


FORM OF ORDER SHEET

Court of _____

Appeal No. 1364/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/06/2023	<p>The appeal of Mr. Muhammad Imran resubmitted today by Mr. Umar Farooq Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

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

SERVICE APPEAL No. 1364 /2023

MUHAMMAD IMRAN VS HOME & TRIBAL AFFAIRS DEPTT:

INDEX

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APPELLANT

THROUGH:


**UMAR FAROOQ MOHMAND
ADVOCATE HIGH COURT**

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1364 /2023

Mr. Muhammad Imran, Assistant Public Prosecutor, BPS, 17, District
Peshawar.

..... 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 IMPUGNED 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 his duties in different courts and lastly posted in the court of Shah Khalid JMIC IX/MCTC vide order dated 14-11-2021. Copies of orders are attached as Annexure.... **A.**
- 3- That it is important to mention that the appellant while performing his duties an explanation was called upon him regarding allegation

(2)

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. Copies of the reply to the allegations and relevant record/documents are attached as Annexure.....**B.**

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 **C & D.**

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. Copies of Show Cause Notice, and Reply are attached as Annexure **E & F.**

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 **G.**

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..... **H & I.**

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 defense was given to the appellant.

(3)

- D- That the inquiry officers did not collect any sort of record/document to substantiate the allegation against the appellant during the departmental proceeding.
- E- 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.
- 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

MUHAMMAD IMRAN

THOROUGH:

**NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT**

KAMRAN KHAN *bx*

WALEED ADNAN *Waleed*

UMAR FAROOQ MOMAND

MUHAMMAD AYUB *M. Ayub*

**&
KHANZAD GUL** *kgul*
ADVOCATES

AFFIDAVIT

I, Muhammad Imran, APP, District Peshawar, , 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.

[Signature]

DEPONENT

A. (4)



OFFICE OF THE DISTRICT PUBLIC PROSECUTOR,
PESHAWAR.
NO. 1427-30/DPP.PESH
DATED: 16.04.2022.


(62)

(4)

OFFICE ORDER:-

The following attachment/order of Prosecutors is hereby made with immediate effect in the Public interest for smooth running of Prosecution business in the District on further order.


NO.	NAME OF PROSECUTOR	FROM	TO
1	Muhammad Imran, Assistant Public Prosecutor, Peshawar.	Mr. Naveed Ur Rehman, Additional & Sessions Judge-II/ MCTC, Peshawar.	Mr. Nasrullah Khan, Additional & Sessions Judge-XV, Peshawar.
2	Mrs Huma Farid, Assistant Public Prosecutor, Peshawar	Mr. Ijaz Khan, Additional & Sessions Judge-I, Peshawar.	Mr. Naveed Ur Rehman, Additional & Sessions Judge-II/ MCTC, Peshawar.
3	Mrs. Mariya Kanwal, Assistant Public Prosecutor, Peshawar	Mr. Nasrullah Khan, Additional & Sessions Judge-XV, Peshawar.	Mr. Ijaz Khan, Additional & Sessions Judge-I, Peshawar.


District Public Prosecutor
Peshawar

Copy of Even No. Dated

Forwarded for information to:-

1. The District & Sessions Judge, Peshawar.
2. PA to Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
3. The concerned Courts.
4. The concerned Prosecutors.


District Public Prosecutor
Peshawar



OFFICE OF THE DISTRICT PUBLIC PROSECUTOR,

PESHAWAR.

(83)

NO. _____ /DPP.PESH

DATED: 12 MAY 2022.

5

OFFICE ORDER:-

The following Prosecutors are hereby adjust against the following court due to some unavailable circumstances that the Prosecution work should not be suffered.

S. No.	Name of Prosecutors	Withdrawn From	Assigned To
01	Mr. Shafi Ullah Wazir Senior Public Prosecutor	Muhammad Tahir Aurangzeb Additional & Sessions Judge-IX, Peshawar.	Muhammad Ayaz Additional & Sessions Judge XII, Peshawar (is on leave)
02	Muhammad Imran, Assistant Public Prosecutor	Muhammad Ayaz Additional & Sessions Judge-XII, Peshawar (is on leave).	Muhammad Tahir Aurangzeb Additional & Sessions Judge Peshawar.


