant was discharged by the court from all liabilities.
- C. That the placement of appellant as "C" in the ACR is utter disregard of the principles.
- D. That the appellant was/is placed in classification "A" in the ACR prior and after 2021. Copies attached.
- E. That the whole of the proceedings were carried-out in utter disregard to the relevant rules.
- F. That the Appellant is not provided the right of defense, under the law and he is condemned unheard.
- G. That Appellant seeks leave of this Honorable Tribunal to claim further grounds also.

It is prayed that on acceptances of instant Appeal, the impugned orders may please be set aside and the Appellant may be ordered with the classification from "C" to "A" in the ACR and adverse remarks for the period from 01/01/2021 to 31/12/2021 may please be expunged. Any other remedy which this honorable tribunal deems proper and fit may also be awarded to the appellant.

Date: - 27/03/2024

hamane

(Iftikhar Ali SI)

Through:-

Muhammad Irshad

Advocate High Court

at Mardan

Affidavit:-

I, IFTIKHAR ALI S/O Mian Gul (SI 426/MR District Police Mardan), Village Kalushah Haji Zarghon Shah Killi Tehsil Takht Bhai District Mardan the Appellant do hereby state on Solemn affirmation that the contents of this Appeal Are true and correct to the best of my knowledge And belief.

Deponent:

٠- العارض - معنى عاول ولر ور تشرطال مر ماسم المرور ميره - 9647148 - 964

ا / 8 3 1616 . 1610 ما رس آفة ك ورور دروا ست عرف وف و المدر المرسر

استدعاع انتارى فالإوالا تع فرود

IN THE COURT OF MAZHAR ALI KHAN JUDICIAL MAGISTRATE-I, MARDAN.

State.....Vs......Iftikhar Khan

Complete Challan submitted. Be registered. SPP for present. Accused is on bail present.

Accused facing trial namely Iftikhar Khan son of Mian Gul resident of Takht Bhai District Mardan has been charged by complainant Adil, vide case FIR No. 684 dated 13.06.2021 u/s 161/162/119B/118D Act of P.S Toru, Mardan.

Perusal of case file reveals that accused facing trial is directly charged in the instant case FIR but no evidence is placed on file to connect him with the commission of the offence. The offence with which the accused facing trial is charged in non-compoundable, however, the complainant had submitted an affidavit during bail stage wherein it has been mentioned that the accused facing trial was charged by him on instigation of Qadir Khan. The statements u/s 164 Cr.PC of Qadir Khan and Bahar Ali available on file wherein they narrated different story as mentioned by the complainant, therefore, when the statements u/s 164 Cr.PC and story narrated in the FIR are kept in juxta position it creates serious doubts in the prosecution story. Moreover, there is contradiction in the application submitted to the DPO Mardan by the complainant and the application submitted to the Chief Minister by him both are available on file.

In such circumstances, there seems no likelihood of conviction of the accused facing trial in the present case, even further trial held which will be nothing but a futile exercise.

Resultantly, accused facing trial is discharged from the charges leveled against him in the present case. Accused is on bail, he and his sureties are released from the liability of bail bonds.

As it is evident from the record that the complainant has given false information to the police which has resulted in the wastage of precious time of this Court, therefore, copy of this order be sent to SHO concerned for initiating proceedings u/s 182 PPC against the complainant namely Adil.

Case property be dealt in accordance with law.

File be consigned to record room after necessary completion and compilation.

Announced: 22.09.2021

(Mazhar Ati Khan) Judicial Magistrate, Mardan

495/2 / 229 (9) 229 (9) 2721 Lev 2721 Lev 2721 Lev 16/21

Certified To Be True Copy

Examiner Copying Branch
Session Court Mardan

MDN



0937-9230113-114. Phone No: 0937-9230115 Fax No: Email: digmardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUNKHWA OFFICE OF THE REGIONAL POLICE OFFICER, MARDAN

/ACR, dated, Mardan Region the

08th June, 2023.

