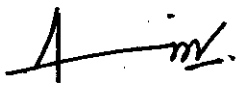


FORM OF ORDER SHEET

Court of _____

Appeal No. 1313/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/06/2023	<p>The appeal of Mst. Huma Daniel Murad presented today by Mr. Umar Farooq Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 16-06-2023.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

SERVICE APPEAL No. 1313 /2023

HUMA DANIEL/MURAD VS HOME & TRIBAL AFFAIRS DEPTT:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal with Affidavit	*****	1-3
2.	Copy of reply	A	4-7
3.	Copies of the <i>Statement of</i> allegations <i>and Inquiry Reports</i>	B & C	8-15
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8.	Vakalatnama	*****	

APPELLANT

THROUGH: 
UMAR FAROOQ MOHMAND
ADVOCATE HIGH COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1313 /2023

Ms. Huma Daniel/Murad, Assistant Public Prosecutor, BPS, 17, District Mardan.

..... APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Prosecution Department, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUNGED ORDER DATED 12-01-2023 WHEREBY MINOR PENALTY OF CENSURE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST THE APPELLATE ORDER DATED 08-5-2023 COMMUNICATED ON 15-05-2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

PRAYER:

That on acceptance of this appeal the impugned order dated 12-01-2023 and appellate order dated 18-05-2023 communicated on 15-05-2023 as well as penalty of censure imposed upon the appellant may please be set aside. Any other remedy which this august Service Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

- 1- That the appellant is serving the respondent department quite efficiently and to the entire satisfaction of his high ups.
- 2- That the appellant while serving as Assistant Public Prosecutor (BPS-17) at District Peshawar and performing her duties in different courts.
- 3- That it is important to mention that the appellant while performing her duties an explanation was called upon her regarding allegation of concocted and fake data/information whereby the appellant submitted a detailed reply to the Inquiry committee and denied all

the allegations levelled against the appellant. Copy of the reply to the allegations is attached as Annexure.....A.

- 4- That after that the respondents issued statement of allegations to the appellant and a regular inquiry has been conducted by the respondents against the appellant and the inquiry officer/committee submitted their inquiry report. Copy of the statement of allegations and inquiry report are attached as Annexure B & C.
- 5- That finally Show Cause notice has been issued to the appellant whereby the appellant reply to the allegation mentioned in the show cause notice and denied all baseless allegations. Copy of reply to Show Cause Notice is attached as AnnexureD.
- 6- That the appellant quite hopeful being innocent and devoted civil servant to be exonerated from the allegations but astonishingly the respondent department issued the impugned order dated 12-01-2023 whereby minor penalty of censure has been imposed upon the appellant without fulfilling all the codal formalities. Copy of the Impugned order dated 12-01-2023 is attached as Annexure E.
- 7- That the appellant feeling aggrieved from the impugned order filed departmental appeal but the same has been rejected on no good grounds through appellate order dated 08-05-2023. Copies of the Departmental Appeal and Appellate Order dated 08-05-2023 are attached as Annexure F & G.
- 8- That appellant, having no other remedy, prefer the instant Service Appeal on the following grounds amongst the others.

GROUND:

- A- That the action of the respondents by issuing the impugned order dated 12.01.2023 and appellate order dated 08.05.2023 whereby penalty of censure has been imposed upon the appellant are against the law, facts, norms of natural justice and materials on the record, hence not tenable in the eye of law therefore are liable to be set aside.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no right of personal personal defense was given to the appellant.
- D- That the inquiry committee after conducting regular inquiry has given favorable recommendation wherein about the allegation inquiry committee has concluded that alleged lapse could not be attributed

only to the appellant because there is no mechanism or any notified channel for data transmission and compilation. (3)

- E- That the inquiry officers did not collect any sort of record/document to substantiate the allegation against the appellant during the departmental proceeding.
- F- That the enquiry officer has not recorded any statement of the appellant before imposing penalty of Censure imposed upon the appellant.
- G- That the respondents acted in arbitrary and mala fide manner while issuing the impugned order dated 12.01.2023 and appellate order dated 08.05.2023.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 14/6/2023

APPELLANT

H
**HUMA DANIEL/MURAD APP
THOROUGH:
NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

KAMRAN KHAN *ka*

WALEED ADNAN *wa*

UMAR FAROOQ MOMAND *uf*

MUHAMMAD AYUB

**&
KHANZAD GUL** *ka*
ADVOCATES

AFFIDAVIT

I, Muhammad Imran, APP, District Mardan, , do hereby solemnly affirm that the contents of this Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Hi
DEPONENT

To

A' (4)

The Inquiry officer/Inquiry Committee.

