


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 756/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22.07.2024	<p>The implementation petition of Mr. Haji Aman Ullah submitted today by himself. It is fixed for implementation report before touring Single Bench at Bannu on 22.08.2024. Original file be requisitioned. AAG has noted the next date. Parcha peshi given to petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE HONOURABLE CHAIRMAN SERVICE
TRIBUNAL PESHAWAR.**

Execution petition no. 756/2024

C.O.C No. _____/2024.

In

Service Appeal No. 2330/2023.

Haji Aman Ullah Khan son of Haji Mushararf Khan R/O Sarmast Mira Khel Tehsil District Bannu.(ASI No.15/B Police Lines, Bannu).....(**Petitioner**)

VERSUS

Mr. Javid Iqbal D.I.G CTD (Countersign Authority) presently posted as Deputy Commandant F.C, Peshawar Khyber Pakhtunkhwa.

.....(**Respondent**)

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(5)	<i>Application given to Authority</i>		

Dated: 19/07/2024

Petitioner
Haji Aman Ullah Khan
ASI No.15/B Police Lines, Bannu

Cont. No

0332 9746552

Through

Nasir Ali Khan Qureshi
Advocate High Court, Bannu

03339741081

①

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL,
PESHAWAR

E.P.No. 756 /2024

In

Service Appeal No: 2330/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14407

Dated 22.07.2024

Haji Aman Ullah Khan (ASI No. 15-B Bannu Police Line) S/o Haji
Musharaf Khan R/o Sarmast Mira Khel, Tehsil District Bannu.

.....(PETITIONER)

***** VERSUS *****

Mr. Javid Iqbal DIG, CTD (Countersign Authority) presently posted as
Deputy Commandant F.C, Peshawar, Khyber Pakhtunkhwa.

..... (RESPONDENT)

**EXECUTION PETITION UNDER SECTION 7(2) (D) OF THE KP
SERVICE TRIBUNAL ACT 1974, RULE 27 OF THE KP SERVICE
TRIBUNAL RULES 1974 READ WITH SECTIONS 36 & 51 OF THE
CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE
SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT
DATED 19/04/2024 IN LETTER AND SPIRIT.**

Respectfully Sheweth:

1. That the petitioner had filed a Service Appeal No. 2330/2023 before this Hon'ble Court, which was decided with directions to fulfill the codal formality of countersigning it and after his remarks, whether he is agree or not with the adverse remarks those shall be communicated to the appellant, within a month of the receipt of this Judgment. **(Copy of Service Appeal & Order are hereby annexed as Annexure A & B).**
2. That the petitioner is compliance of the directions of this Hon'ble Court tried his level best to approach the respondents but the


- respondents neither convey the ACR report nor mentioned any remarks on the petitioner's ACR.
3. That the petitioner has been waiting for Call Letter or Telephone Call from the respondent's side to convey the ACR, since then but no reply or call letter has yet been convey to the petitioner from the respondents.
 4. That the petitioner time and again requested for handed over the ACR with remarks and duly countersigned by the concerned authority but the respondents has not given positive response to the petitioner.
 5. That the respondent have been brazenly disobey the direction of this court and are not yet ready to complied the order of this Hon'ble Court in-spite of the repeated requests to the respondent by the petitioner.
 6. That the respondent is bent upon prolonging the matter on due to personal grudges.
 7. That if timely compliance by the respondent made the petition of the petitioner would be infructuous, which will further create complications for the petitioner.
 8. That the petitioner may also be allowed to raise other points on the time of arguments.

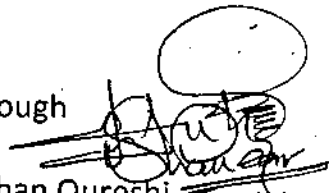
It is therefore, humbly prayed that on acceptance of this petitioner, the contempt of court proceedings may be initiated

4. (3)

against the contemnor/respondent and he may kindly be punished in accordance with law.

