

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Amended Appeal No.1519/2019

Date of Institution ... 13/11/2019

Date of Decision ... 14/01/2022

Qazi Aslam son of Sarfaraz Khan R/O Malakano Kaley, Tehsil Tangi, District Charsadda (Inspector Police No. CCPO Peshawar.

... (Appellant)

VERSUS

Inspector General of Police/Provincial Police Officer Khyber Pakhtunkhwa Peshawar and others.

...(Respondents)

Present.

Appellant

... *Pro se*

Mr. Muhammad Riaz Khan Paindakhel,
Asstt. Advocate General,

... For respondents.

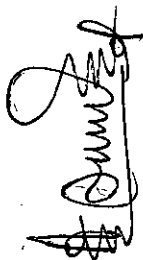
MR AHMAD SULTAN TAREEN
MR. ATIQ-UR-REHMAN WAZIR,

... CHAIRMAN
... MEMBER(E)

JUDGMENT

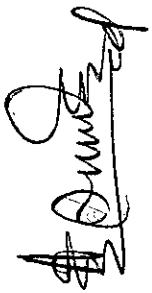
AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above in the heading has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:-

"For grant of Deputation Allowance to the appellant for his deputation tenure from 13.05.2009 till date for different renewed terms in the Anti-Corruption Establishment KPK, as he had been transferred from CCPO, Peshawar to the Directorate of Anti-Corruption Establishment on deputation basis; and as the application of the appellant for payment of his salaries since June 2019 till date has also not been



considered by the ACE KPK, his salaries may, therefore, very graciously be granted to him."

2. Brief facts of the case as enumerated in the Memorandum of appeal are that the appellant had been transferred from Police Department to the Anti-Corruption Establishment Khyber Pakhtunkhwa on deputation basis vide the order dated 13.05.2009; that the appellant has been performing his duties in the said establishment till date, for different renewed terms, though in his recent promotion order as Inspector vide order dated 22.10.2019, his transfer to the parent unit/region has been made but he has not been relieved of his duties in the ACE till date. The said notification and transfer are also illegal, as these have been made in contravention of the judgment of this Tribunal; that the appellant's repatriation order dated 13.06.2019 though not implementable on account of certain errors in the order as to the number of official, place of posting, designation and LPC, has also notified the appellant as an official of police department on deputation to the ACE; that the appellant is legally entitled to the payment of deputation allowance by the Anti-Corruption Establishment since 13.05.2009 till date; that for not dealing the service matter of the appellant according to the law, he filed departmental appeal to the concerned authority for payment of deputation allowance but the same was not considered for reasons not known to the appellant.



3. After admission of the appeal for regular hearing, the respondents have submitted written reply/comments, refuting the claim of the appellant with several factual and legal objections and asserted for dismissal of appeal with cost.

4. We have heard the arguments and perused the record.

5. Without going into details of the case on merit, suffice it to say that the appellant vide submissions made at para-6 of the memorandum of appeal disclosed that he submitted an application to the concerned authority for payment of deputation allowance but the same is not being considered for the reason not known to him. The copy of the said application as annexed with the appeal is available on record. The same bears the date as 05.08.2019 and the subject of the said application is copied below:-

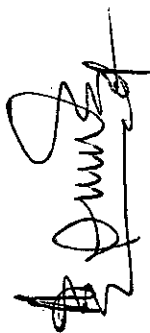
"(a) Cancellation of letter of surrender bearing No. AD(Admn;) DACE-2 Officials/M-F/2019 (Vol-II) 11455, dated 12.06.2019 by Authority No.2.

(b) Order of repatriation bearing No.1460/E-III, dated 13.06.2019 by authority No.1.

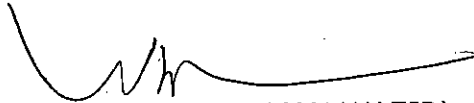
(c) Order of relieving bearing No.11685-94 dated 17.06.2019 by Authority No.2.

(d) Office Order of demotion No.11695-11704 dated 17.06.2019 by Authority No.2.

6. Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 provides that any civil servant aggrieved by any final order, whether original or appellate made by departmental authority in respect of any of the terms and conditions of service may prefer an appeal to the Tribunal having jurisdiction in the matter. According to the subject of the application copied above, the application is not specific to any single remedy and is seeking multifarious reliefs. Therefore, we deem it appropriate to restrain our-self from any verdict on merits of the case unless an appellate order is passed by departmental authority in pursuance to above mentioned application of the appellant. We, therefore, convert the said application into departmental appeal and direct the respondent No.1 to decide the same within 60 days from receipt of copy of this



judgment. The appeal stands disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

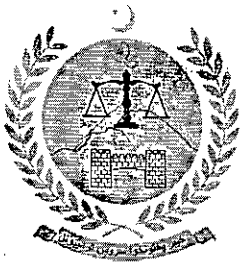


(ATIQ-UR-REHMAN WAZIR)
Member(E)



(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
14.01.2022



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

No. _____/ST Dated ____/____/2022


To:

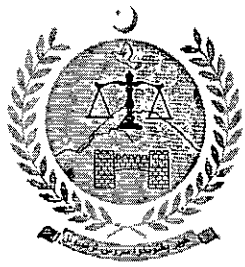
Director, Anti Corruption Establishment, Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 1519/2019, QAZI ASLAM VERSUS THE INSPECTOR GENERAL OF POLICE, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR ETC.

I am directed to forward herewith a certified copy of order dated 14.01.2022, passed by this Tribunal in the above mentioned *service appeal* for compliance.

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



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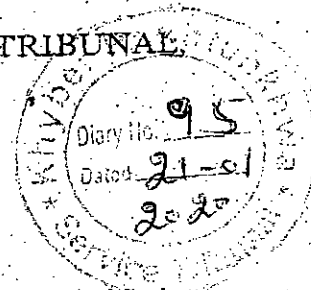
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(WASEEM AKHTAR)
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KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

4

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1519 /2020



Qazi Aslam S/O Sarfaraz Khan R/O Malakano Kaley, Tehsil Tangi, District Charsadda (Inspector Police, No. CCPO, Peshawar)..... Appellant

VERSUS

1. Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa.
..... Respondents

Appeal under section 4 of the Khyber Pakhtoonkhwa Service Tribunal Act 1974 (Act 1974) for the grant of Deputation Allowance to the appellant for his deputation tenure from 13/05/2009 till date for different renewed terms in the Anti Corruption Establishment KPK, as he had been transferred from CCPO, Peshawar to the Directorate of Anti Corruption Establishment on deputation basis; and as the application of the appellant for payment of his salaries since June 2019 till date has also not been considered by the ACE KPK, his salaries may, therefore, very graciously be granted to him.

(Amended appeal, date fixed is 17/02/2020)

Respectfully submitted:

1. That the appellant had been transferred from Police Department to the Anti Corruption Establishment, KPK on deputation basis vide the order bearing No. 12220-23, dated 13/05/2009.
(Copy of the deputation order is enclosed herewith as Annex- A)
2. That the appellant has been performing duties in the said establishment till date, for different renewed terms, though in his recent promotion order as Inspector vide the order No. 2644/E-III, dated 22/10/2019, his transfer to the parent unit / region has been made but he has not been relieved of his duties in the ACE till date. The said notification and transfer are also illegal, as these have been made in contravention of the judgment of this Hon'ble Tribunal.
(Copy of Notification No. 2644/E-III, dated 22/10/2019 is enclosed herewith as Annex-B)
3. That the appellant's repatriation order bearing No. 1460/E-III, dated 13/06/2019, though not implementable on account of certain errors in the order as to the number of official, place of posting, designation and LPC,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Amended Appeal No: 1519/2019

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Inspector General of Police/Provincial Police Officer Khyber Pakhtunkhwa Peshawar and others.(Respondents)

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Pro se

Mr. Muhammad Riaz Khan Paindakhel,
Asstt. Advocate General,

For respondents.

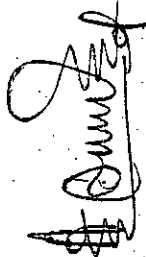
MR AHMAD SULTAN TAREEN
MR. ATIQ-UR-REHMAN WAZIR,

CHAIRMAN.
MEMBER(E)

JUDGMENT

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Prasanna

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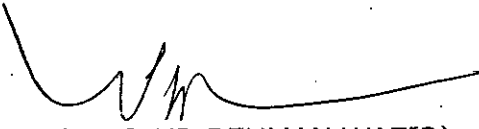



(ATIQ-UR-REHMAN WAZIR)
Member(E)



(AHMAD SULTAN TAREEN)
Chairman

ANNOUNCED
14.01.2022

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	14.01.2022	<p><u>Present.</u></p> <p>Appellant ... <i>Pro se</i> Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel, Asstt. Advocate General ... For respondents.</p> <p>Vide our detailed judgment, this appeal is disposed of as per Para-6 of the detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.</p> <p> (ATIQ-UR-REHMAN WAZIR) Member(E)</p> <p> CHAIRMAN</p> <p><u>ANNOUNCED</u> 14.01.2022</p>

10.01.2022

Appellant in person present. Mr. Muhammad Riaz Khan Paidakhel, Asstt. AG alongwith Aamir Anjum, Assistant Director for the respondents present.

Arguments heard. To come up for order on 14.01.2022 before D.B.

(Atiq-ur-Rehman Wazir)
Member(E)

Chairman

Stipulated period passed reply not submitted.

15.09.2021


Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.



Chairman

12.11.2021

Appellant in person present. Mr. Aamir Anjum alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments before the D.B on 25.11.2021.


(Atiq Ur Rehman Wazir)
Member (E)



(Salah-ud-Din)
Member (J)

25.11.2021

Appellant in person present.

Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned Member Executive (Mr. Atiq-ur-Rehman Wazir), is on leave, therefore, case is adjourned. To come up for arguments on 10/01/2022 before D.B.


(Rozina Rehman)
Member (J)

28.12.2020

Appellant is present in person. Mr. Asif Masood Ali Shah, Deputy District Attorney and Mr. Muhammad Rasheed, Deputy District Attorney and Mr. Saddique Anjum, Assistant Director, for the respondents are also present.

The rest of respondents submitted reply which is placed on record. The appeal is adjourned to 24.03.2021 on which date file to come up for preliminary arguments before S.B.

(MUHAMMAD JAMAL KHAN)
MEMBER

24.03.2021

Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former made a request for adjournment; granted by way of last chance. To come up for preliminary hearing on 06/07/2021 before S.B..

(Rozina Rehman)
Member (J)

06.07.2021

Appellant is here before this Tribunal, after judgment dated 23.07.2019 passed in Writ Petition No. 3771-P/2019, wherein some judicially noticed facts relating to treatment of appellant have also been discussed but in view of the bar of jurisdiction, the Honourable High Court held that the Writ Petition was not maintainable and extended liberty to the appellant to approach proper forum i.e. parent department for redressal of his grievance. It was added that it is the function

of the parent department to repatriate the petitioner/appellant as and when desired. A pre-admission notice was also given in the matter of this appeal and reply of respondents No. 1 & 2 is part of the file. The respondents while replying para-2 of the facts referred to Section 13(8) of Police Act, 2017 with emphasis that "every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police unless otherwise provided under this Act." It is a cardinal principle that any authority whether executive or judicial, when exercising the power vested in it by law, is required to exercise such power judiciously, fairly and without an iota of doubt as to existence of any bias in exercise of such authority. The case of appellant, if seen with the particular past events, a question is apt to arise whether the transfer of the appellant from Anti-Corruption Establishment to regular police was necessary in the public interest; which of course will require answer in regular hearing of appeal. As such the appeal is admitted to regular hearing, subject to all just and legal objections. The appellant is directed to deposit security and process fee within 10 days. Although the respondents have submitted reply on pre-admission notice but they would be at liberty to file written reply afresh, if so advised. In case they opt to file fresh written reply, they will do it within ten days from today. File to come up for arguments on 12th 11.2021 before the D.B.

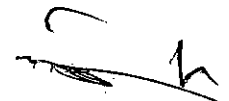
Appellant Deposited
Security & Process Fee

8/7/21


Chairman

21.10.2020

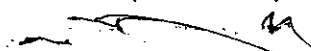
Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today therefore, the case is adjourned to 09.11.2020 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

09.11.2020

Appellant is present in person.

Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 28.12.2020 on which date to come up for preliminary hearing before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

06.08.2020

Appellant Qazi Aslam is present in person. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Saddique Anjum, Assistant Director Legal on behalf of respondent No. 3 present.

Representative of respondent No. 3 submitted written reply however, remaining respondents No. 1 & 2 have not submitted their replies so far. Perusal of record reveals they have not been noticed. They be noticed directing them to submit reply on 08.09.2020 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

08.09.2020

Appellant with counsel and Mr. Muhammad Raziq, H.C for respondents No. 1 & 2 and Siddique Anjum, A.D (Legal) for respondent No. 3 alongwith Addl. AG for the respondents present.

The representative of respondents No. 1 & 2 states that the concerned respondents have received notice for hearing today but the same was not accompanied by memorandum of appeal and other relevant documents. The requisite reply, therefore, could not be prepared. He requests for time to do the needful.

As a last chance the matter is adjourned to 21.10.2020 for submission of reply/comments. On next date arguments shall also be addressed at pre-admission stage.


Chairman

25.03.2020

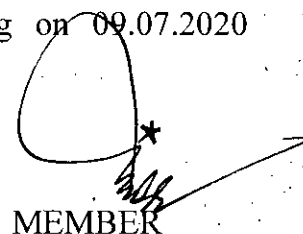
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 18.06.2020 before S.B.



Reader

18.06.2020

Appellant with counsel and Addl: AG for respondents present. Representative of the respondent No.3 is not present nor reply submitted. Fresh notice be issued to respondent No.3 for submission of reply. To come up for reply of respondent No.3 and preliminary hearing on 09.07.2020 before S.B.



MEMBER

09.07.2020

Appellant with counsel and Mr. Siddique Anjum, A.D. (Legal) for respondent No. 3 alongwith Mr. Usman Ghani, District Attorney for the respondents present.

The representative of respondent No. 3 requests for time to submit written reply. Similarly, the reply on behalf of respondents No. 1 & 2 is also awaited. Adjourned to 06.08.2020 for submission of requisite reply but as a last chance.



Chairman

17.02.2020

Appellant present. Learned counsel for the appellant present.

It seems that the appellant, originally police official on the strength of CCP Peshawar who joined Anti-Corruption Establishment Khyber Pakhtunkhwa vide order dated 13.05.2009, is still not willing to quit Anti-Corruption Establishment Khyber Pakhtunkhwa.

Appellant seeks adjournment. Adjourn. To come up for preliminary hearing on 24.02.2020 before S.B.



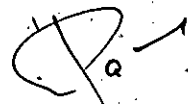
Member

24.02.2019

Appellant with counsel present. Heard.

Learned counsel for the appellant argued that the appellant joined the Anti-Corruption Establishment on deputation basis; that the Anti-Corruption Establishment has not yet relieved the appellant from duties but on the other hand, has withheld the salaries of the appellant since June, 2019.

Let pre-admission notice be issued to respondent No.3 for reply. Adjourn. To come up for reply of respondent No.3 and preliminary hearing on 27.03.2020 before S.B.



Member

Appeal No. 1519/2019
Qazi Aslam vs Govt

06.01.2020

Counsel for the appellant present.

Once again a request for submission of amended appeal is made wherein payment of deputation allowance for the entire period of deputation in Anti Corruption Establishment is to be solely claimed.

The requisite amended appeal shall be submitted within a fortnight, Adjourned to 17.02.2020 before S.B.

Chairman

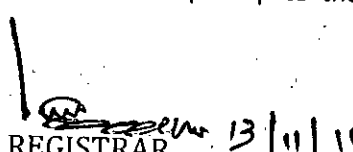




[Faint, illegible handwritten notes and signatures in Urdu script, likely representing the appellant's counsel and the Chairman's signature.]

FORM OF ORDER SHEET

Court of _____

Case No.- 1519/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/11/2019	<p>The appeal of Qazi Aslam presented today by Mr. Riaz Ahmad Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 13/11/19</p>
2-	14/11/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/12/19.</u></p> <p> CHAIRMAN</p>
	18.12.2019	<p>Appellant alongwith counsel present.*</p> <p>Learned counsel requests for time to submit an amended appeal wherein all the orders passed regarding the posting/transfer as well as termination of deputation of appellant are to be included.</p> <p>May do so within 10 days. Adjourned to 06.01.2020 before S.B.</p> <p> Chairman</p>

BEFORE THE HON'BLE KHYBER PAKHTOONKHWAS SERVICE TRIBUNAL,
PESHAWAR

Amended

Service Appeal No. 1519 /2019

Qazi Aslam

..... Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar, and others. Respondents

INDEX

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5.	Copy of Notification No. 2644/E-III, dated 22/10/2019.	B	8-13
6.	Copy of order No. 1460/E-III, dated 13/06/2019.	C	14
7.	Copies of the FIR, High Court Order/judgment and reply of explanation.	D	15-25
8.	Copies of the repatriation order and High Court orders	E	26-44
	Copy of the judgment dated 23/07/19	F	45-70
	Copy of the application for allowance and salaries.	G	71-74
	Copies of the order dated 6/1/2020	H	75-76
	Wakalatnamah		

Dated ___/01/2020

*put up to the court with
relevant appeal,*

Reader

21/01/2020

Appellant

Qazi Aslam

Through

Riaz Ahmad
Riaz Ahmad

(Advocate High Court)

Cell No. 0303 8238839

U

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL
PESHAWAR

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1. That the appellant had been transferred from Police Department to the Anti Corruption Establishment, KPK on deputation basis vide the order bearing No. 12220-23, dated 13/05/2009.
(Copy of the deputation order is enclosed herewith as Annex- A)
2. That the appellant has been performing duties in the said establishment till date, for different renewed terms, though in his recent promotion order as Inspector vide the order No. 2644/E-III, dated 22/10/2019, his transfer to the parent unit / region has been made but he has not been relieved of his duties in the ACE till date. The said notification and transfer are also illegal, as these have been made in contravention of the judgment of this Hon'ble Tribunal.
(Copy of Notification No. 2644/E-III, dated 22/10/2019 is enclosed herewith as Annex-B)
3. That the appellant's repatriation order bearing No. 1460/E-III, dated 13/06/2019, though not implementable on account of certain errors in the order as to the number of official, place of posting, designation and LPC,

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has also notified the appellant as an official of police department on deputation to the ACE.

(Copy of order No. 1460/E-III, dated 13/06/2019 is enclosed herewith as Annex-C)

4. That the appellant is legally entitled to the payment of deputation allowance by the Anti Corruption Establishment KPK since 13/05/2009 till date under the relevant rules but till date the appellant has not been given his right.
5. That monthly salaries are not being paid to the appellant since June 2019 till date and possibly the future salaries by the Anti Corruption Establishment which is an obvious show of power to humiliate the appellant even in the matter of his salaries, as the reasons for not dealing the service matter of the appellant according to the law are as follows:
 - A. That in 2017 the appellant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE/respondent No. 3, a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017, filed by Mst. Zia Gul, DM.
 - B. That in compliance with the direction the appellant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and accordingly he registered FIR No. 2 /2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed. The appellant had even been called upon to explain reasons for conducting such an inquiry, whereas the same was in compliance with the order of the Hon'ble High Court.
(Copies of the FIR, High Court Order/judgment and reply of explanation are enclosed herewith as Annex-D)
 - C. That during the course of inquiry the appellant suffered great pressure from the political as well as other corners. The appellant did not surrender to any kind of pressure and performed his duty with full professional honesty and moral integrity.
 - D. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the appellant was transferred from Police Station Anti Corruption Establishment, Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad, then repatriated but the Hon'ble High Court set aside the repatriation order vide its order.
(Copies of the repatriation order and High Court orders are enclosed herewith as Annex E)

E. That after a few months of compliance with the order of the Hon'ble High Court, the ACE again surrendered/ repatriated the appellant vide order No. 1460/E-III, dated 13.06.2019, which was impugned before the Hon'ble Court in WP No. 3771-p/2019 and in the judgment dated 23/07/2019 in the same petition, the court held that the after restoration of the appellant in the ACE, he served for only one year and four months, as such the petitioner has to remain in the ace for some more two years.

(Copy of the judgment dated 23/07/19 is enclosed herewith as annex-f)

6. That the appellant submitted an application to the concerned authorities for payment of deputation allowance but the same is not being considered for reasons not known to the appellant. ~~_____~~
(Copy of the application is enclosed herewith as Annex-G)

7. That the appellant had earlier filed an appeal No.1519/2019 but for the major part it became infructuous, and permission was granted vide the order dated 06/01/2010 by this Hon'ble Tribunal to file an amended appeal.

(Copies of the order dated 6/1/2020 is enclosed herewith as Annex-H)

8. That the appellant being seriously aggrieved of the attitude of the ACE authorities, and the non-payment of deputation allowance to him, therefore, approaches this Hon'ble Tribunal on the following

GROUPS:

- A. That the ACE authorities have been illegally withholding the appellant's deputation allowance.
- B. That the appellant's transfer from the Police Department to the Anti Corruption Establishment was on deputation basis, entitling him to the said allowance under the rules of deputation.
- C. That the ACE authorities have been withholding the said allowance in flagrant breach of the rules.
- D. That the non-payment of the salary constitutes a serious economic injustice to the appellant.
- E. That the reason for withholding the salaries of the appellant is a measure to humiliate him for performing his duties honestly and in accordance with law.
- F. That the appellant is facing no disciplinary proceedings but he is being punished illegally.
- G. That it is the violation of service rules to deprive a government servant of his due legal emoluments prescribed by the rules.
- H. Any other ground / documents may very kindly also be allowed to be presented at the time of arguments and during the proceedings where required.

(4)

It is, therefore, respectfully requested that in view of the above submissions, the prayer of the appellant may very graciously be granted as prayed for in the heading of the appeal with any further order in favour of the appellant as deemed appropriate in the circumstances of the appeal, please.

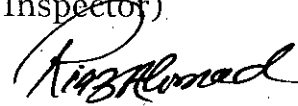
Dated ___/08/2019

Appellant



Qazi Aslam
(Sub Inspector)

Through:



Riaz Ahmad
(Advocate High Court)

(5)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWASERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2020

Qazi Aslam Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
and others Respondents

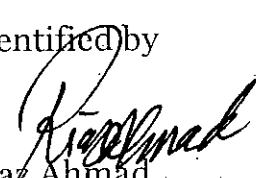
AFFIDAVIT

I, Qazi Aslam s/o Sarfaraz Khan, the appellant do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

DEPONENT


Qazi Aslam

Identified by


Riaz Ahmad
(Advocate)



BEFORE THE HON'BLE KHYBER PAKHTOONKHWASERVICE TRIBUNAL,
PESHAWA

Service Appeal No. _____/2020

Qazi Aslam Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar and others Respondents

MEMO OF ADDRESSES

APPELLANT

Qazi Aslam S/O Sarfaraz Khan R/O Malakanl Kaley, Tehsil Tangi, District
Charsadda (Sub Inspector Police, No. CCPO Peshawar)


RESPONDENTS

1. Inspector General of Police/ Provincial Police Officer, Khyber
Pakhtoonkhwa, CPO, Peshawar.
2. Capital City Police Officer, CPO, Peshawar.
1. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa, near
Rahman Medical Institute, Phase – V, Hayatabad, Peshawar.

Appellant


Qazi Aslam

Through


Riaz Ahmad
(Advocate High Court)

~~7/1/09~~

Order "A"

Noted - 14-5-09

File No.

P. O. S. P. 1/1

ORDER

Sub-Inspector Qazi Aslam No. 502 of Charsadda District is hereby transferred and posted to Anti-Corruption Establishment NWFP on deputation basis with immediate effect.

ABDUL MAJEED KHAN MARWAT
PSP

Add: IGP/HQrs
For Provincial Police Officer,
NWFP, Peshawar.

No. 12220-23 /E-II, dated Peshawar the 13 / 05 /2009

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

1. Capital City Police Officer, Peshawar w/r to his Memo No. 6603/EC-I dated 13.05.2009.
2. Director Anti-Corruption Establishment NWFP Peshawar.
3. District Police Officer Charsadda.
4. Section Officer (E-III) Govt. of NWFP Establishment & Administration Department Peshawar w/r to his letter No. SOE-III (E&AD) 4-5/2009 dated 07.05.2009.

