BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 411/2018

Date of Institution ... 19.03.2018

Date of Decision ... 06.02.2020

Roohullah Jan S/O Nasrullah Khan, Ex-Assistant Grade Clerk, Now Senior Clerk, Office of the SP, Investigation Charsadda. ... (Appellant)

VERSUS

Regional Police Officer, Mardan Region-I Mardan and one other. ... (Respondents)

ARBAB SAIF UL KAMAL, Advocate --- For appellant.

MR.ZIAULLAH, Deputy District Attorney --- For respondents

MR. AHMAD HASSAN --- MEMBER(Executive)
MR. MUHAMMAD AMIN KHAN KUNDI --- MEMBER(Judicial)

JUDGMENT:

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS:

02. Learned counsel for the appellant argued that on certain allegations the appellant was proceeded departmentally and two fact findings enquires were conducted against him. These enquires were followed by show cause notice served on the appellant on 24.10.2017. In the first enquiry, the enquiry officer recommended his exoneration from the charges leveled against him. He was awarded major punishment of reversion from the rank of Assistant (BPS-16) to the Senior Clerk (BPS-14) vide impugned order dated 09.11.2017. Feeling aggrieved, he filed departmental appeal on 08.12.2017 which was rejected on 19.02.2018

followed by the present service appeal. Penalty could not be awarded on the basis of fact finding enquiry.

03. Learned DDA argued that all the codal formalities were observed before passing the impugned order and punishment was rightly awarded to the appellant. He was treated in accordance with the law and rules.

CONCLUSION:

04. In the present service appeal two facts findings enquires were conducted by the respondents and thereafter major penalty of reversion from the rank of Assistant to Senior Clerk was awarded to the appellant vide impugned order dated 09.11.2017. Time period was not mentioned in the said order. Moreover, this order was issued on the strength of fact finding enquiries. The respondents were under obligation to have served charge sheet and statement of allegations on the appellant and thereafter proper enquiry should have been conducted. No punishment can be awarded on the basis of fact finding enquiry. Due to illegalities pointed out above it is a ripe case for de-novo enquiry.

05. As a sequel to the above, the instant appeal is accepted, impugned order dated 09.11.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days from the date of receipt of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

(AHMAD HASSAN)
Member

(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
06.02.2020

07.11.2019 Junior to counsel for the appellant. Mr. Usman Ghani, District Attorney for respondents present. Junior to counsel for the petitioner seeks adjournment as his senior counsel for the appellant is not available today. Notices be issued to the appellant for appearance. Adjourn. To come up for arguments on 09.12.2019 before D.B.

Member Member

09.12.2019 Appellant in person present. Addl: AG alongwith Mr. Shah Jehan, SI for respondents present. Appellant seeks adjournment due to general strike of the Bar. Adjourned. To come up for arguments on 06.02.2020 before D.B.

Member Member

ORDER

06.02.2020 Appellant with counsel present. Mr. Ziaullah, DDA alongwith Mr. Shah Jehan, SI for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal is accepted, impugned order dated 09.11.2017 is set aside. The respondents are directed to conduct de-novo enquiry within a period of ninety days from the date of receipt of this judgment. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
06.02.2020

(Ahmad Hassan)
Member

(Muhammad Amin Khan Kundi)
Member

27.05.2019 Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Due to general strike on the call of Bar Council, learned counsel for the appellant is no in attendance. Adjourned. To come up for arguments on 12.07.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

12.07.2019 Counsel for the appellant and Addl: AG alongwith Mr. Shah Jehan, ASI for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 10.09.2019 before D.B.

Member

Member

10.9.19 Since 10.9.19 has been declared as public holiday, Therefore the case is adjourned for the same on 4.10.2019, before D.B.

Reader

04.10.2019 Counsel for the appellant present. Mr. Addl: AG alongwith Mr. Shahinshah Gohar, DSP and Mr. Shah Jehan, SI for respondents present. Learned Addl: AG seeks adjournment. Adjourned. To come up for arguments on 07.11.2019 before D.B.

Member

Member

30.01.2019 Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 01.03.219 before D.B.

Member Member

01.03.2019 Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Shah Jehan SI legal for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 16.04.2019 before D.B.

Member Member

16.04.2019 Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Ijaz Hussain Inspector for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 27.05.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

Service Appeal No. 411/2018

03.09.2018 Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Shah Jehan, S.I (Legal) for the respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment for arguments. Adjourned. To come up for arguments on 23.10.2018 before D.B.

(M. Amin Khan Kundi)
Member

(M. Hamid Mughal)
Member

23.10.2018 Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 07.12.2018.

Reader

07.12.2018 Counsel for the appellant present. Mr. Riaz Ahmad Paindakhel, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. Case to come up for arguments on 30.01.2019 before D.B.

(Ahmad Hassan)
Member

(M. Amin Khan Kundi)
Member

09.04.2018 Learned counsel for the appellant preliminary arguments heard.

The appellant has filed the present service appeal against the order dated 09.11.2017 whereby he was awarded major punishment of reversion to the rank of Senior Clerk and against the order dated 19.02.2018 whereby the departmental appeal of the appellant was rejected/filed.

Points agitated in the ground of appeal need consideration.

The present appeal is admitted for regular hearing subject all just/legal objections. The appellant is directed to deposit security and process within 10 days thereafter notice be issued to respondents for written reply/comments. To come up for written reply/comments on 31.05.2018 before S.B

Appellant Deposited Security & Process Fee

Member

31.05.2018 Appellant in person and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Shah Jehan S.I legal for the respondents present. Representative of the respondents seeks time to file written reply/comments. Granted. To come up for written reply/comments on 10.07.2018 before S.B

Member

10.07.2018 Appellant Mr. Roohullah in person and Mr. Shah Jehan, S.I Legal alongwith Mr. Usman Ghani, Sr. GP for the respondents present. Written reply submitted on behalf of official respondents. To come up for rejoinder if any and arguments on 30.09.2018 before D.B.

Chairman

Form-A

FORMOF ORDERSHEET

Court of _____

Case No. **411/2018**

S.No.	Date of order proceedings	Order or other proceedings with **signature** of judge
1	2	3
1	26/03/2018	The appeal of Mr. Roohullah Khan resubmitted today by Mr. Saadullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 26/3/18
2-	27/03/18.	This case is entrusted to S. Bench for preliminary hearing to be put up there on 09/04/18. MEMBER.

The appeal of Mr. Rooh Ullah Jan son of Nasrullah Khan Ex-Assistant Grade Clerk Investigation Office of the SP Charsadda received today by i.e. on 19.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
2- In the memo of appeal many places have been left blank which may be filled up.
3- Annexures of the appeal may be attested.
4- Annexures of the appeal may be flagged.
5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 606 /S.T,

Dt. 21/03 /2018

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Resubmitted. All the objections were removed. Submitted ji.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 411 /2018

Rooh Ullah Jan versus R.P.O & others

I N D E X

S.#	Description of Documents	Anne	Page
1.	Memo of Appeal		1-6
2.	Seniority list dated 31-01-2017	"A"	7-18
3.	Repatriation order dated 31-01-2017	"B"	19
4.	Statements	"C"	20-23
5.	1st enquiry	"D"	24-26
6.	2nd enquiry	"E"	27-29
7.	Final Show Cause Notice, 24-10-2017	"F"	30
8.	Reply to Notice dated 31-10-2017	"G"	31-32
9.	Rejection order dated 09-11-2017	"H"	33
10.	Representation dated 08-12-2017	"I"	34-39
11.	Rejection Order dated 19-02-2018	"J"	40

Appellant

Through

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

Dated 19-03-2018

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 411 /2018

Rooh Ullah Jan S/o Nasrullah Khan
Ex-Assistant Grade Clerk, Now
Senior Clerk, Office of the SP,
Investigation Charsadda . . . . . Appellant

Versus

1. **Regional Police Officer,**
   Mardan Region-I, Mardan.
2. **Inspector General of Police,**
   KP, Peshawar . . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST OFFICE ORDER NO 8327-28 / ES, DATED 09-11-2017 OF R. NO. 01. WHEREBY MAJOR PUNISHMENT OF REVERSION FROM ASSISTANT GRADE CLERK TO THE RANK OF SENIOR CLERK WAS AWARDED AND OFFICE ORDER NO. 869-77 / E-V, DATED 19-02-2018 OF R. NO. 02 WHEREBY DEPARTMENTAL APPEAL OF APPELLANT WAS REJECTED / FILED FOR NO LEGAL REASON:

Filed to-day
Registrar 19/3/18

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was initially appointed as Naib Qasid in the year 1987. He was absorbed as Junior Clerk in the office of SP, Mardan and was posted as such in SP Office, Dasu Kohistan in the year 1987. He was transferred from one station to another from time to time and was then promoted to the rank of Senior Clerk on 31-12-1999. In the year 2012, he was promoted to the post of Assistant Grade Clerk B-14 now B-16.

Re-submitted to -day
and filed.

Registrar 26/3/18

2. That the department used to circulate seniority lists of the incumbents from time to time and those who were eligible, were promoted to the next higher grade / rank. No objection was ever made by anyone over the farmer seniority lists at the positions assigned to them.

3. That on 31-01-2017, the department circulated seniority list stood on 31-12-2016 of Senior Clerks by assigning positions to all incumbents there and then. The incumbents were directed to make objection over their assigned positions within one month, provided proper position was not assigned to any of the employee of the department. (Copy as Annex "A")

4. That no objection was made over the aforesaid seniority list when in the mean while, appellant was repatriated from the office of Central Police Office, Peshawar to SP Office Charsadda on 31-01-2017, the date of circulation of the seniority list. (Copy as Annex "B")

5. That during the aforesaid period, the respective branches throughout the Province finalized their seniority lists which were put up before the Superintendent, E-V Section by appellant for onward action. This list was prepared by Carrier Planning Branch (CBP).

6. That after lapse of 1 ½ year, Shah Faisal who is at S. No. 249 made objection over one Raj Malook at S. No. 76 that this fellow was promoted to the rank of Senior Clerk in the year 2015 was assigned position at S. No. 76 but to him at S. No. 249, his name should also be placed at S. No. 76 or above.

Here it would be not out of place to mention that in the column of remarks before the name of Raj Malook, it was written, "Assigned Revised Seniority" but no such evidence is available with the department that who assigned revised seniority to Raj Malook. He was reportedly dismissed from service on such illegality.