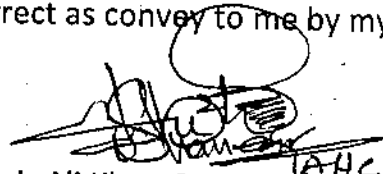
Dated: 19 /07/2024


Petitioner
Haji Aman Ullah Khan
ASI No.15/B Police Lines, Bannu

Through 
Nasir Ali Khan Qureshi
Advocate High Court, Bannu

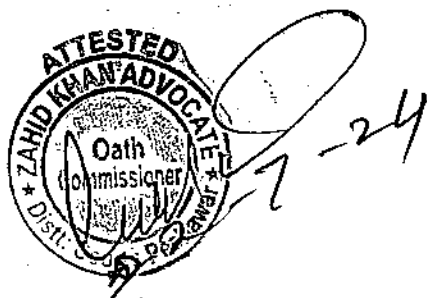
CERTIFICATE:

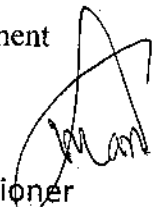
This is to certify that this is the first COC under the subject matter and no such petition has been filed earlier before this Hon'ble Court and that the assertion of this petition are true and correct as conveyed to me by my client.


Nasir Ali Khan Qureshi
Advocate High Court, Bannu

AFFIDAVIT:

I, Haji Aman Ullah Khan ASI No.15/B Police Lines, Bannu, the petitioner do hereby solemnly affirm and declare that the contents of instant petition are true and correct to the best of my knowledge and belief and nothing has been kept secret or concealed from this Hon'ble Court.



Deponent

Petitioner
Haji Aman Ullah Khan
ASI No.15/B Police Lines, Bannu

(4)
Annexure - A



**BEFORE THE HONOURABLE CHAIRMAN SERVICE
TRIBUNAL PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Appeal 2336 /2023.

Case No. 8924

Dated 08/11/2023

Haji Aman Ullah Khan son of Haji Musharraf Khan R/O Sarmast Mira Khel Tehsil
District Bannu
Presently serving as ASI (15/B) Police Department (Investigating Officer) at PS
Data Khel North Waziristan(Appellant)

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General of Police CTD Khyber Pakhtunkhwa Peshawar.
3. Regional Police Officer Bannu.
4. District Police Officer Bannu.
5. S.P CTD, Bannu.....I.....(Respondents)

Subject: APPEAL AGAINST NEGATIVE REMARKS IN THE ACR OF THE APPELLANT.

Prayer: On acceptance of this appeal, the negative remarks in the ACR of the appellant (In-competent Police Officer), may kindly be deleted and Grade C in the said ACR may also be removed. Grade A or B as this Hon'ble court deem proper may kindly be awarded. Other relief if any, may also be granted.

Respectfully Sheweth,

Brief Facts:

1. That appellant has been serving in the Police Department presently posted at District North Waziristan as Investigating Officer at PS Data Khel North Waziristan.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal

(2) (5)

BEFORE THE HONOURABLE CHAIRMAN
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2330 /2023

Haji Aman Ullah Khan S/o Haji Musharaf Khan R/o Sarmast Mira Khel Tehsil & District Bannu, presently serving as ASI (15/B) police department (investigating Officer) at PS Data Khel North Waziristan
..... Appellant

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Additional Inspector General of police CTD Khyber Pakhtunkhwa, Peshawar
3. Regional Police Officer Bannu region, Near Thana Cant, Miranshah road, Bannu, Khyber Pakhtunkhwa
4. Superintendent of Police CTD, Bannu-1, Bannu cant
..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE NEGATIVE REMARKS IN THE ACR OF THE APPELLANT DATED 01-01-2022 TILL 31-12-2022, AND AGAINST THE ACTION OF RESPONDENTS WHEREBY THE DEPARTMENTAL REPRESENTATION/ APPEAL FILED BY APPELLANT HAS NOT BEEN DECIDED TILL THE EXPIRY OF STATUTORY PERIOD.

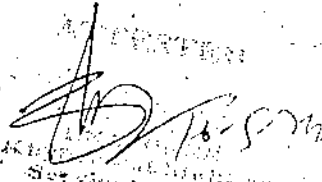
Prayer:

On acceptance of this appeal, the negative remarks in the ACR of the appellant (in-competent Police Officer), may kindly be deleted and grade C in the said ACR may also be removed, and the grade C may please be upgraded to A or B as this honorable court deems proper may kindly be awarded. Other relief if any, may also be granted.

