

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1455/2024
Zafar Ali
Sub Inspector, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

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Deponent

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Zafar Ali

Sub Inspector, District Kohat

..... Appellant

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 17286

Dated 29-10-24

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is not maintainable in its present form.
- vi. That the appeal is bad in law and limitation as well.

Facts:-

1. Incorrect, each and every Police officer/official is required to be professional there is no room in the department for officers/officials having unprofessional approach. Moreover, as far as registration of FIRs by the appellant are concerned, appellant was duty bound u/s 154 CrPC to register case as soon as a matter regarding commission of cognizable offence is reported to him. The respondent No. 2 (District Police Officer) being the reporting officer was of the view and had reason to believe that the appellant is not honest, therefore, the same was mentioned in his ACR.
2. Para correct to the extent that appellant has filed departmental appellant before the appellate authority.

Grounds:-

- A. Incorrect, appellant is treated in accordance with law and Rules. Moreover, previous record of any officer does not give him immunity against his current or further misleads. Furthermore, appellant being SHO was duty bound to register FIR, when any cognizable offences reported to him. So mere registration of FIRs does not mean that he has perform extra ordinary duty.

- B. Incorrect, while granting category "C" ACR proper procedure has been adopted by the reporting officer and the rules have been followed as well.
- C. Incorrect, perusal of ACR reflects that comments have been made by the reporting officer in a well speaking manner.
- D. Incorrect, the allegations against the appellant are specific and serious in nature.
- E. Incorrect, the counter signing officer after going to the record of the appellant agreed with the remarks of the countersigning officer.
- F. Para already explained.
- G. The ACR plays important role in granting promotion to an officer in the next rank, therefore, remarks are not made in a haphazard manner rather are made after thorough probe in case of the appellant after receiving credible information that he is in league with the gold miners, therefore, he was granted adverse remarks in his ACR.
- H. Para explained above.
- I. Para already explained.
- J. Respondents also seek permission of this Honorable court to advance any additional ground, at the time of arguments.

In view of the above, it is humbly prayed that the appeal devoid of merits may graciously be dismissed with costs.



Regional Police Officer,
Kohat
(Respondent No. 1)
(SHER AKBAR) PSP, S.St



District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP

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AFFIDAVIT

I, Muhammad Omer Khan, District Police Officer, Kohat Respondent No. 2 do hereby solemnly affirm and declare on oath that the contents of parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense is struck off/cost.



Muhammad Omer Khan
District Police Officer,
Kohat

(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP

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AUTHORITY LETTER

Mr. Usman Ali Khan, DSP Legal Kohat is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.



Regional Police Officer,
Kohat
(Respondent No. 1)
(SHER AKBAR) PSP, S.St



District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP