


FORM OF ORDER SHEET

Court of _____

Appeal No. _____ **1255/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	4/9/2024	<p>The appeal of Mr. Inam ul Haq presented today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 12/9/2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Inam ul Haq received today i.e. on 21.08.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures B is not legible.
2. According to Sub rule-4 of Rule 6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent No 01 is un-necessary/ improper parties, in light of the rules ibid and on written direction of Worthy Chairman the above mentioned respondent numbers be deleted/struck out from the list of respondents.

No. 635 /S.T,

Dt. 02/09 /2024

ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Javed Iqbal Gulbela Adv. Pesh.

Respected Sirs;

Re-submitted after removal
of above objection as per need
And kindly be fixed for hearing
Before the Bench of His Honble
Tribunal.

4-09-2024.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title:

Ham ul Haq vs Govt of Khyber Pakhtunkhwa

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <i>Javed Iqbal Gulbela</i>		
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	<input checked="" type="checkbox"/>	
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	
4	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	
5	Whether the enactment under which the appeal is filed is correct?		
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input checked="" type="checkbox"/>	
8	Whether appeal/annexures are properly paged?	<input checked="" type="checkbox"/>	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input checked="" type="checkbox"/>	
10	Whether annexures are legible?		
11	Whether annexures are attested?	<input checked="" type="checkbox"/>	
12	Whether copies of annexures are readable/clear?	<input checked="" type="checkbox"/>	
13	Whether copy of appeal is delivered to AG/DAG?	<input checked="" type="checkbox"/>	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	
15	Whether numbers of referred cases given are correct?	<input checked="" type="checkbox"/>	
16	Whether appeal contains cutting/overwriting?	<input checked="" type="checkbox"/>	
17	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	
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: *Javed Iqbal Gulbela*
 Signature: *Javed*
 Dated: *21.8.2024*

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1255/2024

Inam Ul Haq

VERSUS

Registrar PHC & Others.

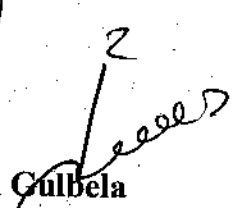
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S#	Description of Documents	Annex	Pages
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5.	Copies of the Explanation letter Dated.02-12-2022 and Reply	"A & B"	7-8.A
6	Copy of ACR	"C"	9
7	Copy of the Departmental Appeal No.23/2023, Parawse Comments and Impugned Order Dated.24-07-2024	"D, E & F"	10-15
8	Wakalat Nama		16

Dated: 19-08-2024


Appellant

Through


Javed Iqbal Gulbela
Advocate, Supreme Court,
Pakistan.

D

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1255 /2024

Inam Ul Haq Senior Clerk/Reader at District Judiciary Peshawar.

..... Appellant

VERSUS

1. *Administrative Judge*, Peshawar High Court Peshawar.
2. *The Registrar*, Peshawar High Court Peshawar.
3. *District & Sessions Judge*, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 15094

Dated 21/8/24

..... Respondents

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned Reference Letter No. 7447 dated: 15-11-2023, wherein an adverse remarks has been recorded in the Annual Confidential Report (ACR) of the appellant for the year 2022, And Departmental Appeal No.23/2023, Dated: 05-12-2023, has been rejected by the Senior Puisne Judge of Peshawar High Court, Peshawar vide impugned order dated: Dated: 24-07-2024.

Filed to - Day
Registrar
21/8/24

Respectfully Sheweth,

1. That the Appellant is naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family
2. That after getting onto the rolls of this prestigious department for more than two decades, the Appellant have had pulled day & night to render his best in the service of the department with utmost zest and professional gusto, which is crystal evident from the long-stretched service period of the Appellant spread over two successful decades, that too without receiving any taint or blemish on the Appellant's service record.
3. That the appellant has been falsely booked for allegations of demanding illegal gratification from a litigant, in respect of which an explanation has been called from the Appellant vide impugned Explanation Letter Dated: 02-12-2022, by the learned JMJC-VII, Peshawar, the Appellant submitted a reply wherein the appellant portrait the true and correct picture. (Copies of

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2024

Inam Ul-Haq Senior Clerk/Reader at District Judiciary Peshawar.