To:

The

District Police Officer,

Mardan

Subject:

COMMUNICATION OF ADVERSE REMARKS TO SI IFTIKHAR ALI

NO. 426/MR FOR THE PERIOD FROM 01-01-2021 TO 31-12-2021.

Memo:

ACR in respect of SI Iftikhar Ali No.426/MR, for the period 01.01.2021 to 31.12.2021 has been reported by the reporting officer as under:

Class of DPO Report

Is he honest:

"No"

Remarks:

"He was found guilty of receiving two goats through extortion from a poor shephered while he was posted in Police Station Toru. An FIR was also registered

against him"

In this connection the countersigning officer has also recorded as "I I endorse the report of DPO Mardan "C".

The ACR for the period may be placed in his duplicate character roll and copy of the same may be convyed to the officer for any representation. Acknowledgment receipt may be communicated to this office.

Encir: As Above.

REGIONAL POLICE OFFICER MARDAN.

CC.

The Establishment Branch, Region Office, Mardan.

a 7. / Branch





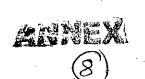
OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN



Tel No. 0937-9230109 & Fax No. 0937-9230111 Email: dpomdn@gmail.com

No 6/7/	/PA		Dated 157 6/2023
110 <u>-017</u>		*	
То:	The District Poli	ce Officer.	
Subject:	COMMUNICAT	ION OF ADVERSE REMAI THE PERIOD FROM 01-0	RKS TO SI IFTIKHAR ALI 1-2021 TO 31-12-2021
Memo:-			
14101110	Enclosed please	find herewith, a self explana	atory letter No.211/ACR dated
08-06-2023, recei			rt granted to SI Iftikhar Ali
No.426/MR in his	ACR (01-01-2021 to	31-12-2021) by the then D	PO Mardan, duly endorsed by
the then RPO Mar	dan:-		
Is he honest:	"No"	•	
Remarks:	"He was f	ound guilty of receiving tw	o goats through
-	extortion	from a poor shepherd wh	nile he was posted in Police
	Station To	oru (Mardan). An FIR was a	also registered against him"
	It is, therefore,	requested that a copy of	the same, after serving upon
SI Iftikhar Ali, the			era Police, as token of receipt
		d necessary action, please.	
			1.
(Encls: 02 Forms)			Najah
1		(Naje Distr ∕~	eb-ur-Rehman Bugvi) PSP ict Police Officer, Mardan.
No	_/PA Cany forwarded to	Pagional Police of	, ,
	Copy for warded it	o regional Fonce Officer N	Mardan for information, plz.

(Najeeb-ur-Rehman Bugvi) PSP District Police Officer, Mardan.



Before the Honorable Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

REPRESENTATION / REPLY TO THE ADVERSE REMARKS. (Through Proper Channel)

Respectfully sheweth,

Reply / representation on the adverse remarks of the then DPO Mardan are submitted as under (01/01/2021 to 31/12/2021)

- 1. That the undersigned is performing his duties under your kind command at District Nowshera Police.
- That the undersigned was falsely implicated in a false case in which later on the court of concerned Judicial Magistrate has discharged the Officer (SI Iftikhar) from all the allegations leveled in the FIR 684/13.06.2021.
- 3. That the concern court of law passed remarks for strict proceedings against the false alligator namely Adil under section 182 PPC. Order attached.
- 4. That the remarks of the then District Police Officer, Mardan are based on the contents of false FIR and after the orders issued from the court of law regarding my innocence, these remarks needs to be expunged and the basis of only this false altegations "C" class ACR is not in accordance with law and rules..
- 5. That it is settled principle of that once a person/Civil servant is acquitted / discharged of the charges leveled against him then he is entitled for every benefit of service as like others.
- 6. That the undersigned is an efficient Police Officer and has diligently and honestly has performed his duties and is performing his duties and has never done any such thing which are against morals and against principles of service. Further the character roll can be checked which clearly speaks my character and honesty during my service.
- 7. That the allegations / findings of the reporting officer against the undersigned is false as he honest and has never think about extortion.