Subject: SUBMISSION OF WRONG/FAKE AND CONCOCTED DATA OF MODEL COURT, PESHAWAR.

I have an honor to submit that the earlier reply furnished in view of explanation notice/ fact Finding Inquiry may kindly be considered as part and parcel of this reply. The allegations leveled against the undersigned are totally against the real facts, non specific, abstract and vague in circumstances. The Directorate of Prosecution should specify the difference in DATA provided by the undersigned and received by Directorate of Prosecution with each and every detail so that the undersigned better defend her-self. During fact finding inquiry the question of specification was also asked by the undersigned from the inquiry committee and instead questionnaire was handed over to the undersigned for replies.

It is pertinent ^{to} mention that register is ^{not} maintained by the undersigned regarding DATA, thus this is the job of Naib court. The undersigned has no register and the desired / required data is collected from the Muharrar of the court through Naib Court and then forwarded to the office of Learned DPP and thereafter the said office dispatches the same to the Directorate. It is worth mentioning here that as per clear provisions of law i.e. section 373 Cr.PC the court does not provide a copy of order or judgment whatsoever, therefore the undersigned used the office of the Muharrar of the court for information and what information is delivered by him, the undersigned sends the same for further proceedings. Usually the court takes time to write judicial orders or judgments whatsoever, after announcement therefore, the same could not be collected on time for the purpose of sending the DATA to the Directorate of Prosecution.

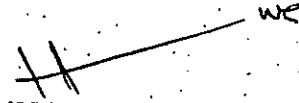
Respected Sir, deficiency, if any, found in the provided DATA is not intentional but due to the above reason. It is also possible that the same deficiency may be caused due to clerical mistake.

The Undersigned is female and only can make a request for providing the DATA to the official concerned and no reasoning with the officials of the court. It is pertinent to mention and note here that the working environment of the undersigned is heavy than the skill of the working as one and the same time the undersigned leading the PWs, working in the court, scrutinizes the cases, tender opinion and other court and prosecution related matters i.e. appeal, revision, trial

8 (5)

etc. In the same time the above mentioned responsibilities /duties or work is impossible for a single person according to the prudent mind but despite this the undersigned doing her hectic efforts to do every task assigned to her by facing different difficulties and problems because of non-availability of supporting staff and a separate office.

Keeping in view the above facts and circumstances / situation it is humbly requested that the undersigned may kindly be exonerated from the charges leveled against her without any further proceedings.


HUMA MURAD
Assistant Public Prosecutor,
Peshawar.

Dated: 09.06.2022.

To,

③

The learned Inquiry officers,
Directorate of Prosecution,
Khyber Pakhtunkhwa, Peshawar.

Subject: - REPLY OF THE FORMULATED QUESTIONS BY THE INQUIRY OFFICERS.