AD-Admin/EC

Abdul Malik Khan
(ABDUL MALIK KHAN)

Registrar,
For Provincial Police Officer
NWFP, Peshawar.

~~1/1/09~~
14/5/09

Aslam
Qazi
ADW
14/5

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Annex-B

**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION

No. 2644 /E-III, PROMOTION AS OFFG: INSPECTORS (BPS-16) Dated: 22/10/2019

As per recommendations made by the Departmental Promotion Committee in its meeting held on 12.09.2019, the following confirmed Sub-Inspectors on List "F" are hereby promoted as Offg: Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	RECOMMENDATION
1.	SI Akhtar Ali No. 50/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
2.	SI Muhammad Nawaz No. D/41	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
3.	SI Ismail Shah No. P/378	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) in compliance of the judgment of Service Tribunal Peshawar No. 800/2018, over which the CPLA has been put-up. Therefore, the promotion is recommended subject to decision of the CPLA on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
4.	SI Gul Shed No. P/386	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
5.	SI Muhammad Sadiq Shah No. H/149	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
6.	SI Salih Muhammad Khan No. MR/122	Mardan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 01.07.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
7.	SI Nooran Shah Khan No. MR/126	Mardan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
8.	SI Sultan Mahmood No. MR/130	Mardan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
9.	SI Nasrullah No. K/105	Kohat	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
10.	SI Said Marjan No. D/43	D.I Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 15.04.2016 to 16.09.2016 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
11.	SI Naimat Ullah No. K/96	Kohat	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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12.	SI Shah Jabbar No. 414/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
13.	SI Fazal Karim No. 32/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
14.	SI Zewar Khan No. 66/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
15.	SI Riaz Muhammad No. 467/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 06.06.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
16.	SI Sultan Khan No. 37/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
17.	SI Amir Bahadar No. 370/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
18.	SI Iqbal ud Din No. 492/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
19.	SI Faiz Mohammad No. 500/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
20.	SI Jameel ud Din No. 520/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
21.	SI Noor Baz Khan No. 540/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
22.	SI Muhammad Wali Shah No. 544/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
23.	SI Sherin Zada No. 212/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 01.09.2014 to 31.12.2014 and 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
24.	SI Gul Zamin No. 159/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
25.	SI Muhammad Tawheed No. 111/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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26.	SI Imran Khan No. 113/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
27.	SI Bakht Zada No. 94/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
28.	SI Hayat Ali Shah No. 153/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
29.	SI Mian Said Jamal No. 53/M	Malakand	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2015 to 31.12.2015 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
30.	SI Gohar Rehman No. H/45	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 04.10.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
31.	SI Muhammad Saeed No. H/156	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
32.	SI Tariq Umar No. P/21	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
33.	SI Qazi Aslam No. P/34	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years. Note: The Committee further recommended that he spent 03 years in ACE, therefore, he may be transferred to his parent unit/region for actualization of his promotion. If he does not join Police for actualization, he shall not be given promotion.
34.	SI Wilayat Khan No. P/46	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
35.	SI Zardad Ali No. P/53	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACRs for the period from 24.08.2016 to 31.12.2016 and 01.01.2018 to 24.04.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
36.	SI Shakir Ullah No. P/57	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
37.	Lady SI Saira Saleh No. P/15	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
38.	SI Waqar Ali No. H/184	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
39.	SI Ghulam Kazim No. D/8	D.I Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2017 to 04.05.2017 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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40.	SI Faqir Muhammad No. P/100	CCP, Peshawar	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis subject to completion of ACR for the period from 01.01.2018 to 31.12.2018 and its submission upto 31.12.2019. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
41.	SI Sajid Farooq No. H/213	Hazara	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
42.	SI Anees ul Hassan No. D/55	D.I. Khan	The DPC examined his case and <u>recommended</u> him for promotion to the rank of Offg. Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

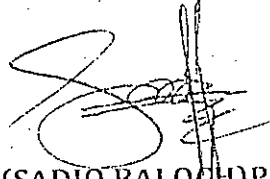
According to Rule 13-18 of Police Rules 1934, the officers will be on probation for 02 years.

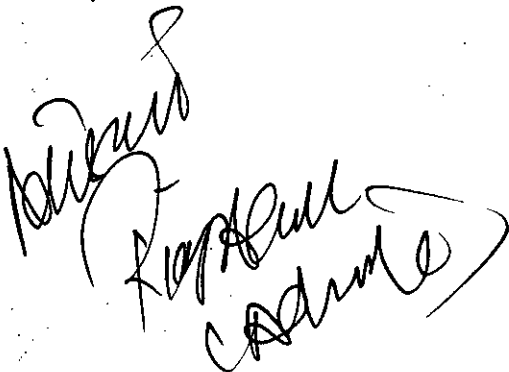
Sd/-
Muhammad Naeem Khan, Dr, PSP
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar

No. 2645-60 /E-III. Dated Peshawar, the 22 / 10 /2019.

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

1. Addl: IsGP in Khyber Pakhtunkhwa.
2. All Regional Police Officers in Khyber Pakhtunkhwa.
3. Commandant PTC Hangu.
4. Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar.
6. Capital City Police Officer, Peshawar.
7. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret CPO, Peshawar.
9. Office Supdt: E-II CPO/Peshawar.
10. U.O.P files.


(SADIQ BALOCH) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar





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

PH: 091-9210239 Fax: 091-9210927

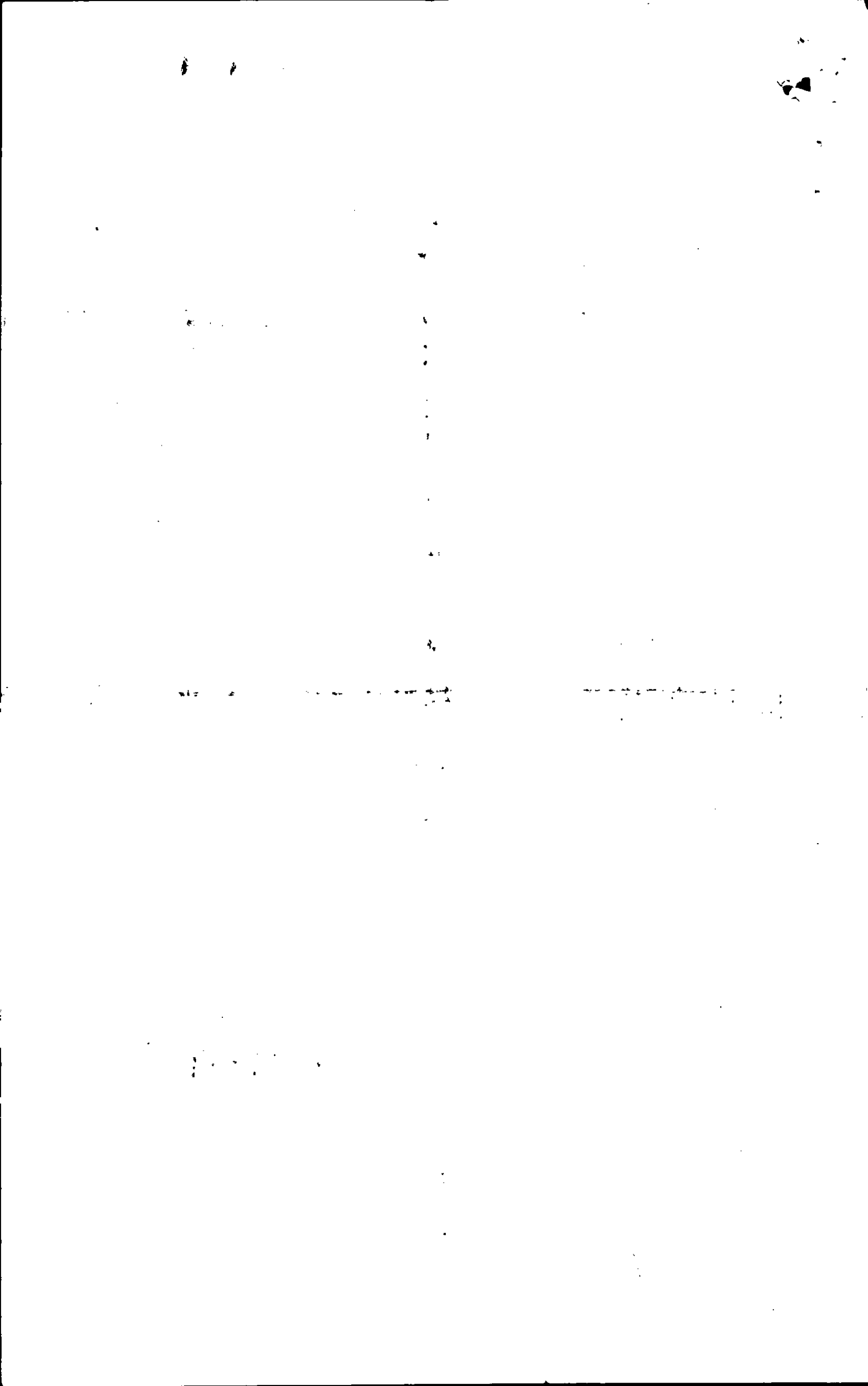
No: 708 /E-II/transfer/posting dated, Peshawar/5.11.2019

ORDER.

On promotion, the following newly promoted Inspectors are hereby posted with the Offices as noted each against their names, with immediate effect:-

S.NO	NAME & NO.	FROM	TO
1.	Ismail Shah No. P/378	Nowshera District	CTD Khyber Pakhtunkhwa
2.	Gul Shed No. P/386	Swabi District	Malakand Region
3.	Tariq Umar No. P/21	PBI Peshawar District	PTC Hangu
4.	Qazi Aslam No. P/34	ACE, Khyber Pakhtunkhwa	D.I Khan Region
5.	Wilayat Khan No. P/46	Inv: Charsadda District	CTD Khyber Pakhtunkhwa
6.	Zardad Ali No. P/53	Nowshera District	Bannu Region
7.	Shakir Ullah No. P/57	Charsadda District	Mardan Region
8.	Saira Salih No. P/15	Women Police Station Peshawar	CTD Khyber Pakhtunkhwa
9.	Faqir Muhammad No. P/100	Inv: Nowshera District	Mardan Region
10.	Muhammad Sadiq Shah No. H/149	Battagram District	CTD Khyber Pakhtunkhwa
11.	Gohar Rehman No. H/45	Police Lines Abbottabad	Hazara Region
12.	Muhammad Saeed No. H/156	ACE, Khyber Pakhtunkhwa	Hazara Region
13.	Waqar Ali No. H/184	SHO PS Dobar Kohistan	Hazara Region
14.	Sajid Farooq No. H/213	SHO PS Sarae Salih Haripur	Hazara Region
15.	Salih Muhammad Khan No. MR/122	Inv: Charsadda District	Mardan Region
16.	Nooran Shah Khan No. MR/126	FRP Khyber Pakhtunkhwa	FRP Khyber Pakhtunkhwa
17.	Sultan Mehmood No. MR/130	PS Kalo Khan (Inv) Swabi District	Mardan Region
18.	Nasrullah Khan No. K/105	Police Lines Kohat	Kohat Region
19.	Muhammad Nawaz No. D/41	SHO Kulachi D.I Khan	D.I Khan Region
20.	Said Marjan No. D/43	SHO PS Wana Waziristan	D.I Khan Region
21.	Ghuilam Qazim No. D/08	Police Lines D.I Khan	D.I Khan Region
22.	Anees Ul Hassan No. D/55	Police Lines D.I Khan	D.I Khan Region
23.	Fazal Karim No. 32/M	PS Shahi Kot Upper Dir	Malakand Region
24.	Zewar Khan No. 66/M	SI Legal Dir Lower	Malakand Region
25.	Riaz Muhammad No. 467/M	Lower Dir District	Kohat Region
26.	Suitan Khan No. 37/M	Chitral District	Kohat Region
27.	Amir Bahadar No. 370/M	Chitral District	Malakand Region

Amir Bahadar
Inspector
Central Police Office
Peshawar





(13)

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

PH: 091-9210239 Fax: 091-9210927

No. ————— /E-II/transfer/posting dated, Peshawar /5-11.2019

S.NO	NAME & NO.	FROM	TO
28.	Jameel Ud Din No. 520/M	Upper Dir District	Malakand Region
29.	Noor Baz Khan No. 540/M	Swat District	Malakand Region
30.	Muhammad Wali Shah No. 544/M	Police Lines Chitral	Kohat Region
31.	Iqbal Ud Din No. 492/M	Lower Dir District	Bannu Region
32.	Faiz Mohammad No. 500/M	SHO PS Darosh Chitral	PTC Hangu
33.	Shireen Zada No. 212/M	Swat District	Malakand Region
34.	Gul Zamin No. 159/M	SHO PS Jagam Dir Upper	CTD Khyber Pakhtunkhwa
35.	Muhammad Tawheed No. 111/M	SHO Talash Lower Dir	Malakand Region
36.	Imran Khan No. 113/M	SHO PS Balambat Dir Lower District	Malakand Region
37.	Bakht Zada No. 94/M	SHO PS Matta Swat	Malakand Region
38.	Hayat Ali Shah No. 153/M	SHO PS Karora Shangla	PTC Hangu
39.	Mian Said Jamal No. 53/M	Swat District	Kohat Region
40.	Akhtar Ali No. 50/M	PTS Swat	Kohat Region
41.	Shah Jabbar No. 414/M	Special Branch Khyber Pakhtunkhwa	PTC Hangu
42.	Abdul Qayum No. 206/M	Malakand Region	Mardan Region
43.	Muhammad Anwar No. H/159	Hazara Region	CTD Khyber Pakhtunkhwa
44.	Muhammad Javed No. H/161	Hazara Region	PTC Hangu
45.	Abdul Aziz No. B/46	Bannu Region	Bannu Region

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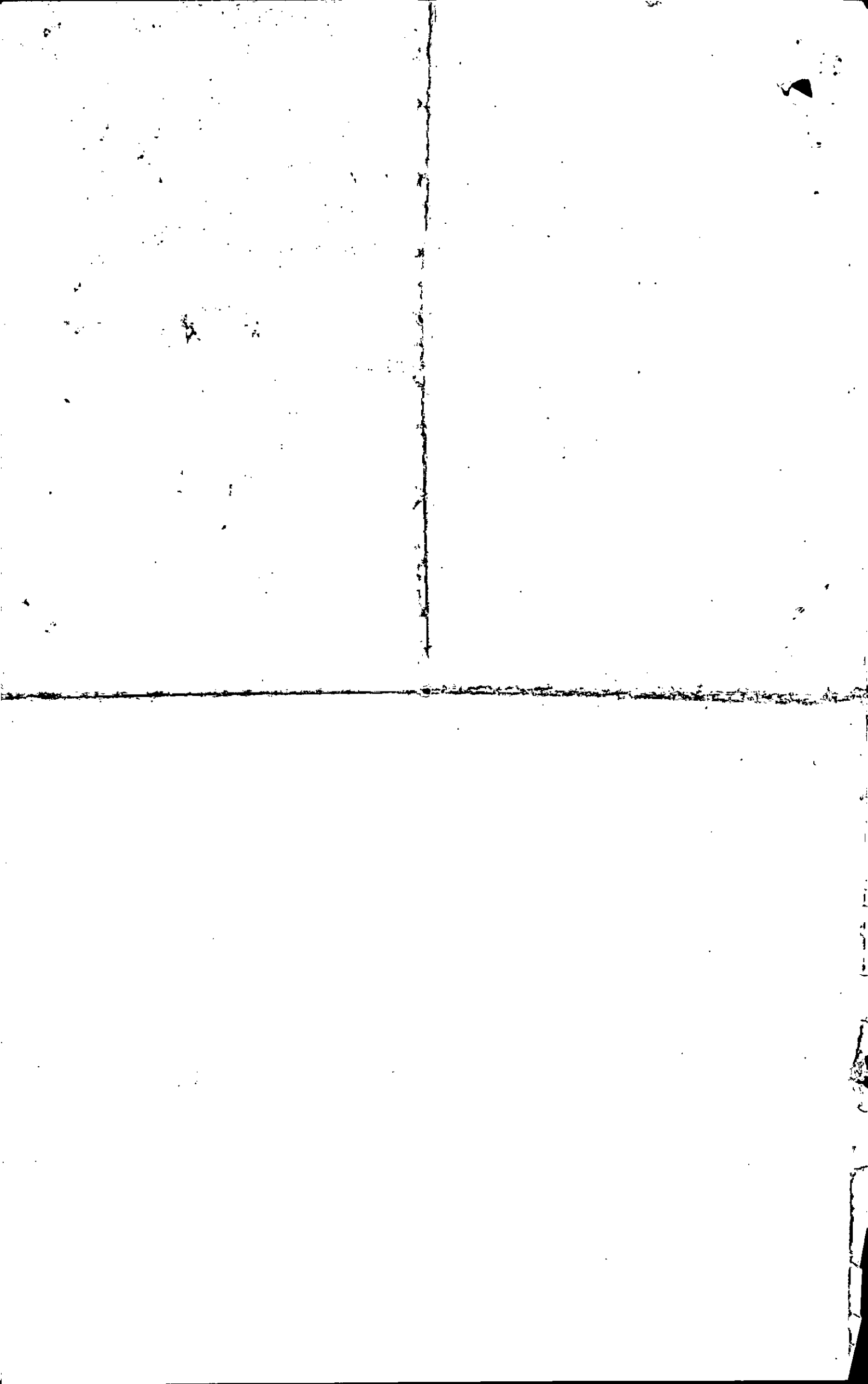
(DR. ISHTIAQ AHMAD) PSP/PPM
Addl: Inspector General of Police HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

14/11

Endst: No. & date even.

Copy forwarded to the:-

1. Addl: Inspector General of Police HQrs Khyber Pakhtunkhwa Peshawar.
2. Dy: Inspector General of Police Special Branch & CTD Khyber Pakhtunkhwa Peshawar.
3. Commandant PTC Hangu, Elite Force & FRP Khyber Pakhtunkhwa Peshawar.
4. All Regional Police Officers in Khyber Pakhtunkhwa.
5. Capital City Police Officer Peshawar.
6. Assistant Inspector General of Police Estt: Khyber Pakhtunkhwa Peshawar.
7. Director ACE Khyber Pakhtunkhwa Peshawar.
8. Office Supdt: Secret Branch & CPB CPO, Peshawar.
9. U.O.P File.





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

No. 1460 /E-III. Dated Peshawar, the 13 / 06/2019.

ORDER.

The following Upper Subordinates of various District/Region presently serving in Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar on deputation are hereby repatriated to their parent District as noted against each names, with immediate effect:-

1. SI Qazi Aslam No. 502/MR of Charsadda District.
2. SI Taifur Shah No. 262/K of Kohat District.

Sd/-
SHER AKBAR
PSP, S.St

Deputy Inspector General of Police HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Endst: No. & dated even

Copy forwarded to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officers Mardan & Kohat Region.
3. Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office letter No. AD(Admin)/DACE/2/Officials/M-F/2019(Vol-II)11455, dated 12.06.2019.
4. District Police Officers, Charsadda & Kohat.

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

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Handwritten signature and notes in the bottom right corner.

123



Annex

ایچ جزل پیس میں ہندو مت کا قتل عام 2006ء - 23 - 2006ء (نام شروع جاری) میں نام (پیس)
 نام نمبر 23-1 (1)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی کے بارے میں پورٹ شدہ ذریعہ 153 مجموعہ ضابطہ نو جداری

تھانہ	AC	ضلع	جاڑدہ
نمبر	2	تاریخ	23/07/2017
1	تاریخ اور وقت رپورٹ	23/07/2017	وقت اور وقت 9:10 بجے اور وقت 15:00 بجے
2	نام و پگنت اطلاع دہندہ	قائم اسم	ڈسٹرکٹ جاڑدہ
3	مختصر کیفیت جرم (مردانہ) یا مال اگر کچھ لیا گیا ہے	218-409-418-419-420-468-471-474-477A ppc 5 (2) PC Act	
4	جائے وقوعہ یا صلا تھانہ سے اور پتہ		فیکہ انجوائن جاڑدہ
5	نام و پگنت ملزم	ہنیاء گل DM	و غیرہ کل 90 نوٹوں میں سے چند جملہ نامی FIR
6	کارروائی پیش کش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو یا وہ بیان کرے تو اس کے تحت انگریزی میں یا 15313 کے تحت 9:10 بجے اور وقت 15:00 بجے		
7	تھانہ سے روانگی کی تاریخ اور وقت		جسیر پورہ و جاڑدہ کے درمیان

ابتدائی اطلاع (پچھلے درج کردہ صورت ہے کہ منہ سے کوئی اور ڈسٹرکٹ فورہ 14/7/2017 عدالت عالیہ کے درمیان کوٹ پٹن ور ویو رپورٹ میں 2028-P شکل او بی انٹرویو میں 112 فورہ 2017 میں حصول پورہ خلاصہ کرنے پر پایا گیا کہ فیمل پیجر سیٹ ڈی ایم نے فیکہ انجوائن میں جاڑدہ کے ایک ٹیکسٹ کے خلاف رٹیشن میں مالہ ڈی ایم کے ترقی میں بدانت عالیہ کے درمیان کوٹ پٹن کے دورے پر 23/07/2017 کو جہاں ڈائریکٹر ایچ پی کرسٹین پیجر چیف جوائن کو حکم صادر کیا کہ اس سلسلے میں کٹھن انٹرویو اور تحقیقات کے تمام مہمات ایڈان مالہ فیکہ انجوائن کے خلاف ہی مابونی کارروائی کر کے ڈیوٹی عدالت عالیہ کے درمیان کوٹ پٹن کے ور میں صورتہ تاریخ 11/07/2017 پائین ازمین صدرہ تاریخ رٹیشن میں عدالت عالیہ کے ور ہائی کوٹ کے ور کے محرم حکم اور ایڈان مالہ کے ہدایات کی روشنی میں انکو انٹرویو کرنے کے دوران انٹرویو پایا گیا کہ خانہ سیٹ ڈی ایم کے ساتھ دیگر فیمل پیجر ٹیلیفون ایس ایم آر جمیٹ PET ثانیہ ولی AT اور جمیٹ پیس PST کی بھرتی اور ڈائریکٹر ڈی ایم اور جوائن سے ملنے جا کر لہذا فیمل پیجر مالہ کے بھرتی و ڈائریکٹر ڈی ایم کے بھرتی سے مراد ڈی ایم کے بھرتی اور جوائن سے ملنے جا کر تمام حاصل کردہ بھرتی اور ڈائریکٹر ڈی ایم کے بھرتی سے مراد ڈی ایم کے بھرتی اور جوائن سے ملنے جا کر ایڈنٹس ایڈنٹس میں انجوائن کی بھرتی اور جوائن کے بھرتی سے مراد ڈی ایم کے بھرتی اور جوائن سے ملنے جا کر مالہ فیمل پیجر سے بھرتی اور ڈائریکٹر ڈی ایم کے بھرتی سے مراد ڈی ایم کے بھرتی اور جوائن سے ملنے جا کر دفتر DAO ضابطہ 2006ء کے تحت 9:10 بجے اور وقت 15:00 بجے سے شروع ہوئی ہے لہذا منجملہ DAOs سے تحریری رپورٹ لیا جا کر ملوث اہلکاران کے متعلق بدن کیگی کیگی جگہ ان تمام جملی اور بھرتی سے مراد ڈی ایم کے بھرتی اور جوائن سے ملنے جا کر سے مذکورہ فیمل پیجر مالہ کے مختلف املاک و مختلف اجائی سے ضلو جاڑدہ ڈائریکٹر کے مختلف سکولوں میں مختلف پوسٹ ہائے کے ڈیوٹی پر مامور کر کے متعلقہ کن عدین سے بھرتی سے جانے لاکھوں روپے لگائے کرسرمدی خزانہ کو لاکھوں روپوں کا نقصان پہنچایا ہے لہذا دوران انٹرویو میں حاصل شدہ رپورٹ

