

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1609/2022

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MISS FAREEHA PAUL ... MEMBER (E)

Muslim Khan S/O Ghani-ur-Rehman R/O Mayar Mardan, Deputy Superintendent of Police, Special Security Unit (SSU) Balakot, now in Peshawar. (Appellant)

Versus

1. Capital City Police Officer, Peshawar.
2. Provincial Police Officer Khyber Pakhtunkhwa, Peshawar. ... Respondents)

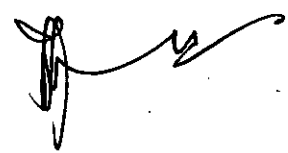
Arbab Saiful Kamal,
Advocate ... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney ... For respondents

Date of Institution..... 11.11.2022
Date of Hearing..... 26.03.2024
Date of Decision..... 26.03.2024

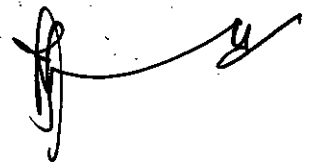
JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 20.09.2022 of respondent No. 1 whereby adverse remarks against the appellant for the period from 01.01.2021 to 31.12.2021 was recorded i.e not fit for promotion and against office order dated 08.11.2022 of respondent No. 2 whereby representation of appellant was filed/rejected. It has been prayed that on acceptance of the appeal, the impugned adverse remarks dated 20.09.2022 and 08.11.2022 of the respondents be set aside and removed from personal dossier of appellant, alongwith any other relief which the Tribunal deemed appropriate.



SEARCHED
INDEXED
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FILED

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was initially appointed as Constable in the year 1988 and was promoted to the rank of Head Constable in the year 1996. In the year 2003, he was further promoted to the rank of ASI, followed by further promotion to the rank of Sub Inspector in the year 2008. In the year 2011, he was promoted to the rank of Inspector and then to the rank of Deputy Superintendent of Police in the year 2017. He was posted as DSP, LRH on 21.10.2021 as Incharge of the post for general checking of the vehicles as well as general public. At the same time, two different bodies, i.e police personnel and retired army personnel, were supervising the security of LRH and both of them had different criteria of checking. Numerous complaints were recorded in Daily Diaries from 21.10.2021 to 18.03.2022 against the retired Army personnel as their behavior was not per standard/mandate with patients and general public. On 25.03.2022, DSP City-I Sub Division Peshawar wrote a letter to Administrator LRH Peshawar about the lethargic behavior and attitude of Hazrat Khan, who was the right hand man of the Director, a retired Brigadier, for creating problems and using abusive language against the police with the request to take action against him. It was mentioned in the letter that he quarreled with patients as well as general public. The said security guard, namely Hazrat Khan, conspired against the appellant and complained to the high ups of the police as a result of which he (the appellant) was not only transferred from the hospital but respondent No. 1 recorded adverse remarks against him for the period from 01.01.2021 to 31.12.2021 which were communicated to him after more than nine months. On 03.10.2022, he submitted representation before

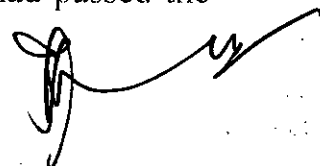


respondent No. 2 for expunction of the adverse remarks which was rejected/filed on 08.11.2022, without any reason and justification; hence the instant service appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that before recording the said remarks, neither any explanation was called nor any warning was issued or counseling done rather adverse remarks were recorded straightaway. He argued that the adverse remarks were recorded in the ACR of 2021 and as per instructions, it was the duty of the authority to convey the said ACR within one month but it was conveyed to the appellant after nine months without any justification. He argued that the appellant was not dealt with as per the mandate of law and the adverse remarks were based on malafide intention. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that a fair process in the respondent department was done and in case of commission of misconduct, the defaulter was penalized under the relevant law as per gravity of misconduct. He further argued that during the period of posting in LRH, several complaints were received against the appellant but he did not improve his performance, resultantly the Reporting Officer had passed the



adverse remarks against him. He argued that the appellant was verbally directed to mend his ways but he turned deaf ears to the directions of his superiors. He argued that if any conspiracy was made by the security Guard Hazrat Khan against the appellant then he was under obligation to bring it in the notice of his superior officers which he did not do. He requested that the appeal might be dismissed.

6. Through this service appeal, the appellant has prayed for expunging the adverse remarks recorded by the countersigning officer in his Performance Evaluation Report for the period from 01.01.2021 to 31.12.2021. During the period under report, the appellant was performing duties at the Lady Reading Hospital Peshawar as Incharge of the post for general checking of vehicles and public. Arguments and record presented before us show that some retired army personnel were also deployed for the security and checking at the entry points of the hospital, alongwith the police personnel. Some rift existed between the army and police personnel which was reported in the form of Naqalmad and various roznamchas on different dates by the appellant. Bad behavior of one Hazrat Khan, a private security guard was also highlighted in one of the roznamchas and a report was submitted to the Administrator LRH by the Deputy Superintendent of Police, City-I Sub Division, Peshawar, to take action against him. It is not clear whether any action was taken against the private security guard, but record shows that the appellant was transferred from LRH on the complaint of hospital administration against him. Furthermore, the countersigning



officer for the PER of the appellant recorded adverse remarks in his PER as follows:-

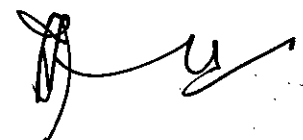
"PART-IV : Not yet fit for promotion.

PART-V : DSP Muslim Khan had a very average Performance. He was reported against by the head of Khyber Teaching Hospital and subsequently did not show any improvement while posted in Lady Reading Hospital. Moreover, he took any responsibility assigned to him very casually."

The countersigning officer declared the quality of assessment made by the reporting officer as "Exaggerated". The adverse remarks were conveyed to the appellant on 20.09.2022, upon which his representation was filed/rejected.


7. Comments of the respondents produced before us show that several complaints against the appellant were received based on which adverse remarks were recorded in his PER. When asked to produce the complaints, the learned Deputy District Attorney as well as the departmental representative could not produce even a single complaint. The departmental representative stated that all the complaints were verbal and there was no record of any complaint in writing. He further stated that the appellant was directed to mend his ways upon which he was asked to produce any such direction to which he responded that those were verbal directions.

8. Perusal of PER of the appellant for the year 2021 shows that his reporting officer mentioned his overall grading as "very good" whereas the



counter-signing officer gave his remarks as "Average". The appellant was working under the control of the reporting officer who considered him a very good officer. If the countersigning officer was in disagreement with the reporting officer, he had to give some solid reasons. Comments of the Countersigning Officer in part-V of the PER show that he based his assessment on some report against the appellant while he was posted in the Khyber Teaching Hospital and that he did not show any improvement while posted at the LRH. Upon strong denial of the appellant regarding his posting at the KTH, the departmental representative was asked to provide any document to ascertain that the appellant was posted at KTH and that there were any complaints against him during his posting there, but no such document could be produced before us. The guidelines for filling up the PERs are clear when they state as follows:-

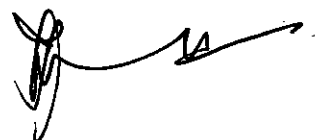
- *The Countersigning Officer should weigh the remarks of the RO against their personal knowledge of the Officer under-report, compare him with other officers of the same grade working under different Reporting Officers, but under the same Countersigning Officer, and then give their over all assessment of the Officer. In case of dis-agreement with the assessment done by the Reporting Officer, specific reasons should be recorded by the Countersigning Officers in Part-IV (2).*
- *Reporting Officer should ensure that proper counseling is given to the officer under report before adverse remarks are recorded.*
- *The Reporting and Countersigning Officers should be clear, direct, objective and unambiguous in their remarks. Vague impressions based on inadequate knowledge or isolated incidents should be*



avoided. Reports should be consistent with the pen picture, overall grading and comparative gradings.

9. In this case, we have noted that the countersigning officer did not stick to the guidelines, and while disagreeing with the reporting officer, he did not mention specific reasons with clarity and objectively, rather it was simply a comparison with his posting at KTH, where according to him there were complaints against the appellant. Although his posting at KTH has been denied by the appellant, but if we assume that he was posted there, at any time during his service, it was some period other than the year 2021 and the PER of every year is to be written independently, having no comparison with the previous year.


