

on inadequate knowledge or isolated incidents should be avoided. In the case in hand, it was noted that the Reporting Officer used terms like “emotionally unstable” and “attitude problems” but did not elaborate why such remarks were being recorded for her. It was further noted that no proper counseling was given to the appellant before adverse remarks were recorded in her PER. The respondents in their reply referred to the habitual absenteeism of the appellant but did not provide any documentary evidence in support of their argument. The explanations/warnings to which they referred were a 07 days leave, without permission, in the month of January 2017, which was converted into casual leave by the competent authority. Then there was an absence for just one day, on 11th January 2021, for which the appellant stated at the bar that she marked her attendance in the register and that she was not absent, to which the learned Deputy District Attorney did not deny. In short, the remarks in the PERs of the appellant did not match with the reply submitted by the respondents in response to the service appeal as well as the statement given by the learned Deputy District Attorney before the Bench.

8. In view of the above discussion, the appeal in hand is allowed and the adverse remarks in the PERs of the appellant for the years 2017, 2020 and 2021 are expunged. Cost shall follow the event. Consign.

9. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25th day of July, 2024.*



(FAREEHA PAUL)
Member (E)
(Camp Court, Abbottabad)



(RASHIDA BANO)
Member (J)
(Camp Court, Abbottabad)

comply with the directions and hence the adverse remarks were recorded in her PERs. He requested that the appeal might be dismissed.

6. From the arguments and record presented before us, it transpires that the appellant was given adverse remarks in her PERs for the years 2017, 2020 and 2021. Record presented before us shows that the remarks in the year 2017 were conveyed to her in 2021 whereas the remarks of 2020 and 2021 were conveyed in 2021 and 2022 respectively. Perusal of the remarks given in the PER of 2017 by the Reporting Officer showed that the appellant lacked the flexibility in her attitude and also she was not good at her communication and interpersonal skills. Overall grading was given as "below average" and she was declared "not yet fit for promotion". PER of 2020 was graded as "average". In the PER for the year 2021, the Reporting Officer mentioned, "Emotionally unstable, tries to perform her duties but due to some attitude problems other members of the team feel uncomfortable." Overall grading by the Countersigning Officer in that period was given as "average" by declaring her "Not yet fit for promotion". The Countersigning Officer in Part-V of the PER agreed with the Reporting Officer by stating, "Needs to improve her attitude with colleagues and superiors".

7. After going through the entire record presented before us, a point that became clear was that the guidelines for filling up of the PERs were not adhered to. Those guidelines clearly mentioned that the Reporting Officer should ensure that proper counseling was given to the officer under report before adverse remarks were recorded. The guidelines further provided that the Reporting Officer and Countersigning Officer should be clear, direct, objective and unambiguous in their remarks and that vague impressions based



14.07.2017. Certain adverse remarks were given to the appellant in her PER for the year 2017, communicated to her on 09.04.2021, PER of 2020 communicated to her on 01.07.2021 and PER of 2021 communicated to her on 14.10.2022. Feeling aggrieved, she preferred departmental appeals on 19.04.2021 and 19.10.2022 which were not responded; hence the present service appeal.

3. Respondents were put on notice who submitted written reply. We heard the appellant in person as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. The appellant, while presenting her case, stated that adverse remarks were communicated to her at belated stages against which she preferred departmental appeals but the same were not responded. She argued that no prior counseling had been given, neither she was asked to appear for any personal hearing before the Reporting Officer or the Countersigning Officer. She further argued that no finding or material evidence in support of the adverse remarks were recorded in her PERs. She argued that for the year 2019 she was given very good remarks in her PER and that it was purely malafide on the part of the Reporting Officer as well as Countersigning Officer that she was given adverse remarks in her PERs for the years 2017, 2020 and 2021. She requested that the appeal might be accepted and adverse remarks in her PERs be expunged.

5. Learned Deputy District Attorney, while rebutting the arguments of the appellant, argued that the appellant was habitual absentee and in that regard warnings were issued to her to mend her behavior but she failed to



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No. 727/2023

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

Dr. Javeria Haroon, Assistant Professor of Chemistry (BPS- 18) Government
Girls Post-Graduate College (GGPGC) No. 1, Haripur.
.....(*Appellant*)

Versus

1. Secretary Higher Education, Khyber Pakhtunkhwa Civil Secretariat
Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
.....(*Respondents*)

Appellant ... In person

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

Date of Institution..... 26.06.2023

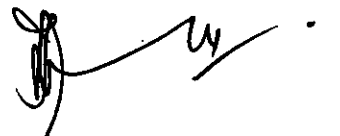
Date of Hearing..... 25.07.2024

Date of Decision..... 25.07.2024

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 adverse remarks recorded in PERs of the appellant for the years 2017, 2020, 2021 and no action taken on her departmental appeals to the extent of upgradation and expunction of adverse remarks. It has been prayed to set aside all the impugned actions and grant compensation for all grievances, unfairness and mishandling of appellant's departmental appeals, alongwith any other remedy which the Tribunal deemed appropriate.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant joined Higher Education Department as Lecturer (BPS- 17) in the year 2009. She was later on promoted as Assistant Professor on





SA 727/2023

25th July, 2024 01. Appellant present in person. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the appeal in hand is allowed and the adverse remarks in the PERs of the appellant for the years 2017, 2020 and 2021 are expunged. Cost shall follow the event. Consign.

03. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25th day of July, 2024.*


(FARZEHA PAUL)
Member (E)
(Camp Court, Abbottabad)


(RASHIDA BANO)
Member (J)
(Camp Court, Abbottabad)

Fazle Subhan PS