It is therefore, submitted before your honor that the representation may kindly be accepted and the adverse remarks for the period from 01/01/2021 to 31/12/2021 may please be expunged with classification from "C" to "A" in the ACR. Any other remedies which your honor deems proper may also be graciously ordered in favor of petitioner/undersigned. Petitioner would be really obliged for your this act of kindness.

Yours faithfully

SI Iftikhar Ali 426/NIR Posted at Police Station Azakhel District Nowshera.





OFFICE OF THE INSPECTOR GENERAL OF POLICE, KHYBER PAKHTUNKHWA CENTRAL POLICE OFFICE, PESHAWAR.

Phone: 091-1210927 Email: secretbranchepo9@gmail.com

No. S/ 457 - 460/24, dated Peshawar the

the 13 / 03 /2024

ORDER

This order pertains to the representation preferred by SI Iftikhar Ali No. MR/42 for the expunction of adverse remarks contained in his ACR for the period from 01.01.2021 (31.12.2021. Comments of the Reporting Officer were also obtained.

After going through the relevant record, comments of the Reporting Officer an material on ground the Competent Authority has rejected & filed the representation preferred b the applicant. He was heard in detail on 28.12.2023. He was given opportunity to explain he position. Perusal of the record showed that he was awarded "C" ACR on merit.

Sd/-(AWAL KHAN) PSP

Addl: Inspector General of Police, Headquarters, Khyber Pakhtunkhwa, Peshawar..

Endst: No. & date even:

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

- 1. Regional Police Officer, Mardan.
 - 2. District Police Officer, Mardan.
 - 3. Office Superintendent Secret with the direction to place the Order in the Original C.J. Dossier of the applicant.

For Inspector Control College Khyber Pakhtunkhwa, Peshawal







Phone No: .

0937-9230113-114,

Fax No. 0937-9230115 Email: digmardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUNKHWA OFFICE OF THE REGIONAL POLICE OFFICER. MARDAN

IACR, dated, Mardan Region the

05th July, 2023.

To:

The

Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar.

(Attention Supdt: Secret, CPO, Peshawar)

Subject:

APPLICATION/REPRESENTATION OF SI IFTIKHAR ALI NO.MR/426 FOR EXPUNCTION OF ADVERSE REMARKS ACR PERIOD 01.01.2021 TO

31.12.2021

Memo:

Enclosed find herewith application/representation on the subject matter forwarded by DPO Nowshera vide No.1712/PA, dated 03-07-2023, for further necessary action, please.

Encir: As Above.

(MUHAMMAD SULEMAN) PSP Regional Police Officer, Mardan.

CC.

- The District Police Officer, Mardan. 1.
- The District Police Officer, Nowshera.



Tc:

OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA. TEL. 0923-9220102, FAX: 0923-9220103 Emaii: Dpo_Nowsherakpk@yahoo com

		The Regional Police Officer, Mardan.
	No. 17/42	_/PA dated Nowshera, the
	Subject:	COMMUNICATION OF ADVERSE REMARKS TO SHFTIKHAR ALI NO.MR/426 FOR PERIOD FROM 01-01-2021 TO 31-12-2021
•	iMemo:	Please refer to the DPO Mardan letter No. 1671-72/PA dated 15-06-2023 on the subject
	noted above.	
	ų	Enclosed kindly find herewith representation submitted by SI Iftikhar Ali No.MR/426 for
	further necessa	ary action, please.
No	/PA	District Police Officer, Nowshera
	Сору с	of above is forwarded to the District Police Officer, Mardan w/r to his office No. quoted above

(NASIR MAHMOOD) PSP District Police Officer, Nowshera

Police No. 99

GS & F.). NWFP, 1677 - F.S - 1000 P of 100 - 7.3.1994 (47)

No. 13-17

POLICE DEPARTMENT

DISTRICT MARDAN

Annual Confidential Report on the working of Assistant: Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 202).