District Public Prosecutor
Peshawar

Endst of Even No. Dated

Copy forwarded for information to:-

- ⇒ The District & Sessions Judge, Peshawar.
- ⇒ The Regional Director Prosecution Peshawar Division, Peshawar.
- ⇒ The Courts Concerned.
- ⇒ The Prosecutors Concerned.
- ⇒ Office record.


District Public Prosecutor
Peshawar



**OFFICE OF THE ,
DISTRICT PUBLIC PROSECUTOR, PESHAWAR**

No. 109/2022/Distt:PP, Pesh

Dated: 15/06/2022

(109)

6

OFFICE ORDER

Mr. Salim Muhammad Senior Public Prosecutors, attached to the Courts of ATC, Peshawar is on short leave today, therefore, **Muhammad Imran** Assistant Public Prosecutors, Peshawar are directed to perform their duties in the Courts of ATC, as well as his own duties, in the public interest, till further order.


District Public Prosecutor,
Peshawar

Endst of Even No. Dated 2022-24.

Copy forwarded for information to:-

- ⇒ The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
- ⇒ The District & Sessions Judge, Peshawar.
- ⇒ The Courts Concerned.
- ⇒ The Prosecutors Concerned.


District Public Prosecutor,
Peshawar



**OFFICE OF THE DISTRICT PUBLIC PROSECUTOR,
PESHAWAR.**

NO. 6253-58/DPP.

DATED: 04/11/2021

OFFICE ORDER:-

7

The following adjustment of Prosecution officers in different court of District Peshawar are hereby ordered with immediate effect.

NO	Name of Prosecutor	From	To
1.	Mr. Jamshed Khan Senior Public Prosecutor	Muhammad Sajid Additional Sessions Judge-XIII	Muhammad Tayyab Additional Sessions Judge-VIII
2.	Mr. Manzoor Alam Senior Public Prosecutor	Muhammad Tayyab Additional Sessions Judge-VIII	Muhammad Sajid Additional Sessions Judge-XIII
3.	Mr. Anwar Khan Deputy Public Prosecutor	District Public Prosecutor office.	Muhammad Ayaz Khan Additional Sessions Judge-XII
4.	Mr. Imran Khan Assistant Public Prosecutor	Muhammad Ayaz Khan Additional Sessions Judge-XII	Mr. Shah Khalid Judicial Magistrate-IX/MCTC
5.	Mr. Laila Farman Assistant Public Prosecutor	Mr. Shah Khalid Judicial Magistrate-IX/MCTC	Muhammad Farooq Ahmad Judicial Magistrate-I
6.	Mr. Sulman Khan Assistant Public Prosecutor	Muhammad Farooq Ahmad Judicial Magistrate-I	Mr. Naveed ur Rehman Additional Sessions Judge- II/MCTC with the remarks that he will work as additional prosecutor with Miss. Huma APP till the arrival of Mr. Zulfiqar Ali Sr.PP.

District Public Prosecutor
Peshawar

For information:-

- The District & Session Judge, Peshawar.
- The Regional Director Prosecution, Peshawar.
- File to Director General Prosecution, Peshawar.
- The Concerned Courts.
- The Concerned Prosecutors.
- All the Readers/clerks of this office.

District Public Prosecutor
Peshawar

To

B
The Worthy Inquiry Committee,
Peshawar.

(8)

Subject: SUBMISSION OF WRONG/FAKE AND CONCOCTED DATA OF JMIC-IX/MTMC, PESHAWAR.

Respected Sir

In response to letter No. SO(Prosecution)/HD/1-31/Inqy-2022/03Nos APPs Dated Peshawar 23.05.2022, it is humbly submitted that DATA of November has not been submitted by the undersigned wherein the same was presume as "Nil" by the Directorate of Prosecution. In fact the undersigned was performing duties in other courts due to shortage of Prosecutor on the oral order of learned District Public Prosecutor, Peshawar. Though SPP is also performing duty in the court of JMIC-IX/MTMC, Peshawar but the SPP also did not submit the DATA in the month of November. The undersigned prepared DATA of November and handed over to the concerned official. (Copy attached).

So far the DATA of December is concerned the same was checked with the decision register of the court and necessary correction were made i.e. mentioned the cases decided on pled guilty and discharged. (Copy attached).

It is pertinent to mention that the DATA submitted was not concocted/fake rather was incomplete and due to engagement in session courts the undersigned was unable to cross match the same with decision register in time.

It is, therefore, humbly prayed that the above subject may kindly be closed without any further proceedings and the undersigned will be vigilant/careful in future and obliged.

M. Imran
MUHAMMAD IMRAN
Assistant Public Prosecutor
Peshawar

Dated: 13.06.2022

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Q1. Whether you have perused and rechecked information/data before forwarding the same to the Directorate of Prosecution?

Ans. We don't send directly information/Data to the Directorate of Prosecution rather I give it to the office of DPP and it further dispatch the same to the Directorate of Prosecution.

Q2. Do you know the purpose and object for which the data is collected?

Ans. As per the object of criminal justice system, prosecution is the pillar of the said system. Therefore, the Data is collected to keep check on smooth running of work and to formulate policy etc.

Q3. Whether you have provided the information/Data for the Month of November and December?

Ans. The information/Data regarding November was inadvertently not provided as the answering undersigned was engaged in sessions court due to shortage of prosecutors, while SPP was already deputed therein the court of JMIC/MTMC. Later on I send to the same in Directorate. Whereas the Data of December is concerned the same was given to Superintendent of DPP office and he send the same to Directorate of Prosecution.

Q4. Whether it was in your knowledge that your performance for the said month was shown to be Nil?

Ans. No, it was not in my knowledge. The reason has been explained in answer of question Number 03.

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 a register.

Q6. Do you regularly checked and signed the register maintain by the Naib Court?

Ans. No, as the Naib court does not maintain a register. Therefore, the same cannot be regularly checked.

Q7. Do you regularly receive Judgments regarding the conviction and acquittal of the cases of your concerned court?

Ans. As a routine, in the court of JMIC there are convictions of based upon plead guilty and summery disposal. Therefore, all the judgments of the cases are not provided.

Q8. Do you regularly check the Data and Proformas prepared by the Naib courts or officials of the office of DPP?

Ans. The Najb 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 with the office of DPP.

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 sign but send the same to DPP office and not to the Directorate directly.

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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, it must be inadvertent and clerical mistake which does not amount to/falls within the ambit of negligence/inefficiency.

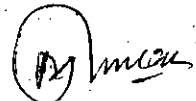
Q12. Whether your willful concealment does not amounts to inefficiency on your part under E&D Rules by providing wrong Data.

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. With profound veneration I want to provide Data of the month of November as the same was not send inadvertently by the answering of undersigned.

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



Muhammad Imran
Assistant Public Prosecutor
Peshawar.

Dated: 16.02.2022.

Case No.	Convicted	Acquitted Please specify system: (I) Use in lieu of evidence (II) On the basis of benefits of doubt (III) On the basis of health witnesses	Committed (continued)	Committed to record from US 121 SIC CR 102	Costs (If any)	Special Sentences Preferred
PPIC	24	14		114		
MASSA		03			55	
PHILADEL	37	03		64		
RBD/KOP	08				45	
ENRS	04					

Name of Court State of Missouri
Name of Prosecutor W. Sherman (1910)
Date 25-6-1-2023

[Signature]
Sgt. [?]

