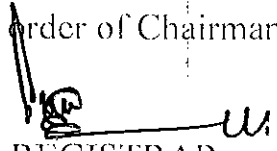


FORM OF ORDER SHEET

Court of _____

Case No. - 811/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/04/2023	<p>The appeal of Mst. Zakia Minhas resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____</p> <p>Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Zakia Minhas Junior Clerk CCPO Peshawar received today i.e. on 04.04.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal are unattested.
- 4- Affidavit be attested by the Oath Commissioner.
- 5- Memorandum of appeal is not signed by the appellant.
- 6- Copy of charge sheet is not attached with the appeal.
- 7- Copy of rejection order is not attached with the appeal.
- 8- The documents that are to be provided must be illegible/readable.
- 9- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may be submitted with the appeal.

No. 1087 /S.T,

Dt. 5/4 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir,

1- Removed

2- Removed

3- Removed

4- Removed

5- Removed


6- Copy of charge sheet is attached at page-7

7- Copy of rejection order is attached at page-22.

8- Removed

9- Removed

Resubmitted after
compliance


10/4/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 811 /2023

Zakia Minhas

VS

Police Department

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4	Copies of order dated 21.01.2019 and 25.04.2019	B&C	08-10
5	Copy of judgment dated 15.12.2020	D	11-14
6	Copy of inquiry report	E	15-17
7	Copy of order dated 05.05.2020	F	18
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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL NO. 811 /2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4722

Dated 4/4/2023

Zakia Minhas, Junior Clerk (BPS-11),
CCPO, Peshawar.

APPELLANT

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Senior Superintendent of Police Coordination, Peshawar.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 14.03.2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT FOR BACK BENEFITS IN SHAPE OF SALARIES WITH EFFECT FROM 21.01.2019 TO 04.05.2021 HAS BEEN REJECTED FOR NO GOOD GROUND, AGAINST THE ORDER DATED 30.09.2021, WHEREIN THE PERIOD REMAINED OUT OF SERVICE OF THE APPELLANT WITH EFFECT FROM 21.01.2019 TO 04.05.2021 WAS TREATED AS WITHOUT PAY AND AGAINST THE ORDER DATED 05.05.2021, WHEREBY THE APPELLANT WAS REINSTATED IN SERVICE W.E.F 15.12.2020 INSTEAD OF 21.01.2019 "THE DATE ON WHICH THE APPELLANT WAS DISMISSED FROM SERVICE".

Filed to-day
at
Peshawar
04/04/23

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 14.03.2023 AND 30.09.2021 MAY KINDLY BE SET ASIDE AND THE ORDER DATED 05.05.2021 MAY KINDLY ALSO BE MODIFIED TO THE EXTENT TO REINSTATE THE APPELLANT IN SERVICE WITH EFFECT FROM 21.01.2019 INSTEAD OF 15.12.2020 AND THE RESPONDENTS MAY BE DIRECTED TO GRANT BACK BENEFITS IN SHAPE OF SALARIES ALONG WITH OTHER EMOLUMENTS FOR THE PERIOD WHERE THE

APPELLANT WAS REMAINED OUT OF SERVICE WITH EFFECT FROM 21.01.2019 TO 04.05.2021 BY TREATING THAT PERIOD ON FULL PAY AS IN THE DE NOVO INQUIRY WHICH WAS CONDUCTED ON THE BASIS OF JUDGMENT DATED 15.12.2020 OF THIS HONORABLE TRIBUNAL THE APPELLANT WAS NOT FOUND GUILTY IN THE ALLEGATIONS LEVELED AGAINST HER. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant is working the respondent department as Junior Clerk in the year 2008 and since his appointment she is performing her duty with devotion and honesty, whatsoever, assigned to her.
2. That while serving in the same capacity, charge sheet of some baseless allegations was issued to her and on the basis of that charge sheet inquiry was conducted against her, but the inquiry conducted against her was not according to the prescribed procedure. (Copy of charge sheet is attached as Annexure-A)
3. That on the basis of irregular and improper inquiry, the appellant was dismissed from service vide order dated 21.01.2019 and her departmental appeal was also rejected on 25.04.2019. (Copies of order dated 21.01.2019 and 25.04.2019 are attached as Annexure-B&C)
4. That the appellant then filed service appeal No. 592/2019 against the orders dated 21.01.2019 and 25.04.2019 in this Honorable Service Tribunal. The said service appeal was heard and decided by this Honorable Tribunal on 15.12.2020 which was allowed and the impugned orders were set aside. The appellant was reinstated into service while the respondent department were required to conducted a proper/denovo inquiry against the appellant within three months from the date of receipt of the judgment and the issue of grant of back benefits to the appellant shall be settled in view of denovo inquiry. (Copy of judgment dated 15.12.2020 is attached as Annexure-D)
5. That denovo inquiry was conducted against the appellant on 06.02.2021 in which the inquiry officer gave conclusion/recommendation that no solid evidence nor any witness produced against the alleged lady junior clerk (appellant) which prove herself to be involved in such immoral activities. Her previous record was also examined, no entry of such like blame found in her previous service. She was not found guilty in the instant matter. (Copy of inquiry report is attached as Annexure-E)