Where and on what duties employed during the past 12 months. Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C' Is he honest? Mien Gul 01-01-2021 to 98-01-2021 Upper College Coll	arh
Where and on what duties employed during the past 12 months. O9-01-2021 to 28-01-2021 ASHO PS Lund R 29-01-2021 to 26-03-2021 ASHO PS Sher G 27-03-2021 to 14-06-2021 SHO PS Toru 15-06-2021 to 31-12-2021 Suspended/re-ins Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C' Is he honest?	arh
Report, i.e. 'A' or 'B' or 'C' Is he honest?	
1 102 g	
Remarks by: -	
The state of the s	
(1) Superintendent of Police	ky a postava se kolonica. Visita se postava se kolonica. Visita se postava se kolonica.
(2) Deputy Inspector- General of Police	rike di sama ing panggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaran Samanggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggaranggarangga
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modern you grant against a	and the
/ dans the report (District Police Office) Postrict Police Office Mardan	
(Vaccen Faroog) PSP Regional Police Officer Mardan	





GOVERNMENT OF KHYBER PAKITUNKHWA OFFICE OF THE DISTRICT POLICE OFFICER,

CHARSADDA PH # 091-9220400 - FAX# 091-9220401

No. 1946 /GB, dated Charsadda the 19/07/2019

TO WHOM IT MAY CONCERN

It is to certify that SI Istikhar Khan No. 426/MR had remained posted as SHO at this district as tabulated below.

Name & Rank	Home District	From	To	Place of Posting
SI Iftikhar Khan	Mardan	31.07.2017	09.10.2017	SHO PS Tamab
No. 426/MR		09.10.2017	28.02.2018	SHO PS Khanmai
		27.07.2018	08.11.2018	SHO PS Sardheri

Charsadda

Scanned with CamScanner





OFFICE OF SUPERINTENDENT OF POLICE INVESTIGATION CHARSADDA

PHONE No. 091-9220402

No. 2652 /EC/Invest: Dated 3/8 /2018

CERTIFICATE

Certified that SI Iffikhar Ali No 426/MR was remain posted as CIO for , the period noted each against as per record of this office.

S#	Police Station	From	To	;
1.	C.I.O PS Charsadda	01.11.2016	30.06.2017	+
2.	C.LO PS Sro Killi	30.06.2017	31.07.2017	<u> </u>
3.	C.I.O PS Shabqadar	01.03.2018	Till date	

Superintendent of Police, Investigation, Charsadda.

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Real and Corne Mian Gul Lather's home 01.01.2020 to 01 (2020 Winers and on what duties lamplaged during the post Class of Supermondary or Police's Report. Mo complants is A or "I" In his land of formata by (1) Suprimendent of Police. Regional Deputy Inspector General A hillor. 01.01.2020 to 14.02.2020 the ACR is Less than there. \$1.61.2620 to 13.05.2020 months hands - 120 Commenced to 4 Mohatomad Hussain) P.S.P Deputy Commandant, Elite Force, Khyber Francish Pakhtunkhwa, Peshawar (ABDER RASHID) P.S.P. Senior Superintendent of Police. Elite Force/RRF Mardan Region. 06.03.2020 to 31.12.2020 91:06:2020 to 31:12 (RAHIM SHAID) (Zalbullah Khan JP.S.P Superigiendens of Police. Deputy Commandant, Elife Force, Khyleg Like Force Rich Marded Region Pukhtunkhun, Pesbauar

si Hükhar (Mi (1265)HUKE)

You inspine The December, 2014

Same Parental of Hange No



OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA

Tel No. 0923-9220102 & Fax No. 0923-9220103 Email Dpo_nowsherakpk@yahoo.com

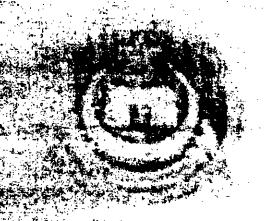


CERTIFICATE:

It is certified that SI Istikhar ali No.426/MR remained posted as

SHO PS Akbarpur with effect from 18-01-2019 To 28-03-2019.