Alexis
 Punjabi
 1 name

تعمیر شدہ بیانات اصول مندرجہ و پر تیکس رپورٹ خانے و سکیورٹی انکوائری سے تمام ملزمان
 ① ضیاء گل فیصل ٹیچر DM گریڈ G6MS9 جدیدیاں ڈھیری جارہے ② نگلیت سیما فی بی بی ٹیچر AT
 گریڈ G6MS15 دادو کے ③ حسرت فی بی بی ٹیچر PET گریڈ G6MS9 ترم نندی ④ ثانیہ ولی فی بی بی
 ٹیچر SST گریڈ 16 G6MS دونوں ⑤ سحر بیگم فی بی بی ٹیچر PST گریڈ 7 G6MS بیٹام کوڑا
 جارہے ⑥ مہوشہ DEO فی بی بی گریڈ 19 علم جارہے ⑦ الکت بیگم سابقہ DEO فی بی بی گریڈ 18 اصلو
 جارہے ⑧ قدر آیاز DAO گریڈ 18 ضلعو بگرام حال ڈسپنس ⑨ حامد پولیس سب ایگامونٹ گریڈ 15
 ضلعو بگرام حال ڈسپنس ⑩ قدر ریاض سہرا ڈسٹر گریڈ 16 ضلعو بگرام حال دفتر DA ضلعو جالبہرہ ⑪
 عمران ایڈووکیٹ 14 گریڈ 14 ضلعو جالبہرہ دفتر DA ⑫ اہلی راشی ٹیچر ATO گریڈ 16 ضلعو ٹکڑا ⑬
 اورنگزیب سہرا ڈسٹر گریڈ 15 دفتر DA ضلعو بگرام حال ڈسپنس ⑭ قدر امین سہرا ڈسٹر گریڈ 14
 ضلعو جالبہرہ سیکرٹریٹ ⑮ قسماق احمد سابق سہرا ڈسٹر گریڈ 17 دفتر DEO فی بی بی جارہے
 ⑯ علی رفیق سابق سہرا ڈسٹر گریڈ دفتر DEO فی بی بی ضلعو بگرام گریڈ 17 ⑰ حفیظ حسین جوئر کلرک ڈسٹر 11
 دفتر DEO فی بی بی جارہے ⑱ قدر انصاف سہرا کلرک ڈسٹر 11 دفتر SDEO فی بی بی سہرا ⑲ سہیل PST
 گریڈ 18 G6MS سہرا ڈسٹر ⑳ سرتاج جوئر کلرک ڈسٹر 11 دفتر SDEO فی بی بی جارہے خان
 G6MS برا جارہے وقتاً فوقتاً ایجنٹ ملی بھگت کرے فراڈ و جوکر وہی ہے اپنے اختیارات کے غلط و ناجائز
 استعمال کرتے ضلعو جارہے یہاں سرکاری خزانہ کو تھوڑے بڑے میاں میں ملے 5766918 روپے نقصان پہنچایا
 ہے جسے بیانات تعمیر شدہ زیر دست 164 ملزماں سے لے کر سہیل سہرا کلرک 6 تاہ 8 آئی تنظیم گروپ
 یا ایجنٹ کی شکل میں اسکاٹے کارروائی کر کے ڈکوی کر لو کرے یا معاملہ دہک کر ان سے لاکھوں روپے پتور
 لیتے ہیں لہذا تمام ملزمان 206 ایجنٹ ملی بھگت فراڈ و جوکر وہی اختیارات کے غلط اور ناجائز
 استعمال اور رشوت دینے اور لینے کے مرتکب پارچہ کے خلاف حوالہ جس انگریزی نمبر 15313 حوالہ 9-10-07
 قاریہ ارحمانی DAC سے بھیج کر پتور لے کر دفتر عدلیہ رجسٹر کیا جاتا ہے تمام انکوائری کارروائی عملی مدد کا حکم
 پتور پورا اگر دوران تیکس و دیگر کوئی شخص یا اشخاص یا دیگر سرکاری ملزمان ملوث قاتے گئے تو ان کے
 خلاف بھی حسب ضابطہ قانونی کارروائی عمل میں لائی جائیگی۔ ہر چہ گزارش یہ ہے جس صورت
 آئین ہوں

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COACECHD
9-10-07

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اگر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا سرخ روشنی سے بالفاظ نام پر
 ایک لٹرم یا شہر کی التزمین واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔

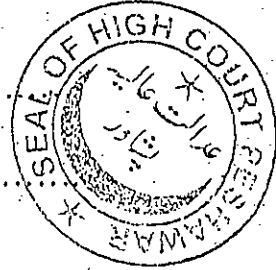
(16)



PESHAWAR HIGH COURT PESHAWAR
FORM "A"
FORM OF ORDER SHEET

Court of.....

Case No.....



Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
	11.10.2017	<p><u>WP No. 2028-P/2017 with COC No. 477-P/2017.</u></p> <p>Present: Mohsin Khan, brother of petitioner.</p> <p>Mr. Moeen Ud Din Hamayun, AAG, for respondents alongwith Qazi Aslam, C.O District Charsadda.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J:-</u> As per averment of the writ petition, the petitioner was initially appointed as Drawing Master BPS-15 in the year 2006 in GGMS Ghakot Battagram. She was transferred to GGMS, Dheri Hamid Mian, District Charsada and since then was performing her duties with zeal and zest, but all of a sudden her monthly salary was stopped by the respondent No.5 (District Account Officer) Charsadda on the behest of District Education officer (Female) Charsadda from the month of January, 2017. Hence this petition.</p>

Amir's
Ro
Amir

ATTESTED
EXAMINER
Peshawar High Court
16 OCT 2017



2. On 14.9.2017, the learned AAG urged that the very appointment order of the petitioner is fake and an enquiry has been initiated in the matter. On the previous date with mutual consent of the parties, the matter was referred to Anti Corruption Department with directions to probe into the matter and submit report to this Court.

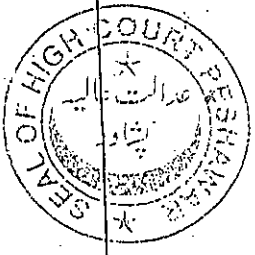
3. Today, the Learned Addl: AG alongwith Circle Officer Anti Corruption produced the record of an open inquiry conducted by him in compliance of the order of this Court, wherein the appointment order of petitioner has been found fake and bogus and FIR No.02 dated 09.10.2017 has been registered against the employees of Account office Battagram and others including petitioner.

4. In this view of the above, this writ petition become infructuous which is dismissed as such.

Signature of Mr. Justice Rooh-Ul-Amin Khattak

Announced on;
11th of October, 2017

Signature of Mr. Justice Muhammad Ghazanfar Khan
JUDGE



No. 9683
Date of Presentation of Application 13/10/17
No of Pages 2
Capping Fee _____
Urgent Fee _____
Total 60/-
Date of Receipt 16/10/17
Date _____

Jatshad (DB) Mr. Justice Rooh-Ul-Amin Khattak & Mr. Justice Muhammad Ghazanfar Khan

CERTIFIED TO BE TRUE COPY.

Examiner
Peshawar High Court, Peshawar
Under Article 97 of
the Constitution of Pakistan Order 1044

16 OCT 2017

Signature of Mr. Justice Muhammad Ghazanfar Khan

EXAMINER
Peshawar High Court
OCT 2017



(18)

DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

No. 8337-38 ACE/Peshawar, Dated: 11 /05/2018

To

Mr. Qazi Aslam,
Inspector SIW HQ,
Anti-Corruption Establishment,
Peshawar.

Subject:- EXPLANATION

I am directed to refer to the subject noted above and to state that the competent authority referred the case titled "Application of Accused Sofia Tabbasum, Ulfi Begu, Sirtaj Union Clerk, Muhammad Ishaq and Mazhar Hussain Clerks in FIR No. dated: 09.10.2017 U/S 218,409,419,420,468,471,477-A PPC / 5(2) PC Act Police Station Anti-Corruption Establishment, Charsadda" to the following Officers of this Establishment for thread bar discussion :-

1. Mr. Mir Faraz Khan, ADL-I, ACE Peshawar.
2. Mr. Gul Nawaz, ADL-IV, ACE Peshawar.
3. Mr. Amir Anjum, ADL-V, ACE, Peshawar.

The above committee has submitted report to the competent authority with concluding remarks as under :-

"Ex-Circle Officer Charsadda (Qazi Aslam) has not properly investigated the matter in accordance with facts and wrongly arrayed officials accused without solid proof. Thus he has misused his official power which he may be dealt departmentally."

AD
You are, therefore, directed to explain your position within 03-d (on the receipt of this explanation), failing which, disciplinary action shall be initiated against you under the rules in vogue.

Assistant Director (Admn)
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar

ENDST OF EVEN NO. & DATE

Copy forwarded to P.A to Director, Anti-Corruption Establishment
Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Admn)
Anti-Corruption Establishment

جواب از الیکٹرونک قاضی اسلم SIN لٹساور سالقہ 2018ء جاریہ

جناب عالی

کوالم (EXPLANATION) نمبری 38-2337 مورخہ 11-5-2018

حرفی حدود میں۔ کہ دوران تفتیشی تحت 2017ء کو آرڈر ٹسٹ

نمبرہ 14-9 مورٹیشن نمبر 2028 از عدالت عالیہ لٹساور عالی کورٹ لٹساور بشکل

014 نمبری 112/017 توسط افسران بالذمہ کو وصول ہو کر عدالتی حکم و افسران بالذمہ

تحریری احکامات ملاحظہ کرنے یا پانچ گیا کہ عدالت عالیہ لٹساور عالی کورٹ لٹساور

نے اور سابقہ ہی افسران بالذمہ نے اس معاملہ میں اندر 15 نومبر 2017ء کو ملزمان کے

حلاف ہی سب سے کارروائی کرنے کی حکم و ہدایت کر کے رپورٹ نمبرہ تاریخ 11-5-2017ء یا قبل انہ

مورخہ تاریخ پیش کرنے کی احکامات صادر کی گئی تھی۔ لہذا عدالتی احکامات اور افسران

بالذمہ کے ہدایات کے مطابق 014 شروع کر کے دوران انکوائری دیگر ملزمان نافرود شدہ

کے حلاف ہی تھوہنی اور تحریری دستاویزی اثبات پسر ہوئی۔ حاصل شدہ تحریری

دستاویزات اور فراہم کردہ انٹاریشن کی روشنی میں تمام ملزمان کے حلاف مختلف

دخاترہائے سے بزرگے تحریری بیروانہ جات مکمل صدقہ لکھار ڈو تحریری رپورٹ ہائے

حاصل کر کے ف رپورٹ جوڑا ہے جو کہ بزرگے خلیفہ ہائے قابل ملاحظہ ہے۔ جن کی روشنی

میں نامزد شدہ ملزمان کے حلاف تفصیل خائسل رپورٹ لکھری اندراج ختم تحریر کر کے

جی جی ہر ایک ملزم کی رول لکھی کردار واضح کی گئی ہے جو کہ بعد جناب ADC

نوشترہ نے کد ریمارکس جناب DAC کے رول لکھی کردار میں ارسال کر کے جناب DAC

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جس کو خواہ نے بعد میں قانونی رائے خلاف ADL/II کو حادک کر کے جس پر مباحث
ADL/II میں نے بھی ملزمان کے خلاف FIR درج کرنے کی سفارش کر کے جس پر مباحث
DAC میں نے نافر دیکھو ملزمان کے خلاف FIR درج کرنے کا حکم صادر کر کے جس پر

کو والی لوسالٹ افسران بالہ وصول ہو کر جس پر مباحث کے مدعیت میں مورخ 27/10/07
کو FIR درج رجسٹر ہوئی تفصیلی فائل رپورٹ و کاپی FIR لف ڈوڑا ہے کہ وہ نذر ہے
فلتاً جاتے قابل ملاحظہ ہے۔ اور مباحث کے خود ہی عداوت عالمہ لیساور ہائی کورٹ لیساور

میں جوڑہ تاریخ مورخ 27/10/07 کو فصل بندہ میں کر کے جس کے رو سے دائرہ رٹیشن نمبر
2028 خارج ہوئی اور مباحث کے نذرہ تفتیش جاری رکھنے ہوئے ملزمان کے گرفتاری کیلئے
علحیدہ درخواست تحریر کر کے لوسالٹ افسران بالہ مباحث چیف سیکریٹری صاحبہ خواہ

کو ارسال کرنے کی استدعا کی تھی۔ کہ اس دوران تقریباً تمام نافر دیکھو ملزمان نے عداوت
میں مباحث ایسی کرپشن سے BBA کروائی جبکہ دوران انکوائری اور بند اندراج عدم
دوران تفتیش یا اثر ملزمان کی طرف سے ہر قسم کی ہر شہر دباؤ، سفارش وغیرہ کو

تکرا کر اپنے فرائض منصبی کو محالہ اور قانون سے محالہ جاری رکھنے کا حقہ عدم کیا
کہ اس دوران ملزمان نے مباحث کا تبادلہ سیاسی ورڈنگ اثر رسوخ سے اندراج عدم

کے صرف 25 دن بعد کرائے مباحث کو انسکٹر S/W لیساور تبدیل کرایا گیا جبکہ بندہ
جس کے کو ادارہ ایسی کرپشن سے منکر والی بھی ثابت کیا جس کے خلاف مباحث نے

عداوت عالمہ لیساور ہائی کورٹ لیساور میں رٹیشن نمبر 4699 دائر کر کے جس
پر عداوت عالمہ لیساور ہائی کورٹ لیساور نے مورخ 25/12/07 کو مباحث کو اسٹرم ریلیف

دے کر متعلقہ دعوہ داران سے جواب طلبی کی گئی جبکہ یہی رٹیشن مورخ 19/4/08 کو
مباحث چیف جسٹس صاحبہ لیساور ہائی کورٹ لیساور کے سربراہی میں مباحث کے حق میں
فیصلہ ہو کر یہ دو آرڈر شٹ ہائے کے کا بیان برائے ملاحظہ لف جواب لیساور ہے۔ آخری
فیصلہ مورخ 19/4/08 کے پیرا گراف نمبر 3 میں مباحث کے کارروائی و تبادلہ کے بارے

Amin
Lami

حیدر علی محمد سہر قابل ملاحظہ سے

جدا علی! میں نے محنت سے CO چارجڈ جو FIR درج کیا ہے وہ بالکل ٹھیک اور دستاویزی اثبات اور افسران بالا کے تحریری رائے و حکم پر کیا گیا ہے۔ اس میں صبراً کسی بھی ملزم کے ساتھ کوئی ذاتی عناد یا دبدبوں شامل نہیں ہے اور اسکے واقعہ دلیل یہ ہے کہ FIR درج شدہ سے ابھی مدتوں سے ملاوہ دیگر دور دراز املاخ یعنی صلہ عالیہہ شگرام کے مدتوں بھی شامل ہے آخر اس سے صبراً کیا بدستوری یا زیادتی ہو سکتی ہے میں نے کبھی کسی احتیاط سے کوئی تجاوز نہیں کیا ہے اور جتنے بھی مدتوں چارج کیے ہیں انہی خلاف تحریری دستاویزات صفحہ مشل پر موجود ہے۔

جہاں تک مدتوں الفت سیکم سابقہ DEO/F لٹاور اور موٹیو سیکم سابقہ DEO/F چارجڈ و دیگر مدتوں صبراً سہر تاج، اسحاق اور مظہر گلر گل ٹٹاف سے درخواستہ جانے کا تعلق ہے۔ تو اس سلسلے میں مدتوں نے اصل حقائق کو ٹھیکر جھوٹ اور من گھڑت درخواست جانے تحریر کی ہے اور اسکے ساتھ جو دستاویزات لٹا کی ہے حقیقت کے برعکس ہے جبکہ جو وہ CO چارجڈ محمد آمان خان اور انکوائٹری کمیٹی جہاں نے ہی مدتوں کے خلاف صفحہ مشل پر موجود دستاویزات کو پس پشت ڈال کر مدتوں کی طرف سے جن لٹا دستاویزات کو انکوائٹری کا حصہ بنا کر اسی کی بنیاد پر رپورٹ تیار کر کے جناب DAC میں پیش کیا گیا ہے۔

جدا علی! یہاں یہ اور بھی قابل ذکر ہے کہ ہر دو درخواستہ جانے جو مدتوں کے طرف سے دائر کئی ہے دوران کاروائی نہ تو CO چارجڈ محمد آمان خان نے صبراً بیان نہ لکھ کر کیا ہے اور نہ ہی انکوائٹری کمیٹی نے جو اس سلسلے میں نکلانے کی زحمت کیا ہے اور میرے حوقف سے لٹا اپنی رپورٹ لکھ کر من و نرید کاروائی جناب DAC میں پیش کیا گیا ہے ہونگے میں مذکور FIR میں حقیقت کی

Amir Ali

جسٹس سے باہمی نیم نافذ ہوں حکم ملزمان سر تاج وغیرہ کی طرف سے بھی دائر کر دے
 درخواست میں میں باہمی نیم نافذ کیا گیا ہے اس لئے قانونی اعتبار سے جو بھی ایسا
 حوقف میں کرنے کا موقع دینا ضروری نہیں لیکن CO چارملہ محمد آریاز خان اور
 انکوائری کمیٹی نے جو نظر انداز کر کے یکطرفہ کارروائی عمل میں لائی ہے
 اور بیچ اور گنہگار ملزمان کو بے گناہ قرار دے کر خدمتِ خدا کو ناقابل تلافی
 نقصان پہنچایا ہے اور دیگر ملزمان کو بے گناہ قرار دے دیا ہے۔

ضلع عالیہ ایمان بہاریت ہی حاصل دیکر ہے کہ اگر یہ دو درخواستیں جانے دائر کر دے
 یہ CO چارملہ کارپورٹ ولاحظہ کیا جائے تو یہ دو رپورٹس کھائے میں CO چارملہ
 محمد آریاز خان نے تحریر کیا ہے کہ ان ہی ملزمان نے عدالت عالیہ لے کر جانے کو رٹ
 لے کر عدالت میں لڑنے کو ایشنٹا FIR دائر کیا ہے اور اس میں آئندہ تاریخ
 پیشی کا بھی ذکر کیا گیا ہے

تو صاحبِ عالم جب ایک معاملہ عدالت عالیہ لے کر جانے کو رٹ
 لے کر عدالت میں لڑنے کی اجازت دے گا تو اس سے سماعت ہوگی۔ تو اس دوران عدالت سے
 کوئی اور ادارہ بہتر اصرار دے سکتا ہے۔ ہونا تو یہ چاہئے تھا کہ ان ہی
 درخواست کھائے یہ صرف اتنا تحریر ضروری تھا کہ معاملہ عدالت عالیہ لے کر
 جانے کو رٹ لے کر عدالت میں لڑنے اور عدالت عالیہ سے سماعت ہو کر بھی فیصلہ
 صادر کرنے سے ضابطہ تبدیل نہیں ہونے چاہئے۔

یہ بات بھی وضاحت طلب ہے کہ اسی رٹ میں موجودہ CO چارملہ
 محمد آریاز خان اور سابق DAC میں سے دستخط کھائے سے کمیشن جمع کئے گئے ہیں
 اور ان ہی ملزمان کے جملہ اعتراضات و ابترامات کی تردید کی گئی ہے اور
 مقدمہ درج شدہ کی تائید میں دستاویزی ثبوت لگائے گئے ہیں۔ پھر
 ایسا کیا ہوا کہ CO چارملہ محمد آریاز خان ملزمان کے بے گناہی کے

Amir

سفارشات تحریر کرنے میں کمیڈ کاپی لکچر ٹیوٹ لف جواب لکھا ہے
 جہاں تک ملزمان صوفیہ بیگم اللت بیگم - سرناج - اسحاق - مظہر کے متعلق
 ہے چار ماہہ محمد آغا خان اور میراں انکوائری کمیٹی ملزمان کے لئے گناہی کے سفارشات
 تحریر سے بالکل حقیقت کے برعکس ہے کیونکہ ملزمہ صوفیہ بیگم کو حور
 18¹⁷/₀₁₇ کو حماہ ثانیہ ولی SST کے ٹرانسفر آرڈر لوگس سروس کے متعلق تھی
 حور ہوتی تو اس پر حماہ صوفیہ بیگم نے حاضری اختیار کرتے ہوئے 14⁹/₀₁₇
 کو ریٹائرمنٹ کی شکل میں روٹی تھی تحریر کئی لیکن اس پر بھی صوفیہ بیگم
 ٹس سے مل رہی ہوئی اور جب اسٹی کریٹن کی انکوائری شروع ہوئی تو بارل
 ناخواستہ حور 15¹⁷/₀₁₇ کو ایک ڈیٹ میں تھی تحریر کرتے لہذا اندراج ختم حور
 13¹⁰/₀₁₇ کو حماہ ثانیہ ولی SST کے بارے میں رپورٹ حاصل کئی جبکہ میں
 نے اس سلسلے میں اپنے ہی ان کے ٹرانسفر اور لہری آرڈر جو کہ لوگس سروس کے
 متعلق ڈائریکٹریٹ ایجوکیشن کے ور سے حاصل کیے تھے اگر اس کے تحریر کرنے
 بیان کو غور سے پڑھا جائے تو لوگس سروس حور واضح ہو جائے گی۔ تھی انگریزی
 ہائے لکچر ٹیوٹ ہارنم ولین ہائے فاس ملاحظہ ہے اور اسی طرح اللت بیگم
 کے بارے میں بھی وضاحت کی جاتی ہے کہ انھوں نے صرف PSI پتھر کے لوگس
 کاغذات پر جلوہ چار ماہہ کو ٹرانسفر کرانے کیلئے NoC جاری کیا ہے جس میں
 انھوں نے تحریر کیا ہے کہ میں نے ان کے تمام متعلقہ کاغذات اپنی سررس
 رکھاڑ کاغذات چیک کر کے درست پایا، چونکہ حقیقت کے برعکس ہے
 اور اسی طرح حماہ نلیت سجاد AT کے سروس کاغذات کے وٹرنیشن
 جلوہ شگام سے کرنے کیلئے جو تھی تحریر کئی ہے اس میں صرف ٹرانسفر
 آرڈر کی فرم کاپی شامل ہے نہ کہ دیگر کاغذات کیونکہ اس کے جواب میں جلوہ
 شگام سے حوصلی رپورٹ تیار کئی ہے اس میں صرف ٹرانسفر آرڈر کی حد تک

تبدیل کر رہے ہیں۔ جو کہ وہ بھی جعلی اور لوگوں سے غام لٹھرائے لپور ٹیمر کے خلاف جواب دہ ہے۔ اور اسی طرح سرتاج مظہر۔ اسحاق وغیرہ کے خلاف بھی حکیمانہ انکوائری پر کر جس سے ان کے خلاف ادارہ ایسی کرشن میں FIR درج کرنے کی بلائی گئی ہے لیکن ملزم P موقف تبسم نے اسی پر بھی حاوی اختیار کر کے ان کے ساتھ دیگر ملزمان کو بھی قانونی کارروائی سے تحفظ دی ہے جس سے وہ برائے کے شریک ہے اور ان ہی ملزمان کے ووم سے آج بھی قلم اچھوٹن میں ملزمین لوگی اور جعلی تقرری آرڈر سرڈ لوٹی سر انجام دے رہے ہیں جو ان کے نوٹس میں پورے ہوئے ہیں ان ملازمین کے خلاف کوئی حکیمانہ انکیشن نہیں لیا گیا ہے اور سرکاری خزانہ کو طمانہ تو آہ می قدر میں لاکھوں روپیہ نقصان پہنچا جا رہا ہے۔

جدا علیٰ جو کہ یہ خارجہ قیادار خان اور انکوائری کمیٹی کے قلم سننے اور میرٹ ٹریبیونل میں پورے لفسر اور صفحہ مثل میں ملزمان کے خلاف ٹریبیونل دستاویزات کو بکطرف پر رکھ کر ملزمان کے من لسنڈیشن کمرہ کاغذات پر رپورٹ صرف کیے گئے ہیں جس میں من سابقہ C کو اپنا اختیار عطا استعمال کرنے کے ذمہ دار ٹھہرایا ہے اور ملزمان کو بے گناہ قرار دی ہے اور جناب DAC میں کو حقیقت کے برعکس رپورٹ میں کرتے ہیں کہ ملزمان کے نام مقدمہ قضا سے خارج ہوئی ہے۔ اگر جناب DAC میں مناسب سمجھے تو من سمیت C خارجہ قیادار خان اور انکوائری کمیٹی حصران ہمراہ مثل مقدمہ طلب کیے جائے تاکہ میں غام ملزمان کے کردار ٹریبیونل ٹیمر کیا ہو واضح کر سکوں تمام دیگر دستاویزات کے کاغذات لپور ٹیمر کے خلاف جواب دہ ہے

Amir
Rizwan
Amir

اسلئے استدعا ہے کہ ان ہی شواہد و دستاویزات میں

کزدہ کے روشنی میں پیرس حلاف جارج کزدہ (EXPLANATION)

یلا حیدر قلمانہ کاروائی داخل دفتر فرمائی جاوے گی

INSPIWACE Pesh
17-5-2018

Aliqun
Pesh
Raza

27



IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No 4695/112017

1. Qazi Aslam S/o Sarfaraz Khan, Circle Officer, Anti Corruption Establishment, Police Station CharsaddaPetitioner

V E R S U S

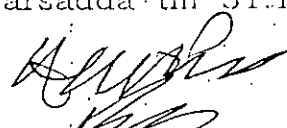
1. Govt of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Director Anti Corruption Establishment Opposite, Rehman Medical Institute (RMI) Phase-5, Hayatabad Peshawar.
3. Inspector General Of Police / Provincial Police Officer, Central Police Office, Peshawar..... Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN FOR DIRECTION/DECLARATION/ORDER TO THE EFFECT THAT TRANSFER OF PETITIONER FROM THE POST OF CIRCLE OFFICER (C.O) ANTI CORRUPTION ESTABLISHMENT CHARSADDA TO THE SPECIAL INVESTIGATION WING (S.I.W) HEAD OFFICE ANTI CORRUPTION ESTABLISHMENT AND THEREAFTER, REQUIRING RESPONDENT No. 3 TO CALL HIM BACK TO POLICE ARE BASED ON MALA-FIDE FAVORITISM AND EXTRANEOUS CONSIDERATION AND HENCE LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Brief facts leading to this Writ Petition are as under:-

1. That petitioner belongs to Police Service of Khyber Pakhtunkhwa and was posted as Sub Inspector in police lines Peshawar when his services were required by respondent No. 2 and accordingly he was transferred to Anti Corruption Establishment and was posted as ACO(Additional Circle Officer) Anti Corruption Establishment Charsadda. Thereafter he was posted as Circle Officer Charsadda in his own pay scale and then went for upper course at Hangu in October,2011 and returned on 09.04.2012. He was posted as Circle Officer at Nowshera. In January 2013 he was transferred and posted Circle Officer Charsadda. In October,2014 he was transferred and posted as Circle Officer Malakand. In June, 2016 petitioner was transferred and posted Circle Officer Charsadda till 31.10.2017 when the impugned order was passed.