6. That in pursuance of judgment dated 15.12.2020 of this Honorable Tribunal the appellant was reinstated into service with effect from 15.12.2020 for the purpose of denovo inquiry vide order dated 05.05.2021 despite the fact that denovo inquiry was already conducted against the appellant and the inquiry officer submitted his report on 06.02.2021 in which the appellant was found not guilty. (Copy of order dated 05.05.2021 is attached as Annexure-F)
7. That an order dated 30.09.2021 was passed, wherein the period the appellant remained out of service with effect from 21.01.2019 to 04.05.2021 was treated as without pay. It is pertinent to mention here that although the appellant was reinstated w.e.f 15.12.2020 through an order dated 05.05.2021, however salaries for the period with effect from 15.12.2020 to 04.05.2021 was also not granted to her. The appellant filed departmental for back benefits in the shape of salaries along with other emoluments for the period during which she was remained out of service appeal, which was rejected on 14.03.2023 for no grounds. (Copies of order dated 30.09.2021, departmental appeal and order dated 14.03.2023 are attached Annexure-G,H&I)
8. That now the appellant comes to this Honorable Tribunal for redressal of her grievance on the following grounds amongst others

“**GROUND:**

- A) That the orders dated 14.03.2023, 30.09.2021 and 05.05.2021 are against the law, facts, norms of justice, material on record and recommendation of denovo inquiry report, therefore not tenable and orders dated 14.03.2023, 30.09.2021 are liable to be set aside and the order dated 05.05.2021 is liable to be modified to the extent to reinstate the appellant in service with effect from 21.01.2019 instead of 15.12.2020.
- B) That the Honorable Tribunal in its judgment dated 15.12.2020 mentioned that the issue of back benefits to the appellant shall be settled in view of denovo inquiry and in denovo inquiry the appellant was not found guilty of the charges levelled against her, but despite that the back benefits was not granted to the appellant for the period w.e.f 21.01.2019 to 04.05.2021, the period during which was remained out of service, which is against the norms of justice and fair play.
- C) That inquiry officer gave his conclusion/recommendation that no solid evidence nor any witness produced against the alleged lady junior clerk (appellant) which prove herself to be involved in such immoral

activities. Her previous record was also examined, no entry of such like blame found in her previous service. She was not found guilty in the instant matter, which means that due to the fault of the department the appellant has restrained to perform her duty with effect from 21.01.2019 to 04.05.2021, therefore, the appellant should not be punished for the fault of other and is entitled for back benefits in the shape of salaries along with other emoluments for that period.

- D) That the allegation/charges were not proved against the appellant and was not found guilty in the inquiry proceeding, therefore there remain no ground to deprive the appellant from back benefits in the shape of salaries along with other emoluments for the period w.e.f 21.01.2019 to 04.05.2021 the period during which she was remained out of service.
- E) That the appellant did not willfully remained absent from her duty, but the department restrained her from performing duty due to dismissal from her service on baseless allegations/charges which was later on not established in the de-novo inquiry and as such the appellant cannot be deprived from her salaries along with other emoluments for the period w.e.f 21.01.2019 to 04.05.2021 due to the fault of the department.
- F) That as per superior court judgment that once an official was reinstated in service after exoneration of charges leveled against him/her, the period during which he/she remained either suspended or dismissed/removed could not be attributed as fault on his/her part. Absence of official during period of dismissal/removal was not voluntary on his/her part but it was due to the order of the authority which restrained from attending his/her job/duty. Therefore, his/her service record could neither be adversely affected nor could he/she be denied any benefits to which he/she would have been entitled had he/she not been removed/dismissed and as such the appellant is entitled for back benefits in the shape of salaries along with other emoluments for the period w.e.f 21.01.2019 to 04.05.2021 the period during which was remained out of service on the basis of Apex Court judgment.
- G) That the appellant was reinstated in service w.e.f 15.12.2020 through an order dated 05.05.2021, but even salaries along with other emoluments were not granted to the appellant for that period.
- H) That the appellant was dismissed from service on 21.01.2019 which was challenged by the appellant in service appeal No.592/2019 in this Honorable Tribunal. The Honorable Service Tribunal set aside the

(5)

impugned orders dated 21.01.2019 and rejection order dated 25.04.2019 meaning by that the appellant is entitle to be reinstate w.e.f 21.01.2019 but she was reinstated in service through an order dated 05.05.2020 w.e.f 15.12.2020 instead of 21.01.2019 and by reinstating her w.e.f 15.12.2020 instead of 21.01.2019, there is break in service w.e.f 21.01.2019 to 15.12.2020 due to which her seniority and promotion will be effected and will even create legal complication in finalization of her pension after her retirement, therefore the order dated 05.05.2020 is liable to be modified to the extent to reinstate the appellant w.e.f 21.01.2019 instead of 15.12.2020.

