

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 460/2024

Jamal Ullah Khan Sub Inspector No. 364/MR District Mardan

Appellant

VERSUS

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

Respondents

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14-06-24

Peshawar


DSP Legal
Mardan

کورنگ

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

Service Appeal No. 460/2024

Jamal Ullah Khan Sub Inspector No. 364/MR District Mardan

.....Appellant

VERSUS

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

.....Respondents

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

Respectfully Sheweth,

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 13522

Dated 13-06-24

PRELIMINARY OBJECTIONS

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 Constable and transferred to District Mardan. 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. 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).**
2. 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.
3. Incorrect. Stance taken by the appellant is baseless because as per Police Rules 1934 adverse remarks has been communicated by the reporting officer as well as Countersigned Officer into the Annual Confidential Report (ACR) for the years 2021 and 2022 to the appellant, due to his lethargic attitude by warning him multiple times but he did not mend his way.

4. Correct to the extent that the appellant preferred departmental appeal against the adverse remarks mentioned in the Annual Confidential Report for the years 2021 and 2022, 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 **(Copy of rejection Order is attached as annexure-B)**
5. 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.

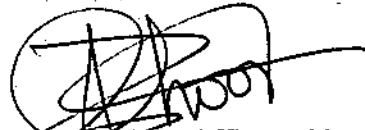
REPLY ON GROUNDS:

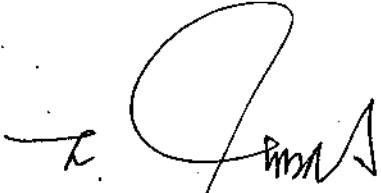
- A. Incorrect. That the orders passed and letter issued by the competent authority as well as appellate authority are legal and as per law and principle, hence liable to be maintained.
- B. Incorrect. That the appellant has been treated in accordance with law, rules, policy and the respondents did not 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 have 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 have been communicated into the Annual Confidential Report (ACR) of 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. Stance taken by the appellant is baseless because as per Police Rules 1934 adverse remarks have been communicated into the Annual Confidential Report (ACR) for the year 2021 to the appellant and no instructions of Police Rules have been violated, hence, liable to be maintained.
- F. Incorrect. Plea taken by the appellant is not plausible because letter No. 209/ACR dated 08.06.2023 was issued as per Police Rules regarding adverse remarks and the appellant was informed in this context and he received the said letter by hand on 23.06.2023 **(Copy of signed letter and ACR are enclosed as Annexure-C)**.
- G. 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.

- H. Incorrect. The story narrated by the appellant is concocted, he was warned time and again as mentioned in the Annual Confidential Report but in vain, hence, liable to be set at naught.
- I. 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 do not mean a clean chit for the future wrong deeds.
- J. 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.
- K. 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)
(ZAHOOR BABAR)^{PSP}
Incumbent


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

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

Service Appeal No. 460/2024

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.....Appellant

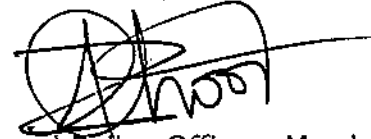
VERSUS

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

.....Respondents

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.



Regional Police Officer, Mardan.

(Respondent No. 2)

(ZAHOOR BABAR)^{PSP}

Incumbent



13 JUN 2024

Annex "A"

6

1	2	3	4	5	6	7	
Name of Post	Whether substantive post	Officiating, state substantive post or otherwise - see Art 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signed by Governor

1700 380 1760 9
13000 -
2015-495 -255 4
18900 -

[Handwritten signature]

2015

10			11	12		13		14	15	
Date of termination or appointment			Reason of termination such as transfer, 4 th SSA, etc)	Signature of the head of the office or other attesting officer		Nature and duration of leave taken	Leave		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
							Allocation of period of leave on average pay upto four months for which leave salary is debitible to another Government			

