


FORM OF ORDER SHEET

Court of _____

Appeal No. 1455/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13-Sep-24	<p>The appeal of Mr. Zafar Ali today by Mr. Ashraf Ali Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 26-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

1455
SERVICE APPEAL No. _____/2024

SI Zafar Ali No.123/K,
Police Force Kohat.....Appellant.

Versus

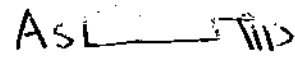
The Regional Police Officer,
Kohat Region, Kohat and others..... Respondents.

INDEX


S.No.	Description of Documents	Date	Annexure	Pages
1.	Service Appeal along with Affidavit			1-5
2.	Memo of Addresses of Parties			6
3.	Copy of adverse ACR communicated through letter No.254 /CC dated 29-05-2024.	29-05-2024	A	7
4.	Copy of Departmental Appeal		B	8-11
5.	Wakalat Nama.			12


Appellant

Through


Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&


Ali Bakht Mughal
Advocate,
High Court, Peshawar

Dated: ____/____/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

1455
SERVICE APPEAL No. _____/2024

①

SI Zafar Ali No.123/K;
Police Force, Kohat.....Petitioner.

Versus

1. The Regional Police Officer,
Kohat Region, Kohat.
2. The District Police Officer,
Kohat.....Respondents.

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ADVERSE REMARKS COMMUNICATED THROUGH LETTER NO.254 /CC DATED 29-05-2024 AND AGAINST WHICH, APPELLANT FILED DEPARTMENTAL APPEAL, WHICH IS STILL PENDING WITH OUT DISPOSAL.

Respectfully Sheweth,

The concise facts giving rise to the present writ petition are as under:-

1. That appellant is a professional Police Officer and has registered more than 50 FIRs against the illegal gold miners working in the jurisdiction of Police Station Shakardara, where he stayed from 14-08-2023 to 31-12-2023 (less than 04 months) as SHO Police Station Shakardara but astonishingly instead of praising his character as a professional Police Officer, he was communicated with the following adverse entries in his ACRs by the Reporting Officer and endorsed by the countersigning officer. The adverse remarks are as to the following;

Copy of the adversé remarks is attached as **Annexure-A**.

Class of the Report	"C"
Remarks of Reporting Officer	No. he is not honest. His integrity cannot be relied upon. Although is good at Police work but his financial

	integrity is very poor and can never be relied upon. During his posting at P.S Shakardara he was alleged to be in connivance with illegal gold miners working in jurisdiction of P.S Shakardara. He is very well connected and always tries to influence his posting.
Remarks by the Countersigning Officer	"I agree with the assessment of DPO, Kohat"

2. That being aggrieved from the ibid, adverse remarks; appellant filed departmental appeal, which is still pending without disposal, hence the statutory period has elapsed therefore, this service appeal inter alia on the following grounds.

Copy of the departmental appeal is attached as **Annexure-B**.

Grounds:-

- A. That the appellant has not been treated fairly and justly. The record pertaining to the impugned period has totally been overlooked. It is humbly submitted that appellant has registered more than 100 FIRs against the illegal gold miners during this short span of time / period. The record of the Police Station Shakardara reflects the excellent performance of the appellant during his stay / posting as SHO P.S Shakardara. A prudent mind by no stretch of imagination can safely presume that an officer, who has registered more than one hundred FIRs against the culprits, could be presumed to be an Officer of inefficient character as such floating in the questioned column of appellant's ACRs.
- B. That it is the primary obligation of the reporting officer as well by the countersigning officer to adopt the prescribed legal procedure provided in the law, rules and instructions notified by the competent authorities from time to time but this procedure has not been adopted therefore, the adverse entries cannot be clothed with validity and liable to be expunged accordingly.
- C. That the adverse entries in the questioned column of ACRs are not speaking in nature and spirit as the same does not convey any cogent reason in support of the allegations. The allegations are flimsy in nature and spirit for the reason that it does not carries any incident, illustration or any sort of other evidence.
- D. That the allegations are general in nature and not specific. The Reporting Officer has never communicated any warning or counseling. The assessment made by the Reporting Officer and endorsed by the

countersigning officer should always be positive in nature without any bias and the officer making such adverse observation should be in a position to justify such remarks.