7. That regarding dispute over this seniority list, placing Raj Malook at S. No. 76, statement of appellant, Tahir Javed Senior Clerk, E-V, CPO, Shad Muhammad, Office Superintendent Establishment. V. CPO and Muhammad Sajid Riaz, CPB was recorded. (Copies as Annex "C")

8. That anyhow, enquiry into the matter was initiated and after its finalization, following recommendations were made:-

   i. The seniority of Senior Clerk, Raj Malook may be kept intact with his colleagues who were considered for promotion to Senior Clerks in 2009,

   ii. Seniority of Senior Clerk, Shah Faisal may also be considered. Seniority of all those Senior Clerks may be revised whose names were considered for promotion of 2009 but deferred on deficient ACRs and subsequently promoted in later stages. Their seniority may be maintained as per seniority list of Junior Clerks considered for promotion of Senior Clerks in 2009, and

   iii. Direction may be issued to all the branches while maintaining the seniority list, any official who is being awarded revise seniority. Date of Meeting and issue number with date of Minutes may be written against the names. (Copy as Annex "D")

9. That in the former enquiry, no one was held responsible, so subsequent enquiry was initiated without giving any reason of dis-agreement with the aforesaid enquiry, and as per the recommendations made therein:-

   i. That departmental action may be taken against Rooh Ullah, Assistant Grade Clerk for his negligence in issuance of defective seniority list,

   ii. Shad Muhammad, office Superintendent E-V is also responsible for lack of supervision,

iii. Senior Clerk, Raj Malook being given incorrect seniority, the issue may be referred to DPC and the seniority list of Senior Clerks may be revised after consideration of a representations submitted by some Senior Clerks,

iv. Directions may be issued to all office Superintendents while preparation the seniority lists, any official who is being awarded revised seniority, date of Meeting and issue number with date of Minutes may be written against the name, and

v. Strick directions may be issued that in future all the office Superintendents of the branches shall be responsible for preparing of any incorrect document initiated by the concerned branch. (Copy as Annex "E")

10. That in pursuance of the aforesaid enquiry reports, appellant was served with Final Show Cause Notice on 24-10-2017 to the extent of allegation:-

> "you while posted at Establishment Section-V CPO, Peshawar was charged for negligence in the issuance of seniority list of senior clerks as pointed out during the enquiry at CPO level, which amount to gross misconduct on your part and rendered you liable to be proceeded under the Civil Servant (Efficiency and Discipline) Rules, 2011". (Copy as Annex "F")

11. That on 31-10-2017, appellant submitted reply to the said Notice by denying the allegations with reasons that he has no role in preparation of the seniority lists of the respective branches. (Copy as Annex "G")

12. That on 09-11-2017, major punishment of reversion to the rank of Senior Clerk, B-14 from the rank of Assistant Grade Clerk, B-16 was awarded to appellant by R. No. 01. (Copy as Annex "H")

13. That on 08-12-2017, appellant submitted departmental appeal before R. No. 2 for setting aside of the penalty of reversion which was rejected on 19-02-2018. (Copies as annex "I" & "J")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

a. That appellant has neat and clean service record spread over 30/31 years.

b. That appellant never prepared / finalized any seniority list at his own level as he was deputed from Charsadda to CPO office on lien basis for a period of about 3/4 months

c. That on 31-01-2017, seniority list was circulated with direction to all concerned to make objection over the same, if no proper position has been assigned to any of the employee.

d. That after lapse of 1 ½ year, Shah Faisal made objection over seniority of Raj Malook on the ground that both were promoted to the rank of Senior Clerk in the year 2015 but Raj Malook was placed at S. No. 76 while he at S. No. 249. Such illegality is not understood.

e. That both the enquires were not conducted as per the mandate of Law as no statement of any concerned was recorded in presence of appellant nor he was afforded opportunity of cross examination over the witness, being mandatory.

f. That appellant was assigned the role of negligence and negligence never carries major punishment in the eyes of Law.

g. That it was necessary under the Law to serve any incumbent with Charge Sheet and Statement of Allegation regarding charges but in the case in hand, no such Charge Sheet was ever served upon appellant, thus the department respondents deviated from due process of Law.

h. That Service Law / Rules nowhere bore to serve any official straight away with Final Show Cause Notice and deviate from other process, so the punishment is not only illegal but ab-initio-void.

i. That on one and the same charge, appellant was given major punishment of reversion which is alien to Law while no punishment was given to others and no double enquiries can be made on one and the same charge.

j. That original as well as appellate order are not based on legal footing as the enactment applied in the case is not applicable to the case of appellant but he should have been proceeded under Police Rules. Both such orders are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned order dated 09-11-2017 and 19-02-2018 of the respondents be set aside and appellant be reinstated / restored to the post / rank of Assistant Grade Clerk, B-16 with all consequential benefits with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant

Through

Saadullah Khan Marwat

Arbab Saif-ul-Kamal

Advocates,

Dated 19-03-2018

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

SENIORITY LIST OF SENIOR CLERKS (BPS-14) AS IT STOOD ON 31.12.2016

No. 705 /E-V: The Seniority list of Senior Clerks (BPS-14) of Khyber Pakhtunkhwa Police is published for information of all concerned:-

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
1.	Muhammad Iqbal	20.11.1960	19.11.2020	Kohat	F.A	04.02.1979	05.09.1988	Reverted
2.	Akbar Ali	09.02.1963	08.02.2023	Swat	10th	17.01.1982	17.07.1990	
3.	Haibat Khan	30.09.1963	31.08.2023	Bannu	F.A	19.08.1982	16.08.1992	
4.	Muhammad Yousaf	25.12.1962	24.12.2022	A. Abad	10th	28.11.1983	22.08.1993	
5.	Sana Ullah	11.03.1963	10.03.2023	Charsadda	B.A	18.04.1986	25.04.1994	
6.	Abdul Wadood	09.03.1960	08.03.2020	Chitral	10th	19.03.1980	16.11.1998	
7.	Ali Murad	15.01.1959	14.01.2019	Chitral	F.A	14.09.1987	16.11.1998	
8.	Zahirullah	10.05.1961	09.05.2021	Charsadda	10th	20.12.1981	17.12.1999	
9.	Muhammad Riaz	02.07.1963	01.07.2023	Peshawar	B.A	20.10.1987	17.12.1999	

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
10.	Taj Muhammad	06.09.1969	05.09.2029	Mardan	F.A	17.02.1988	16.01.2008	
11.	Muhammad Jamshid	20.03.1963	19.03.2023	Mansehra	10th	18.02.1988	05.06.2009	Assigned revised/inter-se-seniority.
12.	Muhammad Zahid	04.04.1968	03.04.2028	Mansehra	10th	24.03.1988	16.01.2008	
13.	Ilhamullah	16.02.1963	05.02.2023	Charsadda	10th	25.08.1982	16.01.2008	
14.	Sajjad Hussain	24.04.1968	23.04.2028	Peshawar	10th	03.02.1988	16.01.2008	
15.	Shah Farooq	01.03.1967	28.02.2027	Kohat	B.A	07.03.1988	16.01.2008	
16.	Ihsanullah	11.05.1967	10.05.2027	Charsadda	10th	19.09.1988	11.12.2012	
17.	Javed Ali	16.09.1968	15.09.2028	Charsadda	F.A	19.09.1988	16.01.2008	
18.	Inamullah	12.04.1969	11.04.2029	Bannu	F.A	25.09.1988	16.01.2008	
19.	Abdul Aziz	10.08.1960	09.08.2020	Swat	10th	01.08.1982 C-IV 01.10.1988 JC	16.01.2008	
20.	Sajjad Anwar	12.02.1967	11.02.2027	Kohat	F.A	02.10.1988	11.12.2012	Assigned revised/inter-se-seniority.
21.	Muqrab Alam Khan	07.10.1970	06.10.2023	Mardan	10th	08.10.1988	16.01.2008	
22.	Abdur Rauf	14.02.1970	13.02.2030	Lakki	10th	18.12.1988	11.12.2012	
23.	Tahseen Ullah	10.01.1965	09.01.2025	Charsadda	F.A	03.07.1989	16.01.2008	

S/No	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
24.	Nadeem Ahmad	11.04.1971	10.04.2031	Mansehra	10th	05.07.1989	02.12.2009	Assigned revised/inter-se-seniority.
25.	Riaz Muhammad	14.04.1963	13.04.2023	Abbottabad	B.A	28.09.1989	16.01.2008	
26.	Waheed ur Rehman	25.12.1968	25.12.2028	Abbottabad	D.Com	22.10.1989	16.01.2008	
27.	Nizakat Khan	20.04.1969	19.04.2029	Haripur	10th	16.10.1989	16.01.2008	
28.	Naseer Ahmad	04.10.1965	03.10.2025	Peshawar	F.A	07.01.1990	16.01.2008	
29.	Ishtiaq Hussain	20.08.1971	19.08.2031	Charsadda	10th	10.01.1990	16.01.2008	
30.	Muhammad Humayun	04.04.1965	03.04.2025	Charsadda	10th	01.09.1989 FC 29.03.1990 JC	16.01.2008	
31.	Muhammad Ramzan	15.03.1969	14.03.2029	DIKhan	10th	01.07.1990	16.01.2008	
32.	Shafaqat Hayat	29.12.1969	28.12.2029	Kohat	10th	09.07.1990	16.01.2008	
33.	Haq Nawaz	06.01.1959	05.01.2019	Mansehra	10th	01.12.1981	08.08.2009	
34.	Muhammad Javed	11.09.1964	10.09.2024	Peshawar	10th	01.10.1983	11.12.2012	Assigned revised/inter-se-seniority.
35.	Muhammad Aslam	18.05.1965	17.05.2025	Bannu	10th	06.10.1985	02.12.2009	
36.	Dildar Hussain	20.06.1962	19.06.2022	Kohat	10th	10.12.1987	05.06.2009	
37.	Muhammad Fahim	10.03.1966	09.03.2026	Mardan	10th	02.03.1988	05.06.2009	