Respectfully sheweth,

Brief facts:

1. That appellant has been serving in the police department presently posted at District North Waziristan as investigating officer at PS Data Khel North Waziristan.
2. That appellant has transparent service record wherein he has earned A grade in ACRs through-out his career (Copy of ACRs attached as annexure "A").
3. That during his posting in CTD Bannu, the appellant served successfully for period of about 5 years.
4. That appellant is performing his duty with full devotion and dedication as a result of which, the appellant succeeded in arresting so many


.....
Secretary

- (2) 6
- criminals / most wanted terrorist (Copy of DD Mad Nos. 15 & 18 Dated 20/06/2022 along with copy of FIR No.21, PS CTD Bannu) Annexure B
5. That in the year 2022 without prior information are show cause notice the competent authority has written in the ACR of appellant with the grade C along with negative remarks (incompetent police officer), moreover, in the column of honesty it written that the appellant is not in honest officer without any record or evidence which shows personal grudges and professional rivalry (Copy of impugned ACR is attached as annexure C)
 6. That appellant has preferred departmental appeal before the complaint authority inspite of expiry of 90 days the same has not been decided, hence this service appeal. (Copy of departmental appeal is attached as annexure D).
 7. That It is pertinent to mention here that in the near future the appellant promotion is due and the negative remarks as well as other defects shown by the authority is likely to make the appellant unsuitable for promotion in the coming DPC.
 8. That it is also worth mention here that the said negative remarks have been not intimated to the appellant from the concerned authority.
 9. That the appellant now seeks relief from Hon'ble Court inter-alia, on the following grounds.

GROUND

1. That appellant has transparent service record wherein he has earned A Grade throughout his carrier.
2. That on account of the ability good performance, the appellant has also obtained Competency Certificate from the concerned authority.
3. That appellant is performing his duties with full devotion and dedication, as result of which the appellant succeeded in arresting so many criminals/terrorists.
4. That most of the ACRS of the appellant have been grade A alongwith good remarks and only one grade.
5. That the then S.P CTD Bannu who gives may negative remarks in ACR is also under inquiry.
6. That it is pertinent to mention here that in the near future the appellant promotion is due and the negative remarks as well as other defects shown by the authority is likely to make the appellant unsuitable for promotion in the coming DPC.
7. That as per law the respondent were duty bound to intimate is impugned ACR to the appellant but neither the appellant was called personally nor the impugned ACR was intimated to the appellant.
8. That the action and in action of the appellant as clearly violation of laws and rules enshrined in the constitution of Pakistan as well as against the verdicts of the superior court.

16-5-23

ATTESTED
By the
Service Tribunal
Bannu

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- 8. That it is also worth mention here that the said negative remarks have been not intimated to the appellant from the concerned authority.
- 9. That the other points will be advanced at the time of final arguments.

Dated: 07.11.2023

[Signature]
 Appellant
 Haji Aman Ullah Khan ASI.

Through
[Signature]
 Muhammad Rashid Khan Wazir
 Advocate High Court.

CERTIFICATE:

This is to certify that this is the first appeal under the subject matter and no such petition has been filed earlier before this Hon'ble Court and that the assertion of this petition are true and correct as convey to me by my client.

Dated: 07.11.2023

Appellant
[Signature]
 Haji Aman Ullah Khan ASI.

AFFIDAVIT:

I, Mr. Aman Ullah, the appellant do hereby solemnly affirm and declare that the contents of instant appeal are true and correct to the best of my knowledge and belief and that nothing has been kept secret or concealed from this Hon'ble Court.

[Signature]
 Deponent

0332 9746552

[Signature]
 18.11.23
 COURT OF APPEALS
 DISTRICT COURT
 DISTRICT JUDICIAL OFFICE
 DISTRICT JUDICIAL OFFICE

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**



BEFORE: **KALIM ARSHAD KHAN** ...CHAIRMAN
MUHAMMAD AKBAR KHAN ...MEMBER (Executive)

Service Appeal No,2330/2023

Date of presentation of appeal.....08.11.2023
Date of Hearing.....19.04.2024
Date of Decision.....19.04.2024

Haji Aman Ullah Khan son of Haji Musharraf Khan R/O Sarmast Mira Khel Tehsil District Bannu Presently serving a ASI (15/B) Police Department (Investigation Officer) at PS Data Khel North Waziristan.....(*Appellant*)