- E. That the endorsement of the countersigning officer without justifying the adverse entries of the reporting officer is highly illegal and against the spirit of justice, fair play and equity. The countersigning officer should be in a position to require the record from the reporting officer and to see as whether the reporting officer has placed any evidence in support of his adverse entries or otherwise. The counter signing officer without adopting any scrutiny has put his signature over the remarks of the reporting officer and thus has committed material irregularity, which is not sustainable in law and is nullity in the eyes of law and liable to be expunged on this score alone.

- F. That appellant earned good remarks till the time of the impugned adverse remarks as well as in onward ACRs of 2024 to be an honest Police Officer. In circumstances, the Hon'ble Apex Court vide judgment reported as *2015 PLC (C.S) 191* has observed that "it was astonishing that how the appellant become dishonest, corrupt and incompetent within next few months, particularly when there was no complaint against him". Reporting Officer had assessed the work and conduct of the appellant in a way, which was against the instructions on the subject, whereby the Reporting Officer and Countersigning Officer should be as objective as possible. Reporting Officer right from Part-II to Part-IV, which required assessment of the Officer reported upon qua his personal qualities, attitude and proficiency in job had placed the appellant in column No. "C" which shows that the assessment of the Reporting Officer was subjective and not objective; therefore, way adopted in recording ACRs was not considered proper and closed to the spirit of recording of ACRs of subordinate. Reporting Officer was biased at the time of recording of ACRs of appellant and possibility of his malafide and ill-will could not be ruled-out.

- G. That under the law and rules, the adverse entry should be based upon material, tangible evidence and credible information. No evidence or credible information has been brought on record in support of impugned remarks therefore, liable to be expunged.

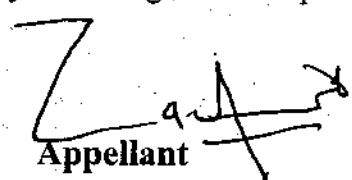
- H. That the impugned remarks are not supported by any instance of lapses in omissions on the part of appellant. The only reference to the gold illegal mining is against the record lying in P.S Shakardara in shape of FIRs, arrests and bringing the culprits before the Court of justice.

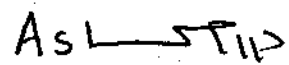
(9)


- I. That appellant has always displayed professionalism during the entire period of his service career. No one has ever challenged the financial integrity of the appellant therefore; the adverse remarks are groundless and liable to be struck down.
- J. That petitioner would like to seek the permission of this Hon'ble Court to advance more grounds at the time of hearing.

It is therefore, humbly prayed that on acceptance of this Appeal; this Hon'ble Court may graciously be pleased to expunge the adverse entries in the impugned ACR communicated through letter No.254 /CC dated 29-05-2024.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to petitioners.


Appellant

Through 
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&

Ali Bakht Mughal
Advocate,
High Court, Peshawar

Dated: ___/___/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. ____/2024

5

SI Zafar Ali No.123/K,
Police Force,
Kohat.....Appellant.

Versus

The Regional Police Officer,
Kohat Region, Kohat, and others..... Respondents.

AFFIDAVIT

I, SI Zafar Ali No.123/K, Police Force, Kohat do hereby solemnly affirm and declare on oath that the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.


Deponent

SI Zafar Ali No.123/K,
Police Force, Kohat.

CNIC: 142032039792-5

Cell: 0344 9796259

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL No. ____/2024.

(6)

SI Zafar Ali No.123/K,
Police Force,
Kohat.....Appellant.

Versus

The Regional Police Officer,
Kohat Region, Kohat and others.....Respondents.

ADDRESSES OF PARTIES

SI Zafar Ali No.123/K,
Police Force, KohatAppellant.