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	Covered	Acquitted Pleas Specific option (i) Dets to lark of evidence (ii) On the basis of benefit of describe (iii) on the basis of hostile witnesses	Compounded	Consigned to record room u/s 249/512 Cr.PC	Discharged	Appeal/ Revision Preferred
P.P.C	24	14		114		
CNSA		03			55	
Arms Act	37	03		04		
RBO+Sup	08				48	
Others	04					

Cluded _____

Name of Court JMJC-IV/MTMC

Name of Prosecutor: Muhammad Imran (APP)

Date 25-01-2022

Sign: SD/-

Office of District Public Prosecutor, Jammu, Pathanwar

Case No.	Charge	Verdict	Reason for Verdict	Section	Period of Imprisonment	Discharge	Remarks
63		06	02	41	107	15	
64		01	02				
65		01					
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68							
69							
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Name of Court JMTC-IX Jammu
 Name of Prosecutor M. Ganan Chand
 Date 25-01-2022

Signature (Signature)
 (Date)

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	Covered	Acquitted Pleas Specific option (i) Des to lark of evidence (ii) On the basis of benefit of describe (iii) on the basis of hostile witnesses	Compounded	Consigned to record room u/s 249/512 Cr.PC	Discharged	Appeal/ Revision Preferred
P.P.C	57	06	02	41		
CNSA	52	01		02	107	
Arms Act	62	01			15	

Cluded _____

Name of Court JMJC-IX/MTMC

Name of Prosecutor: Muhammad Imran (APP)

Date 25-01-2022

Sign: SD/-

December - 2021

Total
Scrutiny completed Acquitted Convicted Stay/ Appeal

13

Court	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate	Magistrate
		Mr. Usman Khan (ASJ-I)	Scrutiny Work	100	0	0	0	0	0	0
		Miss. Humna Farid (APP)	Mr. Ahmad Ehsan-Ullah Qureshi (ASJ-I)	200	16	6	1	3	4	0
		Mr. Anwar Khar (Dy. PP)	Muhammad Ayaz (ASJ-X)	40	13	5	3	2	1	0
		Miss. Farah Durrani (APP)	Mr. Muhammad Faisal (ASJ-IV)	200	4	2	0	0	2	0
		Median Mohamed Khalid (Dy. PP)	Mr. Tayyib Jan (ASJ-I)	15	24	1	20	0	3	0
		Miss. Uzma Inayat (APP)	Mr. Alamgir Sialvi (ASJ-VI)	90	8	4	1	3	0	0
		Mrs. Farhatullah Khan (Dy. PP)	Mr. Khalid Mahmood (ASJ-VI)	45	11	0	6	0	0	0
		Mr. Javed Ali (Dy. PP)	Mr. Taseer (ASJ-VII)	145	15	0	4	1	7	0
		Mr. Usman Ullah Wazir (Dy. PP)	Mr. Tahir Aurangzeb (Dy. PP)	50	10	4	3	0	0	0
		Mrs. Syeda Ahsan Fakhri (APP)	Mr. Abdul Majid (ASJ-X)	60	12	0	9	3	0	0
		Miss. Aleya (APP)	Mrs. Khan Naz (ASJ-III)	40	0	0	0	0	0	0
		Mr. Muhammad Ahsan Khan (Dy. PP)	Mr. Muhammad Sajid (ASJ-III)	50	16	10	0	4	2	1
		Mr. Zubair Ali (Dy. PP)	Mr. Syed Shaukatullah (ASJ-XV)	50	28	6	15	4	1	5
		Mr. Javed Ali Mohammad (Dy. PP)	Scrutiny Work	60	0	0	0	0	0	0
		Mrs. Hasreena Syed (Dy. PP)	Mr. Nasrullah Khan (ASJ-XV)	60	31	15	11	7	0	1
		Miss. Humna Farid (APP)	Mr. Naveed-Ur-Rehman (ASJ-III/JCIC)	50	8	0	6	0	0	0
		Mr. Amir Cheel (Dy. PP)	Magistrate court	160	14	1	7	0	6	0
	Magistrate	Mr. Laila Ferman (APP)	Muhammad Farooq Ahmad (JMCI-I)	50	240	215	20	1	4	5
		Mr. Murtaza (SPP)	Mr. Hassan Mehmoobi (JMCI-II)	0	16	6	0	10	0	9
		Mr. Arbab Ahtisham (APP)	Mr. Roor Ullah (JMCI-IV)	40	211	123	88	0	0	73
		Miss. Sidra (APP)	Mr. Salman Rayat (JMCI-V)	55	234	150	70	0	14	50
		Mr. Shahzad Ahmed (APP)	Mr. Sena-Ullah Khan (JMCI-VIII)	60	397	370	25	2	0	0
		Mr. Inam Khan (APP)	Mr. Shah Khalid (JMCI-IX/JMCI-MC)	50	35	23	11	1	0	43
					1354	948	310	52	44	192