- I) That the appellant remained unpaid employee for period from dismissal from service till reinstatement into service and in this respect appellant give affidavit that he remained unpaid employee during that period. **(Copy of affidavit is attached as Annexure-J)**
- J) That the appellant was not treated according to law and rules and has been deprived from his legal rights of back benefits in the shape of salaries along with other emoluments for the period w.e.f 21.01.2019 to 14.12.2020 the period during which was remained out of service.
- K) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Zakia
APPELLANT
Zakia Minhas

THROUGH:

Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&

Shakir Ullah
SHAKIR ULLAH
ADVOCATE

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2023

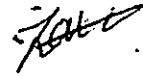
Zakia Minhas

VS

Police Department

AFFIDAVIT

I, Zakia Minhas, Junior Clerk (BPS-11), CCPO, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

CHARGE SHEET

(A)

(7)

I, Senior Superintendent of Police, Operations, Peshawar as competent Authority hereby charge you, Junior Clerk Zakia Minhas of Capital city Police Peshawar as follows:-


- i. As per classified information that you are involved in immoral activities. Furthermore you are also making illegal "*siforish*" to police stations/customs authorities for release of contraband at the time of confiscation from your mother who is well known contraband smuggler.
- i. That you are not taking keen interest in your official obligations and rather concentrate in illegal activities by taking advantage of your job.
- ii. This amounts to gross misconduct on your part.

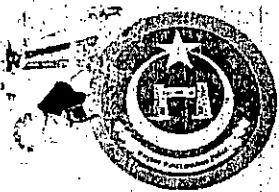
By reason of the above, you appear to guilty of misconduct under section 3 of KPK Government Servants (E&D) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Section-4 of the said Rules.

You are therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer/enquiry committee failing which it shall be presumed that you have no defense to put in and an ex-parte action shall be taken against you.

Intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed


SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR.

Ph: 091-9210508 Fax: 091-9213054

ORDER

This office order will dispose off the departmental proceedings initiated against Lady Junior Clerk Zakia Minhas of CCP Peshawar vide this office No. 89/E/PA dated 07.01.2019. Allegations leveled against her were that:

- i. As per classified information, she was involved in immoral activities. Furthermore she was also making illegal "sifarish" to police stations/customs authorities for release of contraband items at the time of confiscation from her mother who is well known contraband smuggler.
- ii. That she was not taking keen interest in her official obligations rather concentrate in illegal activities by taking advantage of her government job.

Charge sheet along with summary of allegations was issued to her and Mr. Najam-ul-Husnain Liaquat, ASP Hayat bad, Peshawar was appointed as Enquiry Officer, who after conducting a detailed enquiry, held her guilty of all the aforementioned charges.

On receipt of the findings, Final Show Cause Notice was served upon her vide this office No. 53/PA dated 17.01.2019. Her written reply received well in time. The same was perused and found unsatisfactory. She was called in Orderly Room on 21.01.2019 and heard in person while giving her ample opportunity for self-defense. She failed to advance any plausible explanation in rebuttal of the charges.

The undersigned perused all the relevant record and source reports beside heard the accused Lady Junior Clerk. The undersigned found her guilty of the charges on following accounts:-

- i) She has been openly involve in immoral which is bring bad name of the departmental as a whole.
- ii) She has been found misusing her official position by visiting various Police Posts and approaching police officials for the release of contraband items confiscated from her mother who is a notorious contraband smuggler and commonly known as "Patakai". This fact has been admitted by the accused official before the Enquiry Officer.
- iii) She is habitual absentee and often remain absent from official duties without prior approval of the officer concerned.

- (9)
- iv) She failed to act upon the advice notices conveyed to her in writing vide letter bearing number 2011/PA dated 31.12.2018.

From the aforementioned facts, it is crystal clear that the accused official is guilty of the charges leveled against her. Therefore, Lady Junior Clerk Zakia Minhas is hereby awarded the major punishment of dismissal from service under the Government Servants (Efficiency & Disciplinary) Rules 2011 with immediate effect.


SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

No. 67-73 /PA dated Peshawar, the 21.01 /2019.