Versus

1. **Inspector General of Police** Khyber Pakhtunkhwa, Peshawar.
2. **Additional Inspector General of Police**, CTD Khyber Pakhtunkhwa, Peshawar.
3. **Regional Police Officer**, Bannu.
4. **S.P CTD, Bannu-I**.....(*Respondents*)

Present:

Syed Roman Shah, Advocate.....For appellant
Mr. Muhammad Jan, District AttorneyFor-respondents

**APPEAL AGAINST NEGATIVE REMARKS IN THE
ACR OF THE APPELLANT.**

JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: According to the memorandum and grounds of appeal, the appellant was serving in the Police Department as Assistant Sub Inspector and was posted at Police Station Data Khel North Waziristan; that in the year 2022, the Superintendent of Police, Counter Terrorism Department, being reporting officer, made entry in the Annual Confidential Report of the appellant, as "Incompetent Police Officer"; that against the said remarks, the appellant filed departmental appeal but the same was not responded, hence, the instant service appeal.

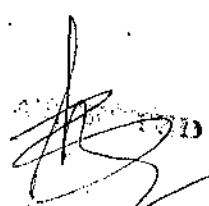
ATTESTED

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

17/04/24

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- 02... On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.
03. We have heard learned counsel for the appellant and learned District Attorney for the respondents.
- 04... The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).
05. Perusal of record reveals that the appellant was serving as Assistant Sub-Inspector in the Police Department. In the year 2022, when his Annual Confidential Report was forwarded to the Superintendent of Police, Counter Terrorism Department, the said SP marked him as "Incompetent Police Officer" which showed repudiation of his services and the said was finalized without any remarks or signature of the DIG/Countersigning Officer.
06. It is worth to mention that after remarks of the Reporting Officer, the said report is forwarded to the Countersigning Officer, who decides the report whether he/she (the Countersigning Officer) is agreeing with the remarks of the Reporting Officer or otherwise, adverse that is communicated to the official concerned. In the instant case, the SP has given adverse remarks, but the Deputy Inspector General of Police (CTD) Khyber Pakhtunkhwa, Peshawar has neither made any report nor has counter signed the same.


Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



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06. In view of the above situation, we are of the view to allow the appeal and remit the matter back to the respondents to fulfill the codal formality of Countersigning it, and after his remarks, whether he is agree with the adverse remarks those shall be communicated to the appellant. The above exercise is directed to be done within a month of the receipt of this judgment. Costs shall follow the event. Consign.

07. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of April, 2024.

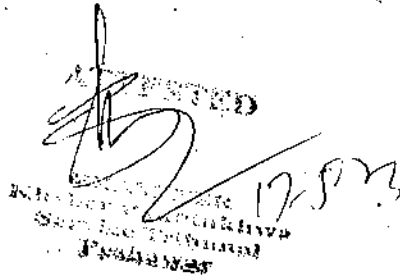


KALIM ARSHAD KHAN
Chairman



MUHAMMAD AKBAR KHAN
Member (Executive)

Muazzam Shah



RECEIVED
17.5.24
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Appeal 17-5-24
Number of Pages 31
Copying Fee
Unpaid
Total
Name of Applicant
Date of Completion of Appeal 17-5-24
Date of Delivery of Copy 17-5-24

18th Mar. 2024

1. Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General alongwith Mr. Aamir Abbas, DSP (Legal) for the respondents present.

2. Reply on behalf of the respondents submitted. Copy of the same was handed over to the learned counsel for appellant. To come up for arguments on 19.04.2024 before D.B. P.P given to the parties.

(Kalim Arshad Khan)
Chairman

Mutazem Shah

ORDER

19th Apr. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Syed Aamir Abbas, DSP (Legal) for the respondents present.

2. Vide our detailed judgment of today placed on file we are of the view to allow the appeal and remit the matter back to the respondents to fulfill the codal formality of Countersigning it, and after his remarks, whether he is agree with the adverse remarks those shall be communicated to the appellant. The above exercise is directed to be done within a month of the receipt of the judgment. Costs shall follow the event. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 19th day of April, 2024.*

(Muhammad Akbar Khan)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

بخدمت جناب DPO صاحب ضلع بنوں

12

عنوان: عدالتی فیصلہ کو متعلقہ اتھارٹی کو بعرض عمل درآمد کرنے / کروانے ارسال کرنا۔

اب عالی!

