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

Service Appeal No. 459/2024

Muhammad Tahir Sub Inspector No. 104/MR District Mardan

.....Appellant

VERSUS

The Inspector General of Police, KPK, Peshawar and others.

.....Respondents

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DSP Legal
Mardan

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.....Appellant

VERSUS

The Inspector General of Police, KPK, Peshawar and others.
.....Respondents

Para-wise comments on behalf of respondents No. 1 & 2:-

Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth,

Diary No. 12882

PRELIMINARY OBJECTIONS

Dated 20/5/24

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
8. That the appeal is barred by law and limitation.

REPLY ON FACTS

1. Pertains to initial appointment of the appellant as ASI. Rest of the Para pertains to record of confirmation of appellant as per law/rule and subject to seniority cum fitness Police Officer is liable to perform duty with honesty and fidelity.
2. Pertains to record, needs no comments.
3. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. However, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries. Moreover excellent performance does not mean a clean chit for the future wrong deeds **(Copy of list of bad entries are attached as annexure-A)**
4. Incorrect. Stance taken by the appellant is baseless because as per Police Rules 1934 adverse remarks has been communicated by the reporting officer into the Annual Confidential Report (ACR) for the year 2021 to the appellant, due to his involvement of illegal detention of innocent citizen.
5. Correct to the extent that the appellant preferred departmental appeal which was decided on merit because the appellant was provided full-fledged opportunity of defending himself before the appellate authority but he bitterly

failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed.

6. Incorrect. That the order passed & letter issued by the competent authority as well as appellate authority are legal and according to law, facts and principles of natural justice, therefore, appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

REPLY ON GROUNDS:

- A. Incorrect. That the orders passed and letter issued by the competent authority as well as appellate authority are legal and as per law and principle, hence liable to be maintained.
- B. Incorrect. That the appellant has been treated in accordance with law, rules; policy and the respondents did not violate any fundamental rights and Article of the Constitution of Islamic Republic of Pakistan.
- C. Incorrect. Plea taken by the appellant is ill based, because adverse remarks has been communicated as per law, hence tenable in the eyes of laws.
- D. Incorrect. Stance taken by the appellant is baseless because as per Police Rules 1934 adverse remarks has been communicated into the Annual Confidential Report (ACR) for the year 2021 to the appellant by the reporting officer and the countersigned officer also agreed with the report of reporting officer due to solid reasons which is already explained in the said para, hence, the same is liable to be maintained.
- E. Incorrect. The story narrated by the appellant is concocted, hence, liable to be set at naught.
- F. Incorrect. Stance taken by the appellant is baseless because as per Police Rules 1934 adverse remarks has been communicated into the Annual Confidential Report (ACR) for the year 2021 to the appellant and does not violated instructions of Police Rules, hence, liable to be maintained.
- G. Incorrect. Plea taken by the appellant is not plausible because letter No. 1699/23 dated 27.06.2023 was issued as per Police Rules regarding adverse remarks and the appellant was informed in this context and he was received the said letter on 04.07.2023 **(Photo copy of duly signed letter is attached as annexure-B).**
- H. Incorrect. Stance taken by the appellant is ill based, because the appellant preferred departmental appeal and he was summoned and heard in detail on 28.12.2023 by providing full-fledged opportunity of defending himself before the appellate authority but he bitterly failed to produce any cogent reasons in his defense. Therefore, the same was rejected and filed.
- I. Incorrect. Plea of the appellant is totally ill based, hence, denied.
- J. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his

superiors. Moreover excellent ACRs does not mean a clean chit for the future wrong deeds.

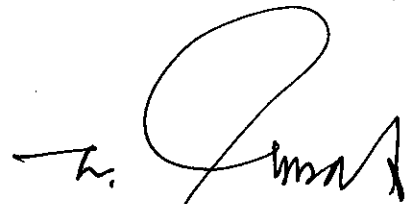
- K. Incorrect. Plea taken by the is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. However, the perusal of service record of the appellant revealed that due to his lethargic attitude his entire service record is tainted with bad entries. Moreover excellent performance does not mean a clean chit for the future wrong deeds.
- L. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above stated facts and rules it is most humbly prayed that the appeal of the appellant being devoid of merit may kindly be dismissed with costs please.



Regional Police Officer, Mardan.
(Respondent No. 2)
(NAJEEB-UR-REHMAN BUGVI)^{PSP}
Incumbent



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

4

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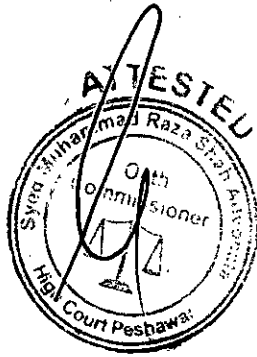
COUNTER AFFIDAVIT.