- Q1. Whether you have perused and rechecked information/data before forwarding the same to the Directorate of Prosecution?
- Ans. We don't send directly the information/Data to the Directorate of Prosecution rather I handed over it to the office superintendent of DPP office and he further dispatch the same to the Directorate of Prosecution.
- Q2. Do you know the purpose and object for which the data is collected?
- Ans. Yes, as per the object of criminal justice system, prosecution is the one pillar of the said justice system. Therefore, the Data is collected to keep check on smooth running of prosecution work for the end of justice.
- Q3. Whether you have assisted your colleague Prosecutor regarding yours official work/duty?
- Ans. Yes I assisted and coordinate with my colleague regarding our official work/duties.
- Q4. Whether you have consulted your colleague Prosecutor before signing and forward the information/Data to Directorate of Prosecution?
- Ans. Yes I consulted my colleague at the time of signing of Data/Proforma but he was reluctant to sign the same on the pretext that the space provided in the Proforma is only for one Prosecutor.
- Q5. Is it correct that the Naib Court maintains a register regarding the compilation of the said Data?
- Ans. No, the Naib court does not maintain any register for the purpose mentioned above but usually the Naib court also collected information regarding the Data from the decision register of the Moharrar of the court.
- Q6. Do you regularly checked and signed the register maintain by the Naib Court?
- Ans. As I earlier stated that the Naib court does not possess/maintain such like register. Therefore, the question of checking does not arise.
- Q7. Do you regularly receive Judgments regarding the conviction and acquittal of the cases of your concerned court?
- Ans. No judgment is provided by the court on daily basis but in the end of month on our request the staff of the court provide copies of the judgments of acquittal in which appeal is to be filed.
- Q8. Do you regularly check the Data and Proformas prepared by the Naib courts or officials of the office of DPP?
- Ans. The Naib court provide information/Data to his quarter concerned which is collected from the book of decisions of the court while I after collecting the same from him submit it to the office superintendent of DPP office. It is further stated that I have no concerned with the Data of Naib court because he prepared the same for his high-ups whereas the staff of DPP office concerned when I handed

over the information/Data to them, after that they do not bother to call me for confirmation.

Q9. Whether you sign the Police file after its disposal?

Ans. Yes.

Q10. Do you sign and forward the information/Data to this Directorate?

Ans. Yes I forwarded the information/Data to Directorate of Prosecution through proper channel.

Q11. What do you think that whether it does not amount to negligence/inefficiency by providing wrong data to this Directorate?

Ans. I never provided wrong Data intentionally. If at some occasion any mistake is reflected in the Data, it would be inadvertent and clerical mistake which does not amount to/falls within the ambit of negligence/inefficiency.

Q12. Whether your willful concealment does not amounts to inefficiency on your part under E&D Rules by providing wrong Data.

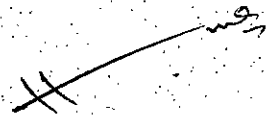
Ans. I never conceal any information from our Directorate as well as DPP office being an honest and sincere officer of Prosecution. Being law knowing person I cannot think about any concealment of facts.

Q13. Do you want to produce any documents and want to explain further your position?

Ans. Yes. I produced some relevant documents regarding the issue in question. The copies of the Proforma/Data for the month of November and December are annexed with my reply wherein all the figure are correctly given but Computer Operator Namely Asif at the time of entering the figures in proforma as "0" instead of "17" cases in the column of discharge. It is further stated that the said computer operator mentioned in the proforma 50/50 cases of brief/scrutiny for the month of November and December concoctedly in the relevant column including total number of concluded trials because I never provided such like Data to the computer operator named above which is reflected from the information/Data for the month of November and December. It is further stated that the said computer operator has provided the above wrong information intentionally or otherwise. In this scenario he will be in better position to explain the situation if your good-self calls him for explanation of the above. It is further stated that whatever demanded from the office of DPP the same would be provided therefore, in month of December only the Proforma was provided to the undersigned for furnishing information in Narcotics cases and nothing else. Therefore, I provided only the required information.

It is therefore, humbly requested that on acceptance of this reply/answers ongoing proceedings may please be filed without any further proceedings.

Note:- (copies of information of Data for the month of November and December are annexed with the reply ready reference for your kind perusal).


HUMA MURAD
Assistant Public Prosecutor
Peshawar.

Dated: 16.02.2022.

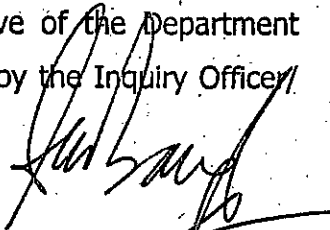
(8) (B)

DISCIPLINARY ACTION

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, is of the opinion that Ms. Huma Daniel/Murad, Assistant Public Prosecutor (BS-17) office of District Public Prosecutor, Peshawar, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- i. That her Individual Performance Report was cross checked/tallied with the concerned court's data for the month of November & December 2021, and found that she had furnished wrong/fake and concocted data to the Directorate of Prosecution and as such, she is guilty of inefficiency & misconduct within the ambit of Rule 3(a & b) of the Khyber Pakhtunkhwa E&D Rules, 2011.
2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee consisting of the following is constituted under Rule-10(1)(A) of the ibid Rules.
 - i. _____
 - ii. _____
3. The Inquiry Officer / Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within 60-days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused and well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/ Inquiry Committee.


(Dr. Shahzad Khan Bangash)
Chief Secretary
Khyber Pakhtunkhwa
Competent Authority

1 C (9) (10)

A. BRIEF BACKGROUND:

The undersigned have been appointed as members of the enquiry committee to conduct enquiry against the accused officers M/s Muhammad Imran, Suleman Khan and Huma Danial Murad, Assistant Public Prosecutors (BPS-17), Peshawar to probe the allegations contained in the charge sheets / statement of allegations under the Khyber Pakhtunkhwa Government servants (Efficiency & Discipline.) Rules, 2011. The allegations stated that the performance reports of the accused officers were cross checked / tallied with the concerned court's data for the month of November and December 2021 and it was found that they had furnished wrong/fake and concocted data to the Directorate of Prosecution and as such they are guilty of inefficiency and misconduct within the ambit of Rule 3 (a &b) of the Khyber Pakhtunkhwa Efficiency and Discipline Rules, 2011 (Flag-A). Furthermore, later in the proceedings, it was pointed out that a fact finding enquiry had already been conducted wherein the allegations were proved and along with other recommendations it was recommended that the delinquent officers be served charge sheets or transferred from Peshawar. Hence the instant enquiry has been framed.

B. PROCEEDINGS:

On receipt of the notification, the aforementioned accused officers were summoned to appear for personal hearing and submit written statement (Flag-B). The Director General Prosecution was requested to nominate a well conversant Departmental representative to attend / assist the enquiry committee in the proceedings. Hence Mr. Zeeshan Ullah Afridi, Deputy Director (R & A), was nominated as Departmental representative therefor (Flag-C). The District

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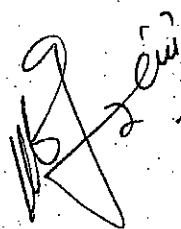
and Sessions Judge Peshawar was requested for provision of the required data so that the allegations could be probed (Flag-D). The District and Sessions Judge Peshawar provided the data/ details of the cases for the month of November and December 2021 which were received on 15th July 2022 (Flag-E).

During the proceedings, it appeared that some statements of the accused officers seemed relevant to be investigated from the District Public Prosecutor Peshawar and Ms. Naheed Fazal, Special Prosecutor, JMIC-IX Peshawar, hence they were also called for clearance and submission of written statement (Flag-F).

Abstracts from the various statements may be perused as follows:

1. Mr. Muhammad Imran stated that he could not submit data for the month of November 2021 due to his engagement in other courts on the verbal direction of District Public Prosecutor. The data was submitted later on 25th January 2022 but the same has been reflected as zero in all the columns. He further stated that the data for December was duly checked with court register and submitted to the District Office. He added that there is no system in place for record keeping. He further stated that a Special Prosecutor has been deputed in the same court but no work distribution exists between the two (Flag-G).

The enquiry committee observed that Mr. Muhammad Imran data for the month of November 2021 was reflected as zero in all columns and for the month of December, variations were noticed in the data submitted by the accused officer, the court data and data compiled by the District Public



Prosecutor, showing that no record keeping or checking is in practice at both the levels.

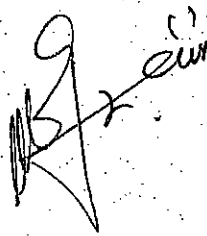
2. Ms Huma Daniel Murad stated that she provided the same data as received from the court. She added that there is no proper laid down procedure or notified mechanism whereby the court Muharrer could be bound for provision of data. The only way is to request the Muharrer for data and the same is forwarded to the District Office. Moreover, due to delays in decision write up by the court, frequent variations are unavoidable. The Naib Court does not have any register nor any copy of the judgment is shared with prosecutor (Flag-H).