10. It was further noted that the reporting officer had not mentioned any negative point while initiating the PER of the appellant, rather he gave him a "very good" PER. If the countersigning officer had any reservations, he had to support his remarks with sufficient material, which in this case has not been done. The respondents failed to provide any record of adverse remarks in the PERs of the previous years. It was stated by the learned counsel for the appellant that no adverse remarks had ever been recorded, either by the reporting officer or the countersigning officer, in the past and that it was the first time that such remarks were recorded. The statement given by the learned counsel was not denied by the departmental representative present before us. Moreover as per guidelines, proper counseling has to be given to the officer under report before adverse remarks are recorded. When asked from the learned Deputy District



Attorney as well as the departmental representative about such counseling, then reply was in negative.


11. In view of the above discussion, the appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.

12. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 26th day of March, 2024.*


(FAREEHA PAUL)

Member (E)

FazleSubhan P.S


(RASHIDA BANO)

Member(J)

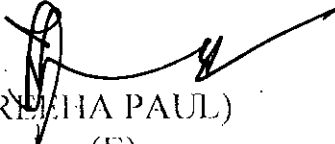
SCANNED
KPST
Peshawar


SA 1609/2022

26th Mar. 2024 01. Arbab Saiful Kamal, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Suleman, S.I (Legal) for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 08 pages, the appeal in hand, is allowed as prayed for. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 26th day of March, 2024.*


(FAREEHA PAUL)
Member (E)


(RASHIDA BANO)
Member(J)

Fazal Subhan PS

SCANNED
KFPT
Peshawar

15.08.2023

1. Learned counsel for the appellant present. Mr. Fazal Shah Mohmand learned Additional Advocate General for the respondents present.

2. Due to summer vacations D.B is not available, therefore, case is adjourned. To come up for arguments on 07.12.2023 before D.B. P.P given to parties.



(Rashida Bano)
Member (J)

KaleemUllah

7th Dec, 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. Granted. To come up for arguments on 26.03.2024 before D.B. P.P given to the parties.



(Salah Ud Din)
Member(J)



(Kalim Arshad Khan)
Chairman

*Adnan Shah *

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar


1609/22

04th April, 2023

Counsel for the appellant present: Mr. Asad Ali Khan, Assistant A.G. alongwith Raziq Khan, H.C. for the respondents present.

Representative of the respondents requested for time to submit reply/comments. Last opportunity granted. To come up for written reply/comments on 23.05.2023 before the S.B. Parcha Peshi given to the parties.

SCANNED
Peshawar


(Fareeha Paul)
Member(E)

23rd May, 2023

01. Junior of counsel for the appellant present. Mr. Fazal Shah Mohmand, Addl. AG alongwith Muhammad Raziq; H.C. for the respondents present.

02. Written reply/comments on behalf of the respondents submitted which is placed on file and a copy whereof handed over to junior of learned counsel for the appellant. To come up for rejoinder, if any, and arguments on 15.08.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
Peshawar


(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

4th Jan, 2023

Counsel for the appellant present. Syed Naseer Ud Din Shah, Asst: AG for respondents present.

Written reply/comments not submitted. Respondents are directed through learned AAG to submit written reply/comments. Adjourned. To come up for written reply/comments on 14.02.2023 before S.B.



(Kalim Arshad Khan)
Chairman

14.02.2023

Counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General for respondents present.

SCANNED
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Peshawar

Written reply on behalf respondents not submitted. Learned AAG requested for time to submit reply. Opportunity granted. To come up for written reply on 04.04.2023 before S.B.

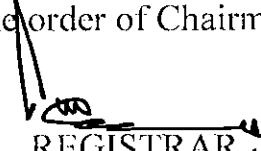



(Rozina Rehman)
Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 1609/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2022	<p>The appeal of Mr. Muslim Khan presented today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>28/11/22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p>  REGISTRAR
	28.11.2022	<p>Appellant alongwith his counsel present. Preliminary arguments heard.</p> <p>Points raised need consideration, hence the appeal in hand is admitted to regular hearing subject to all legal and valid objections. The appellant is directed to deposit security and process fee within 10 days. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for submission of written reply/comments on 04.01.2023 before the S.B.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J)</p>

SCANNED
KPST
Peshawar

Rs-100/-
Appellant Deposited
Security & Process Fee

A *missed* with
10/12/22

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KPST
Peshawar

All the
respondents
was put on
notice

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Mushtun Khan v/s CCPO & Another

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Saadullah Khan Memon</u>	✓	
2	Whether Counsel/Appellant/Respondent/Deponent 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 paged?	✓	
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: Saadullah Khan Memon
 Signature: [Signature]
 Dated: 11-11-22

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 1609/2022

Muslim Khan

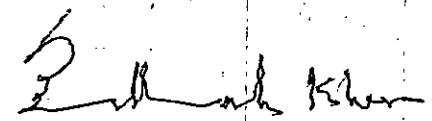
versus

CCPO & Others

I N D E X

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Daily Dairies since 21-10-21 till 18-03-22	"A"	5-9
3.	Letter of DSP City to Administrator LRH dated 25-03-2022	"B"	10-21
4.	Impugned order dated 20-09-2022	"C"	22-23
5.	Representation dated 03-10-2022	"D"	24-25
6.	Order dated 08-11-2022	"E"	26

Through Appellant



Saadullah Khan Marwat
Advocate
21-A, Nasir Mansion,
Shoba Bazaar, Peshawar
Ph: 0311-9266609

Dated 11-11-2022

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1609/2022

Muslim Khan
S/O Ghani-ur-Rehman
R/O Mayar Mardan,
Deputy Superintendent of Police,
Special Security Unit (SSU),
Balakot now Peshawar. Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1917

Dated 11-11-2022

Versus

1. Capital City Police Officer,
Peshawar.
2. Provincial Police Officer,
KP, Peshawar. Respondents

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 2154 DATED 20-09-
2022 OF R. NO. 01 WHEREBY ADVERSE REMARKS
AGAINST APPELLANT FOR THE PERIOD FROM 01-
01-2021 TO 31-12-2021 WAS RECORDED I.E. NOT
FIT FOR PROMOTION OR ^{AND} OFFICE ORDER NO. S/
2682-83 / 22 DATED 08-11-2022 OF R. NO. 02
WHEREIN REPRESENTATION OF APPELLANT WAS
FILED / REJECTED FOR NO LEGAL REASON:

Respectfully Sheweth;

1. That appellant was initially appointed as Constable in the year 1988 and was promoted to the rank of Head Constable in the year 1996. The said process was in-vogued when in the year 2003, he was further promoted to the rank of ASI, followed by further promotion to the rank of Sub-Inspector in the year 2008. In the year 2011, appellant was promoted to the rank of Inspector and then on satisfactory-performances of official duties, promoted to the rank of Deputy Superintendent of Police (DSP) in the year 2017.

Filed to day
Registrar
11/11/22

2. That finally appellant was posted to the post of DSP, LRH on 21-10-2021 as Incharge of the post for general checking of the vehicles as well as general public.
 3. That at the same time, two different bodies, i.e. Police Personnel's and retired army personnel's was supervising LRH security but the personnel's of both the bodies have different criteria of checking. Numerous complaints of different types were recorded in Daily Dairies against the retired personnel's against the Army as their behavior was not per standard / mandate with patients and general public. Every dairy is self explanatory and requires worth consideration since 21-10-2021 till 18-03-2022. (Copies as annex "A")
 4. That on 25-03-2022, DSP City-I Sub Division Peshawar wrote letter to Administrator LRH Peshawar about the lethargic behavior and attitude of Hazrat Khan who was right hand of the Director retired Brigadier for creating problems abusive language against police for taking action against him. He made quarrels with patients as well as general public which proof is available in shape of medical evidence. (Copies as annex "B")
 5. That the said security guard namely Hazrat Khan made ^{conspired} conspiracy with the Director of the hospital against appellant and then he made complaint to high-ups of the Police and as a result of the said complaint he was not only transferred from the hospital but R. No. 01 recorded adverse remarks against appellant for the period from 01-01-2021 to 31-12-2021, "not fit for promotion" vide order dated 20-09-2022. (Copy as annex "C")
- Here it would be not out of place to mention that the said remarks of the year 2021 were not communicated to appellant well within time but after more than nine (09) months the same were communicated to him.
6. That on 03-10-2022, appellant submitted representation before R. No. 02 for expunction of the adverse remarks which was rejected / filed on 08-11-2022 without any reason and justification. (Copies as annex "D" & "E")