I, the respondent do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

Najeeb

Regional Police Officer, Mardan.
(Respondent No. 2)

(NAJEEB-UR-REHMAN BUGVI)^{PSP}
Incumbent



12 0 MAY 2024

14. COMMENDATORY ENTRIES—Contd.

Granted as I by DPO made for his
good performance.

OB No-307
Dated-8-2-23

~~Signature~~
DPO made
✓

~~Signature~~
DSP Legal
Mandla

Designation of the office Number of appointment of 1 to 8	Date of termination or appointment	Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	13 Leave		Signature of the head of the office or other attesting officer	Reference to a recorded punishment (censure, or rev or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabale to another Government			
					Period			Government to which debitabale

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ORDER

Referred to his Post Dist. Mandan with A-1. P.D. P.R. Restroom order No - 2749-53/F-111 date 03-08-2017.

Service 1-8-13 31-38-2017 has been bills kept.

Handwritten initials and numbers, possibly '2-11-29'.

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Designation of the officer	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave--		Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable

ORDER

He is hereby placed under suspension and debarred as P. lines warden with immediate effect on account of his inefficiency, corruption in controlling the disposal of narcotics drugs in the jurisdiction of P. lines.

OB No - 1459
 dt 23-6-17.

[Signature]
 DDO Mardan

ORDER

He is hereby provisionally re-instated in service from the date of suspension with immediate effect. Further action will be taken after the completion of enquiry.

OB No 1611
 dt 12-9-17.

[Signature]
 DDO Mardan

[Signature]
 DSP Legal
 Mardan

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art, 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other employment falling under the term "Pay"	7 Date of Appointment	8 Signature Government Se	9 Signature of officer	10 Date of termination or appointment	11 Reas termi (sur Prom tran dise e	
		ORDER									
		this order will dispose of									
		a departmental enquiry under PR-1925									
		failed to present any plausible reasons in									
		his defence so awarded									
		and reinstated									
		in service from the date of suspension									
		with counting his suspension period									
		as duty with immediate effect in									
		exercise of the power vested in me									
		Under PR-1925.									
		OB No. 1960									
		D. 25.3.17.									

[Handwritten signature]

SP Legal
Mardan

1	2	3	4	5	6	7			10
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signed Governor	Commission Office No.	Date of termination or appointment
	<u>ORDER</u>								
	Name brought on promotion								
	List "F" W-C-A 28-11-018, vide								
	IGP KOK Notification NO: 127/E/117,								
	dated 11-01-019.								
	OB NO 355								
	14-2-019								
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	10	11	12	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitble to another Government		
Signature of the head of the office or other attesting officer.	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant					
2010						Debitble to AG RP	
vide						7911	
1E117							
2D							
<p><u>ORDER</u> No. 13 Reinstated in service from The date of Suspension and Counted his suspension period as duty and wages of the period of suspension Rs. 22 200/- PM OR NO. 257 dt: 03/02/2021</p>							<p>2019</p> <p>2019</p>

[Signature]

[Signature]

1	2	3	4	5	6	7		10
Name of post	Whether substan- tive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature Government	Date terminati appoint
Granted CC III - 10th Cash Reward								
RS 100/- by DPC Member for his								
good performance.								
	CR NO : 1678				And DPC Member			
	dt 28.9.24							
	CR - 5: 175							
	dt 20.10.24							

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12

No. of Government Servant	Signature of Government Servant	Signature of the office officer	10 Date of termination or appointment	11 Reason of termination (such as Promotion, transfer, dismissal, etc)	12 Signature of the head of the office or other attesting officer.	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
						Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government			
							Period			Government to which debit to
21			22/05/22							
his				ES NO-56 01-03-2023					Punished him with Punishment of Censure.	
02										
1										
2										

[Signature]
 DSP Legal
 Mardan

Date of Intment	Signature of Government	10	11	12	13		14	15				
					Signature of officer	Date of termination or appointment			Reason of termination (such as Promotion, transfer, dismissal, etc)	Signature of the head of the office or other attesting officer.	Leave	
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Period	Government to which debitable											
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 St. Legal
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(B)

15

2023

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

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



No. 7341 /PA

Dated 27/7 /2023

To: The Regional Police Officer,
Mardan.

Subject: REPRESENTATION OF SI MUHAMMAD TAHIR NO. 104/MR
AGAINST ADVERSE REMARKS IN HIS A.C.R. FOR THE PERIOD
01-01-2021 TO 31-12-2021

Memo:-
Kindly refer to your good office Diary No.1699 dated 27-06-2023, on the subject noted above.

Duplicate copy, duly served upon SI Muhammad Tahir No.104/MR of Mardan Police on 04-07-2023 along-with his Representation & other relevant documents, requesting therein for expunction of his adverse remarks, is enclosed herewith for onward necessary action.