..... Appellant

VERSUS

1. *The Registrar*, Peshawar High Court Peshawar.
2. *District & Sessions* Judge, Peshawar.

..... Respondents

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned Reference Letter No. 7447 dated: 15-11-2023, wherein an adverse remarks has been recorded in the Annual Confidential Report (ACR) of the appellant for the year 2022, And Departmental Appeal No.23/2023, Dated: 05-12-2023, has been rejected by the Senior Puisne Judge of Peshawar High Court, Peshawar vide impugned order dated: Dated: 24-07-2024.

Respectfully Sheweth,

1. That the Appellant is naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family
2. That after getting onto the rolls of this prestigious department for more than two decades, the Appellant have had pulled day & night to render his best in the service of the department with utmost zest and professional gusto, which is crystal evident from the long-stretched service period of the Appellant spread over two successful decades, that too without receiving any taint or blemish on the Appellant's service record.
3. That the appellant has been falsely booked for allegations of demanding illegal gratification from a litigant, in respect of which an explanation has been called from the Appellant vide impugned Explanation Letter Dated: 02-12-2022, by the learned JMIC-VII, Peshawar, the Appellant submitted a reply wherein the appellant portrait the true and correct picture. (Copies of

Re-submitted to -day
and Med.

Registrar

4/11/24

the Explanation letter Dated.02-12-2022 and Reply are annexed as “A & B”)

4. That the story did not end here, for the reason that the respondent rustle passed adverse remarks against the appellant in the 2022 ACR's of the Appellant vide impugned Reference Letter No.7447 dated.15-11-2023 by the office of District & Session Judge, Peshawar. Which act of the respondents is illegal, unlawful and void-ab-initio. **(Copy of the impugned Reference Letter No.7447 dated.15-11-2023 of Adverse remarks in ACR of 2022, is Annexed here as Annexure “C”)**
5. That in the given circumstances whereby the Appellant had been punished for no sake of his own and all his fatigue over the past years have only met the dust, the Appellant solicited a revised ACR by preferring a departmental appeal to his high-up's on 05-12-2023. The Respondent No.3 submitted Para Wise comment to the Departmental Appeal of the Appellant. The Senior Puisne Judge of Peshawar High Court, Peshawar rejected the prayer of the Appellant in a classical, cursory and whimsical manner vide impugned order dated.24-07-2024. **(Copy of the Departmental Appeal No.23/2023, Dated: 05-12-2023, Para wise Comments and Impugned Order Dated: 24-07-2024 of Senior Puisne Judge of Peshawar High Court, Peshawar are annexed as “D, E & F”)**
6. That feeling aggrieved from the acts of the Respondents and having no other efficacious remedy available elsewhere & forum to be addressed at, the Appellant approaches this Hon'ble Tribunals, upon the following grounds, inter alia:-

GROUND:

- A. That it is settled principle and rule of law that whilst any “Adverse Remarks” are being added or holds the chance of being added to the one's ACR, the person shall be intimated mandatorily with a Warning Letter or Counseling as per settled dictum by the several judgments of the Superior Courts on the subject, but in the case of the Appellant, unbothered from the situation, the Department did not communicate the same to the Appellant even after his ACR's was recorded and consigned to the record room.
- B. That under the mandate of Article 4 of the Constitution, no one should be treated otherwise than in accordance with law, but here the case is *volta-facie* and a totally different yardstick has been used to treat the Appellant.
- C. That the long-continued service of the Appellant, which depends on length of his service and equity, justifiably desires and requires that having rendered his prime youth and life in the services of the Respondents, the Appellant should not be exploited or hung in dark.