While comparing the data, the enquiry committee noticed that very slight variations existed in the data provided by her to the District Office and the corresponding court figures. However, due to lack of comprehension and filling of the prescribed proforma, the figures were wrongly recorded against the corresponding columns at the District Office.

3. Mr. Suleman, Assistant Public Prosecutor, stated that he was attached with Huma Daniel Murad as additional assistant prosecutor. He added that none of the documents bear his signatures for which he could be accounted for (Flag-I).

The enquiry committee noticed that the data submitted did not bear his signature, nor there were any distribution of work or ToR/ JDs wherein he could be made accountable.

4. Ms Naheed Fazal, Special Public Prosecutor attached with the court of JMJC-IX stated that she was deputed at the aforementioned court to assist the Assistant Public Prosecutor and was not authorized or tasked to submit data to the district office (Flag-J).



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5 The District Public Prosecutor stated that submission of data is the responsibility of the concerned Assistant Public Prosecutor, and the staff deputed for the purpose. He added that data received from the Assistant Public Prosecutor is compiled by Superintendent and Assistant Director (IT) and then processed for onward submission to the Director General Prosecution. He further stated that transfers / reshuffling of the Public Prosecutors are made on need basis (Flag-K).

The enquiry committee noticed that there is no proper record handling and maintenance at the prosecutor as well as at the District level. Furthermore no distribution of work exists among the Assistant Public Prosecutors deputed in the court. Moreover no correspondence has been made with courts for formal receipt of authentic data. Frequent transfers and verbal deputation is also common.

C FINDINGS:

After perusal of the record and personal hearing of the accused and associated officers, the following facts surfaced;

1. Proper registers for maintaining Official record are not maintained by the Public Prosecutors of each Court rather they are dependent upon the information of the Muharrir of the concerned Court. The data received from courts is not formal and cannot be considered authentic.
2. No efforts have been made to channelize the receipt of information from the courts and maintain / monitor the same by the Assistant Public Prosecutor or the District Public Prosecutor.

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3. Frequent transfer postings/ attachment with the courts are made by the District Public Prosecutor without following the tenure policy which affects the performance of the Public Prosecutors. Moreover, verbal deputations are also in practice that affect their performance.
4. Naib Court is attached with each Prosecutor; however his role and services are not utilized properly for handing of cases and maintaining their proper record.
5. No mechanism of Monitoring or check for cross verification of the Assistant Public Prosecutors record is in place at the District Public Prosecutor level, nor proper record maintained at the District Office too.
6. When more than one Public Prosecutor are attached to a court, there is no division of responsibilities or job description between them.

C. CONCLUSION AND RECOMMENDATIONS:

1. Variations were noticed in the data / information provided by the accused Assistant Public Prosecutors, court data and data compiled at the District Public Prosecutor office but these could not be attributed solely to the accused Assistant Public Prosecutors as there is no mechanism or notified channel to bound the officers/ officials associated with data receipt, transmission and compilation. Moreover, since no financial loss to the Public exchequer had been incurred nor the data variation has resulted in some grievous loss to the public interest, therefore the accused may be warned for their negligence and issued minor penalty of "Censure" under the Efficiency and Discipline Rules 2011.

[Handwritten signature]

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2. The tenure policy may be followed in posting transfers /attached with the courts of the Public Prosecutors as per policy in vogue in other Departments.



3. A proper mechanism may be developed in coordination with District and sessions Judge so that formal and authentic data is solicited and shared with the Public Prosecutors, maintained at the Public Prosecutor and Deputy Public Prosecutor level and further processed for submission to Director General Prosecution.

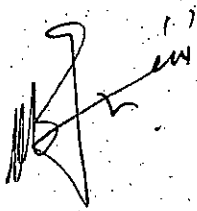
4 That Prosecutor attached with the Court may maintain registers of all cases pending in the Court including details of all the cases interested to Court for adjudications, Bail Petitions, miscellaneous matters and all disposals of cases pertaining to criminal nature.