AE-V Supdt: E-V Register AIG/Establishment

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
68.	Shoukat Ali	14.06.1970	13.06.2030	DIKhan	F.A	05.09.1990	08.08.2009	
69.	Ikram Ullah	15.09.1971	12.09.2030	DIKhan	10th	08.09.1990	05.06.2009	
70.	Tanveer ul Hasnain	14.08.1966	14.08.2026	DIKhan	F.A	07.10.1990	05.06.2009	
71.	Basher Ahmed	05.08.1965	04.08.2025	Nowshera	F.A	02.12.1990	05.06.2009	
72.	Jehanzeb	02.04.1965	01.04.2025	Mardan	D.Com	16.01.1991	05.06.2009	
73.	Nizar Wali	10.03.1968	09.03.2028	Chitral	B.Com	26.01.1991	05.06.2009	He will retired from service w.e.f 31.01.2017
74.	Muhammad Ali	02.03.1969	01.03.2029	Buner	MA/LLB	09.03.1991	05.06.2009	
75.	Muhammad Ashraf	10.01.1965	09.01.2025	Buner	10th	09.03.1991	05.06.2009	
76.	Raj Malook	01.04.1966	31.03.2026	Buner	10th	09.03.1991	02.07.2015	**Assigned revised seniority**
77.	Daud Shah	01.01.1968	31.12.2027	Buner	10th	09.03.1991	05.06.2009	
78.	Sher Zamin	22.12.1968	21.12.2028	Buner	F.A	09.03.1991	05.06.2009	
79.	Amreez Khan	22.10.1970	31.10.2030	Buner	10th	09.03.1991	08.08.2009	
80.	Syed Munawar Ali Shah	11.09.1970	10.09.2030	Peshawar	F.A	24.03.1991	08.08.2009	
81.	Fazal Wahab	08.02.1970	07.02.2030	Buner	F.A	31.03.1991	08.08.2009	
82.	Tariq Hameed	21.04.1968	20.04.2028	Abbottabad	F.A	09.04.1991	02.12.2009	

AE-V Supdt: E-V Register AIG/Establishment

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
83.	Ikram Shah	11.04.1965	10.04.2025	Charsadda	10th	15.05.1991	08.08.2009	
84.	Inam Ullah Jan	25.06.1969	24.06.2029	Peshawar	10th	19.05.1991	08.08.2009	
85.	Sohail Ahmed	25.04.1970	24.04.2030	Peshawar	10th	21.05.1991	08.08.2009	
86.	Fayaz Khan	14.12.1970	13.12.2030	Peshawar	10th	20.04.1988 N/Q 09.07.1991 J/C	08.08.2009	
87.	Khalid Mehmood	16.12.1971	15.12.2031	Haripur	10th	14.07.1991	02.12.2009	
88.	Sultan Mehmood	01.03.1972	28.02.2032	Haripur	10th	28.07.1991	02.12.2009	
89.	Guldar Alam	01.07.1969	30.06.2029	Swat	10th	10.08.1991	08.08.2009	
90.	Sajid Hussian	28.09.1970	27.09.2030	Abbottabad	10th	13.08.1991	08.08.2009	
91.	Muhammad Naeem Jan	15.03.1970	14.03.2030	Peshawar	F.A	17.08.1991	08.08.2009	
92.	Fayaz Ahmed	08.11.1968	07.11.2028	Charsadda	10th	19.08.1991	08.08.2009	
93.	Muhammad Anwar Shah	03.03.1960	02.03.2020	Kohat	B.A	20.08.1991	08.08.2009	
94.	Anwar ul Hassan	18.01.1970	17.01.2030	Nowshera	10th	20.08.1991	11.12.2012	Assigned revised/inter-se-seniority.
95.	Ashraf Khan	30.04.1966	29.04.2026	Haripur	F.A	09.09.1991	08.08.2009	
96.	Akhtar Hussain	13.12.1964	12.12.2024	Charsadda	F.A	10.10.1991	08.08.2009	

AE-V Supdt. E-V Register AIG/Establishment

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
97.	Safdar Khan	02.04.1969	01.04.2029	Peshawar	10th	20.10.1991	08.08.2009	He was awarded the punishment of reduction to lower post from senior clerk(BPS-14) to junior clerk (BPS-11) wide CPO order No.6383-93/EV dated 01.10.2015. consequent upon the judgment of service tribunal KPK Peshawar he is re-instate to his substantial post of Senior clerk (BPS-14) however denovo inquiry proceedings will be initiated against him vide CPO order no.168-77/EV dated 10.01.2017.
98.	Hafeez Ullah	10.10.1972	09.10.2032	Kohat	10th	21.10.1991	08.08.2009	
99.	Hamidullah Jan	02.02.1968	01.02.2028	Khyber Agency	10th	22.10.1991	08.08.2009	
100.	Javed Iqbal	11.04.1973	10.04.2033	Peshawar	10th	22.10.1991	08.08.2009	
101.	Noor Khan	10.03.1969	09.04.2029	Nowshera	F.A	29.10.1991	11.12.2012	Assigned revised/inter-se-seniority.
102.	Shahid Ali	01.04.1972	31.03.2032	Peshawar	10th	01.11.1991	02.12.2009	
103.	Nadeemullah	24.06.1970	23.06.2020	Peshawar	C.Com	19.11.1991	11.12.2012	
104.	Khaista Gul	03.01.1967	02.01.2027	Peshawar	10th	02.12.1991	08.08.2009	

Supdt: E-V

Register

AIG/Establishment

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
120.	Habib ur Rehman	16.04.1966	15.04.2026	DIKhan	F.A	27.08.1992	02.12.2009	
121.	Abdul Qayum	12.08.1969	11.08.2029	DIKhan	D.Com	27.08.1992	02.12.2009	
122.	Muhammad Ismail	23.08.1974	22.08.2034	DIKhan	10th	29.08.1992	02.12.2009	
123.	Muhammad Azam	01.01.1972	30.06.2032	MKD Agency	F.A	30.08.1992	11.12.2012	Assigned revised/inter-se-seniority.
124.	Haibat Khan	03.05.1969	02.05.2029	Tank	F.A	01.09.1992	11.12.2012	
125.	Hakim Khan	06.02.1973	05.02.2032	Tank	10th	01.09.1992	11.12.2012	
126.	Asad Khan	20.08.1967	19.08.2027	Nowshera	B.A	01.10.1992	02.12.2009	
127.	Niamatullah	04.10.1974	03.10.2034	Lakki	F.A	06.10.1992	02.12.2009	
128.	Khalid Mehmood	01.07.1971	30.06.2031	Charsadda	10th	19.10.1992	02.12.2009	
129.	Fazal Rahim	01.05.1969	30.04.2029	Tank	F.A	12.11.1992	02.12.2009	
130.	Abdul Malik	19.04.1967	18.04.2027	Tank	F.A	12.11.1992	11.12.2012	
131.	Muhammad Shahid	04.04.1970	03.04.2030	Peshawar	10th	13.12.1992	02.12.2009	
132.	Muhammad Zaheer	07.05.1971	06.05.2031	Abbottabad	10th	28.04.1991 FC 23.12.1992 JC	02.12.2009	
133.	Mustansar ur Rehman	20.10.1970	19.10.2030	Peshawar	F.A	01.04.1993	02.12.2009	
134.	Akhtar Abbas Shah	15.12.1971	14.12.2031	DIKhan	10th	08.04.1993	02.12.2009	

AE-V Supdt. E-V Register AIG/Establishment

S. NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
150.	Shoukat Ali	22.08.1967	21.08.2027	Peshawar	10th	05.12.1994	02.12.2009	
151.	Muhammad Younis	23.04.1968	23.04.2028	DIKhan	F.A	18.05.1988 N/Qasid 06.12.1994 JC	02.12.2009	
152.	Murad Ali	02.03.1973	01.03.2033	Malakand Agency	10th	11.12.1994	02.12.2009	
153.	Fazle Maula	12.05.1975	11.05.2035	Peshawar	10th	09.01.1995	22.07.2013	
154.	Muhammad Tufail	03.01.1975	02.01.2035	Charsadda	F.A	10.01.1995	02.12.2009	
155.	Murad Ali	17.04.1971	16.04.2031	Malakand Agency	10th	20.04.1995	02.12.2009	
156.	Majeedullah	10.01.1976	09.01.2036	Malakand Agency	B.A	27.04.1995	02.12.2009	
157.	Muhammad Safdar	05.04.1973	04.04.2033	Swabi	B.A	08.05.1995	02.12.2009	
158.	Muhammad Qaseem	01.04.1977	31.03.2037	Peshawar	C.Com	25.05.1995	02.12.2009	
159.	Siraj ul Haq	09.04.1973	08.04.2033	Peshawar	M.A	04.06.1995	02.12.2009	
160.	Saif ur Rehman	20.09.1966	19.09.2026	Charsadda	F.A	18.06.1995	11.12.2012	Assigned revised/inter-se-seniority.
161.	Hidayatullah	10.04.1968	09.04.2028	Charsadda	F.A	18.06.1995	02.12.2009	
162.	Javed Ali	03.08.1969	02.08.2029	Charsadda	F.A	20.06.1995	02.12.2009	
163.	Farhatullah	15.09.1974	14.09.2034	Peshawar	F.A	19.07.1995	02.12.2009	
164.	Umar Gul	01.05.1969	30.04.2029	Peshawar	D.Com	13.09.1995	02.12.2009	

AEO-V Supdt: E-V Register AIG/Establishment

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
175.	Israr Ali	15.04.1978	14.04.2038	Peshawar	B.A	29.12.1999	02.12.2009	
176.	Saif ur Rehman	15.04.1973	14.04.2033	Peshawar	B.Sc	30.12.1999	02.12.2009	
177.	Ikram Ullah	09.04.1976	08.04.2036	Peshawar	D.Com	30.12.1999	02.12.2009	
178.	Sarfaraz Khan	15.04.1967	14.04.2027	Malakand	10th	30.12.1999 absorb as a J/c	02.12.2009	
179.	Faisal Qamar	02.02.1977	01.02.2037	Peshawar	B.A	30.12.1999	02.12.2009	
180.	Rifaqat Ali	28.02.1980	27.02.2040	Peshawar	F.A	31.12.1999	02.12.2009	
181.	Muhammad Afzal	01.01.1972	31.12.2031	Abbottabad	F.A	01.01.2000	02.12.2009	
182.	Muhammad Abid	10.03.1971	09.03.2031	DIKhan	M.A	03.01.2000	02.12.2009	
183.	Falak Naz	12.12.1966	11.12.2026	Bannu	10th	03.01.2000	22.07.2013	Assigned revised/inter-se-seniority.
184.	Haqiqul Isalm	01.03.1974	28.02.2034	Peshawar	M.A	04.01.2000	02.12.2009	
185.	Kishwar Ali	10.10.1974	09.10.2034	Mardan	D.Com	04.01.2000	11.12.2012	Assigned revised/inter-se-seniority.
186.	Faqir Muhammad	01.01.1975	31.12.2034	Malakand Agency	F.A	05.01.2000	02.12.2009	
187.	Faheem Ullah	26.07.1978	25.07.2038	DIKhan	10th	05.01.2000	02.12.2009	
188.	Ghufarn ud Din	06.07.1974	05.07.2034	Chitral	D.Com	06.01.2000	02.12.2009	
189.	Hassan Mehmood	26.02.1975	25.02.2035	Hangu	B.A	06.01.2000	02.12.2009	