Hence this appeal, Inter Alia, on the following grounds;

GROUNDS

- a. That no complaint, whatsoever, of the parent department was made against appellant in performance of his official duties but it was another quarter on whose instance, such remarks were recorded in ACR.
- b. That Director of the hospital was a retired Brigadier and he deputed his own retired personnel's of the establishment for the purpose of security of the hospital but numerous incidents took place where visitors lodged complaints against them.
- c. That the said retired Brigadier made complaint to R. No. 02 to transfer appellant from hospital and a result, he was transferred on 22-04-2022 from the hospital to the office of R. No. 01.
- d. That on the said complaint, R. No. 01 recorded remarks:-
"Fitness for promotion..... Not fit for promotion". Which remarks were at the behest of others and not the concerned.
- e. That police personnel's has its own course of checking as against that of Armian's and due to none familiarity with civilians many problems were created, resulted into lodging of complaints against the personnel's of forces.
- f. That before recording the said remarks, neither any explanation was called for from appellant nor any warning or counseling was made but straight away recorded the adverse remarks for no legal reason.
- g. That the subject matter was pertaining to the year 2021 and it was the duty of the authority to convey the said ACRs within one month but after two years, the same were conveyed to appellant which has no legal value in the eyes of law.
- h. That the case against appellant was not dealt with as per the mandate of law, so the same are not only based on malafide rather on behalf of a retired personnel which has no legal value.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned adverse remarks dated 20-09-2022 and 08-11-2022 of the respondents be not only set aside but the same be removed from personal dossier of appellant, with such other relief as may be deemed proper and just in circumstances of the case.

Musli Ali

Appellant

Through

Saadullah Khan Marwat
Saadullah Khan Marwat

Arbab Saiful Kamal
Arbab Saiful Kamal

Amjad Nawaz
Amjad Nawaz
Advocates

Dated: 11-11-2022

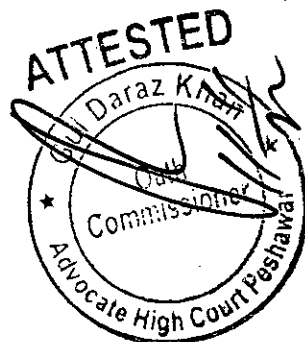
CERTIFICATE:

As per instructions of my client, no such like Service Appeal has earlier been filed by the appellant before this Hon'ble Tribunal.

Saadullah Khan Marwat
Advocate

AFFIDAVIT

I, Muslim Khan S/O Ghani-ur-Rehman, DSP (SSU) Peshawar (appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief.



Muslim Khan

DEPONENT

جوبی LRH

نقل عد 3 روز ناچھ 21¹⁰/₀₂₁

ضلع پشاور

21-10-21

3 رپورٹ مسلم خان DSP وقت 18:30 بجے مورہ 21¹⁰/₀₂₁ درج ہے کہ LRH ہسپتال انتظامیہ نے پولیس ملازمین کے فولٹ سائیکلز اور مہرا ذاتی فوراً کار کوجیک بھی کرتے ہیں اور اندر آنے کو نہیں چھوڑتے اور باہر جاتے وقت بھی ہسپتال سکیورٹی گارڈ گاڑی کی سخت چیلنج کرتے ہیں اور لیس بھی سرکاری کام میں پولیس کے ساتھ تعاون نہیں کرتے جبکہ کئی بار پولیس کے ساتھ فولٹ سائیکل نہ چھوڑنے پر آپس میں تلخ طوافی بھی ہوئی جس کی شکایت کئی بار ہسپتال ڈائریکٹر کو کر چکے ہیں لیکن پھر بھی سکیورٹی اور پولیس کے مابین سخت رجحش پائی جاتی ہے جو کسی بھی ناخوشگوار واقعہ کا سبب بن سکتی ہے لہذا رپورٹ درج روز ناچھ ہو کر نقل عد لغرض مناسب چارہ جوبی افسران بالا کی خدمت میں ارسال کی جاتی ہے۔

جناب عالی!

نقل مطابق اصل ہے

ATTESTED TO BE TRUE COPY

Handwritten signature and initials

A 51

جوگی سپر بازار

صد 8 روزنامہ 22-2-22

صالح کاپی

آؤد
رہنوی

سٹرکٹریل عملی H.C. انچارج بائیس اسیٹ 1700 بجے صبح 22/2/22 میں ہر جگہ کے بعد آؤٹ سٹائمٹ کا عمل سے

جوگی سپر بازار یا میدان لکھتے علاقے میں تمام روزانہ کے نزدیک H.C. انچارج سپر بازار کے سٹریٹ کے ساتھ سے

کھڑے تھے کہ ان کے ٹیکٹ پر سکڑا والے ایک شخص آگیا تو سپرنگم ہاؤس میں حور فاقا اور دیگر کارکن

اور دوسرے شخص آگیا تاکہ بائیس کے گاڑیوں کے ساتھ حور فاقا اور دیگر کارکن کے ساتھ

یا حور فاقا نے ایچ. سی. انچارج سپر بازار میں کارکنوں کے ساتھ حور فاقا اور دیگر کارکن کے ساتھ

اور حور فاقا نے ایچ. سی. انچارج سپر بازار میں کارکنوں کے ساتھ حور فاقا اور دیگر کارکن کے ساتھ

حور فاقا نے ایچ. سی. انچارج سپر بازار میں کارکنوں کے ساتھ حور فاقا اور دیگر کارکن کے ساتھ

حور فاقا نے ایچ. سی. انچارج سپر بازار میں کارکنوں کے ساتھ حور فاقا اور دیگر کارکن کے ساتھ

حور فاقا نے ایچ. سی. انچارج سپر بازار میں کارکنوں کے ساتھ حور فاقا اور دیگر کارکن کے ساتھ

صالح کاپی

نیشنل سٹریٹ

MHEPPLER

22-2-22

ATTESTED TO BE
TRUE COPY

22-2-22

61

جناب عالی!

Completed File _____
DSP City _____
Date _____

معروض خدمت ہوں۔ کہ LRH پشاور میں پرنسپل سیکورٹی گارڈ حضرت خان جو کہ
نہایت بد اخلاق اور بد زبان شخص ہے۔ جو روایت کسنا نہ کسنا سے لڑائی بھگڑنے کر تا اور ٹھکر پو لیس، آرمی وغیرہ کے خلاف
نازیبہ زبان استعمال کرتا ہے۔ اور اکثر اوقات سرکاری ملازماں کے ساتھ لڑائی بھگڑے جی کر تا ہے حضرت خان کے
اس اقدام کی وجہ سے LRH پشاور جو کہ ایک نہایت اہم ادارہ ہے کے ملازمین بدنام ہو رہے ہیں ان کے خلاف تھانہ بڈائیں
شکایات موجود ہے۔ جو تلف اور خواست ہے۔

استدعا ہے کہ حضرت خان کے خلاف کارروائی کر کے تمام افسانوں پر رحم کرے اس ایک
بذکر وار شخص کی وجہ LRH کا قلم بدنام ہوں۔

Handwritten signature

SHO PS KRS

18-3-22

Stop

Impounded

Handwritten signature

DSP City

21-03-2022

Handwritten notes and signature
کے خلاف کارروائی کر کے تمام افسانوں پر رحم کرے اس ایک
بذکر وار شخص کی وجہ LRH کا قلم بدنام ہوں۔

ATTESTED TO BE TRUE COPY

Handwritten signature



B 10 25-3-22
**OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
CITY-I SUB-DIVISION, PESHAWAR.**



No. _____ /Steno, dated Peshawar the 25 / 3 / 2022.

To: The Administrator,
Lady Reading Hospital,
Peshawar.

Subject: **IMMORAL/ABUSIVE BEHAVIOR/ATTITUDE OF
SECURITY GUARD HAZRAT KHAN AT LRH, PESHAWAR.**

Memo:

It has been reported (**report attached**) by SHO PS Khan Raziq Shaheed that Hazrat Khan who is performing his duties as security guard at Lady Reading Hospital, Peshawar. His attitude and behavior with the general public are not good. He also uses abusive language against the Police and the Pakistan Army, which create a lot of problems and also effect the reputation of Lady Reading Hospital. Many complaints have been received from the general public which have been entered in the Daily Diary vide DD No. 9, dated 18-03-2022, No. 08, dated 22-02-2022 and. No. 08, dated 17-03-2022, PP Khyber Bazar.