5. The Naib Court being Muharrir of Public Prosecutor should be made responsible to collect information, update registers and also inform the concerned Prosecutor on daily basis.

6. That District Public Prosecutor may be bound to re-check/ verify the information prior to its submission to the Directorate of Prosecution.

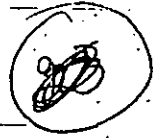
7. That District Public Prosecutor may be bound to monitor the Registers of each Court on fortnightly or monthly basis and necessary directions may be issued for its improvement.


8. That all the directions issued by the District Public Prosecutor must be in writing, duly signed and oral directions may be discouraged.

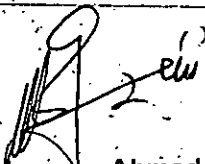


(15)

9. When more than one Public Prosecutors are attached to a court, there may be division of responsibility or job description between them.




20/7/2022
Mian Aziz Ahmad
Director Monitoring
Directorate General Prosecution


Malik Manzoor Ahmad
Inquiry Officer / Deputy Secretary
Energy and Power Department

To

The Worthy Chief Secretary,
Khyber Pakhtunkhwa.

Through Proper Channel.

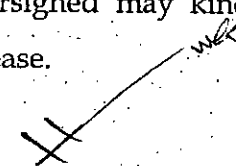
Subject: REPLY TO SHOW CAUSE NOTICE

R/Sir,

Reference to letter No. RD-Pesh/103 dated 09-09-2022 received from Regional Director Prosecution Peshawar Division on the subject noted above, it is humbly stated that the earlier statements which were submitted during the course of inquires may kindly be considered as part and parcel of this reply.

It is further stated that the para No.1 of conclusion of the inquiry needs to be read thoroughly and carefully wherein the learned inquiry officers repeatedly mentioned that there is no mechanism for/of providing data of the cases to the Directorate of Prosecution and any fault/negligence cannot be attributed solely to the undersigned in any manner. In the same para the inquiry officers stated that undersigned should be warned and at the same time also suggested the punishment of censure which means that double punishment is awarded which is against the norms of justice as well as against the law on subject. Furthermore, no loss has been incurred to any one or any institution.

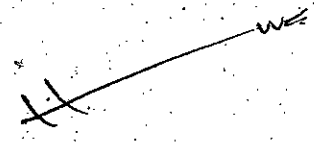
It is therefore, humbly requested that the undersigned may kindly be heard in person and on acceptance of this reply, the undersigned may kindly be exonerated from the charges leveled against her and obliged please.


Huma Murad

Assistant Public Prosecutor
Peshawar

Copy Forwarded to:

- PA to Worthy Director General Prosecution.
- SO Prosecution Home & tribal Affairs Department, Peshawar
- The Region Director Prosecution, Peshawar, Peshawar Division.
- The District Public Prosecutor, Peshawar.
- Office record.


Huma Murad

Assistant Public Prosecutor
Peshawar



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

E' (17)

Dated Peshawar, the 12th January, 2023

ORDER

No. SO(Pros)/HD/1-31/Inq:/03 APPs/2022:

WHEERAS, Ms. Huma

Daniq/Murad, Assistant Public Prosecutor (BPS-17), Peshawar was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the show cause notice.

2. **WHEREAS,** the competent authority (Chief Secretary, Khyber Pakhtunkhwa) granted her an opportunity of personal hearing as provided for under the Rules.

3. **NOW, THEREFORE,** the competent authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, the explanation of the accused officer and affording an opportunity of personal hearing to the accused officer, findings of the inquiry committee and exercising his powers under rule-3 read with Rule-14(5)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose minor penalty of "**Censure**" upon Ms. Huma Daniq/Murad, Assistant Public Prosecutor (BPS-17), Peshawar.

**Secretary to Govt. of Khyber Pakhtunkhwa
Home and Tribal Affairs Department**

Endst: No. & Date even.

Copy forwarded to:-

1. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Officer concerned through Directorate of Prosecution.
4. PS to Secretary Home & TAs Department, Khyber Pakhtunkhwa.
5. Personal files of officers concerned.