Copy for information and necessary action to the -

1. Capital City Police Officer, Peshawar
2. SP HQrs Peshawar
3. Head Clerk
4. Pay Officer
5. EC-II/FMC
6. Official concerned

Encl-12



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989
Fax No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-L/JC Zakia Minhas who was awarded the major punishment of "Dismissal from service" by SSP/Operations Peshawar vide OB No.67-73, dated 21-01-2019.

2- The allegations leveled against her were that she while posted in the office of SSP/Operations Peshawar and as per classified information she was found involved in immoral activities. Furthermore she also makes illegal "sifarish" to police stations/customs authorities for release of contrabanded items at the time of confiscation from her mother who is well known contrabanded smuggler. She was not taking keen interest in her official obligations rather concentrate in illegal activities by taking advantage of her government job.

3- She was issued proper Charge Sheet and Summary of Allegations by SSP/Operations Peshawar and Mr. Najam-Ul-Hasnain Liaqat ASP/Hayatabad Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper departmental enquiry submitted his findings and recommended that the appellant is found guilty of the charges leveled against her in the charge sheet. The competent authority i.e SSP/Operations Peshawar after perusal of enquiry report issued her Final Show Cause Notice to which her reply was also found unsatisfactory by the competent authority, hence awarded her the above major punishment.

4- She was heard in person in O.R. The relevant record perused along with her explanation but she failed to submit any satisfactory reply in her defence. The competent authority has completed all codal formalities before awarding her the punishment of dismissal. There is no need to interfere in the punishment order passed by SSP/Operations Peshawar vide OB No. 67-73 dated 21.01.2019. Hence her appeal for reinstatement in service is hereby rejected/filed.

(QAZI JAMIL UR REHMAN)PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 673-78 /PA dated Peshawar the 25-04- 2019

Copies for information and n/a to the:-

1. SSP/Operations Peshawar.
2. SP-HQr: Peshawar.
3. BO/EC-I/ EC-II for making necessary entry in his S.Roll.
4. FMC along with FM
5. Official concerned.

ATTACHED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 592/2019

Date of Institution ... 07.05.2019

Date of Decision ... 15.12.2020



Mst. Zakiya Minhas D/O Torsam Khan R/O Mohallah Sher Ali No. 2 Swati Phattak, Peshawar, Ex-Lady Junior Clerk SSP Operation's Office Peshawar.
... (Appellant)

VERSUS

The Chief Secretary, Khyber Pakhtunkhwa, Peshawar and four others.
... (Respondents)

Present.

Mr. Shahid Mahmood Khan,
Advocate. ... For appellant

Mr. Kabirullah Khan Khattak,
Addl. Advocate General ... For respondents.

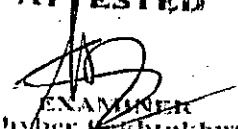
MR. HAMID FAROOQ DURRANI,
MR. MIAN MUHAMMAD, ... CHAIRMAN
... MEMBER(E)

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. Through the appeal in hand the appellant has assailed order dated 21.01.2019, whereby, she was dismissed from service. Order dated 25.04.2019 has also been impugned, through which her departmental appeal was rejected.

2. The facts, as laid in the memorandum of appeal, suggest that the appellant was initially appointed as Lady Constable in the Police Department. Subsequently, she was given appointment as Lady Junior Clerk. On 17.01.2019, a show cause notice alongwith statement of allegations was issued to the appellant. A reply to the show cause notice was submitted,

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

wherein, the appellant denied all the allegations levelled against her. Departmental enquiry was conducted which was followed by impugned order dated 21.01.2019. Her departmental appeal was also rejected, hence the appeal in hand.

3. Learned counsel for the appellant as well as learned Addl. A.G heard and available record gone through.

4. Learned counsel argued that the show cause notice as well as the charge sheet contained wild allegations against the appellant. There was no document in support of the allegations while the enquiry was conducted in a cursory manner. He further argued that no witness was examined during the enquiry nor any complaint in writing, for initiation of departmental proceedings against the appellant, could surface. He referred to Rule 3 of Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 and stated that none of the grounds for proceeding against the appellant, on account of misconduct, was available to the respondents. Similarly, there was complaint against her throughout her service prior to the impugned proceedings.

Learned Addl. AG referred to the order of departmental appeal authority dated 25.04.2019 and contended that the case of appellant thoroughly considered and the appeal was rejected on valid grounds. He also referred to 2005-SCMR-1802 and stated that the statement of witnesses could be recorded by the enquiry officer in the mode and other than provided in Qanun-e-Shahadat, 1984.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Tribunal
Peshawar

5. A careful perusal of record suggests that the allegations attributable to the appellant were vague, not providing necessary details regarding the alleged incidences. In the show cause notice, it was noted that the appellant was found guilty of the charges levelled against her as mentioned in the summary of allegations. Allegedly, she had also admitted before the enquiry officer regarding her visit to Police Post Jamrud to approach police officials for release of contraband items recovered from her mother.