It is, therefore, requested that take action against him.


**Deputy Superintendent of Police,
City-I Sub-Division, Peshawar.**

No. 1069-70 /St,

Copy of the above is forwarded for information to the:-

1. Superintendent of Police, City, Peshawar.
2. Deputy Superintendent of Police, LRH, Peshawar.

**Deputy Superintendent of Police,
City-I Sub-Division, Peshawar.**

**ATTESTED TO BE
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11

12-4-22



EMERGENCY DEPARTMENT

LADY READING HOSPITAL
MEDICAL TEACHING INSTITUTION
PESHAWAR, KHYBER PAKHTUNKHWA

Account Paid : 20
Invoice No: K02220923371
Invoice Date : 12-APR-22 19:19:53

225

MIRNA : K0200022245915 Name : Muhammad Shahab
Gender : Male Age : 28 Year(s) District : Peshawar

Father / Husband Name : USMAN GUL

Visit Type : Acute Emergent Department : EMERGENCY

Serial No. **92786**

Operator : KAMRAN JOHN

Counter : EMERGENCY

Complaints:

Rx
- AX of Alleged Physical Assault:

Findings:

A
B / 1000
C

- Bruise in Rt calf (Medial side)
- No other obvious wound
- Complac
- No LOC / Ret's Vomitus

Investigations:

Exam Rt calf

T. 38.5 Temp 38.5 - P
Cv ① - 171
110/80 Qalan - 3 P
L ② = sinus ②
707

Diagnosis:

ATTENDED TO BE TRUE COPY

Orthopedic / spec
Radiology

Next Visit:

Consultant Name:

Signature: *Dr. Kamran John*

Phone: 92-91-260

Website: www.lrh.gov.pk

DSP-SECURITY
LRH-Peshawar

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DSP-SECURITY LRM-Pashawa

Attested

Handwritten text in Urdu script, including a circular stamp and a fingerprint.

Handwritten notes and dates: 19.30, 18.00, 19/12/2022, 20/12/2022



LADY READING HOSPITAL
MTI PESHAWAR

Book # 33
Page # 34 100

No. _____ Name Mrs. Shahzad Son of Usman Gul Age 28yrs Sex (M) Cast Mohammed Occupation _____
 Residence Lakhkhan kaly Name of relative/friend _____ Date of examination 12 April 2022
19:18 Pm

Date and hour of arrival 12 April 2022
19:18 Pm
 No. and date of Police docket _____
 No. and date of constable P/11116
 If admitted { Date of admission 12/4/22
 Date of discharge _____
 Date and hour of report sent to police _____

Particulars of injuries or symptoms, in case of poisoning
 Hx of Alleged physical Assault
 Burush in left calf. Medically
 NO other obvious wounds

3/Lean
 CRUS: 15/15
 Artery Rt. Leg / AD
 Cast

Orthopedic
 Radiology repair

Space for particulars as to further reference of the case date of giving evidence in court of despatch of articles said to contain position

Arrested

Two identification marks: P/11116
12/4/22

DSP-SECURITY
 LRH-Peshawar

1. Nature of Injuries <u>CO</u>	The kind of weapon used or poison suspected in the case of poisoning. } <u>Bleed</u>
(Simple, grievous or dangerous)	
Probable duration of injury <u>30 min</u>	

Date _____ of _____ 20 _____
 MLC-MRD/LRH/001

In Police Case No fee received
 In Private case A fee of Rs. _____ Medical Officer.
 Examining Medical Officer Dr. Shudab Khan
 Paid to the _____
 Signature of Thumb Impression of Private Party _____
 Examining Medical Officer Blunt

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صوبہ اترپردیش، 18/03/2022 کوئی ضمیمہ کارزار سے الوریٹ اورج ہو چکی ہیں اسلئے سلیبل سے فٹا - DSP صاحب
سٹی آئی نے سٹیبل رینڈا سید کو صفحہ 2 کے خلاف صفحہ 3 (تفصیلی خبری) 15-1069-75-25-3-022 ارسال کر کے پہلے طور پر
اور ڈائریکٹری کو بھیجی عمرا صفحہ الوریٹ سے الوریٹ اورج کارزار اورج کارزار کے خلاف صفحہ 2 کے خلاف صفحہ 3
کا الوریٹ ارسال یا لاکے صورت سے ارسال کی جا رہی ہے

10

صاحب عالی

Attested.

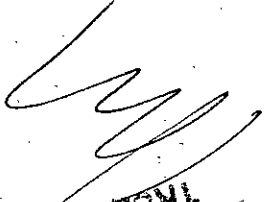
نقل حکامان اورج



DSP-SECURITY
LRA-Peethari

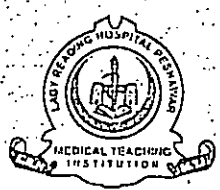
12-04-022

ATTESTED TO BE
TRUE COPY



17

32-3-22



EMERGENCY DEPARTMENT

LADY READING HOSPITAL

MEDICAL TEACHING INSTITUTION PESHAWAR

PESHAWAR, KHYBER PAKHTUNKHWA 02220923313

Invoice Date : 12-APR-22 18:34:55

No: K0200022245885 Name: Shah Oasand

Gender: Male Age: 50 Year(s)

District: Peshawar

Husband Name: MISAL KHAN

Serial No. 80229

Acute Emergency Department: EMERGENCY

Counter: EMERGENCY

Complaints: **RAJAD**

Pain in RF hand

100

Apply B/Ws below knee

high T.T. / m/s

Trauma to foot

ASD

Findings:

BP - 140/80

Tas Tendonflex - P

100

Tas Dayer Rf

Investigations:

Acute RAJAD

Emergency Department Peshawar

Qalbani - A

Foot

2 Ls @ 1000 cc @

Diagnosis:

107

Admitted

1300 - 1300 for 24 hr

Next Visit:

Consultant Name:

Signature:

DSP-SECURIT LRH-Peshawar

Phone: 02111431

Website: www.lrh.gov.pk

18

12-4-22



EMERGENCY DEPARTMENT

LADY READING HOSPITAL

MEDICAL TEACHING INSTITUTION PESHAWAR
PESHAWAR, KHYBER PAKHTUNKHWA K02220923313

Invoice Date : 12-APR-22 18:34:55

IPD No: K0200022245885

Name : Shah Oasand

Gender : Male

Age : 50 Year(s)

District : Peshawar

Husband Name : MISAL KHAN

Serial No. 80229

Acute Emergency Department : EMERGENCY

Counter : EMERGENCY

Complaints:

PAUAD
Pain in Rt Hand

106

Apply plaster below elbow

up T.P. / MS

Trans to (R)
Foot

ASD

Findings:

BP - 140/80

Tas Tongue - P

Investigations:

Able
✓ Ray (R)
Foot ← AD

APPROVED BY THE HOD
12/04/2022

2 Ls (R) (L) (R) (L)

Diagnosis:

107

Attested

DSP-SECURITY
LRH-Peshawar

Next Visit:

Consultant Name:

Signature:

Phone: 9211430

Website: www.lrh.gov.pk

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19

12-4-22



EMERGENCY DEPARTMENT
LADY READING HOSPITAL
MEDICAL TEACHING INSTITUTION PESHAWAR: 20
PESHAWAR, KHYBER PAKHTUNKHWA/K02220923313

Invoice Date : 12-APR-22 18:34:55

NO: K0200022245885 Name : Shah Oasand District : Peshawar
Sex : Male Age : 50 Year(s)
Husband Name : MISAL KHAN Serial No: 80229
Acute Emergency Department : EMERGENCY Counter : EMERGENCY

Complaints:
Pain in Rf hand
Tenderness in foot

Apply plaster below knee
w/ T.T. / m/s

106

ATTESTED TO BE TRUE COPY

ASD

Findings:
BP - 140/80

Tas / Torpless P
Tas / Dayan Rf

Investigations:
Adeq
Ray
Foot

Systemic Health Department
L. Reading Hospital Peshawar

Rahman A
w/ L. / m/s

13. April 2022
for

Diagnosis:

Attested

DSP-SECURITY
LRH-Peshawar

Next Visit: _____ Consultant Name: _____ Signature: _____

TESTED TO BE
- THE COPY

DSP-SECURITY
LRA-Personal
6:28 PM
12/4/22
2 KH
DSP (Security) Mic
- 0345 61216608 17101-1538764-3
George MLC take
doctory opinion
12/4/22