AE-V Supdt. E-V Register AIG/Establishment

S/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
190.	Moin Nawaz	25.03.1980	24.03.2040	DIKhan	C.Com	06.01.2000	02.12.2009	
191.	Hidayat Ullah	02.02.1972	01.02.2032	Chitral	10th	06.01.2000	02.12.2009	
192.	Fayaz Ali	03.11.1974	02.11.2034	Charsadda	M.Sc	11.01.2000	02.12.2009	
193.	Ishfaq Jan	03.09.1970	02.09.2030	Charsadda	B.A	12.01.2000	02.12.2009	
194.	Aqal Said	01.05.1972	30.04.2032	Charsadda	10th	13.01.2000	11.12.2012	Assigned revised/inter-se-seniority.
195.	Ibrar Ali	06.11.1974	05.11.2034	Mardan	D.Com	13.01.2000	11.12.2012	Assigned revised/inter-se-seniority.
196.	Mirza Rehmat	01.01.1971	31.12.2030	Chitral	B.Com	17.01.2000	02.12.2009	
197.	Muhammad Zia ul Haq	25.05.1980	24.05.2040	Peshawar	D.Com	29.02.2000	02.12.2009	
198.	Miraj Hussain	23.08.1975	22.08.2025	Chitral	D.Com	24.03.2000	02.12.2009	
199.	Jehanzeb	13.03.1970	12.03.2030	Charsadda	B.Sc	21.08.2000	02.12.2009	
200.	Ijaz Ahmad	16.02.1969	15.02.2029	Peshawar	F.A	10.02.1991 Daftari 05.10.2001 JC	02.12.2009	
201.	Yasir Iqbal	06.01.1979	05.01.2039	Nowshera	10th	25.01.1999 daftari 05.10.2001 J/C	02.12.2009	
202.	Muhammad Irshad	15.07.1979	14.07.2039	Peshawar	F.A	16.07.1998 N/Q 06.10.2001 J/C	02.12.2009	
203.	Murad Ali	15.02.1975	14.02.2035	Charsadda	10th	10.02.1996 C/IV 08.10.2001 J/C	02.12.2009	

(6P)

/NO	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDU: QUAL:	DATE OF APPOINTMENT	DATE OF PROMOTION AS SENIOR CLERK	REMARKS
248.	Muhammad Imran	02.04.1974	01.04.2034	Peshawar	B.A	03.01.2000	11.12.2012	
249.	Shah Faisal	05.02.1977	04.02.2037	Peshawar	10th	11.01.2000	11.12.2012	
250.	Taswir Jan	03.01.1973	02.01.2033	Bannu	B.A	19.01.2000	11.12.2012	
251.	Muhammad Nadeem	15.05.1979	14.05.2039	Abbottabad	B.Com	26.01.2000	11.12.2012	
252.	Asadullah	11.08.1975	10.08.2035	Charsadda	F.A	11.04.2000	11.12.2012	
253.	Israr Ali	01.01.1967	31.12.2026	Mardan	F.A	01.11.1987 N/Q 10.10.2001 J/C	11.12.2012	
254.	Qayum Jan	18.5.1978	17.05.2038	Charsadda	F.A	12.05.1998 C-IV 18.10.2001 JC	11.12.2012	
255.	Nasir Khan	06.01.1977	05.01.2037	Swat	F.A	07.07.1996 N/Q 19.10.2001 JC	11.12.2012	
256.	Waheed Ahmad	04.04.1977	03.04.2037	Kohat	B.A	18.01.2000 N/Q 26.01.2002 JC	11.12.2012	
257.	Gul Rehman	05.05.1969	04.05.2029	Bannu	10th	10.04.1988	22.07.2013	
258.	Muhammad Abid	12.10.1968	11.10.2028	Kohat	F.A	26.09.1988	22.07.2013	
259.	Muhammad Bilal	24.02.1968	23.02.2029	Kohat	B.A	27.09.1988	22.07.2013	
260.	Ghaffar Ali	08.09.1966	07.09.2026	Charsadda	10th	01.10.1988	22.07.2013	
261.	Imdad Hussain Shah	25.03.1969	24.03.2029	Bannu	10th	29.10.1988	22.07.2013	
262.	Muhammad Saeed	01.10.1968	30.09.2028	Mardan	F.A	10.12.1988	22.07.2013	
263.	Muhammad Arif	15.02.1967	14.02.2027	DIKhan	F.A	11.04.1988 N/Q 17.12.1988 JC	22.07.2013	
264.	Ijaz Khan	04.01.1968	03.01.2028	Abbottabad	F.A	10.03.1991	22.07.2013	

Superintendent V | Registrar | AIG/Establishment

No. 706-60 /EV, dated Peshawar, the 31/1 /2017.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: Inspector General of Police, Investigation, Special Branch, Operation & Elite Force Khyber Pakhtunkhwa.
2. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
3. Commandant, PTC, Hangu.
4. Commandant, CPC, Peshawar.
5. Capital City Police Officer, Peshawar.
6. All Regional Police Officers in Khyber Pakhtunkhwa, Peshawar.
7. Deputy Inspector General of Police, Traffic, CTD, Training, E&I & Telecommunications, Khyber Pakhtunkhwa.
8. Senior Superintendant of Police Traffic, Peshawar.
9. Assistant Inspector General of Police, BDS, Peshawar.
10. Director, FSL, Khyber Pakhtunkhwa, Peshawar.
11. Director, IT, CPO, Peshawar.
12. All District Police Officers in Khyber Pakhtunkhwa.
13. Deputy Superintendent of Police, PQR.
14. All Branches in CPO, Peshawar.
15. In-charge, Central Registry Cell, CPO, Peshawar.

NOTE:- They are requested to inform all the officers serving under their command. Any officer who has any objection regarding his seniority/ missing of name/date of birth etc, he must submit his representation within one month after the issuance of the list, otherwise no representation will be entertained after the specific period.

B 19 31-1-17

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

ORDER

Asstt: Grade Clerk Rooh Ullah Jan presently working on loan basis in Charsadda District in Central Police Office Peshawar is hereby repatriated to Charsadda District with immediate effect.

(MUHAMMAD ALAM SHINWARI)PSP
DIG-HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

No 638-92/E-V dated Peshawar the, 31 /01/2017

Copy of above is forwarded for information to the:-

1. The Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer Mardan Region-I Mardan.
3. The Assistant Inspector General of Police, Establishment, Peshawar.
4. The District Police Officer, Charsadda.
5. The Registrar CPO Peshawar.

Attested

C

20

Respected Sir,

Most respectfully submitted that preparation of Seniority List of Clerks was the Mandatory job of CPB, Branch while during my posting as Asstt: E-V the task of preparation of seniority list was assigned to E-V Branch by the Highups.

Accordingly, the seniority list was obtained from CPB Branch through soft copy (USB). The Seniority list obtained were tally with the previous seniority list already issued in the year 2015 whereas it was found that revised seniority was shown assigned to Senior Clerk Raj Malook. For its conformation Computer Operator of CPB Branch namely Muhammad Sajid Riaz Junior Clerk from whome the list obtained was contacted, who disclosed that the revised Seniority has already been assigned to him.

Furthermore after dues scrutiny all the retired, died and those officials who were relived from the Department were deleted and added the newly promoted till 31-12-2016.

After that the seniority list was uploaded at Police Website that any official who has any objection regarding his seniority/missing of name/date of birth etc must submit his representation within 01 month.

It is therefore, requested that I may very be kindly exonerated from the said charges being innocent and has no malafide intensions.

Your's Sincerely,

(Roohullah Jan)
Asstt: Grade Clerk the
then Asstt: E-V, CPO
Peshawar.

Attested

Statements

21

Respected Sir,

Most respectfully submitted that I was posted in E-V Section on 14.02.2014, since then I am performing my duties as Record Keeper. The preparation and updating of seniority list of Ministerial staff is the responsibility of Assistant Grade Clerk.

Beside, the preparation of Seniority List of Ministerial Staff was the Mandatory job of C.P Branch, while during the year 2016, the task of preparation of seniority list was assigned to E-V Branch by the Highups.

Accordingly, the updated seniority list of all categories were obtained from the Computer of CP Branch in soft copy (USB) through Computer Operator Sajjid Riaz. The Seniority list obtained were tally with the previous seniority list, already issued in the year 2015, whereas it was found that revised seniority was shown assigned to Senior Clerk Raj Malook, which was not mentioned in the seniority list of 2015. For its conformation, Computer Operator of C.P Branch namely Muhammad Sajid Riaz from whome the seniority list obtained was contacted, who disclosed that the revised Seniority has already been assigned to him.

Furthermore, after dues scrutiny all the retired, died and those officials who were relived from the Department were deleted and added the newly promoted till 31-12-2016.

After that the seniority list was uploaded at Police Website that any official who has any objection regarding his seniority/missing of name/date of birth etc must submit his representation within 01 month.

It is therefore, requested that I may very be kindly exonerated from the said charges being innocent and has no malafide intensions.

Yours Sincerely,

19-9-2017

(Tahir Javed)
Senior Clerk,
E-V, CPO.

Attested
Asstt Cdtt
DSP/HQ
19/09/2017

Attested

22

Respected Sir,

In this regard it is submitted that in initial days of my posting as Office Supdntt: E-V.The Seniority li t was prepared by Asstt: Grade Clerk Rooh Ullah and Senior Clerk Tahir Parvez and assured me that the seniority list was thoroughly checked and found correct in all respect. Neither I have any knowledge about the obtaining of the seniority list through soft copy (USB) from CPR, nor any one told me at that time. hence I have signed it as well as by the other offices.

After that the seniority list was uploaded at Police Website that any official who has any objection rega rding his seniority/missing of na me/date of birth etc must submit his representatio within 01 month.

Submitted, please.

(Shad Muhammad)
Office Supdtt:
Establishment- V. CPO
Peshawar.

23

Statement of Muhammad Sajid Riaz the then Junior Clerk posted in CPB as Computer Operator, now Commercial Assistant in PESCO

Sir,

Respectfully, it is submitted that I was summoned in connection with enquiry of Seniority List of Senior Clerks issued by Establishment-V Branch during the year 2017. The Seniority List, wherein, the name of Raj Malook Senior Clerk exists at Serial No. 76 was shown to me. I have typed only all Seniority List of Ministerial Staff after necessary correction prepared by a committee in the year 2016. The Seniority List containing the name of Raj Malook at S. No. 76 was not typed by me and no such information was given to Establishment-V Branch through U.S.B. as reflected in the Seniority List of Senior Clerks stood on 31.12.2016.