Reading the show cause notice together with the enquiry report clearly shows that no witness was examined in order to substantiate the charges against the appellant, besides, as per enquiry report, the appellant was verbally cross-examined. Further, in the findings part of the report the appellant was mentioned to have admitted her guilt. It is astonishing to note that the confession in the verbal cross-examination, not reduced to writing, was made basis of adverse findings against the appellant. All along the record, the respondents failed to mention about the nature and weightage of evidence of misconduct on the part of appellant. It is also a fact that the appellant was not confronted with documentary evidence, if any.

6. We consider it necessary to reproduce hereunder the charges contained in the impugned order dated 21.01.2019:-

- i). *She has been openly involved in immoral which is brining bad name to the departmental as a whole.*
- ii). *She has been found misusing her official position by visiting various Police Posts and approaching police officials for the release of contraband items confiscated from her mother who is a notorious contraband smuggler and commonly known as*

ATTESTED

EXAMINER
Kavya Lakshmi
Service Tribunal
B'cel...

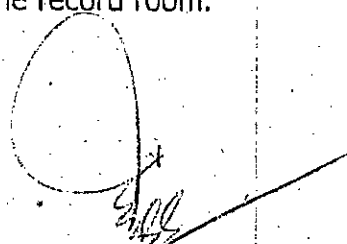
"Patakai". This fact has been admitted by the accused official before the Enquiry Officer.

- iii). She is habitual absentee and often remain absent from official duties without prior approval of the officer concerned.
- iv). She failed to act upon the advice notice conveyed to her in writing vide letter bearing number 2011/PA dated 31.12.2018."

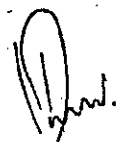
It is not difficult to understand that the charges were of such nature which required proof through convincing evidence. On the contrary, even the dates of commission of alleged misdeeds on the part of appellant ^{were} ~~was~~ not provided. The enquiry officer also remained at loss in bringing forth any evidence in support of the allegations.

7. For what has been discussed above, the appeal in hand is allowed and the impugned orders are set aside. The appellant is reinstated into service while the respondents are required to conduct a proper/denovo enquiry against her within three months from the date of receipt of copy of instant judgment. The issue of grant of back benefits to the appellant shall be settled in view of denovo enquiry and the ensuing order.

Parties are, however, left to bear their respective costs. File be consigned to the record room.




(MIAN MUHAMMAD)
MEMBER(E)



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
15.12.2020

Certified to be true copy

 Member
 Service Tribunal
 Peshawar

Date of Presentation of Application 10/2/23
 Number of Pages 4
 Copying Fee 20/-
 Urgent ✓
 Total 20/-
 Name of
 Date of
 Date of Delivery of Copy 13/2/23

(10) E

DE-NOVO DEPARTMENTAL ENQUIRY AGAINST EX-LADY JUNIOR CLERK ZAKIA MINHAS.

This is a De-novo departmental enquiry against ex-lady Junior Clerk Zakia Minhas of CCP Office, as per classified information she was involved in immoral activities. Furthermore, she was allegedly involved in making illegal "sifarish" to Police Stations/Customs authorities for release of confiscated contraband from her mother who is well known smuggler. She was also blamed for not taking interest in her official duties and rather concentrates on illegal activities by taking advantage of her job.

With reference to the above allegations, she was charge sheeted and issued summary of allegation by SSP Operation and ASP Hayatabad was appointed as enquiry officer.

Enquiry Officer conducted proper enquiry into the matter and recommended her for major punishment.

On the recommendation of E.C. she was dismissed from service vide order No. 67-73/PA, dated 21.01.2019 by the then SSP/Operations Peshawar.

Accordingly, she filed mercy appeal before the then CCPO, which was also rejected vide order No. 672-78/PA, dated 25.04.2019.

Later on, the dismissed Junior Clerk Zakia Minhas submitted an appeal before the Khyber Pakhtun Khwa Service Tribunal, Peshawar on 07.05.2019 for reinstatement. On 15.12.2020, Service Tribunal issued verdict in her favor. The appellant was reinstated into service, with the direction to the department by the Honorable Court to conduct proper/de-novo enquiry against the appellant.

Vide CPO letter No. 1464-5/CPO/IAB dated 24.12.2020, this office conducted proper departmental de-novo proceedings against ex-Lady J/C Zakia Minhas. The alleged J/C submitted a detail written statement, wherein she stated that she was enlisted as Junior Clerk in the year of 2008 and performed her job well with no complaint against her. Stated that she is married, having children and aged parents and two addicts brothers. She joined services to help her poor family. Stated that her mother is not a smuggler and rebutted the allegations leveled against her in the statement of allegation.