2. That while posted as Circle Officer, Anti Corruption Establishment Charsadda petitioner was summoned by Hon'able Peshawar High Court Peshawar to perform certain duty in a Writ Petition No. 2028-P/2017 titled "Mst. Zia Gul vs Govt of Khyber Pakhtunkhwa and others" in which appointment order of petitioner Mst. Zia Gul was challenged as fake. Hence, the parties agreed that the matter be referred to Anti Corruption Establishment for inquiry and necessary action, detail of which are clearly reflected in order dated 14.9.2017 passed by Division Bench in Writ Petition No. 2028-P/2017; with COC No. 477/2017. Copy of order dated 14.09.2017 is annex "A".

3. That in the above matter the Hon'able Peshawar High Court Peshawar has asked Director Anti Corruption Establishment to inquire into and submit report within 15 days, hence, petitioner was entrusted with the task who visited Battagram, Manshera, Bajur Agency, Khyber Agency, and District Peshawar in which other fake appointments were traced. Accordingly the petitioner registered FIR No.2 in Anti Corruption Establishment Charsadda on 09.10.2017 in which the petitioner named charged twenty persons i.e five ladies as the real beneficiaries and fifteen others who had played a role in the fake appointments orders. Copy of FIR No.2 dated 09.10.2017 is annex "B".

4. That when on 11.10.2017 again Writ Petition No. 2028/2017 with COC No. 477/2017 were fixed for hearing before Division Bench of Hon'able Peshawar High Court Peshawar the petitioner produced the record of open inquiry conduct in compliance of the order of the Hon'able High court dated 14.09.2017, the Writ Petition was held infructuous and thus was dismissed. Copy of the order dated 11.10.2011 is annex "C"

5. That dismissal of Writ Petition as well as the registration of FIR No.2 by the petitioner provoked a host of people including MPAs and Bureaucrats, initially pressurizing the petitioner to exonerate all the accused and in particular District Education Officer (Female) Peshawar and District Education Officer (Female) Charsadda which the petitioner could not and thus he refused to back track the findings regarding all the accused.

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- 6. That when the petitioner did not accept any pressure, Safarish and/or request he was threatened of dire consequences like his immediate transfer or even dismissal from service but the petitioner resisted all such acts/threats and refused to back out from the findings which resulted into FIR No. 2 aforementioned and already annexed herewith.
- 7. That petitioner was informed by Director Anti Corruption Establishment that he has performed well and has done his duty but he is not in a position to defend him. Consequently the petitioner was transferred from the post of Circle Officer Anti Corruption Establishment Charsadda and was posted to Special Investigation Wing (S.I.W) Anti Corruption Establishment Head Office Peshawar vide impugned office order dated 31.10.2017. Copy of the impugned transfer order dated 31.10.2017 is annex "D".
- 8. That on direction of respondent No.1 Director Anti Corruption Establishment wrote to the Inspector General of Police (Respondent No.3) for the withdrawal of the petitioner from Anti Corruption Establishment and to repatriate him to regular police.
- 9. That the petitioner is mortally aggrieved of the impugned actions/orders against him taken by the respondents as the petitioner deserve appreciation and reward but instead he has been punished, hence he approaches this Hon'able court against the malafide actions for the following amongst other grounds:

GROUND S

- A. That the impugned action against the petitioner is prime-facie based on mala-fide, misuse of authority, against the rules and principles of policy.
- B. That the petitioner having acted fairly and in accordance with law in pursuance of the orders of this Hon'able court deserves appreciation but instead he has been willfully punished and the mala-fide, malice and ill will are floating on the surface of the record.

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 11/11/17

C. That petitioner has been treated unequally against the law and thus deprived of equal protection of law as contemplated by Art-4 of the Constitution. (4)

D. That when the petitioner fairly investigated the case, located the accused and pinpointed the role of every accused, his performance needed approval and appreciation. But he was punished and thus flagrantly discriminated.

E. That the petitioner is filing this Writ Petition based on the verdict of Supreme Court reported in PLD 2013 SC-195, and therefore the alternate remedy of moving Service Tribunal was not resorted to as the service of representation then waiting for reply and thereafter, moving the Service Tribunal would render the cause of action of petitioner as zero, hence this writ petition is filed mainly on the basis of mala-fide malice and ill will and same is genuinely needs to be adjudicated by this Hon'able Court.

It is therefore, most humbly prayed that by acceptance of this Writ Petition the impugned office order No. 16670-73/ACE dated 31.10.2017, may please be struck down based on malafide, malice, ill will as petitioner performed in pursuance of order of Hon'able Peshawar High Court Peshawar and his refusal to accept any pressure, Safarish, against FIR No. 2 dated 9.10.2017, Police Station ACE Charsadda should have an appreciation for him rather than the punishment awarded to him illegally.

Any other relief not specifically prayed but deemed just and fair in the given facts and circumstances of the case may please be allowed.

*Aliqul
Khan
Counsel*

(31)



INTERIM RELIEF.

By way of interim Relief that the impugned office order No. 16670-73/ACE dated 31.03.2017 may please be suspended till the decision of this writ petition.

Petitioner

Through

A. Lateef Afridi

Khalid Anwar Afridi

And

Sajeed Khan Afridi

Advocates Peshawar

CERTIFICATE

It is certified that no such like writ petition has earlier been filed by the petitioner in this Honorable court. It is further stated that being the writ petition on the score that since there is no adequate and alternate legal remedy is available or previously availed or approached lower forum thus this case may be fixed before the worthy Division Bench (D.B) of this Honourable Court.

LAW BOOKS:

1. Constitution of Pakistan
2. any Law Book as per need

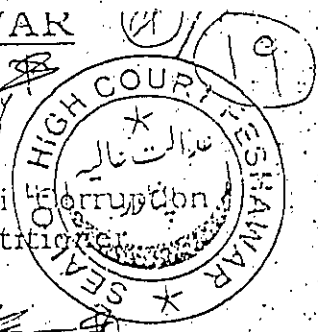
ADVOCATE

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THE PESHAWAR HIGH COURT PESHAWAR

W.P No 4699 P / 2017

(B)



1. Qazi Aslam S/o Sarfaraz Khan, Circle Officer, Anti Corruption Establishment, Police Station Charsadda Petitioner

VERSUS

- 1. Govt of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
- 2. Director Anti Corruption Establishment Opposite , Rehman Medical Institute (RMI) Phase-5, Hayatabad Peshawar.
- 3. Inspector General Of Police / Provincial Police Officer, Central Police Office, Peshawar..... Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN FOR DIRECTION/DECLARATION/ORDER TO THE EFFECT THAT TRANSFER OF PETITIONER FROM THE POST OF CIRCLE OFFICER (C.O) ANTI CORRUPTION ESTABLISHMENT CHARSADDA TO THE SPECIAL INVESTIGATION WING (S.I.W) HEAD OFFICE ANTI CORRUPTION ESTABLISHMENT AND THEREAFTER, REQUIRING RESPONDENT No. 3 TO CALL HIM BACK TO POLICE ARE BASED ON MALA-FIDE FAVORITISM AND EXTRANEOUS CONSIDERATION AND HENCE LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Brief facts leading to this Writ Petition are as under:-

1. That petitioner belongs to Police Service of Khyber Pakhtunkhwa and was posted as Sub Inspector in police lines Peshawar when his services were required by respondent No. 2 and accordingly he was transferred to Anti Corruption Establishment and was posted as ACO(Additional Circle Officer) Anti Corruption Establishment Charsadda. Thereafter he was posted as Circle Officer Charsadda in his own pay scale and then went for upper course at Hangu in October,2011 and returned on 09.04.2012. He was posted as Circle Officer at Nowshera. In January 2013 he was transferred and posted Circle Officer Charsadda. In October,2014 he was transferred and posted as Circle Officer Malakand. In June, 2016 petitioner was transferred and posted Circle Officer Charsadda till 31.10.2017 when the impugned order was passed.

ATTESTED
EXAMINER
Peshawar High Court

21 DEC 2017

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Khan
C.A.M.A.

FILED TODAY
Deputy Registrar

19 NOV 2017

PESHAWAR HIGH COURT PESHAWAR
FORM "A"
FORM OF ORDER SHEET



Court of.....

Case No.....

[Handwritten signatures and scribbles]

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
<p>4801</p> <p>of Presentation of Application..... 2/12/17</p> <p>Pages..... 04 - P</p> <p>Rs 16/-</p> <p>Preparation of Copy..... 2/12/17</p> <p>Delivery of Copy..... 2/12/17</p> <p>By..... <i>Walayatullah</i></p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examiners Peshawar High Court, Peshawar Authorized Under Article 87 of the Constitution of Pakistan Order 1992</p> <p>21 DEC 2017</p>	<p>20.12.2017</p>	<p><u>WP No. 4699-P/2017 with CM No. 2435-P/2017 with I.R</u></p> <p>Present: Mr. Abdul Latif Afridi, Advocate for petitioner.</p> <p>*****</p> <p>Mr. Rab Nawaz Khan, AAG present in Court was put on notice who stated that he will take the case of petitioner on personal level with the Provincial Government and will also file reply. May do so well before the next date of hearing.</p> <p><u>CM No. 2435-P/2017.</u></p> <p>Worthy AAG accepts notice of the instant CM. In the meanwhile the petitioner shall not be dislocated from the present posting till the next date of hearing.</p> <p><i>Mr. Justice Rooh-ul-Amin Khan</i></p> <p><i>Mr. Justice Syed Afsar Shah</i></p>

Jutsaan

(DB)

Mr. Justice Rooh-ul-Amin Khan & Mr. Justice Syed Afsar Shah

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,
JUDICIAL DEPARTMENT.

WP No. 4699-P/2017 with COC No. 32-P/2018 and CM
No. 2435-P/2017.

JUDGMENT

Date of hearing.....19.4.2018.....

Petitioner(s) by Mr. Abdul Latif Afridi, advocate.

Respondent (s) by Syed Qaiser Ali Shah, AAG, alongwith Mir
Faraz, Director Legal.

YAHYA AFRIDI, CJ.- Petitioner Qazi Aslam seeks the
constitutional jurisdiction of this Court praying that:

It is, therefore, most humbly prayed
that by acceptance of this writ petition the
impugned office order No. 16670-73/ACE dated
31.10.2017 may please be struck down based on
malafide, malice, ill will as petitioner performed
in pursuance of order of Honourable Peshawar
High Court Peshawar and his refusal to accept
any pressure, Safarish, against the FIR No.2
dated 09.10.2017, Police Station ACE
Charsadda should have an appreciation for him
rather than the punishment awarded to him
illegally.

2. At the very outset, worthy counsel for respondent
submitted that the petitioner has been repatriated to the Anti
Corruption Establishment and hence the instant petition has
become infructuous.

3. It is disheartening to note the petitioner has been
transferred immediately after initiating criminal proceedings

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against certain *important persons*. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

Instant petition is disposed of, accordingly.

Announced on;
19th of April, 2018
"Zawhad"

CHIEF JUSTICE

JUDGE

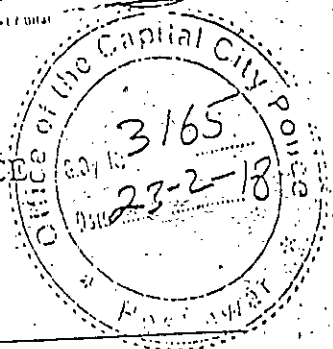
(DB) Hon'ble the Chief Justice Mr. Justice Yahya Afridi and Mr. Justice Rooh Ul Amin Khan

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



ORDER.

This office order issued No. 4241-43/E-III, dated 16.11.2017 so far its relates to the repatriation of Qazi Aslam SI No. P/34 from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar is hereby cancelled in compliance with Honorable Peshawar High Court Order dated 20.12.2017 passed in WP from 4499-P/2017 with immediate effect.

(SHER AKBAR)
PSP, S.St

Deputy Inspector General of Police HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

No. 387-89 /E-III. Dated Peshawar, the 23/02 /2018.

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

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar w/r to his office letter No. 1770/EC-II, dated 24.01.2018.
3. Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 16920/ACE, dated 08.11.2017.

- C.C.P.O.
- SSP/O
- SSP/I
- SP/Cantt
- SP/City
- SP/Rural
- SP/Sec
- SP/HQ
- SP/T.O
- SP/T. HQ
- DSP/L/O/S
- P.O./C.C.
- "A/EC-II"
- "C.C."

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

No. 3080-24/EC-II, dated Peshawar, the 2/2/2018.

Copy of above is sent for information and further necessary action w/r to this office endst: No.12889-92/EC-I, dated 21.11.2017 to:-

1. SSP/Operations, Peshawar.
2. PO, AS, CC, EC-I.

FOR CAPITAL CITY POLICE OFFICER
PESHAWAR.

23/2/18

Kamran o/c

26/02 (2)

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DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT,
KHYBER PAKHTUNKHWA,
PESHAWAR.

[Handwritten signatures and initials]

OFFICE ORDER

On eve of cancellation of transfer order of Qazi Aslam issued vide PPO order No.387-89/E-III, dated.23.02.2018 Inspector Qazi Aslam No.P/34 is hereby posted at Special Investigation Wing (HQ) ACE, Peshawar with immediate effect.

[Signature]
Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

No. 3788-3804 /ACE Dated 2/03/2018.

Copy forwarded for information & necessary action to the:

1. Registrar Peshawar High Court Peshawar.
2. PS. to Chief Secretary Khyber Pakhtunkhwa Peshawar.
3. PS. to Secretary Establishment Khyber Pakhtunkhwa Peshawar.
4. PA to Director, ACE, Peshawar.
5. DIG of Police (HQ) Khyber Pakhtunkhwa Peshawar.
6. Assistant Director Special Investigation Wing (HQ) ACE, Peshawar.
7. Officials concerned.

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Reader for Record

AD/SIW/2

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Mst. Ulfat Bigum d/o Kifayat Ullah presently posted as DEO, Peshawar and others.
(Petitioners)

Versus

Govt. of Khyber Pakhtunkhwa through Chief Secretary civil secretariat, Peshawar and others.
(Respondents)

Subject:- WRITTEN REPLY ON BEHALF OF RESPONDENT NO.02 & 03.

1. That Para No.01 is correct, hence No comments.
2. That in reply/comments to Para No.02, it is submitted that the duration of appointment from 31-05-2011 to 31-08-2013 of Petitioner No.01 Mst. Ulfat Begum is correct, while orders of female DM teacher namely Mst. Zia Gul and Arabic Teacher namely Mst. Niggat Seema at Battagram and thereafter, their transfer orders dated: 27-01-2011 and 16-11-2012 from District Battagram to District Charsadda are fake and bogus. As per our inquiry there is no valid record of their appointments or transfer in the Directorate of Elementary and Secondary Education, Peshawar. (Reports from the District Education Officer, Female District Battagram and the Directorate of Elementary and Secondary Education, Peshawar are attached herewith as annexure "A" & "B"). The petitioner No.01 issued an NOC for the transfer of Mst. Hasrat Begum (ET, who as per our inquiry was also appointed on the basis of a bogus and fake appointment order. (The NOC so issued is attached herewith as annexure "C").
3. That Para No.03 is incorrect as, when Mst. Zia Gul and Mst. Niggat Seema were transferred from District Battagram to District Charsadda on the basis of bogus and fake orders, the petitioner No.01 did not verify the transfer orders of the above mentioned female teachers from DEO, Female District Battagram and prepared a bogus and fake verification letter on the basis of which salaries issued to the accused teachers. (The bogus verification letter in this regard is attached as annexure "D"). The bogus transfer order from District Battagram to District Charsadda is from DEO, Female District Battagram instead of Directorate of Elementary and Secondary Education, Peshawar as the later is the competent authority.
4. That Para No.04 is correct, hence No comments.
5. That as per Para No.05, hence No comments.
6. That Para No.06 is also incorrect as the petitioner No.02 namely Mst. Sofia Tabbasum DEO, female District Charsadda admitted in Para No.05 that appointment orders of female teacher Mst. Zia Gul, DM and two other teachers were verified from DEO, female District Battagram which were

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declared fake and bogus, then the question arises that why petitioner No.02 did not initiate legal action against the above mentioned delinquent female teachers or brought the matter in the notice of her High Ups. Worth mentioning here that letters regarding fake and bogus transfer order of Mst. Sania Wali SST, issued from the Directorate of Elementary and Secondary Education, Peshawar vide letter No. 3397 dated: 18-05-2017 to petitioner No.02 for order and sending her record to the Directorate of Elementary and Secondary Education, Peshawar but she failed to do so, in this respect another letter bearing No.2463 dated: 14-09-2017 was also issued to the petitioner No.02. (Copies of letters are attached herewith as annexure "E", "F", "G" & "H"). Furthermore, an inquiry was conducted regarding female teachers Mst. Sania Wali SST by the inquiry committee in which it was held that she mis-appropriated Rupees Seven Lacs and also vanished the record and action was proposed against her. (Copy of the inquiry is attached as annexure "I"), astonishingly petitioner No.02 did not take action and transferred her from GHS, Daulat Pora District Charsadda to GGCMS, Daki District Charsadda vide order No. 6691/95 dated: 29-08-2017 against the said delinquent teacher. Intentions of the petitioner No.02 regarding her failure is cleared from the said transferred orders. (Copies of orders are attached herewith as annexure "J").


7. That Para No.07. Is correct, hence no comments.
8. That no comments regarding Para No.08.
9. That Para No.09 is correct, hence no comments.
10. That no comments regarding Para No.10.
11. That Para No.11 is also incorrect, as during open inquiry all documents were collected from the concerned departments regarding their duties, negligence, cheating and corrupt practices on the basis of which a case bearing FIR No.02 dated: 09-10-2017 U/S 409/418/419/420/468/471/474/477-A PPC/5(2) PC Act, was registered in PS ACE, District Charsadda against all the accused including petitioners. (Copy of FIR is annexed as annexure "K" and Inquiry/Final report is annexed as annexure "L").
12. That no comments regarding Para No.12.
13. That Para No.13 is also incorrect, as the case was registered after fulfillment of all the legal requirements i.e complete inquiry and on the basis of documentation in which roles of every accused is clear and accusing one.


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C. M. M.

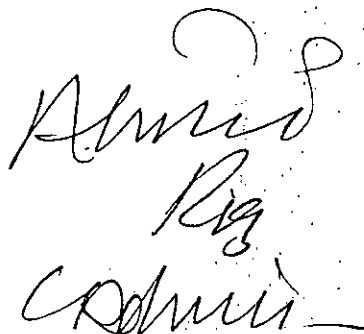
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GROUNDS

- A. Para-A of the ground is misconceived by petitioners, hence denied.
- B. Para-B of the ground is incorrect, hence denied. The Competent Authority is empowered under Rule-6 (a) Anti-Corruption Establishment, 1999, to initiate proceedings against the delinquents. (Annexure-M)
- C. Para-C of the ground pertains to record, hence no comments. However, the verification of transferee teachers were made through bogus and fake letters.
- D. Para-D of the ground pertains to record, hence no comments.
- E. Para-E of the ground is incorrect and misconceived by petitioners. It is worth mention to note that whenever any person is involved in any offence and FIR has been lodged against him, and specially in circumstances where no restraining order of investigation is passed by the court or accused is not on BBA then the investigation agency is empowered to initiate absconding proceedings against him.
- F. Para-F of the ground is incorrect and misconceived by petitioners. Hence denied. There is sufficient evidence against the accused which connect them with commission of offence, however, the case is under investigation and if other co-accused are found involved in the case the same will be implicated as per law.
- G. Para-G of the ground is incorrect, hence denied. The Investigation Officer is a devoted and honest officer and investigate the case without any fear or favour and have no ill will against the accused.
- H. Para-H of the ground is misconceived, hence denied. The petitioners No3 to 6 are charged by name in FIR, the case is under investigation and yet challan is not forwarded to the court, however, if during investigation they are found innocent, then accordingly, they will be dealt as per law.
- I. Para-I of the ground is incorrect, hence denied. Detail reply is given in Para-II.
- J. Para-J investigation is under processes and their role will be ascertained accordingly.

It is, therefore, requested that as the petitioners have not come to the court with clean hands and they are involved in the offence cleared from the inquires and the documentations attached herewith, therefore, writ petition in hand may kindly be filed/dismissed.


(Respondent No.3)
Circle Officer,
Police Station,
Anti-Corruption Establishment,
Charsadda.


(Respondent No.2)
Director,
Anti-corruption establishment,
Khyber Pakhtunkhwa
Peshawar.


Admitted
Rg
Admitted

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The Director Anti Corruption (Establishment),
Khyber Pakthunkhwa Peshawar.

SUBJECT:- APPEAL / DROPPAGE OF NAME FROM FIR NO.02 DATED 09/10/2017
U/S 218/409/418/419/420/468/471/474/477A PPC R/W5(2) PC ACT PS ACE
CHARSADDA.

Respected Sir,

I very humbly submitted appeal as under:-

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9/11/18

1. My name is Mst. Sofia Tabbassum presently performing duty as a District Education Officer (Female) Charsadda since 21/02/2016.
2. My Name is Ulfat Begum presently duty as D E O (Female), Peshawar
3. That the above mentioned FIR registered against the applicant without any reason and against the Law, the applicant has not committed any illegality, the mentioned female teachers in FIR Mst. Sania Wali and others who were initially appointed SST and various cadres were not falls in the ambit and Jurisdiction of the applicant because they were appointed in Out District and also transferred from out District.
4. That the Department constituted enquiry committee to probe into the matter on Departmental side, the facts findings of the enquiry committee according to the available record, fixed all responsibility on District Education Officer (Female) Mansehra and Battagram. Hence the applicant never remained posted in District Battagram and Mansehra, and the applicant was not remained appointing or transfer Authority of the fake and bogus teachers. (Copy of the enquiry appended)
5. That the applicant raised the illegality of the fake and bogus teachers which are mentioned in FIR, the applicant send the transfer order of the impugned teachers for verification, consequently the transfer posting Authority (Director E & SE), according to no record available, which has been found fake and bogus. (Copies of letters appended)
6. The Section 23-A of the Civil Servant Act 1973 is very much clear on the point that no suit prosecution or other legal proceeding shall lie against a Civil Servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules instructions or directions made or issued their under.