Muhammad Sajid Riaz

Attested

DSP/Ele

18/09/2017

Attested

D

24

ENQUIRY REPORT.

Subject: ENQUIRY INTO TEMPERING IN THE SENIORITY LIST OF SENIOR CLERKS.

Succinctly the material facts leading to this enquiry are that a Committee vide CPO Order No.724/CPB, dated 18-07-2017 was constituted for considering the representations of Ministerial Staff. One of the applicant Senior Clerk Shah Faisal pointed out before the committee that a seniority list of Senior Clerks as stood on 31-12-2016 circulated vide Endst: No.706-60/E-V, dated 31-01-2017 has wrongly been prepared. He pointed out that the candidates at Serial No.16,20,34,94,101,123,160,183,185,194,195 were promoted in the year 2012 while, Serial No.76 was promoted in the year 2015 as senior clerk and has been granted seniority with senior clerk promoted in the year 2009.

Taking notice of the issue, vide Para-12 of the note sheet, it has been mentioned that name of Senior Clerk Raj Malook is shown in seniority list issued on 31-01-2017 at Sr.No.76 without any record/approval, which indicate malafidi and tempering of record. With the approval of the Addl: IGP HQrs, the office of DIG E&I was directed to probe into the matter.

As per directions the following concerned were summoned to the office of DIG E&I on 08-08-2017. Record pertaining to the issue was perused and statements were recorded:

i. Mr.Shad Muhammad, Office Supdt E-V.
ii. Mr.Ghafir Ullah, Office Supdt: CPB.
iii. Rooh Ullah, Ex-Assistant E-V.
iv. Tahir Ullah, Senior Clerk, E-V.
v. Senior Clerk Shah Faisal
vi. Senior Clerk Raj Malook.

Version of Office of Supdt: CPB.

Office Supdt: E-V stated that the issue regarding inclusion of name of Senior Clerk Raj Malook in the seniority list issued on 31-01-2017 relates to Establishment-V, Branch. He has not been consulted while preparing the mentioned seniority list. When seniority list of Senior Clerk was prepared in the year 2015, Raj Malook was not promoted to the rank of Senior Clerk. He further added that all the seniority lists(Executive & Ministerial Stafff) are being prepared by concerned branchs. The seniority was corrected and prepared by a committee constituted by the competent authority and issued by Establishment-V vide No.4122-95/E-V, dated 17-06-2015.

3

Version of Office of Supdt: E-V.

Office Supdt: Shad Muhammad stated that it was initial days of his postings as office supdt: E-V. Seniority list was prepared by Asst: Grade Clerk Rooh Ullah and Senior Clerk Tahir Pervez and assured him that the seniority list was thoroughly checked and found correct in all respect. He was unaware about the obtaining of the seniority list through soft copy (USB) from CPB. After that the seniority list was uploaded on Police Website that any official who has any objection regarding his seniority/missing of name/date of birth etc must submit his representation within 01- month.

Office Assistant Rooh Ullah stated that preparation of seniority was the job of CPB, Branch, while during his posting as Asstt: E-V the task of preparation of seniority list was assigned to E-V Branch by the seniors. The seniority list was obtained from CPB in soft (USB). The Seniority list was checked with the previous seniority lists already issued in the year 2015, whereas it was found that revised seniority was shown assigned to Senior Clerk Raj Malook. For its confirmation. Computer Operator of CPB Branch namely Muhammad Sajid Riaz Junior Clerk(now vacated the job) from whom the list obtained, was contacted, who told that the revised seniority has already been assigned to him and was correct. After further scrutiny, the seniority list was uploaded on Website for submitting representations within 1 month.

Conclusion:

From perusal of statements record and discussion, I have come to the conclusion that both the names of Sr: Clerks Raj Malook and Shah Faisal were considered for promotions of Sr: Clerks in 2009, however, they were deferred on the basis of deficient ACRs. Later on Shah Faisal was promoted as Sr.Clerk in 2012 while Raj Malook in 2015. Both the Sr:Clerks Shah Faisal and Raj Malook submitted applications in 2016 for claiming revised seniority with their colleagues. This was their genuine right and for the purpose they were called for DPC on 18-05-2016, however no approval of acceptance of their representation is present on record. But astonishing to note that seniority list of Sr: Clerks issued on 31-01-2017 mentions the name of Sr.Clerk Raj Malook on serial No.76 with the remarks of given revised seniority.

Though it was the duty and responsibility of office of Supdt:E-V to cross check each and every document before issuing the seniority list but they

relied on soft copy of seniority lists from other computers and also didn't consult with Supdts of these branches. However, intent of both the Office Supdt: and Assistant E-V cannot be labeled as malafidi as they were newly posted in the branch and they were not fully familiar with the new bifurcations of branches and procedure of work in CPO establishment, because in past all the establishment was under supervision of one office Supdt:.

In good faith and to rectify the seniority lists once again. Office of Supdt: E-V put all the seniority lists on website for submitting representations against it. All these things happened in misunderstanding and lack of coordination. Furthermore, the following recommendations are also submitted:

i. The seniority of Sr: Clerk Raj Malook may be kept intact with his colleagues, who were considered for promotion of Sr.Clerks in 2009.

ii. Seniority of Sr: Clerk Shah Faisal may also be considered. Seniority of all those Sr: Clerks may be revised, whose names were considered for promotion of 2009 but deferred on deficient ACRs and subsequently promoted in later stages. Their seniority may be maintained as per seniority list of Jr.Clerks considered for promotion of Sr: Clerks in 2009

iii. Directions may be issued to all branches. while maintaining the seniority list, any official who is being awarded revised seniority. date of meeting and issue number with date of minutes may be written against the name.

Submitted for orders please.

Dr.SHAHZAD ASLAM SIDDIQUI, PSP
Deputy Inspector General of Police,
Enquiry & Inspection.
Khyber Pakhtunkhwa.
Peshawar.

Attested

Office Supdt:
For Regional Police Officer
Mardan

E

27

ENQ IIRY REPORT.

Subject: ENQUIRY INTO TEMPERIN G IN THE SENIORITY LIST OF SENIOR CLERKS.

Brief facts are that a Committ e vide CPO Order NO.724/CPB, dated 18-07-2017 was constituted for report into representations submitted by Ministerial Staff. Senior Clerk Shah Faisal pointed out before the committee that seniority list of Senior Clerks issued on 31-12-2015 circulated vide Endst: No.706-60/E-V, dated 31-01-2017 is incorrect. He mentioned that the persons at Serial No.16, 20,34 ,94 ,101 ,123 ,160 ,183 ,185,194.195 in the seniority list, were promoted as Sr.Clerks in the year 2012, while Serial No.76 was promoted as Sr.Clerk during the year 2015. Vide **Para-12** of the note sheet, it was noticed as how Sr.Clerk Raj Malook was given seniority at Sr.No.76, without any approval and record. Prima Facie it proves malafidi and tempering of record.

As per directions, the DIG E& conducted an enquiry into the matter. DIG E&I in his enquiry report didn't fix responsibility and stated that all the things happened due to misunderstanding and lack of coordination among the concerned branches. On perusal of enquiry report conducted by DIG E&I, the worthy IGP didn't agree and entrusted the enquiry to this office for digging out the actual facts and fix responsibility.

Pursuance to the directions, the following concerned were summoned. Record pertaining to the issue was perused and statements of all concerned were recorded:

i. Shad Muhammad, Office Supdt E-V.
ii. Ghafir Ullah, Supdt: CP Branch.
iii. Rooh Ullah, Ex-Assistant E-V.
iv. Tahir Ullah, Senior Ullah E-V.
v. Sajid Riaz, Ex.Jr.Clerk, CP Branch.
vi. Sr.Clerk Raj Malook

Version of E-V Branch.

Office Sudpt: Shad Muhammad stated that seniority list was prepared by Asstt: Grade Clerk Rooh Ullah and Tahir Pervez and was assured that that the

seniority list was thoroughly checked and correct in all respect. However, he was not aware that the seniority list was obtained in soft(USB) from CP Branch. Seniority list was uploaded on Police Website for submitting representations against it, in case of any observation by anyone .

Asstt: Grade Clerk Rooh Ullah stated that preparation of seniority list of clerks was the job of CP Branch. During his posting, the task was assigned to E-V Branch, by the high-ups. The seniority list was obtained in soft(USB) from CP Branch. The list was crosschecked, where as it was found that revised seniority was written against the name of Senior Raj Malook. Jr.Clerk Sajid Riaz of CP Branch was contacted in this regard, who told that Sr.Clerk Raj Malook has been awarded revised seniority. Senior Clerk Tahir Javed of E-V also supported the version.

Version of CP Branch.

Ghafir Ullah, Office Supdt: CI Branch stated that preparation of seniority lists are related to E-V, being concerned branch. He has not been consulted while preparing any of the seniority list. When seniority list of Senior Clerks was prepared during the year 2015, Raj Malook was Jr.Clerk and was not promoted yet at the time. His office has never issued any type of seniority list.

Ex-Jr.Clerk CP Branch Sajid Riaz stated that he has not given any type of seniority lists through USB or in soft, to E-V Branch.

Conclusion:

From perusal of statements, record and discussion, It transpires that Sr.Clerk Raj Malook was promoted as Sr. Clerk during the year 2015. He submitted representation for revised seniority and for this purpose Raj Malook was called by DPC on 18-05-2016, however, his representation for revised seniority was not accepted as there is no approval on record. Surprisingly the seniority list of Sr.Clerks issued on 31-01-2017 mentions the name of said Raj Malook at Sr.No.76 with the remarks of given revised seniority, which amounts to malafidi and tempering of record on the part of dealing hand i.e Assistant E-V.