01-8-15 30-1-15

Transfer to Meerut District
24th Div. Meerut order No. 56, 85-89/25
01-10-15

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01-1-15 - 15 - 20/10/15

Deputy Police Officer
Muzhan

[Handwritten signature]



1	2	3		5	6	7	
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	Sigr. Governor

Legal
1918

District Police Officer
Mardan

~~ORDER~~
He is hereby re-instated in
service from the date of susp
15-2-17

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- 3. SI Ja
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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		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
			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		
13/12/60 13/2/61					[Signature]	

1	2	3	4	5	6	7	
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	Sig. Governor
		<i>Certificate</i>					
		<i>Grant 1 V-M Certificate</i>					
	<i>with Cash R-100</i>	<i>Good Performance</i>			<i>R. 500</i>	<i>12</i>	
		<i>IS No. 2180</i>			<i>500</i>	<i>11</i>	



576

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SPA date
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Legal Order

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5. Th
6. Th

M. K.
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The punishment committee...
1966-1971
1976

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Pop Fiction Party NAPP, Rochester

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1976-77
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6/14-07-1544(25) R461-16
The right may be located

MS
DAN

1976

1129563-1134

66-1-114-18M
1996
1976

with effect

8. NAMES OF RELATIVES IN GOVERNMENT SERVICE.

(Continued)

7

1	2	3	4
	Relationship	Nature of employ	District
<p><i>Restored</i> <i>The mercy petition may be sent to meet higher authority for consideration.</i></p>		<p>2001 OFFICE OF ACCOUNTANT GENERAL PESHAWAR PAY FIXED IN THE REVISED BASIC PAY SCALES 2001 OF RS. <u>2100</u> / <u>100</u> - <u>500</u> (B-5) AT RS. <u>3000</u> P.M.W.E.F. With Next increment on <u>1-12-2001</u> <u>1-12-2002</u></p>	

EVIDENCE AND OTHER PARTICULARS OF HEIRS.

Accounts officer
9/10

Accounts Officer
Pay fixation Peshawar

Atto
Legal Officer

...red ink their nominated (with not more than two alternatives) and fill in name and particulars necessary to

14. COMPLEMENTARY ENTRIES

[Faint, mostly illegible text in the bottom section of the table]

Granted one class III by Sr. Kachan
of his great performance

DS No 356

28-10-70

Per Supdt. of Police
Kohistan

Delivered
22/10/54
5-N-93
House No
24/10/17
18-

Granted Acc class III by Sr. Kachan
of his great performance

DS No 400

31-10-70

Per Supdt. of Police
Kohistan

Name brought on premises
Dist A-I s.s.c. from 17.7.91 with
his offer DS No 1059 dt 17.7.91

DS No 1059

[Signature]

Schedule

DS No 22

27.12

14. COMMEMORATORY ENTRIES—contd

Drawn arrior of pay & Allowance
w.e from 24/9/87 to 30/9/87
amounting to Rs 986/02 vide T-20
dated 2/11/87

A. SODHIA 2111
B. S.C. SINGH

Declared to have passed the professional
course held at Ist Postwar commencing
5-8-93 to 4-9-93 vide Director's Ist Postwar
Memo No. 49509-26 dt 21-10-93
CB No. 1775
18-10-93
Mardan

Appointed as ...
...
...

Selected for Fire man Course No. 51

B. NO. 2324

27.12.94

DSP - gal
Mardan

1 SP/Mardan

Police Station
District Police Station
Mysore
[Signature]

[Faint handwritten notes]

[Handwritten marks and scribbles]
02
03

25/3/2025

C B No. 547

Name: *[illegible]* on *[illegible]*
List "D" with *[illegible]* from 30-11-2027
With No. R-1 Madan *[illegible]* No. 1451-56/3.
Ct. 24/3/2025

List "D"

[Handwritten notes]
Call - *[illegible]*
clerk *[illegible]*
P.C. has *[illegible]*
28/2/2025
06 Nov 2027
28/2/2025

DSP 10001
MAY 1951

[Handwritten signature]

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1951-58/5

11-20-7

[Handwritten marks]

UNIT OF PAPER
RECORDS

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[Handwritten text]

5-88

FT Report on...