No 597
10/11/2018
AD/Mansehra.

Pl. put up
on relevant
file.

9-1-18
DAC

C.O. Charsadda

pl. put up on re
file as directi
worthy DAC.

ADMS
RIN

No-182-05-ADC
Date-19-01-2018

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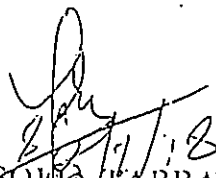
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7. We at the very outset deny the allegation against us. We have never committed a or omission which can be lead registered FIR, just I raised fake and bogus teachers allegation against us are baseless.

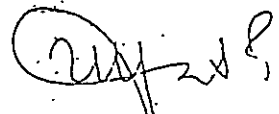
It is therefore humbly prayed that accept our request/ Appeal and our name kindly be dropped from the above mentioned FIR please.

Dated : _____/2018

Yours Sincerely



(MST SOHEA ABBASSUM)
D E O (FEMALE) CHARSADDA



(MST ULFAT BEGUM)
D E O (FEMALE) PESHAWAR

Admitted
R. A. Admitted

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NAMES FROM F.I.R. NO 2 DATED 09.10.2017 U/S
18/409 418/419/420/468/471/474/477-A PPC r/w 5(2)PC ACT at PS ANTI
CORRUPTION CHARSADDA.

With humble submission it is submitted that the applicants are serving in Education Department and presently posted at various offices/School as Clerks. We are performing our duties with great devotion and all of us never indulged in any kind of illegal corrupt practice.

The Ex -Circle Officer ACE Charsadda Mr. Qazi Aslam was pressuring us to fulfill his illegal demand and trying to drag us in false complaints /inquires and criminal case.

That the said delinquent Officer falsely involved us in the case FIR NO 02 U/S 218/409 418/419/420/468/471/474/477-A PPC r/w 5(2)PC ACT at PS Anti Corruption Charsadda Dated 9.10.2017 in which we obtained interim bail from worthy Special Judge Anti Corruption Khyber Pakhtunkhwa Peshawar.(Copy of FIR Attached)

That we have no concern with the appointments, transfers and release of pay of the accused mistresses as we are not competent to do so.

That we all are innocent and charged in the above mentioned FIR falsely.

It is therefore humbly requested that our names may kindly be dropped from the above mentioned FIR please.

Yours Obediently

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- 1) SARTAJ J/CLERK O/O CHS NO 1 CHARSADDA.
- 2) MAZHAR HUSSAIN J/C at o/o DEO(F)Charsadda.
- 3) Muhammad Ishaq S/Clerk SDEO(F)Charsadda.

ADC/Nowshera
For comments

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D.A.C

No 18853
20/11/17

C.O Charsadda
For Comments please

No: 168 - SADC/NSR
22-12-17

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ADC

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Committee Report

APPLICATION OF ACCUSED SOFIA TABBASSUM, ULFAT BEGUM, SIRTAJ UNION CLERK, MUHAMMAD ISHAQ AND MAZHER HUSSAIN CLERKS IN CASE FIR NO.2 DATED 09.10.2017 U/S 218,409,419,420,468,471,477 A PPC / 5 (2) PC ACT POLICE STATION ANTI-CORRUPTION ESTABLISHMENT CHARSAZZA.

Sir,

1. Joint application of Mst Sofia Tabassum, and Ulfat Begum D.E.Os, application of Sirtaj Clerk etc with enquiry reports of Circle Officer Charsadda and opinion of ADL-II reveal that the applicants officials have been arrayed as accused in above FIR by Ex Circle Officer Charsadda (Qazi Aslam) without bringing solid proof on casefile. Ex DEOs Mst Sofia and Ulfat Begum have detected the bogus/forged appointment orders of teachers Zia Gul, Hassrat Nighat Sema and Sania Wali etc and initiated departmental action with stoppage of their pays but Ex CO/I.O instead of their active role, has placed their names in list of accused. During subsequent investigation, it transpires that they are Competent Prosecution witnesses. So we agree with the re-investigation report of Circle Officer Charsadda. Their names may be dropped from FIR and placed in list of prosecution witnesses.
2. Furthermore report dated Nil of Circle Officer Charsadda regarding the innocence of accused Surtaj Clerks etc reveals that no proof/evidence was found on record to connect the accused officials with the offence. They have been booked in the FIR mere on presumption and surmises which has no evidentiary value in court of law.
3. Keeping in view the above facts and investigation reports of Circle Officer Charsadda and opinion of ADL-II, names of all applicants may be dropped from FIR and names of Mst Sofia Tabbassum and Mst Ulfat Begum DEOs may be cited as prosecution witnesses.
4. Ex Circle Officer Charsadda (Qazi Aslam) has not properly investigated the matter in accordance with facts and wrongly arrayed officials as accused without solid proof. Thus he has misused his official power for which he may be dealt departmentally if agreed please.

AD Adm

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AB
Adm

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Athir Anjam
Prosecutor-II

[Signature]
[Signature]
OWS NAWAZ
Prosecutor II

[Signature]
Assistant Director-Legal-I
Anti-Corruption Establishment
Peshawar.
07-05-2020

W- D/A C P12.
Para 3 + 4 approved.
Please proceed further.

[Signature]
15/3/20

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ANNEX F
IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 3771-1 /2019

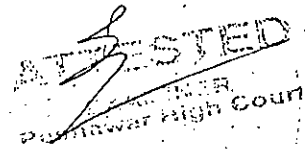
Qazi Aslam S/o Sarfaraz Khan
Inspector, Special Investigation Wing (SIW),
Anti-Corruption Directorate,
Phase-V, Hayatabad, Peshawar.....



Petitioner

V E R S U S

1. Director Anti-Corruption,
Directorate of Anti-Corruption,
Opposite Rehman Medical Institute (RMI),
Phase-V, Hayatabad, Peshawar
2. Inspector General of Police, KPK
Central Police Officers, Peshawar
3. Govt of KPK through Chief Secretary,
Civil Secretariat, Peshawar
4. Secretary Establishment
Govt of KPK,
Civil Secretariat, Peshawar.....



Respondents

Writ petition under Article 199 of the
Constitution of Islamic Republic of Pakistan,
1973 for issuance of direction, declaration
and order that the transfer of petitioner from
the post of Special Investigation Wing (SIW),
Director Anti-Corruption Establishment vide
impugned letter by respondent No.1 to
respondent No.2 bearing letter
No.AD(Admn)DACE-2/ Officials/M-
F2019(Vol-II)11455 dated 12.06.2019 and on
the basis of said letter, the repatriation order
No.1460/E-III dated 13.06.2019 alongwith

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relieving order No.11685-94 dated 17.06.2019 by respondent No.1 and office order No.11695-11704 dated 17.06.2019 regarding the demotion of petitioner from BPS-16 to BPS-14, is malafide, illegal and are proceeding without jurisdiction and lawful authority, lack of extraneous consideration and liable to be struck down.

Respectfully Sheweth:

The facts leading the filing of instant writ petition are:

1. That the petitioner belong to police service of Khyber Pakhtunkhwa and was initially posted as Sub-Inspector in Police Department, when his services were required by respondent No.1, accordingly he was transferred to Anti-Corruption Establishment and was posted as Additional Circle Officer (ACO) in Anti-Corruption Establishment at Charsadda.
2. That the petitioner rendered unblemished services in Anti-Corruption Department and then went for upper course of department at Hangu in October, 2011 and returned in April, 2012. He was posted as Circle Officer in Nowshera, then as Circle Officer, Charsadda and thereafter Circle Officer, Malakand.

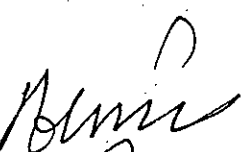


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 Justice
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3. That in June, 2016, petitioner was transferred and posted as Circle Officer, Charsadda.
4. That writ petition No.2028-P of 2017 was instituted before this Hon'ble Court by one Mst. Zia Gul against stoppage of her salary by Education Department, Charsadda, whose appointment was later on proved to be bogus and fake, resultantly, this Hon'ble Court vide order dated 14.09.2017 directed Anti-corruption Director to conduct a free and fair inquiry in the matter regarding the malpractices in employment and recruitment process in Education Department, Charsadda and also directed to take an action against the those high-ups involved in the matter of malpractices of appointment. (Copy of order of this Hon'ble Court dated 14.09.2017 is Annexure "A").
5. That inquiry was marked to petitioner by respondent No.1 vide its order dated 05.10.2017.
6. That the petitioner conducted the said inquiry and as a result of inquiry FIR No.2/2017 was got registered against at-least 20 culprits involved in the matter and thus direction of this Hon'ble Court were obeyed in letter and spirit, and compliance report was submitted to this Hon'ble Court on 11.10.2017. (Copy of FIR No.2/2017 is Annexure "B").
7. That due to involvement of high-ups of Education Department, in the crime and due to honest and

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straightforward attitude of the petitioner, the high-ups were annoyed, hence, with malafide intentions, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017. (Copy of order dated 16.11.2017 is Annexure "C").

- 8. That petitioner instituted writ petition No.4699-P of 2017, whereby challenged the transfer and repatriation order dated 16.11.2017.
- 9. That on 20.12.2017, this Hon'ble Court was pleased to order that petitioner shall not be dislocated from present posting till next date. (Copy of order of this Hon'ble Court dated 20.12.2017 is Annexure "D").
- 10. That due to non-compliance of order dated 20.12.2017, COC No.32-P of 2018 was also filed on 11.01.2018.
- 11. That lateron, transfer order was cancelled and the petitioner was given posting in Special Investigation Wing (SIW) at Hayatabad Peshawar (copy of cancellation order dated 23.02.2018 and 02.03.2018 are Annexure "E & E/1" and order of this Hon'ble Court dated 19.04.2018 is attached as Annexure "E/3") whereby this Hon'ble Court while disposing-off the writ petition has stated for treatment of the case of petitioner in accordance to law.

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12. That since the matter of FIR No.2/2017 is still subjudice before this Hon'ble Court for quashment and respondent No.1 exonerated so many accused official BPS-18 and others pending the writ petition No.4315-P of 2017 of Mst. Ulfat Begum BPS-18 and Mst. Sofia Tabassum BPS-18 and so many other cases bearing writ petitions Nos.140/2018, 102/2018, 1024/2018, but, illegally the respondent No.1 has exonerated BPS-18 and other officials from the charges of FIR. (Copies of exoneration orders are attached as Annexure "F").

13. That the power to exonerate from FIR, BPS-18 officers only vest with the Chief Secretary of Province of Khyber Pakhtunkhwa, but, the respondent No.1/ Director Anti-Corruption Establishment has exercised illegally the said powers and misused his authority and abused his official position as public servant.

14. That in the above scenario, with malafide and to keep all in darkness from the illegal activities and goals of respondent No.1, the repatriation and transfer of petitioner was necessitated by respondent No.1 by writing letter No.AD(Admn)/ DACE-2/M-F/2019 Vol-III1455 dated 12.06.2019 (impugned herein) to respondent No.2, who vide impugned office order No.1460/E-III dated 13.06.2019 repatriated the services of the petitioner to parent district. (Copy of letter dated 13.06.2019 is attached as Annexure "G" while letter dated

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(Admn)*

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~~Case No. 10/19~~

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12.06.2019 is mentioned in the footnote of letter already Annex "G").

15. That the respondent No.1 afterwards issued a letter/ office order No.11685-94 dated 17.06.2019 relieving the services of petitioner from Anti-Corruption Establishment, KPK. (Copy of letter dated 17.06.2019 is attached as Annexure "H").
16. That the height of malice and ill-will is apparent that after relieving the petitioner, the respondent No.1 issued impugned office order No.11695-11704 dated 17.06.2019, whereby the petitioner was demoted from Inspector BPS-16 to Sub-Inspector BPS-14. (Copy of office order dated 17.06.2019 is attached as Annexure "I").
17. That things and illegal actions were not stopped, but, the petitioner's salary was not at all transferred to bank (bank statement is Annexure "J") and neither any last pay slips (LPC) is issued and further the service number of the petitioner is P/34 District Peshawar while in the relieving order, the service number of the petitioner was also wrongly mentioned P/502 District Rang Mardan, so that to increase the difficulties and hardships of the petitioner.
18. That the petitioner being aggrieved from the aforesaid impugned letters/ orders/ actions and malafide inactions, enumerated above, having no

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other alternative and efficacious remedy, is constrained to file the instant writ petition, on the following grounds, inter alia:

GROUND:-

A. That impugned letter No.12.06.2019 of respondent No.1 to respondent No.2 for withdrawal of petitioner from Anti-Corruption and repatriated order No.1460/E-III dated 13.06.2019 issued by respondent No.2, is based on malafide, against rules and policy of government and as such clear-cut violation of order dated 19.04.2018 passed by this Hon'ble Court in writ petition No.4699-P of 2017, hence, not tenable and impugned letters of respondents are liable to be struck down.

B. That impugned office order No.11685-94 dated 14.06.2019 and consequently after relieving petitioner, the impugned office order No.11695-11704 dated 17.06.2019, whereby the petitioner is demoted, from post of Inspector BPS-16 to Sub-Inspector BPS-14, is without lawful authority, jurisdiction, in disregard to the rules and law applicable to the matter, thus, the same is void ab-initio and liable to be set aside and be declared null and void.

C. That petitioner being an honest officer, acted fairly, justly and completed inquiry on compliance of order of this Hon'ble Court and although he deserve

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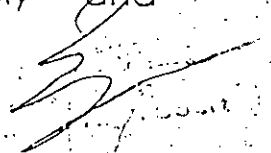
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the appreciation but instead he has been willfully punished despite clear-cut orders of this Hon'ble Court dated 19.04.2018, hence, the attitude of respondent No.1 and others is very much malafide and illegal, apparently floating on the surface of record.

- D. That petitioner has not been treated in accordance to law as contemplated under Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That petitioner honestly investigated the case, registered in FIR No.2/2017, but, he was punished and discriminated.
- F. That the petitioner has not been treated in accordance with law and discriminated just to benefit the blue-eyed by exonerating them illegally from case, thus, respondent No.1 misused his authority.
- G. That the petitioner's case is being based on judgment rendered by Apex Court reported in PLD 2013 SC 195, since the action of respondents is malafide and based on malice and ill-will and the earlier writ petition on similar cause of action/ locus standi was entertained by this Hon'ble Court, hence, in circumstances, the alternative remedy of Service Tribunal is not resorted to as the service of representation, then waiting for reply and

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approached to Tribunal would destroy the cause of action of petitioner.

- H. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-II/11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on malafide, malice, ill-will as petitioner performed its duty as per order of this Hon'ble Court without any influence and pressure by registering Case/ FIR No.2/2017 for which there should be appreciation and as not punishment.

It is further prayed that, directions be issued to respondents to release the salary of petitioner for the monthly of July, 2019 and onward.

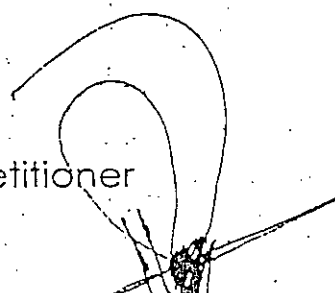
Any other remedy deems fit and appropriate in the circumstance of the case may also be granted in favour of the petitioner.

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INTERIM RELIEF

As an interim relief, this Hon'ble Court may graciously be pleased to suspend the operation of impugned letters dated 12.06.2019, 13.06.2019, 17.06.2019 and demotion letter dated No.11695-11704 dated 17.06.2019, till the final decision of the instant writ petition.

It is further prayed that the respondent No.1 be directed to release the salary of the petitioner for the month of June, 2019.

Through  Petitioner
Malik Haroon Iqbal
Advocate Supreme Court

&

Abbas Khan Mohmand
Advocate High Court

Dated 9/07/2019

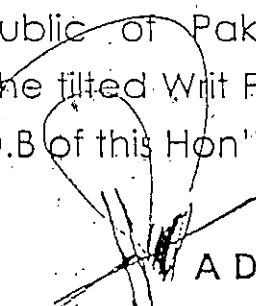
CERTIFICATE:

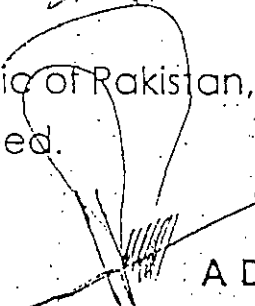
Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter, thus the filed Writ Petition may kindly be fixed before the Worthy D.B of this Hon'ble Court.

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law book as per need.

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 ADVOCATE

 ADVOCATE

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IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/2019

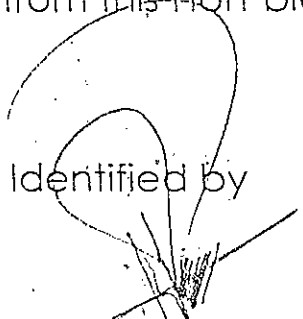
Qazi Aslam.....Petitioner

V E R S U S

Director Anti-Corruption KPK and others.....Respondents

AFFIDAVIT

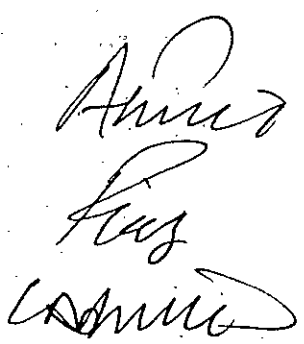
I, Qazi Aslam S/o Sarfaraz Khan, Inspector, Special Investigation Wing (SIW), Anti-Corruption Directorate, Phase-V, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Writ Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this-Hon'ble Court.


Identified by


Malik Haroon Iqbal
Advocate Supreme Court



DEPONENT
CNIC: 17102-0657420-7
Cell: 0332-3729712



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CERTIFIED TO BE TRUE COPY
Peshawar High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-shahadat Order 1988
Qazi Aslam
Peshawar
Malik Haroon
27 JUL 2019


1 (56)

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	23.07.2019	<p style="text-align: center;">3</p> <p><u>W.P No.3771-P/2019</u></p> <p>Present: Malik Haroon Iqbal, Advocate, for the Petitioner.</p> <p style="text-align: center;">***</p> <p><u>ISHTIAQ IBRAHIM, J.</u>- This writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan has been filed by Qazi Aslam, petitioner, praying that:</p> <p style="text-align: center;"><i>"It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on mala-fide, malice, ill-will as petitioner performed its duty as per order of this Hon'ble Court without any influence and</i></p> <p style="text-align: left;"><i>M. Iqbal</i> <i>Ans</i> <i>(D. B.)</i></p>

M. Iqbal (D.B)

Hon'ble Mr. Justice Iqbal Khan
Hon'ble Mr. Justice Ishtiaq Ibrahim

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pressure by registering case/FIR No.2/2017 for which there should be appreciation and as not punishment.

It is further prayed that, directions be issued to respondents to release the salary of petitioner for the month of June, 2019 and onward.

Any other remedy deems fit and appropriate in the circumstances of the case may also be granted in favour of the petitioner”

2. In his writ petition, the petitioner averred that on the direction of Court order in W.P No.2028 of 2017, he conducted inquiry against the Education Department involved in the matter of malpractices of appointment and as a result of the said inquiry an FIR No.02/2017 was registered against 20 culprits involved in the matter; that due to involvement of high-ups of Education Department in the crime, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017.

3. Perusal of record shows that being aggrieved of the said transfer order, the petitioner filed writ petition No.4699-P/2017 before this Court and for non complaisance also filed COC No.32-P/2018. The writ

petition alongwith COC was decided by this Court on 19.04.2018 wherein it was held that;

“It is disheartening to note the petitioner has been transferred immediately after initiating criminal proceedings against certain important persons. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

Instant petition is disposed of, accordingly.”

In compliance of the order of this Court, the Inspector General of Police Khyber Pakhtunkhwa cancelled the transfer order of the petitioner Qazi Aslam SI from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar vide office order dated 23.02.2018.

5. Record shows that after cancellation of transfer of the petitioner, he served at Special Investigation Wing (HQ) ACE, Peshawar for about 01 year and 04 months in the said department on deputation basis and thereafter vide order dated 13.06.2019 of the office of Inspector General of Police Khyber Pakhtunkhwa, Peshawar repatriated to their parent District/Department. The learned counsel for the

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petitioner was confronted with Article 212 of the Constitution as the petitioner is civil servant and the writ petition is against the transfer order. The same is not maintainable, however, the petitioner is directed to approach the proper forum i.e parents department for redressal of his grievance. It is the function of the parent department to repatriate the petitioner as and when desired.