District Police Officer, Notice Delice Officer,



OFFICE OF THE DISTRICT POLICE OFFICER, NOWSHERA

Tel No. 0923-9220102 & Fax No. 0923-9220103 Email diso_newsherakph@yaltoo.com



 (∞)

CERTIFICATE

It is certified that Mr. Iltikhar Ali, (Sub Inspector) No.426/MR remaind posted as SHO Akbarpura from 08.01.2019 to 28.03.2019. Since the said posted are less than three months, hence, no ACRs are required as per rules.

District Police Officer, Nowshera

POLICE DEPARTMENT



KHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the Period /Year 01.04.2022 to 31.12.2022.

Name, Provincial or Range No. Rank and Grade	SI litikhar Ali 426/ MR
Father's Name	Mian Gul
Where and on what duties Employed during the period	From 01.04.2022 to 19.09.2022 PS MRS Kohat
Class of Superintendent of Police's Report, i.e. "A" or "B"	Α
Is he honest?	Yes

Romarks by: -

(1) Superintendent of Police,

(2) Deputy Inspector General of Police

(Muhammad Suleman) PSP District Police Dilicer 202 Wohat

From 20.09.2022 to 01.12.2022 PS MRS Kohat Period less than three months, hence no comments

> (Shafi Ullah Khan) District Police Officer,

Kohat

From 03.12.2022 to 31.12,2022

Police Lines Kohat

Period less than three months, hence no comments

(Abdul Rauf Babar) PSP District Police Officer, Kohat

433

gran and gran and grant December	2018.
Name, Provircial or Pange No. Rank and Grade	St Ittikhar Ali 46 425, MP 20
ather's Names	Mian Gui
Where and on what duties employed during the past 12 months	From 01.03.2018 to 27.07 2018 C.LO PS Shabqadar
Class of superintendent of Police's Report, i.e. 'A' or 'B' or, 'C'	uA:
Is he honest?	No Emplambi.
(1) Superintendent of Police; (2) Deputy inspector-General of Police.	From 01.03.2018 to 27.07.2018. Good Paher Officer (NAZIR KHAN) Superintendent of Police, Investigation, Charsadda.

WAKALAT NAMA

21)

BEFORE THE HONOSERVICE TRIBUNAL PESHAWAR

Service	Anneal	No	/2024
JCI VICE	Whhear	NO.	/ ZUZ4

IFTIKHAR ALI SI

Versus

Govt of KPK & others

APPEAL

I/we petitioners/plaintiffs/defendants/respondents the above noted case do hereby appoint and engage <u>MUHAMMAD IRSHAD</u> ADVOCATE HIGH COURT as our / mine counsel in subject proceeding, and authorize him to appear plead, etc, compromise, withdraw or refer the matter for arbitration for me/us, without any liability for his default and with the authority to engage/ appoint any other advocate/ counsel at our/my expense and receive all sums and amounts payable to us/me and do all such acts, which he may deem necessary for protecting our/my interest in the matter. He is also authorized to file the appeal, revision, review, and application for restoration or application for setting aside ex-parte decree/order /proceeding on my/our behalf.

Date 27/03/2024

Sign

Appellant

Muhammad Irshad Advocate
High Court at district Bar
Association Mardan (K.P.K)
ID BC-09-2340
CELL # 03438567931

Accepted and attested

Muhammad Irshad

Advocate High Court at Mardan

mirshadhumraz@gmail.com