- D. That the impugned adverse remarks in ACR is unwarranted, illogical and against the Rules so therefore, not maintainable at all.
- E. That the Appellant have always upheld the professional confidence, the sanctity of the department with practically unanimous determination towards his personal professional work ethic and personal (moral) aptitude, just not only to receive admiration from his high ups about his professionalism, but the Appellant's believe in work has been steering him in every way (in & off duty) to bring home and won the reverence from the people of interaction and general public for the home department of the Appellant.
- F. That the allegation against the appellant is not prove till date, nor it is investigated, as well as neither inquired by initiated through departmental inquiry, rather mere on oral allegation the appellant was punished for no offence at all, Therefore the impugned adverse remarks in the ACR of the appellant is unwarranted and thus liable to be struck down.
- G. That the finding of the respondents is against the natural justice i.e. *Adi alteram Partem & Nemo Judex Causa sua*; therefore the impugned Reference Letter No. 7447 dated: 15-11-2023, and impugned Order Dated: 24-07-2024 of the Senior Puisne Judge of Peshawar High Court, Peshawar are unwarranted, hence liable to be turn down.
- H. That the law and law courts of the land have always preferred and appreciated that rules are to be followed, and have always discouraged, depreciated, and deplored any variation from rules or its violation.
- I. Any other grounds will be raised at the time of arguments with kind permission of this Hon'ble tribunal.

It is therefore, most humbly prayed that on acceptance of the instant Service Appeal, the impugned Reference Letter No. 7447 dated: 15-11-2023, wherein an adverse remarks has been recorded in the Annual Confidential Report (ACR) of the appellant for the year 2022, And impugned appellate Order dated: 24-07-2024, of The Senior Puisne Judge of Peshawar High Court, Peshawar, wherein Departmental Appeal No.23/2023, Dated: 05-12-2023, has been rejected, may graciously be set aside, And by doing so "The Adverse Remarks" in the ACR's of 2022 may kindly be the expunged in the best interest of justice.

Any other relief not specifically asked for, may also be extended in favor of the Appellant.

Dated: 19-08-2024

4

[Handwritten signature]
Appellant

Through

Javed Iqbal Gulbela
Advocate, Supreme Court,
Pakistan,

& *[Handwritten signature]*
Saghir Iqbal Gulbela,
Advocate, High Court,
Peshawar

Muhammad Arif Mohmand

& *[Handwritten signature]*
Alamzeb Khan
Advocates, Peshawar

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

Advocate *[Handwritten signature]*

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

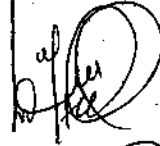
Inam Ul Haq

VERSUS

Registrar Peshawar High Court Peshawar

AFFIDAVIT

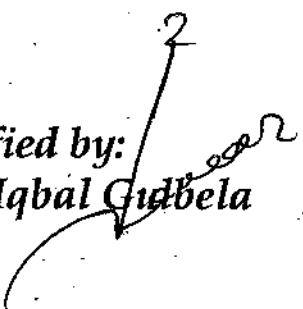
I, Inam Ul Haq S/o Fazal Haq R/o Mohmand Colony, Kohati Gate, P.O Shah Qabool Namak Mandi House No. 844/795, Street No. 02 Mohallah Qari Abad Tehsil & District Peshawar, do hereby solemnly affirm and declare on oath that the contents of Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT

CNIC # 17301-1418516-5

Cell No. 0333-9236263

Identified by: 
Javed Iqbal Gubbela
ASC





19/08/24.

D

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____ /2024

Inam Ul Haq

VERSUS

Registrar PHC & Others.

ADDRESSES OF PARTIES

APPELLANT

Inam Ul Haq Senior Clerk/Reader at District Judiciary Peshawar.