Announced
23.07.2019

JUDGE

CERTIFIED TO BE TRUE COPY

Examinee
Attorney High Court, Peshawar
Authorized Under Article 177
Of Constitution of Pakistan 1973

27 JUL 2019

Attest
By
(Signature)

No. 28421
Date of Presentation of Application 27/7/19
No of Pages 10
Copying fee 602
Total 602
Date of Preparation of Copy 27/7/19
Date of Delivery of copy 27/7/19
Received By: (Signature)

صلم چار سڈ

A چار سڈ

1069
2.2.2018

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حوالہ مستعمل درخواست ازان صوفیہ تبسم DEO/F چار سڈ

الفت بیگم سابقہ DEO/F چار سڈ حروف صحت پیوں

خلیزان ولد خدیجہ عہدہ فورم ۹/۱۵/۰۱۷ جیم 218-409-419-420-468-471-477A PPC S(2) PC ACT

زنجیوں کے مقدمہ خدایا عیادت پیش پج مہا اینٹی کرپشن چہرہ مختصر خواہ
عبوری ضمانت قبل از گرفتاری منظور کر رکھی ہے اور سابقہ ہی عیادت عالیہ
کا لٹوہ میں لسلہ کو اسٹینٹ FIR مقدمہ بالدرٹ پٹن دائر کیٹی ہے
۱۸/۰۳/۱۸ عہدہ ہے۔ ہر دو خلیزان ولد نے جناب DAE مہا لیشاور کو
پی کے بارے میں درخواست دائر کر کے مقدمہ خدایا سے اپنے نام حذف کرنے
مانگی ہے۔ درخواست خدایا توسط افسران بالدرٹ میں کارروائی سے وہ کہہ
کر جس پر باقاعدہ کارروائی شروع ہو کر معلوم ہوا۔

لہذا میں نامزد ملزمہ الفت بیگم بالدرٹ فورم ۱۳/۰۳/۱۸ تک بکثت DEO/F چار سڈ
راجام دی ہے۔ جکی دوران تعیناتی ملزمہ نگہت سہا AT ملو سٹگرام سے
دہ ٹرانسفر ہو چکی ہے۔ ملزمہ حمادہ الفت بیگم نے بکثت DEO/F چار سڈ
سہا AT کے سروس کا عیادت کی وہ پریکٹیشن لیٹر نمبر 119 فورم ۱۳/۰۳/۱۸
یہ دفتری سپرنٹنڈنٹ مشتاق احمد کے ذریعے ملو سٹگرام کے دفتر DEO/F
سہا کے بزرگہ لیسٹری 7519 فورم ۱۳/۰۳/۱۸ درست تدریق کی ہے۔ اس سلسلہ
انٹروائی افسر نے مشتاق احمد مذکورہ کا بیان قلمبند کیا ہے جس میں مشتاق احمد نے اور

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تمام تر خدایا علی رضن نامی کلرک دفتر DEO/F سٹگرام پر عائد کی ہے
۱۳/۰۳/۱۸ سروس کا عیادت حمادہ الفت بیگم DEO/F چار سڈ نے نگہت سہا AT
ریپلنڈ کرائی ہے جمعہ چائے انڈری و بیان ازان مشتاق احمد مذکورہ و
۱۳/۰۳/۱۸ AT لف رپورٹ خدایا ہے بیان پر یہ بات قابل افسر ہے کہ
ت بیگم نے ٹرانسفر آرڈر کی وہ پریکٹیشن ڈائریکٹریٹ آف ایلمنٹری اینڈ
۱۳/۰۳/۱۸ ایجوکیشن لیشاور کے بجائے ہی DEO/F ملو سٹگرام سے تدریق کرائی ہے
۱۳/۰۳/۱۸ ملزمہ حمادہ صوفیہ تبسم DEO/F چار سڈ نے فورم ۱۳/۰۳/۱۸ سے فورم ۱۳/۰۳/۱۸

263c
DEO/
SST
صوفیہ
ی تنگی
۱۳/۰۳/۱۸

پہلے لکھے التزامات ہے جن کی بنا پر مذکورہ کے خلاف مقدمہ ہذا درج رجسٹر ہو گیا۔
 حالات کچھ یوں ہے کہ فوراً ۲۰۱۶ء کو ملزمان قبیل ٹیچر تحاقہ ضیاء گل DM صورت PET
 اور نگیٹ سیاہ AT کے سروس کا معذات بسلسلہ وپریکٹیشن بڈریم لیٹر نمبر 9956
 مورخ ۲۰۱۶ء کو دفتر DEO/F ضلعو سٹگرام ارسال کرتے جو بحوالہ لیٹر نمبر 319 مورخ 18/11
 جاریہ DEO/F ضلعو سٹگرام جعلی اور لوگس تعلق ہوئی جسکی روشنی میں صورتہ تبسم
 مذکورہ نے بحوالہ سروس III ملزمان صورت PET اور ضیاء گل DM کی تنخواہ بند
 کرنے کے لیے DAO ضلع چارندہ تحریر کی ہے۔ جسکا معادہ نگیٹ سیاہ AT کی تنخواہ
 بند کرنے سمیت SDEO قبیل سٹی کو ہدایت کی گئی تھی۔

اسی طرح معادہ ثانیہ ولی (9) SSI قبیل ٹیچر کی نسبت جو التزامات ہے جن کی ذمہ دار
 ملزمہ صورتہ تبسم نے عائد کی گئی ہے۔ جو اس سلسلہ میں ملزمہ صورتہ تبسم DEO/F
 چارندہ نے اپنے فرائض منصبی سے انجام دیتے ہوئے PTC فنڈ کی سرحد بٹرد اور سولر
 سٹم کی رقم عدم ادائیگی کی شکایت پر ثانیہ ولی کے خلاف حکمانہ انکوائری کی گئی
 فقہار کے جس میں ثانیہ ولی کو قصور وار ٹھہرائی گئی لہذا انکوائری ثانیہ ولی (9) SSI سے
 باقاعدہ تنخواہ کی مدد سے ریکوری کرنے کی احکامات جاری کیے گئے ہیں۔ اسی طرح معادہ ثانیہ
 ولی کی ٹرانسفر آرڈر ایک گنام شکایت پر ملزمہ وپریکٹیشن ڈائریکٹریٹ اف ایلمنٹری
 اینڈ سیکنڈری ایجوکیشن لے کر بھیجا گیا۔ جو بحوالہ لیٹر نمبر 3397 مورخ 18/5/17 جاریہ درج
 ڈائریکٹریٹ ڈائریکٹریٹ ایلمنٹری اینڈ سیکنڈری ایجوکیشن ضلعو سٹگرام جعلی اور لوگس تعلق ہو کر لیٹر ہذا
 میں ملزمہ صورتہ تبسم سے معادہ ثانیہ ولی کی سہمی آرڈر طلب کی گئی۔ صورتہ تبسم نے بحوالہ
 چھٹی انگریزی نمبر 4506 مورخ 17/6/17 ڈائریکٹریٹ ایلمنٹری اینڈ سیکنڈری ایجوکیشن لے کر
 بھیجا گیا تھا۔ اور لیدہ بحوالہ چھٹی انگریزی نمبر 5565 مورخ 24/7/17 دوبارہ برہانڈر کیا۔
 لیکن کوئی جواب موصول نہیں ہوئی اور لیدہ اندرا 9 مقدمہ بحوالہ چھٹی انگریزی نمبر 430
 مورخ 13/10/17 جاریہ ڈائریکٹریٹ ایلمنٹری اینڈ سیکنڈری ایجوکیشن لے کر سیاہ DEO/F
 چارندہ موصول ہو کر جس میں ملزمہ صورتہ تبسم کو ہدایت کی ہے کہ معادہ ثانیہ ولی (9) ST
 کی ٹرانسفر اور غیرتی آرڈر جعلی اور لوگس ہے۔ چھٹی ہذا کی روشنی میں ملزمہ صورتہ
 تبسم DEO/F چارندہ نے بحوالہ چھٹی انگریزی نمبر 7958 مورخ 14/10/17 سیاہ SDEO/F سے
 سہمی جاری کرتے حالات واقعات سے اجاہ کرتے باقاعدہ کارروائی کرنے کی ہدایت کی گئی۔
 جہاں تک معادہ ثانیہ ولی (9) SSI کی G4HS دولت پورہ سے G4HS ڈھکی ٹرانسفر

Amir
[Signature]

سوال ہے۔ تو ذرا صوفیہ تبسم DEO/F چار سہ کے متعلقہ ہیڈ پر
 سے DC میں چار سہ کی شکایت پر ٹرانسفر کی گئی ہے۔
 صوفیہ تبسم DEO/F چار سہ کے قبل ٹیچرز جماعت ہائی اسکول DM صرف آئی
 جماعت AT اور ثانیہ ولی (9) SSI نامزد مقدمہ کے خلاف ٹیسٹ DEO/F چار سہ
 ہو کر روٹی کی گئی ہے۔ اسکے چھٹی ہائے بطور وجہ ثبوت پیش کر کے جملہ چھٹی
 درجہ DEO/F چار سہ کے ریکارڈ سے واپس لیا گیا کر کے درست پانے پر متعلق
 اپنی کارکردگی کے احوال کو جس حد سید کا بیان زیر درجہ 161 میں لیا جا کر جو
 حالت حاند کمال جوڈیشل ٹیسٹ 17 چار سہ میں زیر درجہ 164 میں
 کے ساتھ ہی جملہ چھٹی ہائے سے بنیاب جوڈیشل ٹیسٹ میں نے اپنے قلم
 بیٹ کر کے جن پر دستخط ہائے ثبت کیے ہیں۔ جملہ چھٹی ہائے و بنیاب زیر درجہ
 17 لفٹ رپورٹ کے ساتھ کر کے جن کی جوڈیشل ٹیسٹ کا بیان لفٹ میں مقدمہ کی جائیگی
 مقدمہ کے حوالہ میں پر دو مدعاں حوالہ الفت میں حکم، حوالہ
 تبسم نے ٹیسٹ DEO/F میں چار سہ اپنے اپنے ڈپٹی کسی حد تک سر انجام
 اور حوالہ کر جماعت صوفیہ تبسم DEO/F چار سہ کے مدعاں نامزد مقدمہ
 ہائی اسکول DM صرف PET اور ٹیسٹ ہائی اسکول AT کو پوائنٹ آؤٹ کر کے
 رپورٹس کے حوالہ پائے جبکہ ثانیہ ولی (9) کے خلاف بھی قبل از مقدمہ حکمانہ
 شروع کی گئی تھی۔ حد 4 مدعاں میں ٹیچر بالہ کے تمام ترمیم دار پانے
 میں میں منگوا گیا میں بعد پر اس وقت کے DEO، DEO، SDEO میں
 نام و DAO منگوا گیا جبکہ حوالہ ثانیہ ولی (9) آگے ہو جاوے گا جس میں
 میں اس وقت کے ایسی ایجوکیشن آفیسر اور ایسی ایجوکیشن آفیسر کے حوالہ
 ایک کاپی ایسے ٹیسٹ سے میں اس نتیجہ پر پہنچا کہ میری مدعاں
 میں نے رپورٹس میں فراہم کی گئی تھی۔ چھٹی خلاف
 رپورٹس کے سفارشات کی گئی ہے۔ اگر ہر دو مدعاں بالہ کے نام مقدمہ
 حذف کر کے مدعاں کے بجائے ٹیسٹ گواہان قائم رکھی
 دستخط کے حوالہ کافی حقیقت پر مبنی ہے۔ اس قدر حالات پر
 رپورٹ میں ہر دو مدعاں کے حکم گزارش ہے

CO ACE CHD

Sin, AMU

Signature

12/6/68

صنم چارسدہ

شمارہ ACE
CHD
مناجے عالی

1048
2-2-79

حوالہ مشغولہ درخواست ازان سرماج خان جو ملک حال

71155 چارسدہ 1 (2) سند اسحاق سینٹر ملک دفتر SDEO مل بندر
منظیر حسین جو سر ملک دفتر DEO/F چارسدہ خصوصاً خدمت میں

پیر سپہ ولد زوان بالا حقدہ علی جویم 9¹⁰/₆₁₇ جویم 19-409-419-420-468 شمارہ ACE
471-477A PPE S (2) PACT

مزد پیر کر حیدروں نے مقدمہ ڈھڑا جیت عدالت سیشن جج صاحبان سٹی کرشن فیڈرل
یہ لٹور سے بیرون ضمانت قبل از گرفتاری منظور کر رکھی ہے اور سابقہ عدالت
یہ وفا کر لٹور سے بیرون کو اسٹینٹ FIR مقدمہ بالا رٹ پٹیشن دائر کیا گیا ہے
میں آئندہ سٹی 31¹⁸ حقدہ علی جویم ہر سہ ولد زوان بالا نے جناب DAC صاحب لٹور
اپنے نام سے بارے میں درخواست دائر کر کے مقدمہ ڈھڑا سے اپنے نام حذف کر کے
استعمال کیا ہے۔ درخواست ڈھڑا بوساطت انصران بالا لٹور میں کارروائی میں CO کو
ول پیر کر جن پر باقاعدہ کارروائی شروع ہو کر ہر سہ ولد زوان بالا جو حکم ایجوکیشن
سہ سے سٹیٹ پبلسک سٹاف ڈیپوٹیشن سرانجام دے رہے ہیں اس سلسلہ میں DEO/F
سہ کو تحریریں سرحدانہ جاری کر کے ہر سہ ولد زوان بالا کے دفتر 15 اکتوبر کے تحت
یہ دیورٹ طلب کی گئی ہے۔ دفتر DEO قبل چار روز سے تحریریں رپورٹ وصول ہو کر
تعمین تحریر کی گئی ہے کہ ہر سہ ولد زوان جو حکم پبلک سٹاف حکم ایجوکیشن چارسدہ
ڈیپوٹیشن سرانجام دے رہے ہیں۔ جہاں تک مقدمہ ڈھڑا سے ناقد ولد زوان فیصل پیر
8 مارچ 1968 DM ٹرانس وولی آئی جسٹس PET ڈائریٹریہا AT شمع سنگھ آئی
روٹس ایڈوائس اور فاطمہ ایڈوائس سے متعلق ڈھڑا ٹرانس وولی ہو چکے ہیں۔ ڈھڑا کے ایڈوائس
و کرتے سرورس کا عدالت ٹرانس وولی آرڈر کے و پیر فیکشن و ٹیکسیر۔ ہر سہ ولد زوان
و ایڈوائس و و واری میں اپنی آواز ہے

علاوہ ان میں ہر سہ ولد زوان کو رٹنگل سٹاف
تعمین سٹیٹ سرماج۔ منظور حسین جو سر ملک کر کے نسبت قبل ازین فیڈرل انکوائری
م پیر کر لٹور انکوائری ادارہ اپنی کرشن کو سر پر کارروائی سے متعلق حوالہ
کی جن پر باقاعدہ اوپن انکوائری پیری 1968 جویم 12¹²/₆₁₆ ہوئی جو بحال جمعی
پیری 16479-81 داخل دفتر ہوئی ہے۔ دیورٹ DEO/F اور حقدہ علی
30-10-68

Amir
Res
(Amir)

10/2/1979
09/02/1979

16474-81
30-10-17
DEC
...
...

Y. G. ...

CO ACE CHD. Sir, The report made by C. Charsadda is worth perus Forwarded for for their orc please

Y. G. ...
30.01.2
ADC/N.

R/Sir,

Application Submitted by accused officials
Sardar Khan, Muhammad Ishtay and Maskee
Hussain, Clerk DEO (F) Charsadda
Charged vide FIR No 02 dtd: 10/10/17 registered
at DS ACE Charsadda, requesting there in that they
are innocent hence their names be dropped from
column of accused.

AD-2-1

For Comments

ATC

On the report of DEO (F) dtd: 11/01/18
above stated clerks have no concern with release of
fired staff of DS ACE Charsadda have recommended
accused have no role in the instant case

Matter may be referred to committee
discussion, if approved.

Y. G. ...
09/1

W/ADAC

4

Amir
Riz
CA...

Submitted by CO, Charcadda
perusal. Forwarded for
please.

W. D. H. C.
30.01.18
ADC

~~ADP-II~~
D.A.C. 6/2/018.

R/Sir, Application of Mst. Sobra Tabasum
and Mst. Ulfat Begum DEO (F)
File No 02 dt. 09/10/17 PS Ch
therein for droppage of their
of accused being innocent.

Field staff have a
accused petitioners have no role
they have pointed out the facts
they be cited as witnesses in

May be referred to C
there be discussion, if appro
the decide the fate of their
droppage of their names
Submitted pl.

W/DHCE

Shri
D. S.
D. S.

66
MOST URGENT

IN THE PESHAWAR HIGH COURT, PESHAWAR

25

C.M.No

S/

W.P-4315/2017

Mst. Ulfat Begum etc V/s Govt.of KPK through Chief Secretary etc

Notice to :

1. NO.2 DIRECTOR ANTI CORRUPTION ESTABLISHMENT KPK s/o
PHASE V HAYATABAD PESHAWAR.

Directorate of Anti Corruption
By No. 7852
Date: 8/11/17
File No.

The above-mentioned writ petition has been presented in this Court by the Petitioner through Council/Advocate, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

The same was placed before the court for preliminary hearing, and it has now been admitted to full hearing on more. It has been ordered by the Court to send you notice of the same.

You are, therefore, informed through this notice that the said Writ Petition is now fixed for full hearing before a Division Bench on

November, 14 2017

However, it may be noted that you are required to file your statement/counter affidavit/any other documents upon which you rely, in this Court at least 2 days before the date fixed for hearing.

Please note that if you do not appear on the date so fixed, the Petition shall be heard and decided in your absence.

Given under my hand and the seal of the Court, this day on

01/11/2017

No 16454
27/11/17
AD/Peshawar

[Signature]

BY ORDER OF THE JUDGES

A7
//D.A-L

15

[Signature]
For Additional Registrar

CO / CHARSSAD
For info and
Report

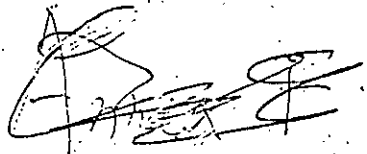
[Signature]
Sud
Amir

[Signature]
ADE - Pesh
08-11-2017

67

To,

The Assistant Director Crimes,
Anti-Corruption Establishment,
Nowshera.

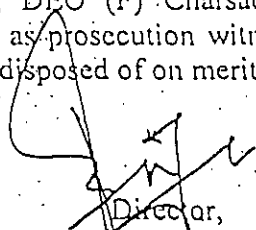


No. 8380 /ACE, dated //15/2018.

Subject: Mercy petition in Case FIR No. 2, dated 9.10.2017 U/S
218/409/419/420/468/471/477-A PPC 5 (2) PC, Act, PS, ACE, Charsadda.

As per recommendation of Scrutiny Committee, dated 7.5.2018, names of the applicants i.e. (1) Sartaj, Junior, Clerk, GHS, No.1, Charsadda (2) Mazhar Hussain, Junior Clerk, Office of DEO (F) Charsadda and (3) Muhammad Ishaq, Senior Clerk, SDEO (F) Charsadda are hereby deleted from column of accused of the subject FIR.

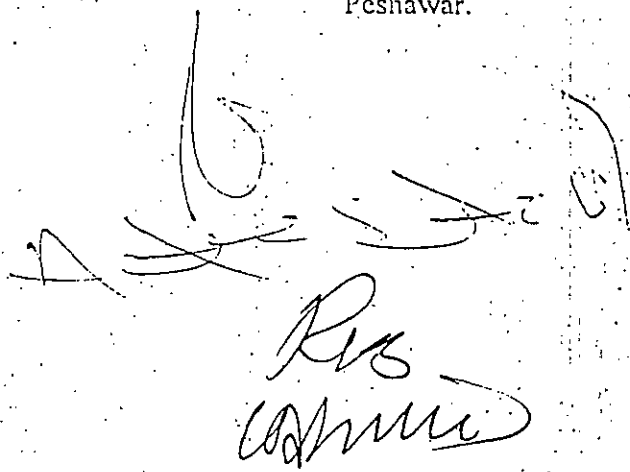
Moreover, accused Mst: Sofia Tabbassum, DEO (F) Charsadda and Mst: Ulfat Begum, DEO (F) Peshawar are hereby declared as prosecution witnesses in the subject case. Case against the remaining accused may be disposed of on merits.


Director,
Anti-Corruption Establishment
Khyber Pakhtunkhwa,
Peshawar.

No. /ACE, dated /15/2018.

Copy to SA, ACE, Peshawar.

Director,
Anti-Corruption Establishment
Khyber Pakhtunkhwa,
Peshawar.



27/02

ADL: 27



68
241

DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar the 17.06.2019

ORDER

11683-54

NO.AD(ADMN)/DACE/2-2/OFFICIALS/M.F/2019/VOI-H/ : Consequent upon the Order issued by DIG (HQs), Central Police Office, Peshawar bearing No.1460/E-III, dated:13.06.2019, the following Sub-Inspectors (details quoted against each) are hereby relieved from the Anti-Corruption Establishment, Khyber Pakhtunkhwa, with immediate effect :-

S.No	Name of Official	Designation of Official	Parent District
1.	Qazi Aslam	Sub-Inspector (No.502/MR)	District Charsadda
2.	Taufur Shah	Sub-Inspector (No.262/K)	District Kohat

+ Working No.
Director
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (East), Central Police Office, Peshawar.
4. The Regional Police Officers, Mardan & Kohat region.
5. The District Police Officers, Charsadda & Kohat.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Assistant Director (Crimes), Anti-Corruption Establishment, Kohat.
8. The Cashier/Accountant, Directorate of ACE, Peshawar with the request to issue LPC and also to hand over the original service record to the concerned officials by today positively.
9. The Caretaker, Directorate of ACE, Peshawar with the directions to take over the official vehicle in custody properly.
10. P.A to Director, Anti-Corruption Establishment, Peshawar.

Assistant Director (Admn)
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.

Assistant Director (Admn)
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.



DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

No:A.D (Admn)/DACE/2-2/Officials/M.F/2019/Vol-II/13315-20,
Dated Peshawar the 09.07.2019

To

The District Police Officer,
Charsadda.



Subject:- LAST PAY CERTIFICATE & SERVICE RECORD

Dear Sir,

I am directed to refer to the Central Police Office, Peshawar Order No.1460/E-III, dated:13.06.2019 regarding repatriation of services of Sub Inspector Qazi Alsam from the Directorate of Anti-Corruption Establishment, Khyber Pakhtunkhwa to District Police Charsadda and to forward herewith the Last Pay Certificate (In Original) in respect of the above quoted official, for further necessary action at your end, please.

Pertinent to mention here that services of the said official have already been relieved vide this Establishment Order No.AD(ADMN)/DACE/2-2/Officials/M.F/2019/ Vol-II/11685-94, dated:17.06.2019. As far as service record (i.e., Service Book, Service Roll etc) is concerned, the same are already in custody of the official concerned.

Yours faithfully,

[Signature]
ASSISTANT DIRECTOR (ADMN) 09/07/20

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Deputy Inspector General, of Police (HQs), Central Police Office, Peshawar.
2. The Assistant Inspector General of Police (Estt), Central Police Office, Peshawar.
3. Qazi Aslam, Ex-Sub Inspector, ACE, Peshawar resident of District Charsadda through Special Messenger (Mr.Aftab Alam, Circle Officer, Police Station, ACE, Charsadda).
4. The Cashier/Accountant, Directorate of ACE, Peshawar.
5. P.A to Director, Anti-Corruption Establishment, Peshawar.

Along with
photocopy of the LPC
for information /
necessary action.

For information.

ASSISTANT DIRECTOR (ADMN)

DO + CC
for vacation
Amir
Rog
CAU-16
11/7

Received from
E.C. Officer to duty
09-07-2019
[Signature]



70
BT

Annex I

(3)

DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar the 17.06.2019

ORDER

NO. AD/ADMIN/DACT/2-2/OFFICIAL/SML/17/2019/CL-117
Consequent upon the transfer of services to District Charsadda vide D/O (HQs), Central Police Office, Peshawar bearing No 14601-III, dated: 13.06.2019, the following official of Police Department temporarily promoted to the higher rank (while working in the Anti-Corruption Establishment Khyber Pakhtunkhwa) is hereby demoted to his original rank (details provided as under) with immediate effect.

S.No.	Name of Official	Demoted from the Post of	Demoted to Original Rank of
1	Qazi Aslam, Sub-Inspector (BPS-14)	Inspector (BPS-16)	Sub-Inspector (BPS-14)

Director
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar.

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (HQs), Central Police Office, Peshawar.
4. The Regional Police Officer, Mardan region.
5. The District Police Officer, Charsadda.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Cashier/Accountant, Directorate of ACE, Peshawar.
8. The Caretaker, Directorate of ACE, Peshawar.
9. P.A to Director, Anti-Corruption Establishment, Peshawar.

Assistant Director (Admin)
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar

17/06/2019

Riaz



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Annex - G

1. The worthy Inspector General of Police,
Khyber Pakhtoonkhwa
2. Director Anti Corruption,
Directorate of Anti Corruption
Opposite Rahman Medical Institute (RMI)
Phase -V, Hayatabad, Peshawar.

Subject: APPLICATION FOR

- (a) Cancellation of letter of surrender bearing No. AD (Admn:) DACE- 2 Officials /M-F/ 2019 (Vol-II) 11455, dated 12/6/2019 by Authority No. 2
- (b) Order of repatriation bearing No. 1460/E-III, dated 13/6/2019 by Authority No.1
- (c) Order of relieving bearing No. 11685-94 dated 17/06/2019 by Authority No. 2
- (d) Office Order of demotion No. 11695-11704 dated 17/06/2019 by Authority No. 2

Respected sir

The applicant respectfully makes the following submissions:

1. That in 2017 the applicant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017 filed by Mst. Zia Gul, DM.
2. That in compliance with the direction the applicant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and consequent thereupon he registered FIR No. 2 /2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed.
3. That during the course of inquiry the applicant suffered great pressure from the political as well as other corners. The applicant did not surrender

[Handwritten signature]

to any kind of pressure and performed his duty with full professional honesty and moral integrity.

4. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the applicant was transferred from PS ACE Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad.
5. That vide the order, dated 8/11/2017, on ground of pressure, malafide, and annoyance the authorities of ACE surrendered the applicant to his parent department and he was repatriated to police, CCPO Peshawar, vide the office order dated 16/11/2017. The applicant approached the Honorable Peshawar High Court, Peshawar against the orders of surrender and repatriation through Writ Petition No. 4699-P/2017, the operation of the orders was suspended by the court on 20/12/2017 and the authorities were restrained from dislocating the applicant.
6. That the concerned authorities of ACE tried not to comply with the order of the High Court, and under compulsion the applicant again approached the High Court with a petition of COC No. 32-P/2018, and as a result the order of the court was complied with by cancellation of the repatriation order of the applicant vide the order dated 23/02/2018 and posting of the applicant as Inspector in SIW in the Directorate of ACE vide the order dated 02/03/2018. The petition was disposed of in favour of the petitioner on 19/04/2018. (Copies of letters enclosed)
7. That the accused, namely Mst. Ulfat Begum and Sufia Tabbassum, DEOs Charsadda and Peshawar along with clerical staff, namely Sartaj, Mazhar and Ishaq, nominated in the case FIR No. 2/2017, approached the Hon'ble High Court, Peshawar through Quashment Petitions against their nomination as accused in the case FIR. The ACE authorities filed detailed comments in response to the said petitions. In the comments all the contentions of the accused petitioners have been strongly denied with full documentary proof and the findings of the inquiry, conducted by the applicant, have been fully supported and validated. (Copy of comments enclosed)
8. That after filing the comments, during proceedings in the Quashment Petitions before the High Court, the ACE authorities felt pressure and obtained applications of innocence/ mercy from the above mentioned influential accused for withdrawal / deletion of their names from the case FIR. The ACE authorities withdrew/deleted their names from the case FIR in straight violation of their own comments before the Hon'ble High Court, Peshawar and the required procedure, and that even the statement of the applicant was not obtained in writing nor he was informed of / involved in the process, being the complainant in the case.