Versus

1. The Regional Police Officer, Kohat Region, Kohat.
2. The District Police Officer, KohatRespondents.

Appellant

Through

ASL KHATTAK
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&
AO
Ali Bakht Mughal
Advocate,
High Court, Peshawar

Dated: ____/09/2024

AVEX.A. 7

NO. 13-17

RYHTIIR PAKHTINKIWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspector, 5th Inspector and Inspector for the period from 14.08.2023 to 31.12.2023

SI Zaid Ali No. 129K

Muzt Ali Khan

From 14.08.2023 to 01.12.2023 SHO PS Muzt Ali Khan
From 02.12.2023 to 31.12.2023 SHO PS Shabir Khan

No, he is not honest. His integrity cannot be relied upon. Although he is good at police work but his financial integrity is very poor and as

(Farhan Khan) PSP
District Police Officer,
Kohat

never be relied upon. During his posting at PS Shokar Khan he was alleged to be in connection with illegal gold miners work in jurisdiction of PS Shokar Khan. Also, he is very connected and always tries to influence in postings.

~~SECRET~~

POLICE DEPARTMENT

Name, Rank and Grade

Post and Station

Where and on what dates employed during the period

Class of Superintendent of Police's report, i.e. "A" or "B"

Reported by

Remarks by

(1) Superintendent of Police
(2) Inspector (Special Investigation)

I agree with the assessment of the

then report. Report may be amended by

Address: D/O



Anex. B. (3)

To

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

**SUBJECT: REPRESENTATION AGAINST THE ADVERSE REMARKS COMMUNICATED
THROUGH THE LETTER NO.254 /CC DATED 29-05-2024.**

Respected Sir,

With due respect and regards appellant submits as to the following:

1. That appellant is a professional Police Officer and has registered more than ~~50~~ FIRs against the illegal gold miners working in the jurisdiction of Police Station Shakardara, where he state from 14-08-2023 to 31-12-2023 (less than 04 months) as SHO Police Station Shakardara but astonishingly instead of praising his character as a professional Police Officer, he was communicated with the following adverse entries in his ACRs by the Reporting Officer and endorsed by the countersigning officer. The adverse remarks are as to the following:

Class of the Report	"C"
Remarks of Reporting Officer	No. he is not honest. His integrity cannot be relied upon. Although is good at Police work but his financial integrity is very poor and can never be relied upon. During his posting at P.S Shakardara he was alleged to be in connivance with illegal gold miners working in jurisdiction of P.S Shakardara. He is very well connected and always tries to influence his posting.
Remarks by the Countersigning Officer	"I agree with the assessment of DPO, Kohat"

Grounds:

- A. That the appellant has not been treated fairly and justly. The record pertaining to the impugned period has totally been overlooked. It is humbly submitted that appellant has registered more than 100 FIRs against the illegal gold miners during this short span of time / period. The record of the Police Station Shakardara reflects the excellent performance of the appellant during his stay / posting as SHO P.S Shakardara. A prudent mind by no stretch of imagination can safely presume that an officer, who has registered more than one hundred FIRs against the culprits, could be presumed to be an Officer of inefficient character as such floating in the

~~FILED~~

questioned column of appellant's ACRs.