Submitted, please.

9/2
2
(Najeeb-ur-Rehman Bugy) PSP
District Police Officer, Mardan

**DSP Legal
Mardan**



13

OFFICE OF THE
GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR.
Phone: 091-9210927 Email: secretbranchepo9@gmail.com

No. S/ 1699 /23, dated Peshawar the 27 / 06 /2023

52
27-06-2023

The Regional Police Officer, Mardan.

Subject: - ACR/COMMUNICATION OF ADVERSE REMARKS

Memo:

In the Annual Confidential Report on the working of Sub Inspector Muhammad Tahir No. MR/104 for the period from 01.01.2021 to 31.12.2021 it has been mentioned that:-

Reporting Officer Remarks

Class of Report..... "C"

Is he honest: "No"

[Handwritten signature]
[Handwritten signature]
27-07-2023

Remarks of Reporting Officer

"He does not possess the qualities of a good police officer. He was involved on illegal detention of an innocent citizen."

Remarks of Countersigning Officer

"I endorse the report of DPO Mardan. "C"

The above adverse remarks may please be conveyed to the official 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 acknowledgement 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 record in his Character Roll Dossier.

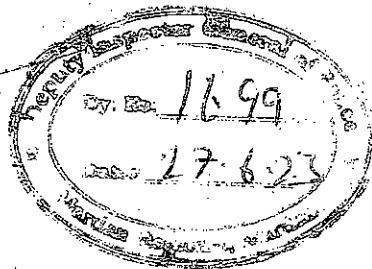
(AFSAR JAN)

Registrar

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

26/06/23

PA
For 24/9



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DPO Legal
Mardan

10/07/23
27/07/23

DPO/MON
03/7

[Handwritten notes on the left margin:]
DPO/Mardan
For copy
of character roll
to be sent
to the
Registrar
for
record

[Handwritten notes on the bottom left margin:]
27.06.2023



No. S/ /23. dated Peshawar the / /2023

To:- The Regional Police Officer, Peshawar.

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(Handwritten Signature)
(AFSAR JAN)

Registrar

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

26/1/23

(Handwritten Signature)
DSP Legal
Mardan

No. 13-17

LICE DEPARTMENT

DISTRICT MARDAN

Annual Confidential Report on the working of Assistant: Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2021.

Name, Provincial or Range No. Rank and Grade.	SI Muhammad Tahir No.104/MR
Father's Name	Raidullah
Where and on what duties employed during the past 12 months.	01-01-2021 to 08-01-2021 ASHO PS Takht-Bhai 09-01-2021 to 23-02-2021 Police Lines Mardan 24-02-2021 to 19-05-2021 CPEC Unit 20-05-2021 to 28-05-2021 Police Lines Mardan 29-05-2021 to 31-12-2021 ASHO PS Shahbaz Garh
Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'	'C'
Is he honest?	'No'
Remarks by: - (1) Superintendent of Police (2) Deputy Inspector-General of Police I enclose the report of DSP Mardan 'C' <i>mpf</i> (Yaseen Farooq) PSP Regional Police Officer Mardan	<p>He does not possess the qualities of a good police officer. He was involved in illegal detention of an innocent citizen. Not fit for promotion.</p> <p>(Dr. Zahid Ullah) PSP District Police Officer Mardan</p> <p><i>AS</i> DSP Legal Mardan</p>



3

OFFICE OF THE
GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR
Phone: 091-9210927 Email: secret@pnpkpw.gov.pk

No. S/ /23 dated Peshawar the /2023

To: The Regional Police Officer,
Subject: ACR/COMMUNICATION OF ADVERSE REMARKS

Memo:

In the Annual Confidential Report on the working of Sub Inspector Muhammad Tahir No. MR/104 for the period from 01.01.2021 to 31.12.2021 it has been mentioned that:-

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(AFSAR JAN)

Registrar

For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Mardun

**DSP Level
Mardun**

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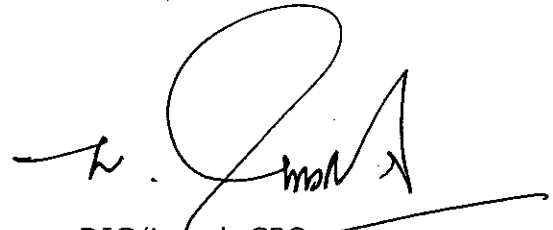
The Inspector General of Police, KPK, Peshawar and others.
.....Respondent

AUTHORITY LETTER.

Mr. Muhammad Raghیب Deputy Superintendent of Police Legal, Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



Regional Police Officer, Mardan.
(Respondent No. 1)
(NAJEEB-UR-REHMAN BUGVI)^{PSP}
Incumbent



DIG/Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)
(DR. MUHAMMAD AKHTAR ABBAS)^{PSP}
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