(Signature)
Khasimul
(Signature)



- 9. That in the mercy petitions the accused have levelled some baseless and unfounded charges / allegations against the applicant.
- 10. That the applicant, who has full knowledge of all facts / documentary proof and grounds of involvement of the accused. in the case, has been removed from the scene vide surrender letter No. AD (Admn) DACE- 2 Officials /M-F /2019 (Vol-II)11455 dated 12/6/2019 by the ACE authorities, on the basis of which the applicant's repatriation order No. 1460/E-III, dated 13/6/2019 was issued by Authority No.1. The surrender letter is based on complete ill-will, malafide, and annoyance of the ACE authorities as the service number of the applicant has been written 502, instead of P/34, Range Mardan, District Charsadda Police instead of CCPO, Peshawar, District Peshawar Police. That the relieving order of the applicant was issued on 17/06/2019, in which the same facts were again intentionally wrongly mentioned. The LPC of the applicant has so far not been issued as it is not received in the office of the Police District Peshawar. (copies of letters enclosed)
- 11. That ACE authorities have tried to confuse the applicant in the matter of his posting/ repatriation and salary, as his salary for the month of June, July 2019 have not been paid to him by the Directorate of ACE. The applicant would also not possibly be able to receive his salary for some months onwards.
- 12. That since the ACE authorities have willfully and intentionally mentioned wrong Range and District of repatriation, service number in the letters referred to above, the applicant is in a hang up position and has been deprived of salaries. He can neither report arrival in Mardan Range, District Police Charsadda, nor in the parent District Police Peshawar, nor is the service number of the applicant correct, nor can he get his salaries from the DPO Charsadda being not an official of the Mardan Range, District Police Charsadda. Therefore, the applicant cannot get his previous and future salaries to meet the different economic needs of his children, whose education can also suffer.
- 13. That all the orders of the ACE authorities are incorrect and not implementable in any way, and the applicant, therefore, is still legally and officially in the service on deputation to and at the strength of the Anti Corruption Establishment, Khyber Pakhtoonkhwa. The deputation period of the applicant is also not complete in the ACE as is mentioned in the decision of the Hon'ble Peshawar High Court dated 23/07/2019, that the applicant has served on deputation only for 14 to 15 months in the ACE. The applicant is still to serve for about two more years on deputation in ACE.
- 14. That the demotion of the applicant, vide the order No. 11695-11704, dated 17/06/2019 is also the result of the annoyance and ill intention of the ACE authorities and is squarely illegal, since the Hon'ble Khyber Pakhtoonkhwa

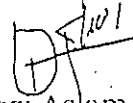
Handwritten signatures:
 [Signature 1]
 [Signature 2]
 [Signature 3]

74
Service Tribunal, Peshawar, on acceptance of the applicant's appeal for promotion as officiating inspector, has already placed the applicant in the rank of officiating inspector BPS-16 with effect from 11/02/2014, with the inclusion of the applicant's name in the seniority list issued on 09/05/2014, vide its judgment dated 24/4/2019.

It is, therefore, respectfully requested that in view of the above submissions, the order of surrender, repatriation order, relieving order, and order of demotion of the applicant may very kindly be cancelled/ withdrawn and the applicant be posted by an order in his own position as earlier and his salaries be released on the said post. It is also requested that orders of payment of full deputation allowance to the applicant for the entire period in the ACE, may be made, as the same has so far not been paid to him, please.

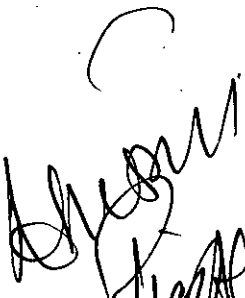
Dated 5/8/2019

Yours, Obediently


Qazi Aslam

Inspector No. P/34

(SIW ACE)


Khan
Khan
Khan

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1519 /2019

Qazi Aslam S/O Sarfaraz Khan R/O Malakano Kaley, Tehsil Tangi, District
Charsadda (Sub Inspector Police, No. CCPO, Peshawar)..... Appellant

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1621

Dated 13/11/2019

1. Inspector General of Police/ Provincial Police Officer, Khyber
Pakhtoonkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa.

..... Respondents

Appeal under section 4 of the Khyber Pakhtoonkhwa Service
Tribunal Act 1974 (Act 1 1974) from the orders bearing No.

(A) AD (Admn:) DACE- 2 Officials /M-F/ 2019 (Vol-II)
11455, dated 12/6/2019 by respondent No. 3 whereby the
deputation of the appellant has been recommended.

(B) Order of bearing No. 1460/E-III, dated 13/6/2019 by
Respondent No 1 whereby the appellant was repatriated to his
parent department i.e. CCPO Peshawar.

(C) Order of relieving bearing No. 11685-94 dated
17/06/2019 by respondent No. 3 and subsequent order
bearing No. 2205/E-III, dated 28/08/2019 for corrigendum
of errors.

(D) Office Order of demotion No. 11695-11704 dated
17/06/2019 by respondent No. 3.

(E) Payment of deputation allowance for the entire period of
deputation in Anti Corruption Establishment.

Filed to-day

Registrar

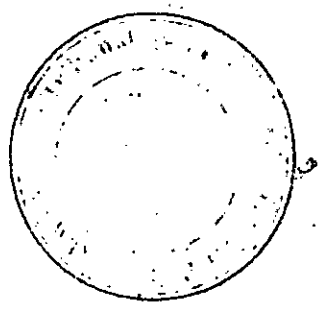
13/11/19

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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Appeal No. 1519/2019
Qazi Aslam vs Govt



06.01.2020

Counsel for the appellant present.

Once again a request for submission of amended appeal is made wherein payment of deputation allowance for the entire period of deputation in Anti Corruption Establishment is to be solely claimed.

The requisite amended appeal shall be submitted within a fortnight, Adjourned to 17.02.2020 before S.B.

Chairman


Certified to be a true copy

K. S. ...
Secretary
Feb 06/20

Date of Payment	14-01-2020
Number	800
Case No.	10-00
Amount	4-00
Total	14-00
Name	
Date	14-01-2020
Date of receipt	14-01-2020

وکالت نامہ

بعدالت پشاور

 <p>PESHAWAR HIGH COURT BAR ASSOCIATION PHCBA ۳۰ روپیہ</p>	S.No	10195
	BC No	
	Sign	

مورخہ
مقدمہ
دعویٰ
جرم

Service Appeal

Appellant صاحب، منجانب
نام *Ozgi Akram*
Police & others
باعث تحرے آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب وہی وکل کاروائی، متعلقہ
آن مقام *Peshawar* کیلئے *Kashimata Ad: H/court*
مقرر کر کے اقرار کیا جاتا ہے۔ کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار حاصل ہوگا
نیز وکیل صاحب کو عرضی دعویٰ داخل کرنے، جواب دعویٰ، اپیل، نظر ثانی کا بھی اختیار حاصل ہو
گانیز وکیل صاحب بصورت ڈگری برخلاف من اختیار دہندہ اپیل، نگرانی، نظر ثانی از عدالت ابتداء
تا عدالت انتہا یعنی سپریم کورٹ آف پاکستان دائر کر سکتا ہے وکیل موصوف بصورت عدم پیروی
کاروائی یکطرفہ یا ڈگری یکطرفہ کیخلاف درخواست دائر کر سکتا ہے اور وکیل موصوف میری جانب
سے مقدمہ میں بصورت ڈگری چیک یا نقد روپیہ کی شکل میں وصولی کر سکے گا اور مزید یہ کہ وکیل
موصوف مقدمہ متذکرہ کی کل یا جزوی کاروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا
ہے جس کو بھی وہ جملہ اختیار حاصل ہونگے جو کہ وکیل موصوف کو حاصل ہیں مجھے اس صورت میں
تمام ساختہ پرداختہ منظور و قبول ہوگا لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط/نشان
انگشت ثبت کر دیا ہے تاکہ سند رہے۔

المرقوم 15 ماہ 2020ء

واہ

بمقام *Peshawar* کے کے منظور ہے۔



NIC No. 17102-0687420-7

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 1219/2019.

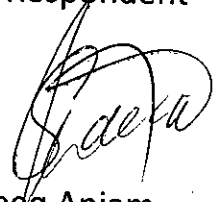
**Qazi Aslam S/o Sarfaraz Khan R/o Malakona Kaley, Tehsil Tangi,
District Charsadda (Inspector Police, No. CCPO,
Peshawar.....Appellant**

Versus

- 1. Inspector General of Police/Provincial Police Officer, Khyber Pakhtunkhwa.**
- 2. Capital City Police Officer, Peshawar.**
- 3. Director Anti-Corruption Establishment Department Khyber Pakhtunkhwa
Peshawar.....Respondents**

INDEX

S.No	Description of Documents	Annex	Pages
1	Parawise comments		01-04
2	Affidavit		05
	Authority Letter		06
3	Copy of order bearing No. 12220-23, dated 13/05/2009	A	07-08
4	copy of repatriation order No.1460/EIII, Peshawar, dated 13/06/2019	B	09
4	copy of relived order vide order No.AD (ADMN)/DACE/2-2/OFFICIALS/M.S/2019/VOL-II/11685-94, dated17.06.2019	C	10
5	Copy of order of Peshawar High Court Peshawar dated 23.07.2019	D	12-

Respondent
Through

Sadeeq Anjam
Assistant Director (Legal)
ACE, Peshawar.

(1)

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 1519/2019.

Qazi Aslam S/o Sarfaraz Khan R/o Malakona Kaley, Tehsil Tangi, District Charsadda (Inspector Police, No. CCPO, Peshawar.....Appellant

Versus

- 1. Inspector General of Police/Provincial Police Officer, Khyber Pakhtunkhwa.**
- 2. Capital City Police Officer, Peshawar.**
- 3. Director Anti-Corruption Establishment Department Khyber Pakhtunkhwa Peshawar.....Respondents**

Comments on behalf of Respondents No.3.

Preliminary Objections:

1. That the appellant has submitted this Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, for grant of Deputation Allowance, but till date no representation has been made to this Establishment, as mandatory under Section 4 of ibid Act. Hence, this Service Appeal is not maintainable.
2. That once representation is made this Establishment, thereafter, the eligibility of the appellant for the deputation allowance will be considered under prescribed law/rules and other statutory provisions.
3. That the Appellant has got no locus standi/cause of action to file the instant Service Appeal.
4. That the appellant is not aggrieved person within the meaning of Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, his Writ Appellant is therefore not maintainable.
5. That neither Fundamental nor any legal rights of the appellant has been violated and the law has taken its legal course of action.
6. That no discrimination or injustice has been done to appellant or anyone.

- (2)
7. That the appellant has not come to this Honorable court with clean hands, hence, disentitled for any relief whatsoever.
 8. That the Service Appeal is fraught with factual controversies, as well as filed with malafide intention, therefore not maintainable.
 9. That the Service Appeal is bad for mis/non joinder of necessary parties.
 10. That the appellant by filing this Appeal is pressurizing and trying to put the answering respondents into unnecessary, unjustified and unlawful litigation, which is liable to be reprimanded, therefore, the present Service Appeal is liable to be dismissed.

FACTS BEHIND PRESENT CONTROVERSY:

1. Correct to the extent that the appellant has been transferred from Police Department to the Anti-Corruption Establishment, Khyber Pakhtunkhwa vide order bearing No. 12220-23, dated 13/05/2009. It is pertinent to mention here that the appellant had not made any representation to this Establishment, regarding his claim, therefore, it cannot be said at this stage as to whether the appellant is entitled for the said allowances. Furthermore, once representation is made to this Establishment, thereafter, the eligibility of the appellant for the said claim will be considered under prescribed law/rules and other statutory provisions. . (Copy of order bearing No. 12220-23, dated 13/05/2009 is enclosed as annexure- A)
2. **Incorrect and misconceived thus denied.** That the appellant was repatriated to his parent department i.e. police Department Khyber Pakhtunkhwa, vide order No.12220-23/E-H, Peshawar, dated 13/06/2019 and subsequently relived vide order No.AD (ADMN)/DACE/2-2/OFFICIALS/M.S/2019/VOL-II/11685-94, dated 17.06.2019, Further to add the very order was challenged by the appellant in Peshawar High Court Peshawar, but the same was dismissed with reason mentioned therein. (copy of repatriation order No.1460/EIII, Peshawar, dated 13/06/2019, relived order vide order No.AD (ADMN)/DACE/2-2/OFFICIALS/M.S/2019/VOL-II/11685-94, dated 17.06.2019 and order of Peshawar High Court Peshawar dated 23.07.2019 is enclosed as annexure- B,C & D)
3. **Incorrect and misconceived thus denied.** That the repatriation order of the appellant clearly mentioned his designation, whereas, place of posting is to be further decided by the parent department. Further to add any clerical mistake cannot be based sole ground for entitlement of right.
4. Reply to this para has been given in preceding paras.

5. **Incorrect and misconceived thus denied.** As mentioned above the appellant was repatriated to his parent department on 13/06/2019, therefore, cannot claim any future remuneration to this Establishment.

- A. No comments, as the matter has no relevancy to the instant appeal.
- B. No comments, as needs to prove.
- C. No comments, as needs to prove.
- D. Incorrect.
- E. That the repatriation order dated 13/06/2019, order was challenged by the petitioner in Peshawar High Court Peshawar, but the same was dismissed with reason mentioned therein.

6. **Incorrect and misconceived thus denied.** That the appellant has not submitted a single application to this Establishment, to this effect. More so, deputation allowance was not sought in the very application enclosed as annex-G by the appellant, thus dined.

7. No Comments,

8. No Comments, as the said para is not related to answering respondent.

11. **Incorrect and misconceived thus denied.** As explained above, the appellant has not submitted a single application to this Establishment, to this effect. Furthermore, neither Fundamental nor any legal rights of the appellant has been violated and the appellant by filing this Appeal is pressurizing and trying to put the answering respondents into unnecessary, unjustified and unlawful litigation, which is liable to be reprimanded; therefore, the present Service Appeal is liable to be dismissed.

On Grounds:

A. That ground "A" is incorrect. that the appellant had not made any representation to this Establishment, regarding his claim, therefore, it cannot be said at this stage as to whether the appellant is entitle for the said allowances


B. That reply to ground "B" has been given in preceding paras.

C. That reply to ground "B" has been given in preceding paras.

- D. That in reply to ground 'D' it is submitted that the appellant has been repatriated and relived, therefore, cannot claim any remuneration from this Establishment.
- E. That reply to ground 'E' has been given in preceding paras.
- F. That ground 'F' needs no comments.
- G. That ground 'G' needs no comments.
- H. In reply to ground 'H' it is submitted that all the grounds have been taken by the appellant, therefore, he may not be allowed to take any other ground.

Prayer:

Considering the above submission, it is humbly prayed that this Service Appeal, being devoid of any merit, may please be dismissed with cost.



Director
Anti-Corruption Establishment,
Khyber Pakhtunkhwa
Peshawar.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar

Service Appeal No. 1219/2019.


Qazi Aslam S/o Sarfaraz Khan R/o Malakona Kaley, Tehsil Tangi, District Charsadda (Inspector Police, No. CCPO, Peshawar.....Appellant

Versus

- 1. Inspector General of Police/Provincial Police Officer, Khyber Pakhtunkhwa.**
- 2. Capital City Police Officer, Peshawar.**
- 3. Director Anti-Corruption Establishment Department Khyber Pakhtunkhwa Peshawar.....Respondents**

AFFIDAVIT

I, Sadeeq Anjam, Assistant Director Legal, Anti-Corruption Establishment, Peshawar, do hereby solemnly affirm and declare on oath that the contents of accompanying Parawise comments are true and correct to the best of my knowledge and noting has been concealed.



Assistant Director (Legal)
ACE, Peshawar.

Before the Khyber Pakhtunkhwa Service Tribunal Peshawar


Service Appeal No. 1219/2019.

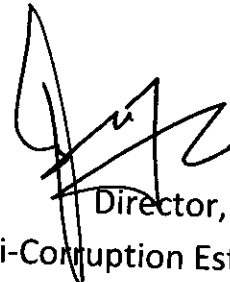
**Qazi Aslam S/o Sarfaraz Khan R/o Malakona Kaley, Tehsil Tangi, District
Charsadda (Inspector Police, No. CCPO, Peshawar.....Appellant**

Versus

- 1. Inspector General of Police/Provincial Police Officer, Khyber
Pakhtunkhwa.**
- 2. Capital City Police Officer, Peshawar.**
- 3. Director Anti-Corruption Establishment Department Khyber
Pakhtunkhwa Peshawar.....Respondents**

AUTHORITY LETTER

Sadeeq Anjam, Assistant Director Legal, Anti-Corruption
Establishment, Peshawar, is hereby authorized to attend the ~~Services Tribunal, Peshawar~~  in the above noted writ on behalf of
Director Anti-Corruption Establishment.


Director,
Anti-Corruption Establishment.
Khyber Pakhtunkhwa
Peshawar.

Annexure (A)

Handwritten notes and a circled number '07' in the top right corner.

ORDER

Sub-Inspector Qazi Aslam No. 502 of Charsadda District is transferred and posted to Anti-Corruption Establishment NWFP on deputation basis with immediate effect.



ABDUL MAJEED KHAN MAJROOH

Add: IGP/HQs
For Provincial Police Officer,
NWFP, Peshawar.

No. 12270-23 /E-II, dated Peshawar the

13 / 05 / 2009

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

1. Capital City Police Officer, Peshawar w/r to his Memo No. 6405/2009 dated 13.05.2009.
2. Director Anti-Corruption Establishment NWFP Peshawar.
3. District Police Officer Charsadda.
4. Section Officer (E-III) Govt. of NWFP Establishment & Administration Department Peshawar w/r to his letter No. SOE-III (E&AD) 4-5/2009 dated 07.05.2009.

Signature of Abdul Majrooh
ABDUL MAJEED KHAN MAJROOH
Registrar,
For Provincial Police Officer,
NWFP, Peshawar.

AD-Admin/Be

Addressed
Me

Signature of the Assistant Director Admin.

Assistant Director Admin. (I)
Anti-Corruption Establishment,
NWFP Peshawar.



082

DIRECTORATE OF ANTI-CORRUPTION ESTABLISHMENT, NWFP, PESHAWAR.

ORDER

On transfer from Police Department vide order No. 12220-33/E-II, dated 13.5.2009, S.I. Qazi Aslam No. 502, is hereby posted as Sub-Inspector, Anti-Corruption Establishment, Charsadda with immediate effect.

No. 4647-93 /ACE, dated 14/5/2009.

Director, Anti-Corruption
NWFP, Peshawar.

Copy forwarded to :-

- ✓ 1. A.D.Crimes, A.C.E., Peshawar.
2. Accountant, A.C.E., Peshawar.

Attested
Assistant Director Admn
Anti-Corruption Establishment
Charsadda Pakhtunkhwa
Peshawar



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



No. 1460 /E-III. Dated Peshawar, the 13 / 06 /2019.

ORDER.

The following Upper Subordinates of various District/Region presently serving in Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar on deputation are hereby repatriated to their parent District as noted against each names, with immediate effect:-

1. SI Qazi Aslam No. 502/MR of Charsadda District.
2. SI Taifur Shah No. 262/K of Kohat District.

Sd/-

SHER AKBAR
PSP, S.St

Deputy Inspector General of Police HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Endst: No. & dated even

Copy forwarded to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officers Mardan & Kohat Region.
- ✓ 3. Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office letter No. AD(Admn)/DACE/2/Officials/M-F/2019(Vol-II)11455, dated 12.06.2019.
4. District Police Officers, Charsadda & Kohat.

(SADIQ BALOCH)PSP
AIG/Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

AD/Admn:

BAC
14/6

Assistant Director Admn
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar



10

**DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR**

Dated Peshawar the 17.06.2019

ORDER

11685-94

NO.AD(ADMN)/DACE/2-2/OFFICIALS/M.F/2019/VOL-II/ : Consequent upon the Order issued by DIG (HQs), Central Police Office, Peshawar bearing No.1460/E-III, dated:13.06.2019, the following Sub-Inspectors (details quoted against each) are hereby relieved from the Anti-Corruption Establishment, Khyber Pakhtunkhwa, with immediate effect :-

S.No	Name of Official	Designation of Official	Parent District
1.	Qazi Aslam	Sub-Inspector (No.502/MR)	District Charsadda.
2.	Taifur Shah	Sub-Inspector (No.262/K)	District Kohat

**Director
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.**

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (Estt), Central Police Office, Peshawar.
4. The Regional Police Officers, Mardan & Kohat region.
5. The District Police Officers, Charsadda & Kohat.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Assistant Director (Crimes), Anti-Corruption Establishment, Kohat.
8. The Cashier/Accountant, Directorate of ACE, Peshawar with the request to issue LPC and also to hand over the original service record to the concerned officials by today positively.
9. The Caretaker, Directorate of ACE, Peshawar with the directions to take over the official vehicle in custody properly.
10. P.A to Director, Anti-Corruption Establishment, Peshawar.

[Signature]
17/06/2019.
**Assistant Director (Admn)
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.**

Attested
[Signature]

Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar

PESHAWAR HIGH COURT, PESHAWAR**ORDER SHEET**

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	23.07.2019	<p><u>W.P No.3771-P/2019</u></p> <p>Present: Malik Haroon Iqbal, Advocate, for the Petitioner.</p> <p style="text-align: center;">***</p> <p><u>ISHTIAQ IBRAHIM, J.</u>- This writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan has been filed by Qazi Aslam, petitioner, praying that:</p> <p style="text-align: center;"><i>“It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on mala-fide, malice, ill-will as petitioner performed its duty as per order of this Hon’ble Court without any influence and</i></p>

M. Iqbal (D.B)

Hon’ble Mr. Justice Iramullah Khan
Hon’ble Mr. Justice Ishfaq Ibrahim

ATTESTED

EXAMINER
Peshawar High Court

pressure by registering case/FIR No.2/2017 for which there should be appreciation and as not punishment.

It is further prayed that, directions be issued to respondents to release the salary of petitioner for the month of June, 2019 and onward.

Any other remedy deems fit and appropriate in the circumstances of the case may also be granted in favour of the petitioner"

2. In his writ petition, the petition averred that on the direction of Court order in W.P No.2028 of 2017, he conducted inquiry against the Education Department involved in the matter of malpractices of appointment and as a result of the said inquiry an FIR No.02/2017 was registered against 20 culprits involved in the matter; that due to involvement of high-ups of Education Department in the crime, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017.

3. Perusal of record shows that being aggrieved of the said transfer order, the petitioner filed writ petition No.4699-P/2017 before this Court and for non complaisance also filed COC No.32-P/2018. The writ

M. Iqbal (D.B)

*Hon'ble Mr. Justice Ibramullah Khan
Hon'ble Mr. Justice Ishina Ibrahim*

ATTESTED

EXAMINER
Peshawar High Court

petition alongwith COC was decided by this Court on 19.04.2018 wherein it was held that;

“It is disheartening to note the petitioner has been transferred immediately after initiating criminal proceedings against certain important persons. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

Instant petition is disposed of, accordingly.”

In compliance of the order of this Court, the Inspector General of Police Khyber Pakhtunkhwa cancelled the transfer order of the petitioner Qazi Aslam SI from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar vide office order dated 23.02.2018.

5. Record shows that after cancellation of transfer of the petitioner, he served at Special Investigation Wing (HQ) ACE, Peshawar for about 01 year and 04 months in the said department on deputation basis and thereafter vide order dated 13.06.2019 of the office of Inspector General of Police Khyber Pakhtunkhwa, Peshawar repatriated to their parent District/Department. The learned counsel for the

M. Iqbal (D.B)

*Hon'ble Mr. Justice Ibramullah Khan
Hon'ble Mr. Justice Ihtisham Ibrahim*

ATTESTED

EXAMINER
Peshawar High Court

petitioner was confronted with Article 212 of the Constitution as the petitioner is civil servant and the writ petition is against the transfer order. The same is not maintainable, however, the petitioner is directed to approach the proper forum i.e parents department for redressal of his grievance. It is the function of the parent department to repatriate the petitioner as and when desired.