9

- B. That it is the primary obligation of the reporting officer as well by the countersigning officer to adopt the prescribed legal procedure provided in the law, rules and instructions notified by the competent authorities from time to time but this procedure has not been adopted therefore, the adverse entries cannot be clothed with validity of law and liable to be expunged accordingly.
- C. That the adverse entries in the questioned column of ACRs are not speaking in nature and spirit as the same does not convey any cogent reason in support of the allegations. The allegations are flimsy in nature and spirit for the reason that it does not carries any incident, illustration or any sort of other evidence.
- D. That the allegations are general in nature and not specific. The Reporting Officer has never communicated any warning or counseling. The assessment made by the Reporting Officer and endorsed by the countersigning officer should always be positive in nature without any bias and the officer making such adverse observation should be in a position to justify such remarks.
- E. That the endorsement of the countersigning officer without justifying the adverse entries of the reporting officer is highly illegal and against the spirit of justice, fair play and equity. The countersigning officer should be in a position to scrutiny the record of a Police Officer but the agreement endorsed by the countersigning officer without the support of any reason is nullity in the eyes of law and liable to be expunged on this score alone
- F. That appellant earned good remarks till the time of the impugned adverse remarks as well as in onward ACRs of 2024 to be an honest Police Officer. In circumstances, the Hon'ble Apex Court vide judgment reported as 2015 PLC (C.S) 191 has observed that "it was astonishing that how the appellant become dishonest, corrupt and incompetent within next few months, particularly when there was no complaint against him". Reporting Officer had assessed the work and conduct of the appellant in a way, which was against the instructions on the subject, whereby the Reporting Officer and Countersigning Officer should be as objective as possible. Reporting Officer right from Part-II to Part-IV, which required assessment of the Officer reported upon qua his personal qualities, attitude and proficiency in job had placed the appellant in column No. "C" which shows that the assessment of the Reporting Officer was subjective and not

ATTORNEY

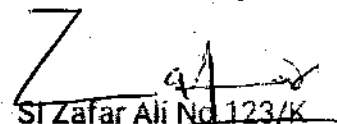
9 10

objective; therefore, way adopted in recording ACRs was not considered proper and closed to the spirit of recording of ACRs of subordinate Reporting Officer was biased at the time of recording of ACRs of appellant and possibility of his malafide and ill-will could not be ruled-out.

- G. That under the law and rules, the adverse entry should be based upon material, tangible evidence and credible information. No evidence or credible information has been brought on record in support of impugned remarks therefore, liable to be expunged.
- H. That the impugned remarks are not supported by any instance of lapses or omissions on the part of appellant. The only reference to the gold illegal mining is against the record lying in P.S Shakardara in shape of FIRs, arrests and bringing the culprits before the Court of justice.
- I. That appellant has always displayed professionalism during the entire period of his service career. No one has ever challenged the financial integrity of the appellant therefore, the adverse remarks are groundless and liable to be struck down.

In view of the above humble submissions, it is very humbly requested before Your kind Honor to expunge the impugned adverse remarks and obliged.

Yours Obediently


SI Zafar Ali No. 123/K
Police Force, Kohat.

Dated: ___/___/2024

~~ADMITTED~~



OFFICE OF THE
REGIONAL POLICE OFFICER
KOHAT REGION

Tel: 0922-9260117 Fax 0922-9260114

No. 465 ICC Dated Kohat the 12/12/2024

11

To - The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject - REPRESENTATION

Memo -

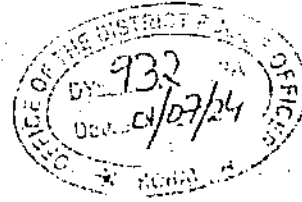
Enclosed please find herewith a self-explanatory letter No. 4073/PA dated 06.06.2024, received from District Police Officer Kohat together with Representation preferred by SI Zafar Ali No.123/K of this Region regarding expunction of adverse remarks in his ACR period from 14.08.2023 to 31.12.2023 for favour of perusal and further process please.

3-117

[Signature]
Regional Police Officer,
Kohat Region.

No. 465 ICC.

Copy to District Police Officer, Kohat for information w/r to his office. letter quoted above, please.



PA
Time with case

[Signature]
DISTRICT POLICE OFFICER,
KOHAT

NOTED

WAKALAT NAMA

(12)

IN THE COURT OF SEVILE TRIBUNAL Peshawar

SI Zafar ali No. 123K

Appellant(s)/Petitioner(s)

VERSUS

The Regional Police
officer Kohak

Respondent(s)

I/We SI Zafar ali do hereby appoint **Mr. Ashraf Ali Khattak, Advocate** Supreme Court of Pakistan in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan
BC#: 10-4605
CNIC: 14201-7228655-3
Cell: 0332-9931676

[Signature]
Signature of Executants