مخبر عدالت سروس ٹریبیونل صوبہ خیبر پختون خواہ کی فیصلہ کی Attested Copis لف درخواست ہذا ہے ارسال خدمت ہے جس میں محکمہ کی طرف سے فاروق خان DSP / Legal بنوں ریپائڈٹیشن کی طرف سے Authorized آفیسر تھا۔ جبکہ بدوران Urgoments مغز عدالت میں عام عباس صاحب DSP / Legal / CTD / Head Quarter پشاور اور سرکاری وکیل عدالت میں موجود تھا۔ اور اسی دن مغز عدالت نے فیصلہ سنا کر من سائل کا اپیل Allowed کر کے محکمہ اریپائڈٹیشن کو Remit کیا جس کا فیصلہ آرڈر شیٹ میں ذکر ہے جو کہ لف ہے۔

لذا آپ صاحبان سے مودبانہ و عاجزانہ گزارش ہے کہ میرے درخواست مع فیصلہ عدالت کو متعلقہ اتھارٹی جس کا مغز عدالت نے اپنے فیصلہ میں ذکر کیا ہے کو ارسال کیا جائے تاکہ عدالتی فیصلے کے مطابق مقررہ پیروی کے اندر اس پر کارروائی عمل درآمد ہو سکے جو کہ فیصلہ مغز عدالت نے 19/04/2024 کو سنایا ہے جو کہ انٹائن سٹم کے ذریعے متعلقہ اتھارٹی نے نوٹ کیا ہوگا نیز بدوران Urgoments فیصلہ جناب عام عباس صاحب DSP / Legal / CTD ہیڈ کوارٹر پشاور محکمہ کی طرف سے سرکاری وکیل بھی

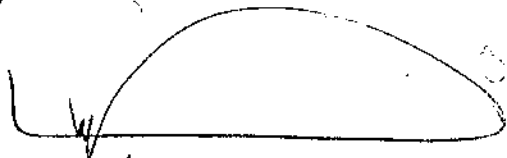
18-5-2024

جو دھما - العارض - ASI No: 15/B متعلقہ پولیس اسٹیشن بنوں

18/05/2024

S18

forwarded



Lo-ene-Ba
19-05-2024

S18
forwarded

Dy. Magistrate
HQRS. BANNU

19.05.2024

امان اللہ خان
المنبر

شعبہ
۱
۲

۱۹ جولائی ۱۹۰۲ء

۲۰۲۲
المنبر
۱۹ جولائی ۱۹۰۲ء

۱۹ جولائی ۱۹۰۲ء

میں نے اپنے دوستوں سے کہا کہ میں نے جو چیزیں لکھی ہیں وہ سب سچ ہیں اور ان کو
 قبول کرنا چاہیے۔ میں نے ان کو بتایا کہ میں نے جو چیزیں لکھی ہیں وہ سب سچ ہیں
 اور ان کو قبول کرنا چاہیے۔ میں نے ان کو بتایا کہ میں نے جو چیزیں لکھی ہیں وہ
 سب سچ ہیں اور ان کو قبول کرنا چاہیے۔ میں نے ان کو بتایا کہ میں نے جو چیزیں
 لکھی ہیں وہ سب سچ ہیں اور ان کو قبول کرنا چاہیے۔ میں نے ان کو بتایا کہ
 میں نے جو چیزیں لکھی ہیں وہ سب سچ ہیں اور ان کو قبول کرنا چاہیے۔ میں
 نے ان کو بتایا کہ میں نے جو چیزیں لکھی ہیں وہ سب سچ ہیں اور ان کو قبول
 کرنا چاہیے۔ میں نے ان کو بتایا کہ میں نے جو چیزیں لکھی ہیں وہ سب سچ
 ہیں اور ان کو قبول کرنا چاہیے۔ میں نے ان کو بتایا کہ میں نے جو چیزیں
 لکھی ہیں وہ سب سچ ہیں اور ان کو قبول کرنا چاہیے۔ میں نے ان کو بتایا
 کہ میں نے جو چیزیں لکھی ہیں وہ سب سچ ہیں اور ان کو قبول کرنا چاہیے۔

امان اللہ خان

COC

۱۹ جولائی ۱۹۰۲ء

امان اللہ خان

۱۹ جولائی ۱۹۰۲ء

General
S.No. 1086

امان اللہ خان