12-04-22
[Handwritten Urdu text, mostly illegible due to bleed-through and cursive style]

20
12-4-22
[Handwritten Urdu text]

بخدمت جناب 9
12-4-22

21
درخواست مراد قافری صاحب

جناب عالی

مردمانہ آرڈیننس دہلی۔ کہ آج عورت 12⁰⁹/₂₂ کو وقت

تعمیراتی سٹاک obicorp پر ایک شخص کا نام لکھا گیا ہے اور اس سے اندر آنے کی کوئی
تربہ لکھا۔ ڈیوٹی پر موجود سیکورٹی گارڈ نے کسی بار اس سے پوچھا کہ یہ کیا ہے
اس نے یہ بیان کیا کہ اندر آنے کے لیے سورہہ قلم لکھا گیا ہے۔ اس کے لیے
اسی دوران میں مختلف شخصوں نے مجھ پر تہذیباً جارحانہ رویے کا اظہار کیا
جس سے میں بے حد پریشان ہوا۔ جبکہ بائیں ہاتھ پر بھی قلم لکھا گیا۔ اس
شخص کے جیو پی ایم پولیس کے حوالے کیا گیا۔ مجھ پر جان سے مارنے کی ٹھیکر
کوٹھی لگی۔ متبردار چاقو کو تو MLC پولیس کے حوالے کیا گیا۔

میں نے اس شخص کو ایس ایف کے حوالے کیا ہے۔ کہ مندرجہ شخص جو جیو پی ایم پولیس کے حوالے کیا گیا
اس کے خلاف مجھ پر جان سے مارنے کی کوٹھی لکرنے کے لیے ایس ایف کے خلاف
حزب کے خلاف FIR جمع کر لیا۔ جس کو از خود لکھا گیا۔

انصار علی
12-04-22

آج کل کے حالات سے مراد انڈیا شاہ سیکورٹی میں ہے

3-764764-15387101-17101-034561216608
DSP (Security) Mic - Incharge MLC take
Doctory opinion
2RH
6:28 PM
12/4/22

Attested

DSP-SECURITY
LRH-Peshawar

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OFFICE OF THE
GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR.
Phone: 091-9210927 . Email: secretbranchno2@gmail.com

No. S/ 2954 /22, dated Peshawar the 20 / 9 /2022

To :
The Capital City Police Officer,
Peshawar

Subject:- PER / COMMUNICATION OF ADVERSE REMARKS

Memo:

In the Performance Evaluation Report on the working of DSP Mr. Muslim Khan for the period from 01.01.2021 to 31.12.2021, it has been mentioned that:-

REMARKS OF COUNTERSIGNING OFFICER (CCPO PESHAWAR)

PART-IV

7. Fitness for Promotion..... Not yet fit for promotion

PART-V

COUNTERSIGNING OFFICER EVALUATION

DSP Muslim Khan had a very average performance. He was reported against by the head of Khyber Teaching Hospital and subsequently did not show any improvement while posted in Lady Reading Hospital. Moreover, he took any responsibility assigned to him very casually.

The above adverse remarks may please be conveyed to the officer concerned in order that he may remedy the defects. Representation if made should be sent not later than one month from the date of receipt of this communication.

The ack: as token of the receipt of this memo: may be obtained from him on the attached duplicate copy of this communication and returned to this office for placing in his Character Roll Dossier.

(DR. ZAHID ULLAH), PSP

AIG/Establishment,

For Inspector General of Police.
Khyber Pakhtunkhwa, Peshawar

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19/09/22

23

20-9-22

Special Security Unit (CPEC)
Khyber Pakhtunkhwa, Peshawar.



No. 987 /AS, dated Peshawar the 20/09/2022

Subject: PER/COMMUNICATION OF ADVERSE REMARKS.

Memo:

Enclosed please find herewith adverse remarks in PER of the then DSP/Security LRH, Peshawar Muslim Khan now posted in (CPEC) for the period from 01.01.2021 to 31.12.2021.

The adverse remarks may please be deliver upon him and duplicate copy of the same may please be return to this office duly signed by the DSP concerned for onward submission to CPO.


FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR

20/9

No. /AS,,

Copy of above is forwarded to Supdt:Secret CPO for information to his letter No.S/ 2151/22, dated 20.09.2022.


FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR

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24

3-10-22

To

The Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

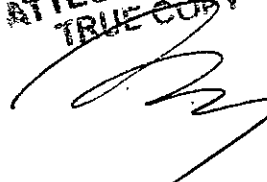
Subject: Adverse remarks of the countersigning officer (CCPO Peshawar) against order No.S/2154/22 dated 20.09.2022 of my honour whereby the same was recorded as not yet fit for promotion in the ACR.

Respected Sir,

- 1) That appellant has in his credit 34 years unblemished service wherever he was posted, he performed his duty upto the standard.
- 2) That finally appellant was posted as Security Incharge in the office of CCPO, Peshawar but due to general threats to hospitals, he was deputed to LRH Peshawar on 23.11.2020 for security measures.
- 3) That Director of the hospital was a retired Brigadier and he deputed his own personnels for the purpose but many incidents took place where the visitors lodged complaints against the personnels.
- 4) That the said Brigadier made complaint to PPO to transfer appellant from the hospital and as a result, he was transferred on 22.04.2022 from the hospital to the office of CCPO, Peshawar.
- 5) That on the said complaint, your honour wrote remarks:-

"Fitness for promotion ----- not yet fit for promotion" vide letter dated 20.09.2022.
- 6) That as stated earlier, police department has its own course of checking, while the Army has his own one and due to not familiarity with civilians, many problems were created resulting into lodging of numerous complaints by the civilians against the retied personnels of forces.

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25

- 7) That anyhow, neither any explanation was called for from appellant, nor any warning or counseling was made to him and straightaway recorded the aforesaid adverse remarks in the ACR.
- 8) That the matter was pertaining to the year 2021. It was the duty of the authority to convey the said ACR within one month but after two years, the same was conveyed to appellant which has no legal value in the eyes of law.
- 9) That the matter was not dealt with as per the mandate of law. So the same is not only based on malafide rather on behalf of retired personnels. So is of no legal effect.

It is, therefore, most humbly requested that the impugned adverse remarks dated 20.09.2022 of my honour be set aside and appellant be let to perform his official duties to the best of abilities. The same be removed from his personal dozier and obliged.

Thanking you Sir,

Muslim Khan
Muslim Khan
s/o Ghani-ur-Rehman
DSP (SSU) Balakot.
Cell: 0301-8980968
0315-9966157

Dated: 03.10.2022

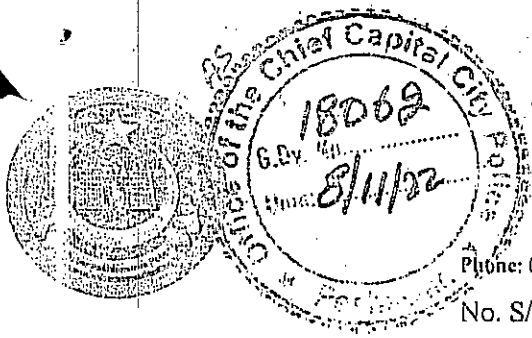
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[Signature]

E

26

8-11-22



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

Phone: 091-921092 Email: secretbranchcpo9@gmail.com

No. S/2682-83/22, Dated Peshawar the 8/11/2022.

ORDER

This order pertains to the representation preferred by DSP Muslim Khan of C CP Peshawar for the expunction of Adverse Remarks contained in his ACR for the period from 01.01.2021 to 31.12.2021 recorded by the 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 01.01.2021 to 31.12.2021 are maintained and his representation is hereby filed/rejected.

Sd/-

Add: IGP/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. CCPO Peshawar w/r to his memo: No. 1095/AS, dated 24.10.2022. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
 2. Supdt: "E-I" Branch, CPO.

(IRFAN ULLAH KHAN), PSI
AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawa

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OFFICE OF THE CAPITAL CITY POLICE OFFICER PESHAWAR

No. 1113 /AS, dated Peshawar the 18/11/2022.

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

1. Commandant,
Special Security Unit, (CPEU), Khyber Pakhtunkhwa, Peshawar.

FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR

انٹرنیٹ

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11-11-2022

Main body of handwritten text, likely a letter or report, written in Urdu.

Decorative separator line with circles at both ends.