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District Public Prosecutor
Peshawar

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INFORMATION REGARDING INDIVIDUAL PERFORMANCE OF PROSECUTOR FOR NOVEMBER 2021 OF DISTRICT PUBLIC PROSECUTOR

Month	Court Type	Name of Prosecutor	Name of Court	Case files Scrutinized	Total No of Trial concluded	Conviction	Acquitted	Compromise	Consigned to record room u/s 512/249 Cr.PC	Discharged	Appeal/ Revision BCA submitted
October	Sessions	Mr. Jehanzeb Khan (Sr.PP)	Mr. Ashfaqe Taj (D&SJ)	200	11	0	0	0	0	0	
		Mr. Falak Sair (Sr. PP)	Scrutiny Work	150	0	8	0	0	0	0	
		Miss. Huma Farid (APP)	Mr. Ahmad Eshan Ullah Qureshi (ASJ-I)	200	16	5	1	3	4	0	
		Mr. Anwar Khan (Dy.PP)	Muhammad Ayaz (ASJ-XI)	40	13	2	3	4	1	0	
		Miss. Fozia Durrani (APP)	Mr. Muhammad Faisal (ASJ-IV)	200	4	1	0	0	2	0	
		Muhammad Khalid (Sr. PP)	Mr. Tayyab Jan (ASJ-V)	12	24	4	20	0	3	0	
		Miss Uzma Nasir (APP)	Mr. Alamgir Shah (ASJ-VI)	90	8	4	1	3	0	0	
		Mrs. Beenish Gul (APP)	Mr. Shahid Mehmood (ASJ-VII)	40	11	0	6	4	0	0	
		Mr. Jamsheed Khan (Sr. PP)	Mr. Tayyab Jan (SJ-VIII)	11	15	4	4	1	7	3	
		Mr. Shafi Ullah Wazir (Sr.PP)	Mr. Tahir Aurangzeb (ASJ-IX)	10	10	0	3	3	0	0	
		Miss. Syeda Alivina Shah (APP)	Mr. Abdul Majid (ASJ-X)	60	12	0	9	3	0	0	
		Miss Aliya (APP)	Mrs. Kiran Naz (ASJ-III)	40	0	10	0	0	0	0	
		Mr. Manzoor Alam Khan (Sr.PP)	Muhammad Sajid (ASJ-XIII)	10	16	8	0	4	2	1	
		Mr. Zulfiqar Ali (Sr.PP)	Mr. Syed Shaukatullah Shah (ASJ-XIV)	10	28	0	15	4	1	9	
		Mr. Javed Ali Mohamnd (Dy. PP)	Scrutiny Work	10	0	15	0	0	0	0	
		Mrs. Hassena Syed (Dy. PP)	Mr. Nasrullah Khan (ASJ-XV)	10	31	0	11	7	0	1	
		Mrs. Huma Denial (APP)	Mr. Naveed Ur Rehman (ASJ-II, MCTC)	10	8	1	8	0	0	0	
		Mr. Arif Bilal (Sr. PP)		160	14	216	7	0	6	0	
		Mr. Laila Farman (APP)	Muhammad Farooq Ahmad (JMIC-I)	50	240	6	20	1	4	5	
		Mr. Murtaza (SPP)	Mr. Hassan Mehboob (JMIC-II)	0	16	123	0	10	0	9	
Mr. Arbab Ahtisham (APP)	Mr. Noor Ul Haq (JMIC-IV)	40	211	150	88	0	0	73			
Miss Sidra (APP)	Mr. Salman Rayat (JMIC-V)	55	234	370	70	0	14	50			
Mr. Shahzad Ahmad (APP)	Mr. Sana Ullah Khan (JMIC-VIII)	60	397	23	25	2	0	0			
Mr. Iman Khan (APP)	Mr. Shah Khalid (JMIC-IX/MTMC)	50	35	23	11	1	0	43			
				1354	948	310	52	44	192		