Keeping in view the above stated facts, Asstt: Grade Rooh Ullah is responsible for the incorrect seniority given to Sr.Clerk Raj Malook. Rooh Ullah didn't justify his position for the reason he was required to enquire about the revised seniority of each person, neither he scrutinized the minutes of any DPC regarding the issue of revised seniority. Being the supervisory officer, Office Supdt: Shad Muhammad was also required to consult other branches and scrutinize the record before issuance of seniority lists. It is therefore, recommended:-

i. That departmental action may be taken against Rooh Ullah Asstt: Grade Clerk for his negligence in issuance of defective seniority list.

ii. Shad Muhammad, Office Supdt: E-V is also responsible for his lack of supervision.

iii. Sr.Clerk Raj Malook being given incorrect seniority, the issue may be referred to DPC and the seniority list of senior clerks may be revised after consideration of all representations submitted by some senior clerks.

iv. Directions may be issued to all Office Supdts:, while preparing the seniority lists, any official who is being awarded revised seniority, date of meeting and issue number with date of minutes may be written against the name.

v. Strict directions may be issued that in future all the Office Supdts: of the branches shall be responsible for preparing of any incorrect document initiated by the concerned branch.

Submitted for orders, please.

(MUHAMMAD ALI KHAN) PSP
Deputy Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar.

Office Supdt:
For Regional Police Officer
Mardan

F

30

Government of Khyber Pakhtunkhwa

Office of the Regional Police Officer,
Mardan
Phone No. 0937-9230113, Fax No. 0937-9230115

No. 1264 /PA. 24th, October, 2017

SHOW CAUSE NOTICE UNDER CIVIL SERVANT (EFFICIENCY & DISCIPLINE) RULES, 2011.

1. That you **Rooh Ullah Asstt: Grade Clerk** of Investigation Wing Charsadda have rendered yourself liable to be proceeded under the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 for following misconduct:-

You while posted at Establishment Section-V CPO, Peshawar was charged for negligence in the issuance of seniority list of Senior Clerks as pointed out during the enquiry at CPO level, which amount to gross misconduct on your part and rendered you liable to be proceeded under the Civil Servants E & D Rules 2011.

2. That by reason of above, as sufficient material is placed before the Undersigned, therefore, it is decided to proceed against you in general of Police proceeding without aid of enquiry Officer.

3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.

4. That your retention in the Police Force will amount to encourage in efficient and unbecoming of good Police Officers.

5. That by taking cognizance of the matter under enquiry, the Undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

6. You are, therefore called upon to Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 for the misconduct referred above.

7. You should submit reply to this Show Cause Notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

Rooh Ullah Asstt: Grade Clerk
SP Invest: Office, Charsadda

(MUHAMMAD ALAM SHINWARI)PSP
Regional Police Officer,
Mardan.

Copy of above is forwarded to Superintendent of Police Investigation, Charsadda for service upon the above named Asstt: Grade Clerk.

(******)

HC (Invest)
For reaction

Superintendent of Police
Investigation Charsadda
25/4/2017

Sr. Superintendent of Police
No. 1528
Date 25/10/17
Investigation Charsadda

G

31

Before the Hon'able Regional Police Officer Mardan.

Through: Proper Channel.

Subject:- **REPLY TO SHOW CAUSE NOTICE U/R 7 OF THE KP GOVT SERVANT (E&D) RULE 2011.**

Dear Sir:-

With the profound veneration, I respectfully prefer/submit my reply, to the alleged charge, contained under the notice, vide Endst No. 1264/PA dated 24-10-2017, bearing no authenticity/ factuality but hinging on surmises, rather based on mala-fide.

2. I posted to E-V section vide Endst: No. 5242-47/EV dated 09-08-2017 and remained up to 31-01-2017 worked there for shortest period hence during this shortest time, the alleged charge of tempering in the seniority list is not possible and carries no justification.

3. There are no any incriminating or substantiating materials/evidence which can connect me with the alleged charge hence my prima-facie link with tempering seniority record cannot be established. My reputation can be verified from my service record and the officers under whom subordination I remained posted. I have already done my obligations and duty/ job within legal parameters and to the entire satisfaction of superiors.

4. Bare perusal of finding report abundantly clarifies that on the face of record/report of worthy DIG HQ, there is not an iota of evidence, that during inquiry, conducted by worthy DIG E&I any responsibility or omission has been attributed to the undersigned but the report shows that no responsibility could fix and the alleged commission has been occurred due to misunderstanding and lack of coordination amongst the staff.

5. Worth mentioning that the office superintendent EV branch himself disclosed to inquiry committee that the undersigned/ defaulting official had checked the seniority thoroughly and was not aware of obtaining/copying the seniority list on USB.

6. It is further to clarify that Junior Clerk Sajid Riaz of CP Brach and Senior Clerk Tahir Javed also supported the version of revising the seniority list of Raj Malook hence supportive stance in my favor, recoding in the finding report of worthy DIG HQ.

7. From the available evidence on the finding report, it clearly shows that the omission or commission on my part could not establish, therefore my involvement cannot be considered as mala-fide or ill intention thus the circumstances warrants lenient view against me.

8. I would like to submit that cursory probe through preliminary inquiry and condemning an official, it cannot be judged / valued on single instance / case and it requires to be assessed from routine performance/ daily life of an officer / officials with due apology, I beg to refer the famous maxim **"That one swallow does not make a summer".**

9. It may to submit that as per record, Senior Clerk Tahir Javed had checked the seniority list and it was tallied / compared with the previous list 2015 which reflects that revised seniority has already been assigned to him.

10. My indulgence and dragging into the alleged occurrence / charge in not justified and is considerable on the following few stances:-

- Preparation of seniority list is the job of joint working of the section and individually no one can be held responsible for any mistake hence under the law of torts, the independent negligence of a person is not imputable to specific person.

- The principle of natural justices would be violated only when an action is taken against a person for an omission without his knowledge. (NLR 214 April QTA) I swear that the alleged charge was not in my knowledge/ notice and the said act does not involve any mala-fide on my part and further that I did not have any knowledge of the change in the seniority list. With due excuse and regret, referring the judgment of Hon'able Superior Court, that without knowledge action is illegal and it was therefore set a side NCR 2004 (Feb P-84 Peshawar)

11. Since I have joined this force, I performed dedicatedly and to the entire satisfaction of superiors. I always acted beyond the call of duty, where I remained posted. I have an unblemished service record, which clearly reflects my sincerity / dedication towards my job.

12. Foregoing in view, it is humbly requested that the subject notice may very kindly be withdrawn as filed without further action, the alleged charge being without substance and merit. I am completely innocent and have been falsely dragged into the issue, discussed here-in-before, therefore I may be pardoned.

I further request that I may be heard personally to explain the actual circumstances of the alleged charge, leveled against me.

Sincerely Yours

31/10/17

(Rooh Ullah Jan)
Asstt: Grade Clerk,
Head Clerk Investigation
Charsadda

H 33 9-11-17

ORDER.

This order will dispose-off Show Cause Notice departmental proceedings against Assistant Grade Clerk Rooh Ullah Jan Head Clerk of Investigation Wing, Charsadda.

Brief fact is that the above Official while posted at Establishment Section-V CPO, Peshawar was charged for negligence in the issuance of seniority list of Senior Clerks as pointed out during the enquiry at CPO level, which amount to gross misconduct on his part. He was served with Show Cause Notice vide this office No. 1264/PA dated 24.10.2017, to which his reply received and found unsatisfactory. He was called in orderly room held in this office on **08.11.2017** and heard him in person, but he did not produce any cogent reason to prove his innocence. Therefore, **I Muhammad Alam Shinwari, Regional Police Officer, Mardan,** in exercise of the power vested in me under the Khyber Pakhtunkhwa Efficiency & Disciplinary Rules, 2011, do hereby award him (Assistant Grade Clerk Rooh Ullah Jan) **Major punishment of reversion to the rank of Senior Clerk** with immediate effect.

ORDER ANNOUNCED.

(Muhammad Alam Shinwari)PSP
Regional Police Officer,
Mardan

No. 8327-28/ES, **Dated Mardan the** 09/11 /2017.

Copy forwarded for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar vide this office Memo: No. 6251/E-V, dated 13.10.2017
2. Head of Investigation Charsadda for information and necessary action w/r to his office Memo: No. 3524/Inv: dated 31.10.2017.

(******)

Office Supdt:
For Regional Police Officer
Mardan

I 34 8-12-17

Before the Honorable Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL

Through: **PROPER CHANNEL.**

Roohullah Jan Assistant Grade Clerk now reverted to the rank of Senior Clerk, Investigation Wing Charsadda **APPELLANT.**

VERSUS.

Deputy Inspector General of Police, Mardan Region-I/Regional Police officer, Mardan **RESPONDENT.**

Departmental Appeal against the order of Respondent bearing No. 8327/ES dated 09-11-2017 whereby he reverted, Appellant from the rank of Assistant Grade Clerk to the rank of Senior Clerk with immediate effect.

PRAYER:-

On acceptance of this Departmental Appeal, the order of reversion of Appellant from the rank of Assistant Grade Clerk to the rank of Senior Clerk passed by Respondent, bearing No. 8327/ES dated 09-11-2017 may very graciously be set aside and the Appellant may please be restored to his original rank of Assistant Grade Clerk **with back benefits.**

RESPECTFULLY SHEWETH:-

The Appellant respectfully submits the instant Departmental Appeal as under:-

Concisely the facts of the case are:-

1. That the Appellant was appointed as Junior Clerk Police Department in the year 1987 and during the entire period of his service he was transferred and posted in various sections of Police Department.

2. That before his transfer/posting to Investigation Wing, Charsadda the Appellant remained posted in Establishment-V Branch Central Police Office, Peshawar as Assistant Grade Clerk vide order contained in Endst: No. 5242-47/EV dated 09-08-2017 and remained posted there for a short spell.

3. That before transfer of Appellant the preparation of seniority list of Clerks was the duty of CPB Branch but during his posting in Establishment-V Branch this job was assigned to Establishment-V Branch by the High ups.

4. That the preparation of seniority list of clerks was the duty of the whole staff of Establishment-V Branch and also the Appellant was an official recently transferred to this Branch, proposed to his other colleagues to obtain photocopy of the seniority list from the concerned official with his signature thereon, but his proposal was given no weight and

instead obtained the said list from CPB Branch through soft copy (USB). The said list was tallied with the previous seniority list issued in the year 2015. That in the Branch the Appellant along with others worked as a team and not individually and also the Appellant and Supdt: were newly incumbent in this Branch. Since revised Seniority was shown assigned to Senior Clerk Raj Malook, so for its confirmation computer operator of CPB Branch namely Muhammad Sajid Raiz, Junior Clerk, was contacted from whom the list was obtained, who disclosed that the revised seniority has already been assigned to him. After thorough scrutiny the names of retired, dead and persons relieved from Department were deleted and newly promoted officials up-to 31-12-2016 were included in the seniority list. Thereafter the seniority list was uploaded at Police website for perusal and information of all concerned in order to submit his/their representation, if any, in case of any objection.