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SCANNED
KPST
Peshawar

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

1609

Appeal No. of 20*22*

Mushim Khan

Appellant/Petitioner

C-C-P-0

Versus

Peshawar

Respondent

Respondent No. *(1)*

Notice to:

Capital City Police Officer, Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....*04/01/2023*.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing **4 copies** of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

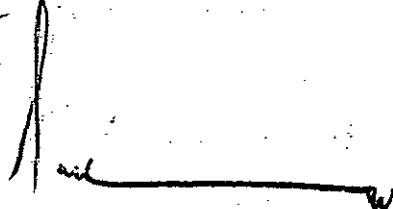
Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

6th

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....*Dec*.....20*22*

For Regl



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

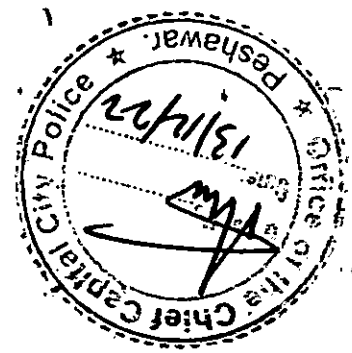
Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

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"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

1609

SB

Appeal No. of 20 22

Muslim Khan

Appellant/Petitioner

C-C-P-0 Versus Peshawar

Respondent

Respondent No. (2)

Notice to:

Provincial Police Officer of Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....09/10/2023.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....Dec.....20 22

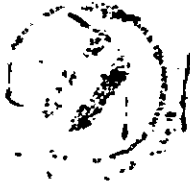


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Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1609 /2022.

DSP Muslim Khan of CCP Peshawar..... Appellant.

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . Respondents.

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23/5/23

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S.NO	DOCUMENTS	ANNEXURE	PAGES
1	REPLY		1 TO 03
2	AFFIDAVIT		04
3	Authority		05
4	Copy of ACR	A	06 -15

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1609 /2022.

DSP Muslim Khan of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

REPLY BY RESPONDENTS NO. 1 and 2.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record, However, the Para clearly reflects that a fair process in the respondent department is done and in case of commission of misconduct, the defaulter is penalized under the relevant law as per gravity of misconduct. The instant case is an example of fairness and impartiality.
2. Pertains to record. Hence needs no comments.
3. Incorrect. As for as posting of the retired Army personnel in Lady Reading Hospital alleged by the appellant is concerned it is to clarify that this establishment does not concern with the posting of any private bodies. However, during the period of posting in LRH several complaints were received against the appellant, but the appellant did not improve his performance resultantly the reporting officer had passed the adverse remarks against him.
4. Incorrect. The fact of the para is that the local Police have their own lawful duties based on law & order situation and bound to proceed on each and every complaint filed by the general public as enumerated in the constitution of Pakistan. Further the appellant concealed the actual position from this Hon'ble Tribunal, actually the appellant was verbally directed to mend his way, but he turned deaf ears toward his directions, therefore the adverse remarks were passed.
5. Incorrect. If any conspiracy was made by the Security guard Hazrat Khan in collaboration of others companions against the appellant then he was under obligation to brought the matter in kind notice of his superior officers. Moreover, rest of

allegations in the para are concerned, it is pertinent to mention that Annual confidential report (ACR) is based on the performance of the personnel prepared by the high ups and placed it in a secret file. As for as communication regarding the said adverse remarks to the appellant is concern, the same was communicated accordingly.(Copy of ACR is annexure as A).

6. Correct to the extent that departmental representation for the expunction of adverse remarks is filed/rejected after due consideration based on the contents of adverse remarks made by the countersigning officer after the receipt of several complaints by the authority of LRH Peshawar. Moreover, appeal of the appellant being devoid of merits may be dismissed on the following grounds.

REPLY ON GROUNDS:-

- A. Incorrect. Actually during the period of posting in LRH several verbal complaints were received to the Reporting Officer, in view of which appellant was repeatedly directed to mend his way but failed, which subsequently resulted in recording adverse remarks by the Reporting Officer in his ACR for the year 2021. Further the Reporting Officer was in better position to evaluate the performance of a subordinate officer.
- B. Incorrect. Para not related to replying respondents. Further, several chances were given to the appellant to mend his way but the appellant paid no attention toward the directions.
- C. Incorrect. Order issued by the competent authority was based on the performance of the appellant.
- D. Incorrect. As Reporting Officer has no ill will towards appellant. Hence remarks recorded by the Reporting Officer was in its true sense image, decorum of the department was involved, hence the said remarks recorded in the ACR.
- E. Incorrect. Appellant has no right to put his own guilt/misconduct in the shoulder of others.
- F. Incorrect. The appellant was given opportunity of self defense time and again verbally directed to mend his way, but appellant turned deaf ears toward his directions, therefore the adverse remarks were passed.
- G. Incorrect. The appellant was treated as per law/rules and no violation of law/rules has been done by the respondents. The appellant was aware about the adverse remarks passed by the reporting officer.
- H. Incorrect. The appellant was dealt in accordance with law/rules and no malafide intension was involved.

3

PRAYERS:-

It is therefore prayed that in light of the above facts and submissions, appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with costs please.



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**



**Capital City Police Officer,
Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1609 /2022.

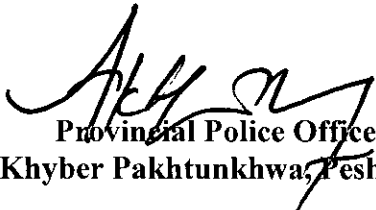
DSP Muslim Khan of CCP Peshawar..... **Appellant.**


VERSUS

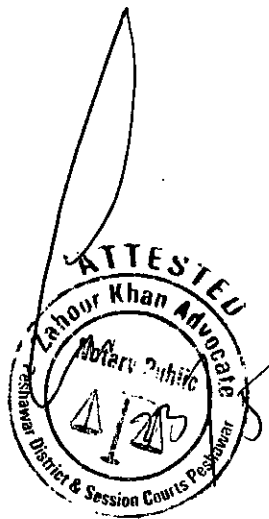
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

AFFIDAVIT.

We respondents 1, and 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1609 /2022.

DSP Muslim Khan of CCP Peshawar..... **Appellant.**

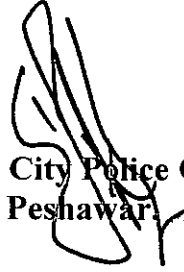
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents**

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

**Capital City Police Officer,
Peshawar.**



CERTIFICATE

Annexure A

6

Certificate that I MUSLIM KHAN PROVINCIAL 17
(Name of officer) (Group/Service (BS))

Have on _____ submitted my Performance Evaluation Report
(Date)

To Mr. YASIR AFRIDI (PSP) SSP-OPERATIONS, PESHAWAR
(Name/Designation of reporting officer)

My countersigning officer is ABBAS AHSAN CCP, PESHAWAR
(Name/Designation of countersigning officer)

Muslim Khan

(MUSLIM KHAN)

DY. SUPERINTENDENT OF POLICE,
LRH, PESHAWAR

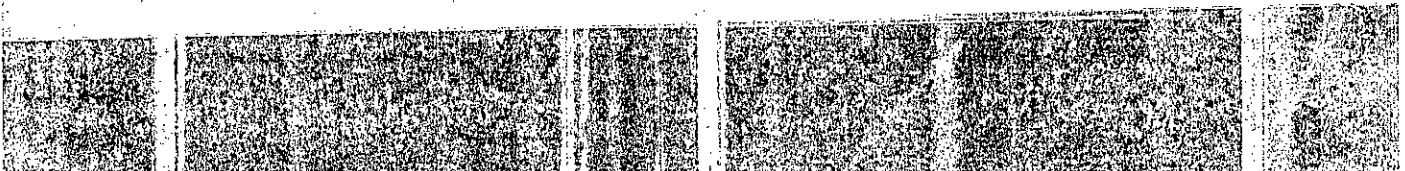
Name/Designation/Department of officer

Note:

This certificate is required to be dispatched by the officer being reported upon to the officer incharge entrusted with the maintenance of his /her C.R. Dossier on the same date the PER is forwarded to his/her reporting officer.