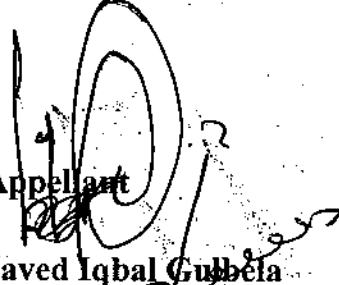
ADDRESSES OF RESPONDENTS

1. *Administrative Judge*, Peshawar High Court Peshawar.
2. *The Registrar*, Peshawar High Court Peshawar.
3. *District & Session Judge*, Peshawar.

Dated: 19-08-2024

Through

Appellant


Javed Iqbal Gubbela
Advocate, Supreme Court,
Pakistan.

No. JMIC-VI, Peshawar,

Dated: Peshawar the 02/12/2022

To

Mr. Inaam-UI-Haq,
Reader/Senior Clerk of this court,


Am-A

Subject: EXPLANATION.

Today, on 01.12.2022 at 12.30 pm a litigant in open Court accused you of demanding illegal gratification. Due to which an embarrassment has been caused to the Court of undersigned and District Judiciary.

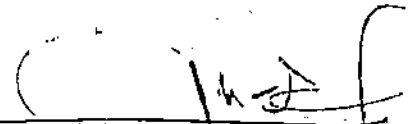
You are therefore, directed to explain your position within a day.

Failing which it would be deemed that you have no defense to offer.


~~(HASSAN ALI KHAN)~~
JMIC-VI, Peshawar

Copy for information to;

1. The worthy Senior Civil Judge (Admin) Peshawar.


~~(HASSAN ALI KHAN)~~
JMIC-VI, Peshawar

JAVED GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

Handwritten text in Urdu script, appearing to be a legal document or petition. The text is written in a cursive style and covers most of the page. It includes various lines of text, some of which are underlined or separated by lines. At the bottom, there is a signature and a date: "20/11/2014".

Ann-B

8

Handwritten signature and text at the bottom of the page.

بخدمت جناب حن علی خان VI-JMIC صاحب پشاور

"درخواست بشکل جواب راجوع"

جناب عالی!

یہ کہ مورخہ 2022-11-30 کو من ساکل 02:30 بجے سیشن کورٹ گیا تھا جہاں سے واپسی پر عدالت آئے ہی ایک شخص محرر کیساتھ رہائی کے سلسلے میں کھڑا تھا، ضمانت نامہ و پرچہ رہائی پہنچ صاحب کے دستخط پہلے سے ثبت شدہ تھے تو اسی اثناء میں اس شخص نے کہا کہ عدالت میں اور کہی جگہوں پر میں نے بہت پیسے لگائے جس پر ساکل اس شخص کو کہا کہ ہماری عدالت کا نام مت لو آپ نے کہی دیئے ہونگے ہماری عدالت میں تم نے کس کو پیسے وغیرہ نہیں دیئے ہونگے، اگر کسی کو دیئے ہیں تو کلن آکر نیچ صاحب کے نوٹس میں لاؤ جس پر ساکل اور اس شخص کے مابین تلخ کلامی ہوئی اس دوران وہ شخص عدالت سے چلا گیا، اور محرر نے پرچہ رہائی جیل بھجوائی۔

اس شخص کی رہائی اس دن نہ ہو سکی جس پر وہ کل تیش میں آکر نیچ صاحب کو کہنے لگا کہ جی آپ صاحبان نے میرے رہائی بوجہ رقم نہیں بھجوائی میں نے آپ کو پیسے نہیں دیئے اور آپ نے رہائی نہیں بھجوائی، حالانکہ آپ کا رہائی بھیجنے کیساتھ کوئی تعلق یہ واسطہ نہ ہے، تب آپ کو عدالت نے آپ صاحبان کے سامنے الزام لگانے والے شخص سے پوچھا نمبر 1۔ کہ کیا من ساکل نے آپ سے کل رقم / مجموعہ رقم کہ مجھے اتنے دو یا اتنے دو کا مطالبہ کیا ہے جس پر الزام لگانے والے شخص نے کہا کہ نہیں آپ نے یہ نہیں کہا کہ مجھے اتنے دو یا اتنے دو۔ دوسرا یہ پوچھا نمبر 2۔ کہ کیا تم نے مجھے کوئی رقم ادا کہ ہے چاہے وہ کتنی ہی کیوں نہ ہو جس پر الزام لگانے والے شخص نے کہا کہ۔۔