To dig-out the real facts and to collect necessary information about the immoral activities of ex-Junior Clerk Zakia Minhas, a report was collected from DSB. According the report of DSB that her relationship with her husband deteriorated due

(10)

o immoral activities, which led to her being evicted from the house and now she is residing with her mother who is also involved in immoral activities. DSB further reported that some time ago SI Kamran Marwat the then SHO PS Hayatabad arrested her with an advocate in objectionable condition from a Guest House.

To probe further into the matter SI Kamran Marwat the then SHO Hayatabad was also called, who submitted a written statement wherein he stated that on information that some boys and girls are engaged in obscene activities in a brothel/ house situated at Hayatabad Phase-I. On this information he conducted raid and found the following persons in such like activities:-

1. Ghazanfar s/o Gaothar Ali.
2. Mst: Sonia d/o Akbar.
3. Mst: Saba d/o Parviz.
4. Sheraz Ali s/o Muhammad Shah
5. Mst: Zakia Minhas ex-Junior Clerk of CCP office.

Sheraz and Zakia Minhas were found in separate room. The matter was brought into the notice of high-ups and on the direction of superior officers, Lady J/C Zakia Minhas was released, while proper case was registered against the remaining accused vide FIR# 31 dated 06.01.2019 u/s 371-AB-419-420-109-PPC PS Hayatabad. In this connection statement of Sheeraz Advocate was presented by the delinquent official which also clarifying the episode.

JC Zakia Minhas was posted in the office of SSP/Operations, Peshawar therefore, record about her absentee was checked in the concerned office but no absentee was found on her part. Her service book was also perused which found clear.

The alleged official also presents an affidavit on stamp paper, wherein she affirmed to be careful in future.

Conclusion/recommendations

From the above discussion, it is found that during raid conducted by SI Kamran Khan the then SHO PS Hayatabad, stated that she was present there but the local police did not register FIR against her nor entered report in the Roznamcha and on the other hand she took the plea. Sheeraz was her lawyer in a case and she went there on her call in respect of her case. Secondly record about her absence

(17)

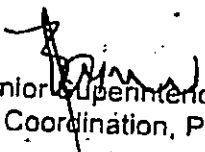
from duty as well as good/bad entries was checked but no evidence was found as mentioned in the charge sheet.

Keeping in view of above facts & figures no solid evidence nor any witness produced against the alleged lady junior clerk which proved herself to be involved in such immoral activities. Her previous record was also examined, no entry of such like blame found in her previous service. She was not found guilty in the instant matter.

Submitted please.

No. 143 /PA/Coord.

Dated. 06 /02/2021


Senior Superintendent of Police
Coordination, Peshawar

ORDER

(10)

1

In pursuance of the Hon'ble Khyber Pakhtunkhwa Services Tribunal judgment dated 15.12.2020 passed in Service Appeal No. 592/2019, Ex-Lady Junior Clerk Mst. Zakia Minhas is hereby re-instated in service w.e 15.12.2020 for the purpose of de-novo enquiry.

[Signature]
For CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 8917-23/PA

dated Peshawar the 25/05/2021.

Copy for information and necessary action :-

1. The Capital City Police Officer Peshawar.
2. The SSP Operations, Peshawar
3. The AIG Complaint & Enquiry Internal Accountability, Khyber Pakhtunkhwa, Peshawar w.r to his office Memo No. 1464-66/CPO/IAB dated 24.12.2020.
4. The SP HQrs, Peshawar.
5. The AD IT CCP Peshawar.
6. EC-II, PO & AS.
7. Official concerned.

(19) 9 (19)

ORDER

This office order relates to the disposal of de-novo departmental enquiry against Junior Clerk Zakia Minhas on the allegations/charges that as per classified information, she was involved in immoral activities and also making illegal "sifarish" to Police Station/customs authorities for release of contraband items at the time of confiscation from her mother who is well known contraband smuggler. She was also blamed for not taking interest in her official duties and rather concentrate on illegal activities by taking advantages of her job.

In this regard, he was issued charge sheet & summary of allegations by SSP Operations Peshawar. Mr. Najam-ul-Hassain Liaquat, ASP Hayatabad Peshawar was appointed as E.O. He conducted the enquiry proceedings & submitted his report/findings that lady Junior Clerk Zakia Minhas has developed immoral relations in the garb of public dealing. The E.O further stated that allegations leveled against the alleged lady official is proved vide Enquiry Report No.26/E/ST.dated 17.01.2019.

Upon the finding of E.O, she was issued final show cause notice by SSP Operations to which she received & replied which was implausible. Therefore, she was dismissed from service by the SSP Operations vide No.67-73/PA dated 21.01.2019.