Attested
Attested

Guidelines 1



7

FOR OFFICERS IN BPS 17 & 18

RESTRICTED

اسکیل ۱۷ اور ۱۸ کے افسران کے لیے

محدود

GOVERNMENT OF KHYBER PAKHTUNKHWA

حکومت خیبر پختونخواہ

Ministry /Division/ POLICE

Service/Group PROVINCIAL

Department/Office _____

وزارت / ڈویژن / کلمہ دفتر

سروس / گروپ

PERFORMANCE EVALUATION REPORT

کارکردگی رپورٹ

FOR THE PERIOD

01.01.2021 TO 31.12.2021

تاریخ

دسمبر

سال ۲۰۲۱ء

PART I

حصہ اول

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

(متعلقہ افسر خود پُر کریں)

1. Name (in block letters) MUSLIM KHAN
نام (واحد حروف میں)
 2. Personnel number 38259
انفرادی نمبر
 3. Date of birth 13.02.1970
تاریخ پیدائش
 4. Date of entry in service 30.06.1988
ملازمت اختیار کرنے کی تاریخ
 5. Post held during the period (with BPS) DSP DSP/ Security LRH Peshawar
پیش نظر عرصہ میں عہدہ (مع اسکیل)
 6. Academic qualifications FA
تعلیم
 7. Knowledge of languages (Please indicate proficiency in speaking (S), reading (R) and writing (W))
زبانوں کا علم (بولنے (ب)، پڑھنے (پ)، اور لکھنے (ل) کی صلاحیت)
- ENGLISH, URDU, PUSHTO (R.W.S)**

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Ballal

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2. Brief account of p
where possible. T
highlighted. Reas
ملاحظہ جانے کی وجہ سے بیان کریں

I have accompli
Successfully accom
was no shortfall of
report. Besides, I ha

8. Training received during the evaluation period

متعلقہ عرصہ کے دوران حاصل کی گئی تربیت

Name of course attended کورس کا نام	Duration with dates تاریخوں کے ساتھ دورانیہ	Name of institution and country ادارے اور ملک کا نام

9. Period served

عرصہ ملازمت

(i) In present post 1 Year & 4 Months (ii) Under the reporting officer 1 Year & 4 Months

موجودہ عہدہ پر

رپورٹنگ افسر کے ماتحت

PART II

حصہ دوم

(TO BE FILLED IN BY THE OFFICER REPORTED UPON)

(متعلقہ افسر خود پُر کریں)

The ratio
The ratio

For un
against

1. Job description

ذمہ داریوں کی تفصیل

- Hectic efforts for prevention of LRH Peshawar.
- Supervision of lower/ Upper subordinates with regard to Security of LRH Hospital.
- Maintaining of law & order in LRH Peshawar.
- Overall supervision of Emergency and trauma Centers.
- Co-ordination and assistance to all staff of LRH Peshawar.
- Disciplinary action against lower subordinates.
- Preserving and prompting public and tranquility.
- Provided protection/ security duty to VIP/ VVIP and Vital Installations.

1.	Intellige ذہانت Except compre اور مبالغہ
----	--

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2. Brief account of performance on the job during the period supported by statistical data where possible. Targets given and actual performance against such targets should be highlighted. Reasons for shortfall, if any, may also be stated.

پیش نظر عرصہ میں کارکردگی کو اعداد و شمار کے ساتھ مختصر بیان کریں۔ دیے گئے اہداف اور کارکردگی کو نمایاں طور پر لکھیں۔ اہداف ناممکن رو جانے کی وجہ بھی بیان کریں

I have accomplished all the assigned tasks given by the superiors upto their satisfaction. Successfully accomplished all the assigned tasks and achieved the desired results. There was no shortfall of any type in the performance of official business during the period under report. Besides, I have also taken many measures necessary for the security of LRH.

Education and country

ادارے اور ملک

months

حصہ سوم - PART III

(EVALUATION BY THE REPORTING OFFICER)

(ریپورٹنگ افسر کا جائزہ)

The rating in Part III should be recorded by initialing the appropriate box. The ratings denoted by alphabets are as follows:

'A' Very Good, 'B' Good, 'C' Average, 'D' Below Average

حصہ سوم میں کارکردگی کا اندراج متعلقہ خانے میں مختصر دستخط سے کیا جائے۔ حروف کے لحاظ سے درجہ بندی حسب ذیل ہے:

الف: اعلیٰ ب: اچھا ج: اوسط د: اوسط سے کم

For uniform interpretation of qualities, two extreme shades are mentioned against each quality. سہولت کے لیے ہر صفت کے دو انتہائی درجوں کا ذکر کیا گیا ہے۔

	A الف	B ب	C ج	D د	
1. Intelligence ذہانت Exceptionally bright; excellent comprehension انتہائی ذہین اور معاملہ فہم	26				Dull; slow کمزور ذہن، سست فہم

pital.

Attested
Signature

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	A الف	B ب	C ج	D د	
2. Confidence and will power خود اعتمادی اور قوت ارادی Exceptionally confident and resolute انتہائی پر اعتماد اور مستقل مزاج	25				Uncertain; hesitant م اعتماد اور ہچکچاہٹ کا شکار
3. Acceptance of responsibility ذمہ داری اٹھانے کی آمادگی Always prepared to take on responsibility even in difficult cases. مشکل معاملات میں بھی ذمہ داری اٹھانے کے لیے ہمیشہ آمادہ	25				Reluctant to take on responsibility; will av it whenever possible. ذمہ داری اٹھانے سے گریز کرنے والا
4. Reliability under pressure دباؤ کی حالت میں کام کرنے کی صلاحیت Calm and exceptionally reliable at all times - ہر حالت میں قابل اعتماد	25				Confused and easily flustered even under normal pressure. بیٹھان، متسولی دباؤ میں حواس باختہ
5. Financial responsibility مالی معاملات میں احساس ذمہ داری Exercises due care and discipline احتیاط سے کام لیتا/ لیتی ہے، قواعد و ضوابط کا خیال رکھتا/ رکھتی ہے	25				Irresponsible غیر ذمہ دار
6. Relations with - آہائقات (i) Superiors - اعلیٰ افسران کے ساتھ Cooperative and trusted معاون اور قابل اعتماد	25				Un-cooperative غیر معاون
(ii) Colleagues رفقاء کے ساتھ Works well in a team میل جمل کر چھ کام کرتا/ کرتی ہے	25				Difficult colleague مشکل رفیق کار
(iii) Subordinates - ماتحتوں کے ساتھ Courteous and effective; encouraging خوش اخلاق، مؤثر اور حوصلہ دینے والا/ والی	25				Discourteous and intolerant; بد اخلاق
7. Behavior with public عوام کے ساتھ رویہ Courteous and helpful - خوش اخلاق اور معاون	25				Arrogant, discourteous and indifferent مغرور اور لاتعلقی
8. Ability to decide routine matters روزمرہ معمولات کے فیصلے کرنے کی صلاحیت منطقی اور فیصلہ کن - Logical and decisive	25				Indecisive; Vacillating متذبذب اور ڈانواں ڈول

9. Knowledge of relevant regulations, instructions and procedures.
اہدایات اور طریق کار سے واقفیت
Exceptionally well in keeps abreast of latest trends in the industry.
تازہ ترین صورت حال سے آگاہ

1. Please comment with special reference to how far the above has been stated in your report.
اپر مذکورہ کے حوالے (۲)

The
in

1	Quality of Always pr high Qual
2	Output o Always u arrears

Attested
Pattani

	A الف	B ب	C ج	D د	
9. Knowledge of relevant laws, rules, regulations, instructions and procedures. تعمیر قوانین، قواعد و ضوابط، ہدایات اور طریق کار سے واقفیت Exceptionally well informed, keeps abreast of latest developments. قواعد و ضوابط پر غیر معمولی طور پر تازہ ترین صورت حال سے آگاہ	2 D				Ignorant and Uninformed. لاعلم اور ناواقف

PART IV - حصہ چہارم
(REPORTING OFFICER'S EVALUATION)
(رپورٹنگ افسر کا جائزہ)

1. Please comment on the officer's performance on the job as given in Part II(2) with special reference to knowledge of work, quality and quantity of output. How far was the officer able to achieve targets? Do you agree with what has been stated in Part II (2)?

حصہ دوم (۲) میں بیان کی گئی کارکردگی کا جائزہ لیں۔ کام سے متعلق افسر کے علم اور کارکردگی کے معیار و مقدار کے حوالے سے بھی رائے دیں۔ اہداف کو پورا کرنے میں افسر کس حد تک کامیاب رہا/ رہی؟ کیا آپ حصہ دوم (۲) میں دی گئی معلومات سے متفق ہیں؟

The KPIs given were performed in a effective manner 2.4
D

	A الف	B ب	C ج	D د	
1. Quality of work Always produce work of exceptionally high Quality بیشہ غیر معمولی معیار کا کام پیش کرتا ہے۔	2 D				Generally produces work of poor quality. عموماً ناقص معیار کا کام پیش کرتا ہے۔
2. Output of work Always up-to-date; accumulates no arrears بیشہ مستند کام پیش نہیں کرتا۔	2 D				Always behind schedule; very slow disposal. بیشہ دیر سے کام ختم کرتا ہے۔

Attested
[Signature]

2. Integrity (Morality, uprightness and honesty) - دائیت (اخلاق، راست بائزگه ایجاری)

	A	B	C	D	
	الف	ب	ج	د	
1. Integrity					
a. General Irreproachable خوش رسد	2 ج				Unscrupulous غیر شایسته
b. Intellectual Honest & straightforward ایماندار اور راست باز	2 ج				Devious; Sycophant کارہ: پاپوس، موثری

3. Pen picture with focus on the officer's strengths and weaknesses not covered in Part III (Weakness will not be considered as adverse entries unless intended to be treated as adverse).

قلمی خاکہ: افسر کی خوبیوں اور کمزوریوں کا جائزہ لیں (کوئی ایسی کو اس وقت تک مٹی تصور نہیں کیا جائے گا جب تک رپورٹنگ افسر ضروری تصور نہ کرے)

The officer is hard working, trustworthy and professional who always come up with good results.

Special aptitude
خصوصی استعداد

A Good field officer

Recommendations for future training
آئندہ تربیت کے لیے سفارشات

Rec. for Junior Command Course

Attested
[Signature]

6. Overall g
تجمعی درجہ

(i)
(ii)
(iii)
(iv)

7. Fitness
مناسبت

(i)
(ii)
(iii)
(iv)

Nar

(U)

De

6. Overall grading

مجموعی درجہ

		Reporting officer رپورٹنگ افسر	Countersigning officer کاؤنٹر سائننگ افسر
(i)	Very Good اعلیٰ	2 D	
(ii)	Good اچھا		
(iii)	Average اوسط		D
(iv)	Below Average اوسط سے کم		

طاقت (افراد)

Impulsive
غیر

Psychophant
کامیاب

7. Fitness for promotion

ترقی کے لیے مناسبت

		Reporting officer رپورٹنگ افسر	Countersigning officer کاؤنٹر سائننگ افسر
(i)	Fit for promotion ترقی کے لیے موزوں	2 D	
(ii)	Recently promoted/appointed. Assessment premature حال میں ترقی ہو چکی ہے / مزید ترقی قبل از وقت ہے		
(iii)	Not yet fit for promotion ترقی کے لیے ابھی موزوں نہیں		D
(iv)	Unlikely to progress further مزید ترقی کے قابل نہیں		

Name of the reporting officer YASIR AFRIDI
(Capital letters)

رپورٹنگ افسر کا نام (دو اشع حروف میں)

Signature

(دستخط)

Designation SSPI/OPERATIONS, PESHAWAR

عہدہ

Date

تاریخ

Attested
Director

(14)

REMAI

PART V

حصہ پنجم

(REMARKS OF THE COUNTERSIGNING OFFICER)

(کاؤنٹر سائننگ افسر کی رائے)

1 How well do you know the officer? If you disagree with the assessment of the reporting officer, please give reasons

آپ افسر کو کس حد تک جانتے ہیں؟ اگر آپ رپورٹنگ افسر کی رائے سے متفق نہیں تو وجہ بیان کریں

DSP Muslim Khan had a very average performance. He was reported against by the head of Khyber Teaching Hospital and subsequently did not show any improvement while posted in Lady Reading Hospital.

A-D

Moreover, he took any responsibility assigned to him very casually.

Name

م

Desi

Evaluation of the quality of assessment made by the reporting officer

رپورٹنگ افسر کے جائزہ کے معیار کے بارے میں کاؤنٹر سائننگ افسر کی رائے

Exaggerated
(مبالغہ آلودہ)

Fair
(مناسب)

Biased
(جانب دار)

Name of the countersigning officer ABBAS AHSAN
(Capital letters)

Signature

کاؤنٹر سائننگ افسر کا نام (واضح حروف میں)

(دستخط)

Designation CAPITAL CITY POLICE OFFICER, PESHAWAR

Date

عہدہ

تاریخ

Attested
[Signature]

CONVEYED AS ADVERSE REMARKS

Vide No: S/ 2159/021 dated 26/09/022

PART VI

حصہ ششم

REMARKS OF THE SECOND COUNTERSIGNING OFFICER (IF ANY)

دوسرے کاؤنٹر سائننگ افسر (اگر شرط موجودگی) کی رائے

of

He
ing
improvement
A
visibility

Name _____

نام

Signature _____

(دستخط)

Designation _____

عہدہ

Date _____

تاریخ

Attested
Signature

GS&PD.NWFP.1130/48-Form Store-1000 Pads of 100L-3.4.08/P4(2)/Form Store Jobs/A&T 199

DANNER
KPST
Peshawar
20/11/23

PROV-

Chalan of Cash paid into the..... Peshawar
State Bank of Pakistan

CHALAN No.

Peshawar

To be filled in by the remitter				To be filled in by the Departmental officer of the Treasury	
By whom tendered	Name or Designation and address of the person on whose behalf money is paid.	Full particulars of the remittances and of authority (if any)	Amount	Head of Account	Order to the Bank*
				57-11215	
				3501001	

Name: Security fee (Refundable) Date: 16/09/22
 CHAIRMAN Khyber Pakhtunkhwa Service Tribunal, Peshawar
 Rs-100/- One hundred only
 Muslim Khan
 Signature: Muslim Khan
 Total (A) 100/-

(a) (in words) Rupees: One hundred only
 *To be used only in the case of remittances to Bank through an officer of the Government.

Received: _____ Date: _____
 Treasury Officer: _____
 Manager: _____

Treasurer: _____ Accountant: _____

Particulars	Amount	
	Rs.	Paisa.

Coin: _____
 Notes (with details): _____
 Cheques (with details): _____
 Total: _____

PROVINCIAL
 Receipt Account-1
 5 DEC 2022
 Head of Account Verified
 at Treasury Office Peshawar

CHAIRMAN
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

FPA&T 199

complaints attached with the appeal are the live example of the interference of the retired personnel's in the hospital. They spoiled the peaceful atmosphere of the hospital as Armyian and Civilian cannot co-exists in one and the same matter.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 1609/2022

SCANNED
KPST
Peshawar

30/11/23

Muslim Khan

versus

CCPO & Another

REJOINDER

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9608

Dated 30-11-23

Respectfully Sheweth,

PRELIMINARY OBJECTION

All the 07 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is badly barred by law / limitation, bad for mis and non joinder of necessary parties, unclean hands, no cause / locus standi, estoppel, concealment of material facts and non maintainable.

ON FACTS

- 1-2. In response to para No. 01 of the reply it is submitted that almost all five promotions were got by the appellant which speaks his efficiency and good performance of the official duties. Parent department has no grievance against him.
3. Not correct. When the respondents have no concern with the posting of retired Army Personnel's in LRH then he made complaint against appellant and not of the parent department. No complaint whatsoever was made against appellant by the parent department and he performed his official duties up to the mark.
4. Not correct. No complaint, whatsoever, was ever made by the general public against appellant but it was the retired Brigadier who with the help of security guard Hazrat Khan did so. The complaints attached with the appeal are the live example of the interference of the retired personnel's in the hospital. They spoiled the peaceful atmosphere of the hospital as Armyian and Civilian cannot co-exists in one and the same matter.

5. Not correct. Appellant was never associated with the complaints, no explanation was ever called nor he was directed by the authority to mend his way. It is also incorrect to say that ACR is based on performance of the person but before recording such remarks, one should have been given warning or notice for mending his way. The remarks were not communicated well within time.
6. Admitted correct to the extent of representation and its rejection regarding expunction of adverse remarks. The so called complaint was made by the Director retired Army Personnel of the hospital and not by any personnel of the department.

GROUNDS:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are re-affirmed once again.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.



Appellant

Through



Saadullah Khan Marwat

Advocate,

Dated: 301-11-2023

AFFIDAVIT

I, Muslim Khan appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.




DEPONENT