Better Copy

نہیں میں نے آپکو کوئی رقم نہیں دی۔ مگر بہر حال بعد از انتظار کے بعد جیل سے رہائی واپس آکر جج صاحب کو پیش کر دی گئی جس نے ثابت ہوا کہ محرر عدالت نے پرچہ رہائی جیل بھیجوائی تھی، اب جب ملاحظہ پرچہ رہائی ضمانت نامہ ملاحظہ سے پایا گیا ہے کہ جو ضمانت نامہ ملزم کو طرف سے پیش کیا گیا تھا اس ضمانت نامے پر جرم 9D درج نہ تھا، نہ کہ عدالت کی رہائی میں کوئی مسئلہ تھا اور نہ ہی پھینچے کا کوئی ایشیو تھا۔ بعد از محرر نے ضمانت نامہ پر 9D درج کر کے پرچہ رہائی پہ درستی کر کے آپ صاحبان سے دستخط کر کے واپس جیل بھیجوا یا۔

یہ کہ سائل پر بد نیتی کے طور پر صرف اور صرف الزام لگایا گیا ہے جو سراسر غلط ہے سائل کو کوئی غلطی نہ تھی بلکہ بوجوہات بالا تھی، سائل آئندہ ایسے کسی قسم شخص کیساتھ کوئی بد کلامی وغیرہ نہیں کرے گا، محتاط رہے گا۔

لہذا سائل کی غلطی کو معاف فرمایا جائے۔

عین نوازش ہوگی۔

العارض:

من سائل ریڈر انعام الحق



9

DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
web: SessionsCourtPeshawar.gov.pk

No. 7447
Dated Peshawar 15-11-2023

CONFIDENTIAL

Ann^oC

To

✓
Mr. Inam-Ul-Haq, Senior Clerk/Reader
Attached to the Court of learned JMIG-VI,
Peshawar.

Subject: **COMMUNICATION OF ADVERSE REMARKS**

Memo:

The following adverse remarks, recorded in your ACR for the
year 2022, are communicated to you for information.

"11(ii): Report to be corrupt."

"11(iii) (a): Monetary condition."

"Adverse"

Ashfaque Taj

[ASHFAQUE TAJ]
District & Sessions Judge,
Peshawar.

JAVED TOBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

10

Ann-D

Office Of the District & Sessions Judge
Receipt No 2418
Dated 02-12-2023
Peshawar

OFFICE OF THE DISTRICT & SESSIONS JUDGE
PESHAWAR

To,

Hon'ble Chief Justice
Peshawar High Court, Peshawar.
Through Registrar, Peshawar High Court, Peshawar.

Subject: DEPARTMENTAL APPEAL FOR THE
EXPUNGMENT OF ADVERSE REMARKS
RECORDED IN THE ANNUAL CONFIDENTIAL
REPORT (ACR) OF THE APPELLANT FOR THE
YEAR 2022.

Peshawar High Court, Peshawar.
Receipt No 1595
Date 5-12-2023
For duty most
Signature

Respected Sir,

With high reverence and due deference and utmost respect the Appellant very humbly solicit the instant representation to your goodself office, to the following effect:

1. That the Appellant is naturally born bonafide citizen of Islamic Republic of Pakistan and hails from a respectable family.
2. That after getting to onto rolls of this prestigious department of District Judiciary for 21 years, the Appellant has rendered his best in the service of department with outmost zest and professional gusto which is crystal evident from the long standing service period of the Appellant spread over two decades the too without any taint or blemish on the Appellant service record.
3. That the Appellant has always upheld the professional confidence the sanctity of the department with the determination and his professional works ethics, just not only to receive admiration from his high ups but Appellant believes in what has been steering him in every way to bring home (Department) and one the reverence from people of interaction and general public who get to interact with the Appellant in and out of the office of the Appellant.
4. That the Appellant's faith in his work and commitment for social cause, aligned with the vision of department does not