In pursuance of the Hon'ble Khyber Pakhtunkhwa Service Tribunal Judgment dated 15.12.2020 passed in Service Appeal No.592/2019, Ex-lady Junior Clerk Mst. Zakia Minhas was re-instated in service for the purpose of de-novo enquiry vide No.8917-23/PA/Coord: dated 05.05.2021.

The SSP Coordination Peshawar was appointed as Enquiry Officer by the AIG of Police Complaint & Enquiry Internal Accountability Khyber Pakhtunkhwa Peshawar vide No.1464-66/CPO/IAB dated 24.12.2020. The SSP Coordination conducted de-novo enquiry & submitted his finding report/finding that no solid evidence or any witness produced against the alleged lady official which provided herself to be involved in such immoral activities. The E.O further stated that her previous record was also examined, no entry of such like blame found in her previous service. She was not found guilty in the instant matter vide Enquiry Report No.143/PA/Coord: dated 06.05.2021.

In view of the above discussion, findings of E.O and kind approval of W/CCPO as well as other material available on record, she is warned to be careful in future. Hence, the period she remained out of service is treated as without pay.

[Signature]
SSP COORDINATION
For CAPITAL CITY POLICE OFFICER
PESHAWAR

No. 17861-67 /PA/SSP/Coord: dated Peshawar the 30/09/2021

Copy of above is forwarded for information & n/action to:

- ✓ The Capital City Police Officer, Peshawar.
- ✓ The AIG Complaint & Enquiry Internal Accountability, Khyber Pakhtunkhwa, Peshawar w/r to his office No. 1464-66/CPO/IAB dated 24.12.2020.
- ✓ The SSP Operation, Peshawar.
- ✓ OS/CCP Peshawar.
- ✓ Pay Officer.
- ✓ Assistant Secret.
- ✓ EC-II.



(20) H

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

No. 2169 / PA, dated, Peshawar the 22 / 07 / 2022

To: The Deputy Inspector General of Police,
HQ: Khyber Pakhtunkhwa.

Subject: APPEAL.

Memo:

Enclosed kindly find herewith an appeal preferred by Lady Junior Clerk Zakia Minhas of Capital City Police, Peshawar requesting therein for counting the leave without pay (out of service period) in leave for consideration please.

Encl: 08

for CAPITAL CITY POLICE OFFICER,
PESHAWAR

(21) خود مناب ڈی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز

عنوان: درخواست عمارت شمارت کے عرصہ و ملازمت
2016-1-21 تا 12/14/2020

جہاں عالی!

مذکورہ بالا کے آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز سے درخواست
تعمیر کی گئی، جس کے خلاف آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
کی جانب سے ملازمت ایپل کی۔ آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
نے عمارت سے متعلقہ لیکچرر ڈیپارٹمنٹ میں ایپل
ڈائریکٹی۔ آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز کے خلاف
ملازمت پر بحال کرنے کا حکم دیا، عمارت کے خلاف
روشنی میں عمارت کے آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
12/20 کا نوٹیسی میں آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
کا حال بنا اور آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز کے حکم صادر کیا
آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز کے آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
دو بارہ آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز کے آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
درمیان لاؤٹنگ و ملازمت کی ملازمتی اسٹیمٹ بنا۔

جہاں والا: سید عزیز علی اور بال محمد دار سید
درخواست نمبر: آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
میں شمارت کا حکم صادر فرمائیں اور فرما دیں

الحامد

تا مدار سید آئی۔ آئی۔ جی. فیصد ہارٹرز سیکورٹیز
بذریعہ



(22) I

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

No. 731 /E-V, dated Peshawar the 14 /03 /2023

To:- The Capital City Police Officer,
Peshawar.

Subject:- APPEAL.

Memo:-

Chief Capital City
4224
15/3/23

Please refer to your office letter No. 2169/PA dated 22.07.2022 and to the application preferred by Lady Junior Clerk Zakia Minhas of CCPO/Peshawar, dated 03.03.2023 on the subject noted above.