(Muhammad Israr)

Section Officer (Prosecution)

502
16/1/2023
16/1/23
DDC

To.

The Worthy Chief Minister,
Khyber Pakhtunkhwa, Peshawar..

(187) (9)

Through Proper Channel

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 12.01.2023 WHEREBY MINOR PENALTY OF CENSURE HAS BEEN IMPOSED UOPN THE APPELANT.

Respected Sir,

The appellatant with great respect submits as under:

That the appellatant is the employee of the Prosecution directorate and is performing his duties as Assistant Public Prosecutor (BPS-17).

That during service the appellatant was charge sheeted for wrong entry/ data for the month of November and December, 2021.

That in response to the mentioned charge sheet the appellatant submitted his detail reply and clarified his stance before the competent authority, whereafter an inquiry was conducted into the matter and the inquiry committee has recommended that the said incorrect entry/ data cannot be attributed to the appellatant as there is no such mechanism or notified channels to bound the appellatant/ officials.

That the mentioned position was clarified by the appellatant in his reply to the competent authority in reply of charge sheet and show cause respectively.

That at the time of submission of the inquiry report the appellatant was hopeful for the exoneration from the alleged allegations/ charges but astonishingly vide the impugned order dated 12.01.2023 minor penalty of censure was imposed upon the appellatant.

That it is pertinent to mention here that the entries of the month of November and December as per court record are/ were correct.

It is, therefore, most humbly requested that on acceptance of this departmental appeal the impugned/ order dated 12.01.2023 may very kindly be set aside.

Dated: 13.02.2023

Yours Obediently

H
HUMA DANIEL/ MURAD
ASSISTANT PUBLIC PROSECUTOR
DIRECTORATE OF PROSECUTION.



H. 19

**GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar, the 8th May, 2023

ORDER

No. SO(Pros)/HD/1-31/Inq:/03 APPs **WHEERAS**, Ms. Huma Daniel/Murad, Assistant Public Prosecutor (BPS-17), Peshawar was proceeded against, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and the competent authority (Chief Secretary Khyber Pakhtunkhwa) in exercise of the powers conferred upon him under Rule-3 read with Rule-14(5)(ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has imposed upon her the minor penalty of "Censure".

2. **AND WHEREAS**, Ms. Huma Daniel/Murad, Assistant Public Prosecutor (BS-17) under Rule-17(1) of the rules ibid preferred a review petition before the competent authority requesting therein for setting aside the penalty of "Censure" imposed upon her.


3. **NOW THEREFORE**, the competent authority (Chief Minister, Khyber Pakhtunkhwa) being Appellate Authority next above the competent authority in the instant case under Rule-2(1)(b) read with Rule-17(2) of the rules ibid has been pleased to "uphold the order of penalty and reject the appeal/review petition" of Ms. Huma Daniel/Murad, Assistant Public Prosecutor (BPS-17), Peshawar having no solid reason for her exoneration.

**Secretary to Govt. of Khyber Pakhtunkhwa
Home and Tribal Affairs Department**

Endst: No. & Date even.

Copy forwarded to:-

1. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar
2. PSO to Chief Secretary Khyber Pakhtunkhwa.
3. Officer concerned through Directorate of Prosecution.
4. PS to Secretary Home & TAs Department, Khyber Pakhtunkhwa.
5. Personal files of officers concerned.


(Muhammad Israr)
Section Officer (Prosecution)

VAKALATNAMA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR**

_____ OF 2023

Hum Daniel

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Hano Daj

(RESPONDENT)
(DEFENDANT)

I/We Hum Daniel

Do hereby appoint and constitute **UMAR FAROOQ MOHMAND, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 17 / 8 / 2023

Hano Daj

CLIENT

Umar Farooq Mohmand

ACCEPTED

**UMAR FAROOQ MOHMAND
ADVOCATE HIGH COURT**

OFFICE:

Office TF 291-292, 3rd Floor,
Deans Trade Centre, Peshawar Cantt:
Mobile No.0345-9383141