Please discuss
Mr. M. M. Khan
8/12/23

ATTESTED
EXAMINER
Peshawar High Court

11

let the Appellant go off track in any way which is why the Appellant had been successful to put excellent stats and marvelous track on his every evaluation, assessment of record in the department over the period of two decades, till the instant stimulus where by the Appellant was taken at shock on communication of his annual confidential report ACR vide letter 7447 dated 15-11-2023 from the office of Worthy District and Session Judge Peshawar, in respect of which the Appellant ACR was subjected to "Adverse" remarks. (Copy of ACR enclosed)

5. That not even in the wildest dreams, the Appellant could have ever saw it coming, that the Appellant ACR would be tainted with adverse remarks inspite the flawless record for upto twenty years and still counting.
6. That for the year 2021, the Appellant had been marked as "very good" by the Reporting Officer for the subject ACR and even the same had been penned down by the Countersigning Officer.
7. That it is a settled principle of rule of law that when any adverse remarks are being added or holds the chance of being added to a civil servant ACR the person shall be intimated mandatorily with a Warning letter or consoling as per settle dictum by the several judgment of the Superior Court on the subject but in the case of Appellant the department did not communicate the same to the Appellant even after the ACR of the Appellant was recorded.
8. That what cost the much adversity was that neither the appellant's appearance/attendant was sought for explanation nor any finding or material evidence was recorded against which the Appellant ACR has been blemished with adverse remarks for the very reasons the Appellant has been left confused and could never guess that what went wrong on his part but simply with lift of the pen the presumptions were named as conclusions in the ACR of the Appellant.

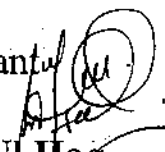
ATTESTED
EXAMINER
Peshawar High Court

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9. That having said that neither there was any complaint nor any inquiry or inquiry report on the service record of the Appellant and it is also important to highlight the fact the service record of the Appellant till date speaks volume of his professionalism and pragmatic service for the department.
10. That in the given circumstances whereby the Appellant has been punished for no sake of his own and all his fatigue over the past years have only met the dust, the Appellant solicits a revised ACR whereby the "adverse remarks" be expunged, and the long-standing performance of Appellant be kept in view for the revised ACR.

It is, therefore most humbly prayed that on acceptance of the instant representation, the adverse remarks recorded in the ACR for the year 2022 and communicated to the Appellant vide the letter No.7447 dated: 15-11-2023 of the office of the Hon'ble District & Sessions Judge Peshawar, may graciously be expunged from the ACR for the year 2022.

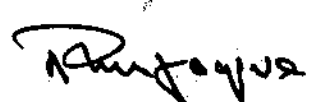
Dated: 01/12/2023

Appellant

Inam Ul Haq
Senior Clerk/Reader

OFFICE OF THE DISTRICT AND SESSIONS JUDGE PESHAWAR

No. 7913 Dated Peshawar, the 04 / 12 /2023

Forwarded in original to the worthy Registrar, Peshawar High Court, Peshawar, for appropriate order, please.


[ASHFAQUE TAJ]
District & Sessions Judge,
Peshawar

ATTESTED
EXAMINER
Peshawar High Court





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DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Ph#091-9210099 Fax#091-9212419
eMail: scPeshawar@yahoo.com
web: SessionsCourtPeshawar.gov.pk

No. 4145
Dated Peshawar 23/7/24

To

✓ The Additional Registrar (Admn),
Peshawar High Court,
Peshawar.