5. That on the seniority list so uploaded at Police website ministerial staff submitted representations and a committee was constituted vide CPO Order No. 724/CBP dated 18-07-2017 for submission of report regarding the representations. Before the said committee Shah Faisal, Senior Clerk pointed out that the seniority list of senior clerks issued on 31-12-2016 circulated vide Endst: No. 706-60/EV dated 31-01-2017 was incorrect because of the fact that Raj Malook though was promoted as senior Clerk in the year 2015 while other senior clerks at SL Nos. 16,20,34,94,101,123,160,183, 185,194,195 were promoted in the year 2012 while in the seniority list issued on 31-01-2017 how he was shown senior to them, with out any approval and record.

6. That in order to probe into the matter and to fix responsibility of this malpractice Dr. Shahzad Aslam Siddiqui PSP, DIG of Police Enquiry & Inspection Khyber Pakhtunkhwa Peshawar was appointed as Enquiry Officer who after the conduct of thorough investigation found office Supdt: E-V to cross check each & every documents before issuing the seniority list but they relied on soft copy of seniority lists obtained from other computers and also did not consult with Supdts: of other Branches. However, intention of both the office Supdt: and Assistant E-V was not labeled as malafide on account of their newly postings in the Branch and also not fully familiar with the bifurcation of the Branches and procedure of work in CPO Establishment. (Attested copies of the enquiry report are attached)

7. That your honor did not agree with the said enquiry report and again directed for 2nd enquiry in the matter for digging out actual facts and fix responsibility. Pursuance to the directions the DIG Police Headquarter Khyber Pakhtunkhwa Peshawar, as he was entrusted with the enquiry, after recording of statements of Office Supdts: (E-V & CP Branches) and other clerks including the Appellant and concluded that the Appellant was responsible for the incorrect seniority given to Raj Malook, senior clerk, and office Supdt: Shad Muhammad was also required to consult other Braches and scrutinize the

record before issuance of seniority list and recommended that departmental action may be taken against the Appellant for his negligence in issuing of defective seniority list with the recommendation that Supdt: Shad Muhammad was also held responsible for his lack of supervision.(Attested copies of 2nd enquiry are attached).

8. That on the receipt of this enquiry report Respondent issued Final Show Cause Notice to the Appellant vide No.1264/PA dated 24-10-2017, to which he replied in detail and showed his innocence in the matter (Attested copies of show cause notice and reply are attached herewith).

9. That the reply of Appellant was termed as unsatisfactory, he was ordered to be reverted from Assistant Grade Clerk to the rank of Senior Clerk vide order bearing No. 8327/ES dated 09-11-2017 with immediate effect. (Attested copy of the said order is enclosed herewith).

10. That feeling aggrieved from the order of his reversion, mentioned above, passed by Respondent, the Appellant prefers the instant Departmental Appeal on the following grounds amongst others:-

GROUNDS:-

a. That the impugned order dated 09-11-2017 passed by Respondent is void-ab-initio, illegal, against the facts and material available on record, without lawful authority, against law and rules of service on the subject and principles of natural justice, hence untenable.

b. That there is no direct evidence available on enquiry record against the Appellant to fix responsibility upon him for misconduct and tampering in the seniority list, as such the findings of worthy DIG Headquarters and the impugned order dated 09-11-2017 based on the said findings are not maintainable, hence liable to be set-aside.

c. That since the Appellant was Assistant Grade Clerk in the Establishment-V, Branch, so he was made responsible for the incorrect seniority list with-out any proof on record, but on the other hand the office Supdt: who was in supervision position was left free and so are other clerks of the said Branch, as such the Appellant was not treated at par with other staff including office Supdt:, hence the impugned order being perverse is not in consonance with the rules of service, as such is liable to be set-aside.

d. That the Appellant is a honest and hard working official and his reputation can be verified and judged from his service record and also from his officers under whom he remained in subordination, hence he can not be labeled with the accusation of comparing the seniority list, more particularly, when he in his entire service has not indulged in such like activities as such the impugned order is liable to be set aside.

e. That the evidence available on the enquiry file would suggest the exoneration of Appellant from the charge level against him, especially the statement of office Supdt: E-V Branch is worth perusal wherein he himself disclosed to enquiry committee that the Appellant had thoroughly checked the seniority list and was not aware of obtaining/copying the seniority list on USB, but instead he (the Appellant) was awarded major punishment of reversion to lower rank, as such the impugned order based on the enquiry conducted by worthy DIG Headquarters is reversible and not maintainable, hence is liable to be set aside.

f. That Junior clerk Sajid Riaz of CP Branch and Senior Clerk Tahir Javid have supported the version with regard to revising the seniority list of Raj Malook, hence supportive stance in favor of Appellant recorded in the enquiry report of worthy DIG enquiry & Inspection is pointer towards the innocence of Appellant, but findings arrived at by worthy DIG Hqrs: and the impugned order dated 09-11-2017 are against the norms of justice, hence the findings and impugned order based there upon are liable to be set-aside.

g. That preparation of seniority list was/is the job of team work of the Branch and individually the Appellant can not be held responsible for any mistake occurred in the preparation of seniority list, more particularly when the said list was uploaded on police website for submission of representation, if any, which was corrected, as such no malafide intention of any individual exist, therefore, the findings in the enquiry report of worthy DIG Hqrs and impugned order based upon such findings are against the settled principles of service rules on the subject, hence untenable.

h. That since the natural justice demands that no one can be held responsible for an omission without his knowledge. The Appellant was not in the knowledge that some one had made change in the seniority list and the said act of others can not involve the Appellant matter in this, so on this score too the impugned order is liable to be set-aside.

i. That harsh punishment for an act not committed by the Appellant has been awarded to him while the office Supdt: who has/had supervisory position and other ministerial staff of the Branch were let free, so the justice and equity demand that the Appellant may be treated at par with other staff of the Branch, hence the impugned order is also liable to be set-aside on this point too.

j. That the Appellant has more than 30 years service in the Department and waited for a long period to his promotion who was at last promoted as Assistant Grade Clerk, but with a jerk of pen he was degraded as such his family members who are 07 in number and wholly solely dependent upon his salary, were deprived of education, health etc as such on humanitarian basis too the impugned order is untenable.

k. That it is crystal clear from the service record of Appellant that he has never received any show cause notice/explanation in his entire service except the present one and his honesty

and hard working can very easily be judged from this fact, as such keeping in view his past history, the impugned order dated 09-11-2017 is liable to be set-aside.

l. That since the Appellant has unblemished service record and performed his duty, where he was posted, honesty, dedicatedly and to the entire satisfaction of his superiors, so these circumstances also support the version of Appellant that he has wrongly been held responsible for the act committed by someone else, as such the impugned order is reversible on this score too.

m. That there exist other grounds too but the same will be agitated before your honor at the time of hearing of this Departmental Appeal.

It is therefore, humbly prayed that this Departmental Appeal of the Appellant may very graciously be accepted, the impugned order dated 09-11-2017 passed by Respondent may kindly be set-aside and the Appellant restored on his previous rank of Assistant Grade Clerk with all back benefits.

AFFIDAVIT

I, the Appellant Roohullah Jan do hereby affirm and declare on oath that the contents of my above Departmental Appeal are correct to the best of my knowledge & belif.

Appellant Roohullah Jan
Senior Clerk, Office of the
SP Investigation Wing,
District Charsadda.

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GOVERNMENT OF KHYBER PAKHTUNKHWA,
OFFICE OF THE DISTRICT POLICE OFFICER,
CHARSADDA
PH 9331041, FAX 6514661

No. 4652 /EC, dated Charsadda the 08/12/2017

To,

The Deputy Inspector General of Police,
Mardan region I Mardan

Subject: APPEAL/APPLICATION

Memo:

Enclose kindly find herewith departmental appeal/application in respect of Senior Clerk Rooh Ullah Jan of this district for favor of perusal and onward submission to CPO Peshawar, please.

Enclose (A.A)

District Police Officer,
Charsadda

J 40 19-2-18

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE
PESHAWAR
Ph: 091-9210545 Fax: 091-9210927
E-Mail: - OSEstabV@gmail.com

NO. 869-77 /E-V Dated, Peshawar the 19/2/ Feb, 2018

ORDER.

This order is hereby passed to dispose of departmental appeal under Rule 17 of Government of Khyber Pakhtunkhwa Government Civil Servant (Efficiency & Discpline) Rules 2011 submitted by Senior Clerk Rooh Ullah.The appellante while posted as Asstt: Grade Clerk in the Office of SP Inv: Charsadda was awarded the major punishment of reversion from Asstt: Grade Clerk to the rank of Senior Clerk by the Regional Police Officer Mardan Region, vide his office Order No. 8327-28/ES, dated 09.11.2017.

Brief facts of the case are that as per kind directions of Worthy IGP/KPK, the then DIG/HQrs has conducted an enquiry into the matter of seniority list of Senior Clerks and all the concerned officials were summoned and their statements were recorded. From the perusal of statements, record and discussion, it transpires that Senior Clerk Raj Malook was promoted as Senior Clerk during the year 2015.He submitted representation for revised seniority and for this purpose Raj Malook was called by DPC on 18.05.2016. however, his representation for revised seniority was not accepted as there is no approval on record.The seniority list of Senior Clerks issued on 31.01.2017 mentions the name of Raj Malook at Sr.No.76 with the remarks of given revised seniority, which amounts to malafidi and tempering of record on the part of dealing hand i.e Asstt: Grade Clerk Rooh Ullah.

As per the recommendation of enquiry officer and kind directions of Worthy IGP/KPK, departmental proceedings were initiated against the said Asstt: Grade Clerk by the RPO Mardan.

He was served with Show cause Notice by RPO/Mardan vide his office No. 1264/PA dated 24.10.2017, to which his reply received and found unsatisfactory.He was called in OR held in his office on 08.11.2017 and heard him in person, but he did not produce any cogent reason to prove his innocence.Therefore he was awarded the major punishment of reversion from Asstt: Grade Clerk to the rank of Senior Clerk.

After awarding the punishment of reversion, the petitioner submitted an appeal to the next appellate authority to set aside his punishment awarded to him by RPO/Mardan.

In this connection, he was called in OR held on 14-02-2018 at CPO Peshawar, wherein the appellante was heard in person in detail but he failed to offer any plausible grounds/reason in his defense.Hence, his appeal has no substance.

Keeping in view the position explained above, the Departmental Appeal submitted by the Senior Clerk Rooh Ullah is hereby rejected/filed by the appelant Authority.