... of ...

RECORDS - CENSURES AND PUNISHMENTS

(Continued)



466

Amee-
B

38

41

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR.
Phone: 091-9210927 Email: secretbranchcno9@gmail.com

No. SI 445-448 /24,

dated Peshawar the 13 / 03 /2024

ORDER

This order pertains to the representation preferred by SI Jamal Ullah No. 364/MIR for the expunction of adverse remarks contained in his ACR for the period from 18.06.2021 to 31.12.2023. Comments of the Reporting Officer were also obtained.

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

Sd/-

(AWAL KHAN) PSP

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

Endst: No. & date even:

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

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

AWAL KHAN, PSP
P.O. Headquarters
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

PSP Legal
Mardan

466

Annexure
"C"

Phone No. 9937-9230113-114,
Fax No. 0937-9230115
Email: digmardan@gmail.com



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

No. 909 /ACR, dated, Mardan Region the 08th June, 2023.

To: The District Police Officer,
Mardan.

Subject: COMMUNICATION OF ADVERSE REMARKS TO SI JAMAL ULLAH NO.364/MR FOR THE PERIOD FROM 18-06-2021 TO 31-12-2021.

Memo:

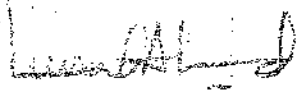
ACR in respect of SI Jamal Ullah No.364/MR, for the period 18.06.2021 to 31.12.2021 has been reported by the reporting officer as under:

Class of DPO Report	"C"
Is he honest:	"No"
Remarks:	"He was warned time and again to mend his ways but in vain. He is incorrigible"

In this connection the countersigning officer has also recorded as "I agree "C".

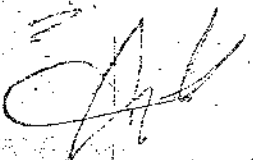
The ACR for the period may be placed in his duplicate character roll and copy of the same may be conveyed to the officer for any representation. Acknowledgment receipt may be communicated to this office.

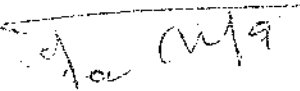
Encl: As Above.


REGIONAL POLICE OFFICER,
MARDAN.

cc.

The Establishment Branch, Region Office, Mardan


83/6/23

PA



83/6/23

13/6/23
DPS/MRD
09/6/23

No. 13-17

POLICE DEPARTMENT

DISTRICT MARDAN

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

Name, Provincial or Range No. Rank and Grade.	SI Jamal Ullah No.364/MR
Father's Name	Muhammad Kareem
Where and on what duties employed during the past 12 months.	Received on transfer from Elite Force Unit 18-06-2021 to 22-06-2021 Police Lines Mardan 23-06-2021 to 09-08-2021 PS Hoti 10-08-2021 to 31-12-2021 ASHO PS Hoti
Class of Superintendent of Police's Report, i.e. 'A' or 'B' or 'C'	C
Is he honest?	Yes
<p>Remarks by: -</p> <p>(1) Superintendent of Police</p> <p>(2) Deputy Inspector-General of Police</p> <p><i>I agree. (C)</i></p> <p><i>Yaseen</i></p> <p>(Yaseen Farooq) PSP Regional Police Officer Mardan</p>	<p><i>He is honest and hard working. He is a good officer. He is a good officer.</i></p> <p><i>(Signature)</i></p> <p>(Dr. Zahid Ullah)-PSP District Police Officer Mardan</p> <p><i>(Signature)</i></p> <p>OSP</p>

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.....Respondents

AUTHORITY LETTER.

Mr. Atta-ur Rehman 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. 2)
(ZAHOOR BABAR)^{PSP}
Incumbent


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