Announced
23.07.2019


JUDGE


JUDGE

ENTITLED TO BE TRUE COPY

Examiner
Sindh High Court, Faisalabad
Authorised Under Article 87 of
the Qanun-e-shahadat Order 1988

25 JUL 2020

No. 3074
Date of Presentation of Application 25/7/2020
No of Pages 14
Copying fee 56
Total 56
Date of Preparation of Copy 25/7/2020
Date of Delivery of Copy 25/7/2020
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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1519/2019.

Qazi Aslam InspectorAppellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

2. Capital City Police Officer, Peshawar.....Respondents.

Reply by Respondents No. 1 &2.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Honorable Tribunal.
7. That this Hon'ble tribunal has no jurisdiction to entertain the appeal.

FACTS:-

- 1) Para pertains to record. However it is worth to clarify that a Govt: Servant has to serve on deputation for a period not exceeding 03 years but the petitioner by using various tactics has been posted in the ACE since 2009. He is reluctant to report his arrival in the parent district and join his lawful duty which against the law/rules.(copy of deputation Rules is annexure as A)
- 2) Para is totally incorrect and misleading. Consequent upon his promotion as Inspector he was transferred to D.I Khan Region on the basis of suitability but the appellant deliberately failed to comply with lawful orders of the competent authority and avoided to report his new place of posting on his own risk, rather he was duty bound under Police Act ,2017 as per section 13 (8) "every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police unless otherwise provided under this Act."(copy is annexure as B)
- 3) Para is incorrect as the appellant is concealing the material facts. As the learned Tribunal vide order sheet dated 09.07.2020 has strictly directed the appellant to submit undertaking in respect of attending duty as per order of the concerned authority. But till date the appellant is deliberately avoiding to submit undertaking and ensure his attendance for duty despite repeated direction by the competent authority. Besides, CPLA No.625-P/2019 against the judgment dated 24.04.2019 passed by this learned Tribunal has also been filed in the Apex Court, which is still subjudice in the Apex Court.
- 4) Para not related. Hence needs no comments.


- 5) Incorrect. As explained in the preceding paras following to his repatriation to his parent district appellant was relieved by the ACE without any delay. Promotion in the rank of Inspector is made on Provincial level and the officers so promoted are reshuffled and their posting being made where their services are required. Therefore, on promotion appellant alongwith other freshly promoted officers were transferred to different regions in the best interest of the department as well as general public.
- (A) Not related, hence needs no comments.
- (B) Not related, hence needs no comments.
- (C) Not related, hence needs no comments.
- (D) Not related, hence needs no comments.
- (E) Pertains to record. Hence needs no comments.
- 6) Not related, hence needs no comments.
- 7) Para pertains to record, hence needs no comments.
- 8) Para relates to ACB.

GROUND.

- A) Not related, hence needs no comments.
- B) As above.
- C) Para is reparation of Para "A" above.
- D) Incorrect. Act of disobedience/negligence has led to the said situation for which appellant is personally responsible.
- E) Para is incorrect.
- F) Incorrect. Act of the appellant is liable for departmental proceeding; however, in view of his long service a lenient view is taken by giving chance to mend his ways.
- G) Incorrect. No violation of law has been made by the replying respondents.
- H) Respondents also seek the permission of Honorable Tribunal to produce further grounds, points at the time of arguments.

PRAYER:-

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant may kindly be dismissed with costs please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.1519/2019.

Qazi Aslam InspectorAppellant.

VERSUS.

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.....Respondents.

AFFIDAVIT

We respondents No. 1 & 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

120 ESTA CODE [Establishment Code Khyber Pakhtunkhwa]

donor agencies which are engaged in development programme in Pakistan like, World Bank, Asian Development Bank, IDB, USAID, DFID, GTZ, JICA, AK Foundation etc.

- (ii) The intending civil servant will apply for the post through proper channel to his administrative department on advertisement of the posts/ services in time so that his case could be properly processed.
- (iii) In view of short time for processing, the intending Govt. servant may forward an advance copy of his application simultaneously to the borrowing agency and parent department for seeking departmental permission through proper channel. Copy of the application alongwith bio-data of the selected Govt servants should be sent to the Bureau of Immigration for record, if approved, by the competent authority.
- (iv) Applications of the civil servants concerned shall be processed by the administrative department and if the applicant is found eligible for the post/ position advertised, departmental permission may be granted by the administrative department concerned. It is however, clarified that administrative department for the Secretariat staff, officers of the PCS(EG), PCS(SG) is the Establishment Department. Applications of APUG officers and P.S.P. will be forwarded to the Establishment Division Islamabad through Establishment Department, Government of NWFP.
- (v) On receipt of application with offer of appointment, the administrative department concerned shall process the case and finalize its recommendations and forward the case to the concerned Special Selection Board (SSB) as indicated in the succeeding paragraphs within a period of one week. In case of shortage of time, applications should not be processed and the applicants be informed accordingly.
- (vi) The Department concerned shall relieve the concerned employee in time to enable him to take up his new assignment without delay.
- (vii) Period of deputation shall commence from the date of relieving of the employee and terminate on resumption of duty.
- (viii) The person concerned shall have the right to retain his lien for a maximum of three years, if he is a permanent/confirmed employee.
- (ix) No Government servant shall be allowed to convert his/her EOL/Leave ex- Pakistan into deputation abroad.
- (x) Each working paper for the SSB would require specific recommendations of the Administrative Secretary who is also a member of the SSB. While recommending cases for approval of

(2) The Police Policy Board shall give input and advice on major issues relating to the Police referred to it by Provincial Police Officer.

11. Administration of the Police.---Administration of Police in the Province shall vest in the Provincial Police Officer, who shall exercise such powers and perform such functions and duties and shall have such responsibilities as may be provided by or under this Act and any other law for the time being in force.

12. Administration of Police in a district and Unit.---(1) Subject to this Act, the administration of Police in a Capital City District, shall vest in Capital City Police Officer and in a District shall vest in the District Police Officer.

(2) The Capital City Police Officer or District Police Officer may delegate any of his powers and functions conferred on him to a Superintendent of Police, Assistant or Deputy Superintendent of Police.

(3) The administration of police in a Unit shall vest in the Head of Unit.

13. Police Establishment to be organized on functional basis.---(1) The Police Establishment constituted under section 7 of this Act shall, as far as practicable, be organized on functional or territorial basis into branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in sub-section (1) may include but not limited to, Investigation, Intelligence, Operation, Watch and Ward, Reserve Police, Training and Development, Human Resource Management, Traffic Planning and Management, Information Technology, Transport, Bomb Disposal Unit, Canine, Mounted Police, Research and Development, Estate Management, Telecommunication, Criminal Record Office and Forensic Science Laboratory and shall be headed by such police officers as the Provincial Police Officer may determine.

(viii) Police School of Telecommunication; and

(ix) Elite Police Training Centre.

Provided that the Provincial Police Officer may establish other specialized schools of training with prior approval of Government.

(5) A police officer up to the rank of Deputy Superintendent of Police shall be promoted to a higher rank after getting requisite training in the specialized schools as provided in subsection (4) and qualifying promotion courses in a manner to be determined by Provincial Police Officer.

(6) A Deputy Superintendent of Police shall not be promoted to the next higher rank unless he undergoes junior command course in a manner determined by the Provincial Police Officer.

(7) There shall be a Directorate of Training in the Police to be headed by an officer not below the rank of Deputy Inspector General of Police and consisting of three sections each headed by an officer not below the rank of Superintendent of Police to deal with pre-service training, in-service training and specialized training respectively to assist the Provincial Police Officer in formulation of training policy and modules, and evaluation of schools and courses.

(8) Every police officer shall be liable for posting to any branch, division, bureau and section, or anywhere in or outside the police unless otherwise provided under this Act.

(9) Posting to any specialized branch, division, bureau or section shall be subject to necessary training and experience.

14. Constitution of regions and divisions etc.---(1) The Provincial Police Officer may with the approval of Government constitute police regions in the Province.

Explanation: For the purpose of this section, Region means two or more Districts to be headed by a Regional Police Officer.

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GOVERNMENT OF N.W.F.P.
SERVICES AND GENERAL ADMINISTRATION DEPARTMENT
(SERVICES WING)

NOTIFICATION

Peshawar, the 4th April, 1989.

No. SOSII (S&GAD) 4(6)/83.— In pursuance of the provisions contained in sub-rule (2) of rule 3 of the North-West Frontier Province Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules made in this behalf, the Services and General Administration Department, in consultation with the Finance Department, hereby, lays down the method of appointment, qualifications and other conditions specified in columns 3 to 5 of the Appendix to this notification which shall be applicable to the posts borne on the Anti-corruption Establishment specified in column 2 of the said Appendix.

APPENDIX

Sl. No.	Nomenclature of Post	Minimum qualifications prescribed for appointment by initial recruitment or by transfer	Age Limit for initial recruitment	Method of recruitment/appointment
1	2	3	4	5
PART-A — TECHNICAL POSTS				
1.	Director Anti-Corruption, Establishment	Degree from a recognised University.	..	By transfer of a suitable officer from any Department of Government.
2.	Special Judge.	..	..	By transfer of a Judicial Officer from Ex-Provincial Civil Service (Judicial Branch).
3.	Assistant Director (Administration).	<i>Amended vide No. SOE-V/EBAD/12-2/2015 dated 24.9.2012.</i>	..	By transfer of a suitable officer from any Department of Government. <i>By promotion on the basis of Seniority cum-fitness from amongst A.O and Supt.</i>
4.	Assistant Director (Crimes).	..	..	By transfer of a suitable officer from the Police Department.
5.	Assistant Director (Legal).	B.A. LLB or equivalent qualification from a recognised University.	..	By transfer of a suitable officer from the Prosecution Branch of the Police Department.
6.	Deputy Director (Technical).	B.Sc (Engineering) from a recognised University.	..	By transfer of a suitable officer from any Department of Government.
7.	Assistant Director (Technical).	B.Sc (Engineering) from a recognised University.	..	By transfer of a suitable officer from any Department of Government.
8.	Sub Engineer.	Diploma in Civil Engineering from a recognised Institute.	..	By transfer of a suitable officer from any Department of Government.
9.	Range Officer	B.Sc (Forestry) from a recognised University.	..	By transfer of a suitable officer from the Forest Department.
10.	Tehsildar	Degree from a recognised University.	..	By transfer of a suitable officer from the Revenue Department.

2	3	4	5
	Circle Officer	..	By transfer of a suitable officer from the Police Department.
12.	Prosecuting Inspector	B.A. LLB or equivalent qualification from a recognised University.	By transfer of a suitable officer from Prosecuting Branch of the Police Department.
13.	Prosecuting Sub Inspector.	B.A. LLB or equivalent qualification from a recognised University.	By transfer of a suitable officer from Prosecuting Branch of the Police Department.
14.	Inspector	F.A. from a recognised Board.	By transfer of a suitable officer from the Police Department.
15.	Sub-Inspector	F.A. from a recognised Board.	By transfer of a suitable officer from the Police Department.
# 16.	Assistant Sub-Inspector	F.A from a recognised Board.	By transfer of a suitable officer from the Police Department.
17.	Head Constable	Secondary School Certificate from a recognised Board.	By transfer of a suitable official from the Police Department.
18.	Constable	Secondary School Certificate from a recognised Board.	By transfer of a suitable official from the Police Department.

PART B - MINISTERIAL POSTS

1. Assistant Statistical Officer,
Admin. Dept.

*Second Class (C-Grade) Master Degree, from a recognised University in Statistics, Economics, Computer Science, Mathematics, Business Administration or Public Administration.

21-35 years

By initial recruitment.

By posting of suppl.

Converted into AC
No. BGV/PD/22(A)/94
Substituted vide Notification No. SOS-III (S&GAD) 4(6)83/Vol. III, dated 18.6.1990.

22-2-1999

1	2	3	4	5
*1A	Office Superintendent	<i>Amended vide No. SOS-III (S&GAD) 4(6)/99 dated 08.2.2000.</i>		By promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Assistants with at least 5 years service as such.
2.	Assistant	Degree from a recognised University.	18-25 years	(a) Fifty per cent by initial recruitment. (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Senior Clerk with at least 5 years service as such.
3.	Senior Scale Stenographer	(i) F.A. from a recognised Board; and (ii) a speed of 120 words per minute in shorthand in English and 40 words per minute in typing.	18-25 years	(a) Fifty per cent by initial recruitment. (b) Fifty per cent by promotion, on the basis of seniority-cum-fitness from amongst holders of the posts of Stenographer (B-12) with at least 3 years service as such.
4.	Stenographer	(i) Secondary School Certificate or equivalent qualification from a recognised Board; and (ii) a speed of 80 words per minute in shorthand in English and 40 words per minute in typing.	18-25 years	By initial recruitment.
5.	Divisional Accountant	..	..	By transfer of a suitable official from any Department of Government.
6.	Auditor	..	..	By transfer of a suitable official from any Department of Government.
7.	Senior Clerk	By promotion on the basis of seniority-cum-fitness, from amongst the holders of the posts of Junior Clerk with at least two years service as such.

* Inserted vide Notification No. SOS-III (S&GAD) 4(6)/83/Vol.III, dated 18.6.1990.

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1	2	3	4	5
8.	Junior Clerk	(i) Secondary School Certificate from a recognised Board; and (ii) a speed of 30 words per minute in typing.	18-25 years	By initial recruitment; provided that not more than twenty per cent of the vacancies in a year may be filled by promotion from amongst the holders of the posts in Part-C, who possess Secondary School Certificate are under 45 years of age and have at least 2 years service in the Anti-Corruption Establishment.

PART C - MISCELLANEOUS POSTS

1.	Driver	Possessing valid Driving Licence and having 3 years experience of driving.	18 to 45 years	By initial recruitment.
2.	Naib Qasid	..	18 to 45 years	By initial recruitment.
3.	Chowdidar	..	18 to 45 years	By initial recruitment.
4.	Mali	One year experience of practical work as Mali.	18 to 45 years	By initial recruitment.
5.	Sweeper	..	18 to 45 years	By initial recruitment.

- Note:
- (1) Ten per cent of the vacancies to be filled by initial recruitment shall be reserved for ex-servicemen.
 - (2) Appointment by transfer for the purposes of these rules shall mean temporary transfer in the public interest.



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT

NOTIFICATION

Dated 11/12/2017

No SOE-V/E&AD/12-28/2017/Vol-III/Rules:- In pursuance of the provisions contained in sub-rule (2) of rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, and in supersession of all previous rules made in this behalf, the Establishment and Administration Department, in consultation with the Finance Department, lay down the method of appointment, qualifications and other conditions specified in columns 3 to 5 of the Appendix to this notification which shall be applicable to the posts borne on the Anti-Corruption Establishment specified in column 2 of the said Appendix.

APPENDIX

S/No	Nomenclature of the post	Minimum required qualification for initial recruitment	Required Age for Initial recruitment	Method of recruitment
1	2	3	4	5
1.	Director Anti-Corruption Establishment.	----	----	By transfer from amongst PAS or PMS officers.
2.	Deputy Director (Technical).	----	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Directors (Technical) with at least five (05) years service as

A

				such: Provided that if no suitable officer is available for promotion then by deputation from the relevant Government Department.
3.	Assistant Director (Admn).			By promotion, on the basis of seniority-cum-fitness, from amongst the Administrative Officers and Superintendents having Bachelor's Degree from a recognized University with at least three (03) years service as such. Note: For the purpose of promotion a joint seniority list of Administrative Officers and Superintendents shall be maintained.
4.	Assistant Director (Crimes).			(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Circle Officers and Inspectors with at least five (05) years service as such; and (b) fifty percent by transfer from Police Department.
5.	Assistant Director (SIW).			(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Circle Officers and Inspectors with at least five (05) years service as such; and (b) fifty percent by transfer from Police Department. Note: For the purpose of promotion a joint seniority list of Circle Officers and Inspectors shall be maintained.

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6.	Assistant Director (Technical).	----	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Technical Officers with at least five (05) years service as such. Provided that if no suitable person is available for promotion then by transfer from relevant Government Department.
7.	Assistant Director (Complaint Cell).	----	----	By promotion, on the basis of seniority-cum-fitness, from amongst the Circle Officers with at least five (05) years service as such.
8.	Assistant Director (Coordination).	----	----	By transfer from PAS or PMS or Police Department.
9.	Assistant Director (Legal).	----	----	By transfer of a suitable officer from the relevant Government Department.
10.	Technical Officer.	Diploma in Civil Engineering from a recognized Institute.	18-25 years.	(a) Fifty percent by initial recruitment; and (b) fifty percent by transfer from amongst the Sub-Engineers of the relevant Government Department.

11.	Range Officer.	----	----	By transfer of a suitable sub-divisional Forest officer of the Forestry, Environment and Wildlife Department.
12.	Magistrate.	----	----	By transfer of a suitable officer from PAS or PMS officers.
13.	Tehsildar.	----	----	By transfer of a suitable officer from the Revenue and Estate Department.
14.	Prosecutor.	----	----	By transfer of a suitable officer from the relevant Government Department.
15.	Programmer.	----	----	By transfer of a suitable officer from relevant Government Department.
16.	Prosecuting Inspector.	----	----	By transfer of a suitable officer from Prosecuting Branch of the Police Department.
17.	Prosecuting Sub Inspector.	----	----	By transfer of a suitable officer from Prosecuting Branch of the Police Department.
18.	Circle Officer / Inspector.	----	----	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Sub-Inspectors with at least seven (07) years service as such and fulfilling other requirements prescribed by Police Department from time to time;</p> <p>Provided that for the purpose of promotion Upper School Course shall be mandatory; and</p> <p>(b) fifty percent by transfer of a suitable officer from the Police Department.</p>

19.	<u>Sub-Inspector.</u>	At least Second Class Intermediate or equivalent from a recognized Board.	-----	<p>(a) Fifty percent by promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Inspectors with at least seven (07) years service as such:</p> <p>Provided that for the purpose of promotion Intermediate School Course shall be mandatory; and</p> <p>(b) <u>fifty percent by transfer of suitable Sub-Inspectors from the Police Department.</u></p>
20.	<u>Assistant Sub-Inspector.</u>	<p>At least Second Class Intermediate or equivalent qualification from a recognized Board.</p> <p>Height:</p> <p>Male: 5'-6" Female: 5'-1"</p> <p>Chest:</p> <p>Male: 33'-34" Female: Nil</p>	18-25 years.	<p>(a) Twenty percent by promotion, on the basis of seniority-cum-fitness, amongst the Head Constables with at least five (05) years service as such;</p> <p>(b) <u>twenty percent by transfer or deputation from Police Department; and</u></p> <p>(c) sixty percent by initial recruitment.</p>
21.	<u>Head Constable.</u>	At least Second Class Secondary School Certificate from a recognized Board.	-----	<p>(a) Sixty percent by promotion, on the basis of seniority-cum-fitness, from the Constable with at least five (05) years service as such:</p> <p>Provided that for the purpose of promotion Lower School Course shall be mandatory; and</p> <p>(b) forty percent by transfer of a suitable officer from the Police Department.</p>

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22.	Constable.	At least Second Division Secondary School Certificate from a recognized Board. Height: Male: 5'-6" Female: 5'-1" Chest: Male: 33'-34" Female: Nil	18-25 years.	(a) Eighty percent by initial recruitment; and (b) twenty percent by transfer from Police Department.
23.	Administrative Officer /Superintendent.	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistants and Senior Scale Stenographers with at least 05 years service as such: Note: A joint seniority list of Assistants and Senior Scale Stenographers shall be maintained for the purpose of promotion.
24.	Assistant.	At least Second Class Bachelor's Degree from a recognized University.	20-32 years.	(a) Seventy five percent by promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with at least five (05) years service as such; and (b) twenty five percent by Initial recruitment.
25.	Senior Scale Stenographer.	(i) At least Second Class Bachelor's Degree or equivalent qualification from a recognized University; (ii) a speed of 70 words per minute in shorthand in English and 45 words per minute in typing; and	20-32 years.	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Scale Stenographers with at least three (03) years service as such: Provided that if no suitable person is available for promotion, then by initial recruitment.

		(iii) knowledge of Computer in using MS Word, MS Excel.		
26.	Junior Scale Stenographer.	(i) Intermediate or equivalent qualification from a recognized Board; (ii) a speed of 50 words per minute in shorthand in English and 35 words per minute in typing; and (iii) knowledge of Computer in using MS Word, MS Excel.	18-30 years.	By initial recruitment.
27.	Auditor.	-----	-----	By transfer of a suitable official from the relevant Government Department.
28.	Senior Clerk.	-----	-----	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerk with at least two years service as such.
29.	Computer Operator.	-----	-----	By transfer or deputation from relevant Government Department.
30.	Junior Clerk.	(i) Matriculation with at least Second Division or equivalent qualification from a recognized Board; and (ii) a speed of 30 words per minute in typing.	18-30 years.	(a) Thirty-three percent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids, Chowkidars and Malis with two years service as such, who have passed Secondary School Certificate Examination; and (b) sixty-seven percent by initial recruitment. Note: A joint seniority list of Naib Qasids,

				<p>Chowkidars and Malis shall be maintained for the purpose of promotion.</p> <p>Provided that-</p> <p>(a) if two or more officials have acquired the Secondary School Certificate in the same session, the inter-se seniority in the lower post shall be maintained for the purpose of determining seniority in the higher post; and</p> <p>(b) where a senior official does not possess the requisite qualification at the time of filling up a vacancy, the official next junior to him possessing the requisite qualification shall be promoted in preference to the senior official or officials.</p>
31.	Driver.	<p>Literate having a valid LTV driving license.</p> <p>Note: Preference will be given to those who have sufficient experience in driving, repairing and maintenance of vehicles.</p>	18-40 years.	By initial recruitment.
32.	Naib Qasid.	Preferably literate.	18-40 years.	By initial recruitment.
33.	Chowkidar.	Preferably literate.	18-40 years.	By initial recruitment.

		Note: Preference will be given to Ex-Service man.		
34.	Mali	One year practical experience as Mali.	18-40 years.	By initial recruitment.
35.	Sweeper	---	18-40 years.	By initial recruitment.

Note: The phrase "by transfer" appearing in these service rules mean transfer for the posting purpose in pursuance of section 10 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Act No.XVIII of 1973) and shall not vest any right of appointment or absorption or promotion against the post on regular basis.

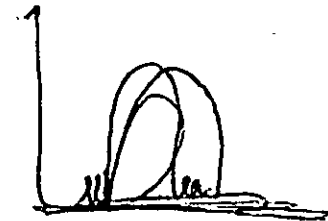
**CHIEF SECRETARY
KHYBER PAKHTUNKHWA**

Endst: No.SOE-V/E&AD/12-28/2017/Vol-III/Rules:-

Dated Peshawar, the 11-12-2017

1. Additional Chief Secretary, P&D, Govt: of Khyber Pakhtunkhwa.
2. Additional Chief Secretary, FATA Secretariat.
3. Senior Member Board of Revenue, Revenue & Estate Department.
4. All Administrative Secretaries to Govt: of Khyber Pakhtunkhwa.
5. Chairman, Public Service Commission, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. Principal Secretary to Governor, Khyber Pakhtunkhwa.

8. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
9. Secretary to Speaker, Provincial Assembly, Khyber Pakhtunkhwa.
10. PSO to Chief Secretary, Khyber Pakhtunkhwa.
11. Secretary, Provincial Assembly, Khyber Pakhtunkhwa.
12. All Heads of Attached Department, Khyber Pakhtunkhwa.
13. The Director Anti-Corruption Establishment, Khyber Pakhtunkhwa.
14. PS to Secretary, Establishment Department.
15. PS to Special Secretary (Estt), Establishment Department.
16. PA to Additional Secretary (Reg), Establishment Department.
17. PA to Deputy Secretary (Estt), Establishment Department.
18. Manager, Govt. Printing Press with the request to furnish Fifty (50) copies to this Department after publication in the official Gazette.



(LAKHTAR NAWAZ)
SECTION OFFICER (E-V)