Sd/-
Addl: Inspector General of Police, HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa , Peshawar.

Endst: No. & date even.

Copy forwarded to the: -

- Addl: Inspector General of Police HQrs: Khyber Pakhtunkhwa, Peshawar.
- Deputy Inspector General of Police, HQrs, CPO Peshawar.
- Regional Police Officer, Mardan.
- PA to Assistant Inspector General of Police: Estt, CPO Peshawar.
- SP/Investigation Wing Charsadda.
- Registrar CPO, Peshawar.
- Office Supdtt: Secret CPO Peshawar.
- Office Supdtt: CPB, CPO Peshawar.
- In-Charge Central Registry Cell CPO, Peshawar.

Attested

(AHSAN SAIFULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

19/2/18

بعدالت جناب سروس ٹریبونل صوبہ سرحد پشاور

منجانب اپیلانٹ

رمح [illegible] بنام محکمہ [illegible]

دعویٰ اپیل

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعد اللہ خان مروت ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کرکے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ وتقرر ثالث وفیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظرثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ وہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا وخرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہٰذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم

العبد العبد العبد

سعد اللہ خان مروت
ایڈوکیٹ

ارباب سیف اکمال
ایڈوکیٹ

من رضیہ ناز
ایڈوکیٹ

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 411/2018

Rooh Ullah Jan s/o Nasrullah Khan, Ex- Assistant Grade Clerk, now Senior Clerk, office of the SP Investigation Charsadda .....**Appellant**

VERSUS

IGP/KPK etc: .....**Respondents**

REPLY/PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 & 2.

Respectfully Sheweth:

Preliminary Objections:

1. That appellant has not approached this Hon'ble court with clean hands.
2. That appellant has suppressed actual facts/factual position from this Hon'ble tribunal.
3. That the appeal of appellant is not based on facts.
4. That the appeal of appellant is bad for non-joinder of necessary parties.
5. That the appellant is estopped by his own conduct to file the present appeal.

REPLY ON FACTS:

1. Para not related. As the same pertains to initial appointment and subsequent promotion and transfer of appellant.
2. Incorrect. The seniority lists of the incumbents may have been circulated among the incumbents but as far as non objection over the seniority lists is concerned, the incumbents had not noticed the interference made therein. As soon as it was noticed, objections were raised over it.
3. Correct to the extent that seniority list was issued on 31.01.2017 of Senior Clerks but it is worth to mention here that the appellant being dealing hand mentioned the name of Raj Malook at serial No. 76 by giving revised seniority which is so astonishing because as per record his representation for revised seniority was not accepted as there was no approval.
4. Incorrect. Stance of the appellant is not plausible because transfer in respondent department is a routine and the same does not exonerate an officer/official from the wrong doing committed/made by him. Moreover, the issue had not been noticed therefore no one made objection over the same as alleged by the appellant.
5. Incorrect. During the course of enquiry the appellant himself has admitted in a categorical manner that the task of preparation of seniority lists was assigned to E-V Branch and at that time the

appellant was posted as Assistant E-V, hence plea of the appellant is devoid of legal footing to stand on.

6. As discussed earlier till the issue in question was not noticed, no one raised objection but as soon as when the same come into the knowledge of all concerned, they made objection.

As far as second part of the para is concerned the appellant himself admitted it categorically that it has been mentioned in the column of remarks before the name of Raj Malook "assigned revised seniority" but no such evidence is available with the department that who assigned the revised seniority to Raj Malook.

As the appellant being responsible for preparation of seniority list mentioned the aforementioned words in the column of remarks before the name of Raj Malook which as per record has not been assigned to the said Raj Malook.

7. Para not related.

8. Incorrect. In order to dig-out real facts a full-fledged enquiry was initiated by DIG of Police HQrs who conducted the same in the following terms:

i. That departmental action may be taken against Rooh Ullah Asstt: Grade Clerk for his negligence in issuance of defective seniority list.

ii. Shad Muhammad, Office Supdt: E-V is also responsible for his lack of supervision.

iii. Sr. Clerk Raj Malook being given incorrect seniority, the issue may be referred to DPC and the seniority list of senior clerks may be revised after consideration of a representations submitted by some senior clerks.

iv. Directions may be issued to all Office Supdts: while preparing the seniority lists, any official who is being awarded revised seniority, date of meeting and issue number with date of minutes may be written against the name.

v. Strict directions may be issued that in future all the Office Supdts: of the branches shall be responsible for preparing of any incorrect document initiated by the concerned branch.

9. Incorrect. As admitted by the appellant no one was held responsible during the former enquiry, therefore, a second enquiry was conducted wherein the appellant was recommended for proper departmental action because of his lethargy/negligence attitude while preparing seniority lists.

10. Incorrect. Since after a full-fledged enquiry by the competent authority the appellant was recommended for departmental proceeding whereupon he was issued Show Cause to which he submitted his reply which was found unsatisfactory. Therefore after fulfillment of all legal and codal formalities the appellant was awarded appropriate punishment of reversion from the rank Asstt: Grade Clerk to the rank of Senior Clerk, which does commensurate with the gravity of his misconduct.

11. Para already explained.

12. Correct as allegations against the appellant have been proved to the hilt therefore he was awarded appropriate punishment.

13. Correct as the punishment awarded by the competent authority was in consonance with law/rules which does commensurate with the gravity of misconduct of appellant therefore, did not warrant any interference, hence the punishment order was maintained by rejecting the departmental appeal.

Respondents submit that appeal of the appellant may be dismissed on the following grounds.

GROUNDS:

a. Plea of the appellant is not plausible as clean service record and length of service do not exonerate any Police officer/official from his future wrong doing.

b. Incorrect. As discussed earlier the appellant himself had admitted it in a categorically manner that the task of preparation of seniority lists was assigned to E-V Branch and at that time the appellant was posted as Assistant E-V.

c. Para already explained.

d. Para explained earlier.

e. Incorrect. In order to unearth real facts enquiry was initiated by the DIG of Police HQrs KP during the course of which ample opportunities were provided to the appellant for defending himself but he bitterly failed to defend himself.

f. Incorrect. The alleged negligence of appellant was such which manipulated the seniority list, hence the said alleged negligence attracts appropriate punishment.

g. Para already explained.

h. Incorrect. The respondent department had no grudges/ill will against the appellant, hence plea of the appellant is not plausible as after fulfillment of all legal and codal formalities appellant was awarded appropriate punishment.

i. Para already explained.

j. Incorrect. As discussed earlier the appellant was awarded appropriate punishment after fulfillment of all legal and codal formalities. Moreover the appellate authority did pay due consideration to appeal of appellant but being devoid of any merit the same was rejected.

Keeping in view the above facts, it is most humbly prayed that appeal of appellant being without merit and substance, may be dismissed with cost.

1. **Deputy Inspector General of Police,**
Mardan, Region-I Mardan
(Respondent No.1)

2. **Inspector General of Police,**
Khyber Pakhtunkhwa Peshawar
(Respondent No.2)

BEFORE THE HONOURABLE KPK SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 411/2018

Rooh Ullah Jan s/o Nasrullah Khan, Ex- Assistant Grade Clerk, now Senior Clerk, office of the SP Investigation Charsadda .....**Appellant**

VERSUS

IGP/KPK etc: .....**Respondents**

AFFIDAVIT

I, Ijaz Hussain, Inspector Legal (representative of the department) do hereby solemnly affirm and declare on Oath that contents of the parawise comments are true and nothing has been concealed from this Hon'ble Tribunal.

DEPONENT:

CNIC No.17201-3070498-1

Identified by

District Attorney
Khyber Pakhtunkhwa,
Services Tribunal

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.411/2018

Roohullah Jan .....**APPELLANT**

V E R S U S

IGP, KPK & others.....**RESPONDENTS**

REPLICATION

Reply to preliminary objection;

All the 5 preliminary objections are illegal & incorrect. No reason in support of the same is ever given as to why appellant has not approached to the Hon'able Tribunal with clean hands, he has suppressed factual position, appeal in not based on fact, the same is bad for non joineder of parties and is stopped by his own conduct.

On facts:-

1. Needs no comments.

2. Not correct. The para of the appeal is correct objection, if any, was never made on the aforesaid seniority list. The para of the reply is without proof regarding objection.

3. Admitted correct by the respondents regarding circulation of seniority list and assignment of position to all the relevant. Appellant has no concern with Raj Malook.

4. Not correct. The para of the appeal is correct. No wrong was committed by him. It was not the duty of the appellant to notice sonority list, etc from appellant.

5. Not correct. The para of the appeal is correct. The seniority list was not prepared by appellant but by Tahir Javed, Senior Clerk of the branch.

6. Does not relate to the appellant, yet the para of the appeal is correct.

7. Needs no comments. As this para of the appeal is not rebutted by the respondents.

8. Not correct. No copy of the enquiry is attached with reply by the respondents to ascertain as to whether the same was full fledge enquiry or otherwise.

9. Not correct. The para of the appeal is correct. The authority is not vested with unlimited power to do a thing as and when comes to his mind but to follow law and in law, there is no scope of subsequent enquires.

10. Not correct. The para of the appeal is correct. Law has not fixed any standard for satisfaction of the authority.

11. Not commented upon by the respondents, so the para of the appeal is admitted correct by them.

12. Not correct, major punishment requires full fledge probe which is not evident in the case in hand.

13. By not deciding departmental appeal by the authority means that he has no reason to reject the same.

GROUNDS:

All the grounds of the appeal are legal and correct which are again adopted and that of the reply are of respondents is illegal and incorrect.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

Appellant

Through

Asadullah Khan Marwat
Advocate

Date: 01/09/2018

BEFORE THE SERVICES TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Service Appeal No.411/2018

Roohullah Jan .....**Appellant**

V E R S U S

IGP, KPK and others.....**Respondents**

AFFIDAVIT

I, the undersigned appellant, do hereby solemnly affirm and declare that the contents of the **Appeal & Replication** are true and correct to the best of my knowledge and belief while that of the reply of respondents is illegal and incorrect.

I re-affirm the same once again on oath to be true and correct as per the available record.

KHALID MAHMOOD ADVOCATE ATTESTED NOTARY PUBLIC PESHAWAR HIGH COURT

D E P O N E N T

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 379 /ST Dated 11 / 02 / 2020

To

The Regional Police Officer,
Government of Khyber Pakhtunkhwa,
Mardan.

Subject: - **JUDGMENT IN APPEAL NO. 411/2018, MR. ROOHULLAH.**

I am directed to forward herewith a certified copy of Judgement dated 06.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.