AMM-^oE

Subject: **DEPARTMENTAL APPEAL NO. 23/2023**
Inam ul Haq ... vs... D&SJ Peshawar

Reference: PHC letter No. 10974/Admn dated 14/12/2023

Dear Sir,

Para-wise comments are submitted, as under:

1. Needs no comments.
2. Incorrect. The appellant has never been an outstanding official during his long service, and has always been subjected to oral warnings and directions to improve his performance.
3. Incorrect. The appellant has a general reputation of being incompetent and unwilling worker. He has never been admired or recognized as a determined and trustworthy worker, rather found to be corrupt.
4. Incorrect. The adverse remarks recorded in the ACR for the year 2022 was based on the observation and evaluation of the learned reporting officer and concurred by the predecessor-in-office, who had received many oral complaints against the official concerned, of having an overall cloudy and shady reputation.
5. Incorrect, as explained in above paras.
6. Pertains to record.
7. Incorrect. The appellant had been time & again orally warned to mend his ways and perform his duties with honesty but in vain, thus, the adverse

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EXAMINER
Peshawar High Court

remarks were recorded in his ACR, which were duly communicated to him via letter No. 7447 dated 15/11/2023.

- 8. Incorrect. As explained in paras 3 & 4 above.
- 9. Pertains to record, however, it is added that the appellant has been found to be an unwilling, lazy, inefficient official, and corrupt for monetary consideration. Thus, the adverse remarks were recorded in his ACR.
- 10. Incorrect. The adverse remarks have been recorded after careful perusal and observation of the Presiding Officer concerned, thus, needs to be sustained.

In view of the above, it is submitted that the impugned adverse remarks have been recorded strictly on merit and in accordance with law. The appeal in hand being devoid of merits has no weightage, therefore, the same may be dismissed, please.

[INAM ULLAH WAZIR]
District & Sessions Judge,
Peshawar.

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EXAMINER

Peshawar High Court, Peshawar

Authorized Under Article 177 of

the Constitution of Pakistan 1973

8 AUG 2024

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JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT
Departmental Appeal No.23/2023



ANN-1 F

Inam Ul Haq
Vs.
District & Sessions Judge, Peshawar

Date of hearing 24.07.2024
For Appellant(s): **In person.**
For Department: **Mr. Sajjad Ahmad, Accounts Assistant, Office of the District & Sessions Judge, Peshawar.**

ORDER

IJAZ ANWAR, J. Perusal of the record reveals that during the relevant period, the appellant has already been issued explanation letter regarding demand of illegal gratification. The reply so submitted by the appellant appears to be admission on his part. No interference is required in the impugned letter dated 15.11.2023 pertaining to communicating adverse remarks recorded in his ACR for the year, 2022. The instant Departmental Appeal, having no merit, stands rejected.

Announced
Dt:24.07.2024

**Senior
Puisne Judge**

Muhammadullah

Hon'ble Mr. Justice Ijaz Anwar

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EXAMINER
Peshawar High Court, Peshawar
Authorized Under Article 67 of
the Constitution of Pakistan, Act 1973
08 AUG 2024

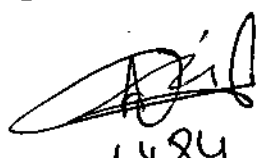
وکالت نامہ


KP Service Tribunal, Peshawar
 Registrar PHC, etc. نام Inam Ul Haq.
 Service Appeal دعویٰ Appellant
 تاریخ 19/08/2024


باعتبار تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی
 بمقام **محکمہ اقبال گل** کیلئے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان
 کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے
 جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر
 حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب
 موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ
 ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش
 ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی
 صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پر داختم صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب کو
 عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی
 اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے
 بیان دینے اور سپر وٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی
 مقدمہ یا منسوخی ڈگری یا طرفہ درخواست حکم انتظامی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار
 نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی کے
 واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے
 ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ
 التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو
 صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف
 کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ 19/08/2024 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by:


 23-6484


 BC-23-6271

الصالح الحق


محکمہ اقبال گل
 محکمہ اقبال گل