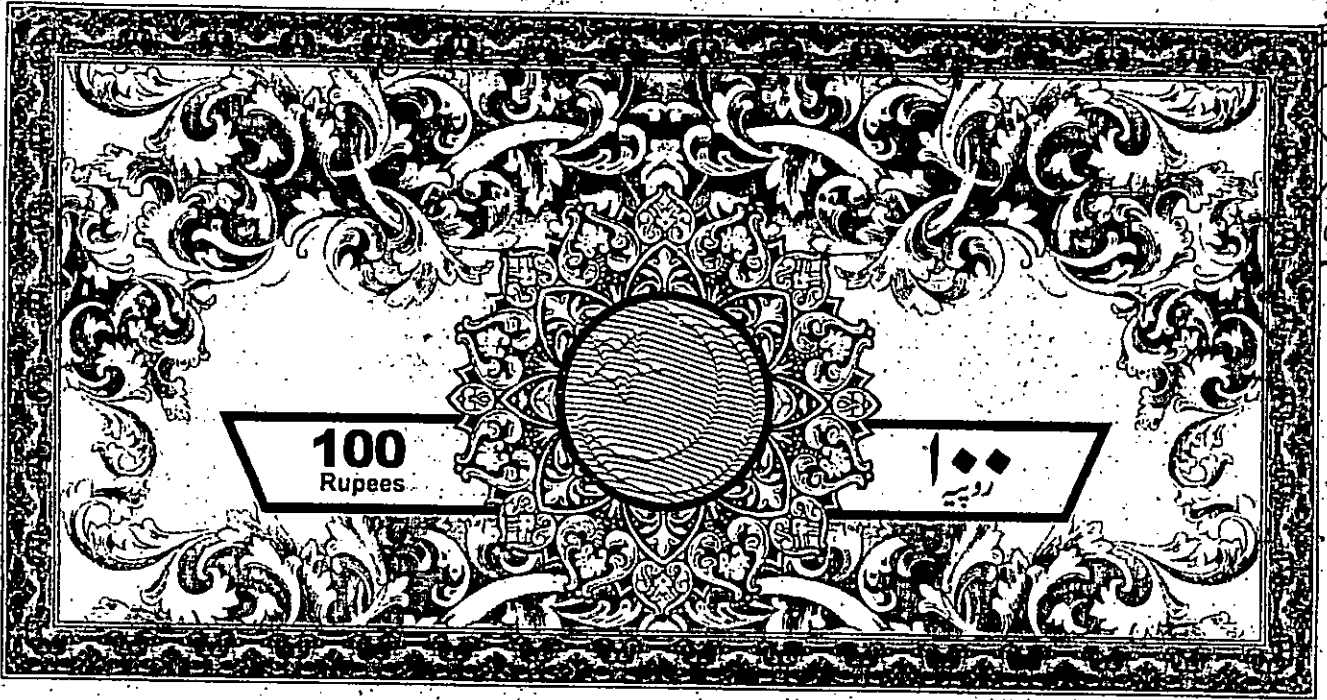
It is submitted that appeal preferred by the said official has been withheld as per Sub-rule (d) of Rule-6 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 being badly time barred.

(AFSAR JAN)

Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

- CCPO _____
 - SSP/Cont _____
 - SSP/O _____
 - SSP/Inv _____
 - SP/Cont _____
 - SP/Cy _____
 - SP/Recd _____
 - SP/Sec _____
 - SP/Tr _____
 - SP/CC _____
 - SP/Cell _____
- 15/3/23



بیان حلفی

منکہ مسی ذکیہ منہاس دختر طور سم خان ساکن محلہ شیر علی نمبر 2 سواتی پھانگ تحصیل و ضلع پشاور۔

حلفا بیانی ہوں کہ میں من مقررے مورخہ 21/01/2019 سے مورخہ 14/12/2020 تک

کسی بھی سرکاری یا غیر سرکاری ادارے میں کوئی ملازمت نہیں کی ہے۔ اور نہ ہی اس دوران کوئی

روزگار کیا ہے۔ مزید یہ کہ جب میں مورخہ 15/12/2020 سے ڈیوٹی پر بحال ہوئی۔ لیکن

مجھے مورخہ 15/12/2020 سے مورخہ 105/05/2020 تک گواہی کے دوران مجھے کوئی تنخواہ

بھی نہیں دی گئی تھی۔

لہذا یہ بیان حلفی لکھ دی گئی تاکہ سدر ہے اور بوقت ضرورت کام آدے۔

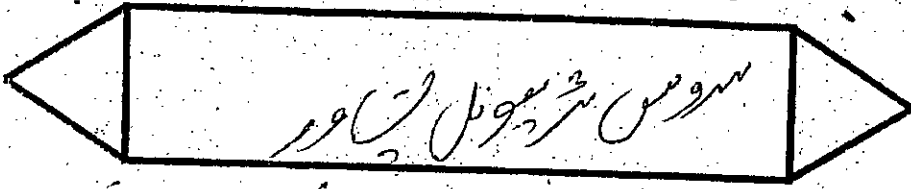
مورخہ 03/04/2023

ذکیہ منہاس

شناختی کارڈ نمبر: 17301-4402126-8

موبائل نمبر: 0310633118

بعدالت



زبان سناس 2 منجانب
زبان سناس بنام محمد یونس

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام کیشاور کیلئے دھمکوٹلی ضلع اور شاہ کراچی

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے قی تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکور با اختیارات حاصل ہوں گے
 اور اس کا ساختہ پرداختہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے
 سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔
 کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

Accepted

Accepted

20

ماہ

المرقوم

وہ العبد