November - 2021

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INFORMATION REGARDING INDIVIDUAL PERFORMANCE OF PROSECUTOR FOR November 2021 of District Public Prosecutor

Month	Court Type	Name of Prosecutor	Name of Court	Case files Scrutinized	Total No of Trail Concluded	Conviction	Acquitted	Compromise	Consigned to record room U/S 512/249 Cr.PC	Discharged	Appeal/Revision / BCA submitted	
October	Sessions	Mr. Jehanzeb Khan (Sr:PP)	Mr. Asif-ur-Raqeeb Tej (D & SJ)	200	14	7	4	1	2	0		
		Mr. FaizkSair (Sr: PP)	Scrutiny Work	150	0	0	0	0	0	0		
		Miss. Huma Farid (APP)	Mr. Ahmad EhsanUllah Qureshi (ASJ-I)	200	19	13	2	0	4	0		
		Mr. Anwar Khan (Dy:PP)	Muhammad Ayaz (ASJ-XI)	40	16	6	3	4	3	0		
		Miss. Fozia Durrani (APP)	Mr. Muhammad Faisal (ASJ-IV)	60	23	13	8	1	1	0		
		Muhammad Khalid (Sr:PP)	Mr. Tayyib Jan (ASJ-V)	12	12	1	7	3	1	0		
		Miss. Uzma Nasir (APP)	Mr. Alamgir Shah (ASJ-VI)	90	7	4	1	2	0	1		
		Mrs. Beenish Gul (APP)	Mr. Shahid Mahmood (ASJ-VII)	45	14	2	6	5	0	34		
		Mr. Jamsheed Khan (Sr:PF)	Mr. Tayyib G S:VIII)	165	16	7	7	1	6	3		
		Mr. Shafi Ullah Wazir (Sr:PF)	Mr. Tahir AnwarGul (ASJ-IX)	50	6	1	3	0	2	0		
		Mrs. Syeda Alvina Shan (APP)	Mr. Abdul Majid (ASJ-X)	60	18	1	10	7	0	0		
		Miss. Alayia (APP)	Mrs. Piran Naz (ASJ-III)	40	0	0	0	0	0	0		
		Mr. Manzoor Alam Khan (Sr:PF)	Mr. Muhammad Sajid (ASJ-XIII)	50	0	0	0	0	0	0		
		Mr. Zulficar Ali (Sr:PP)	Mr. Syed ShaukatUllah Shah (ASJ-XIV)	60	23	3	14	3	3	37		
		Mr. Javed Ali Mohmand (Dy:PF)	Scrutiny Work	60	0	0	0	0	0	0		
		Miss. Hassana Syed (Dy:PF)	Mr. Nasir Khan (Dy:PF-XV)	60	48	23	8	5	6	9		
		Miss. Huma Dorel (JLIC)	Mr. Hayat-ur-Rahman (ASJ-II, GCTC)	60	33	5	21	2	5	0		
		Mr. Zaif Bilal (Sr:PF)	Scrutiny Work	300	15	2	11	2	7	0		
		Magistrate	Mr. Faiz Farman (APP)	Muhammad Farooq Ahmad (JMJC-I)	50	332	264	30	1	11	11	
			Mr. Murtaza (SPP)	Mr. Hassan Mahmood (JMJC-II)	0	921	899	10	22	0	0	
Mr. Arbab Ahtisham (APP)	Mr. Noor Ubhaq (JMJC-IV)		40	321	174	144	0	3	0			
Miss Sidra (APP)	Mr. Salman Raza (JMJC-V)		65	174	90	25	20	39	90			
Mr. Shahzad Ahmad (APP)	Mr. Sara Ullah Khan (JMJC-VIII)		60	469	449	37	3	0	0			
Mr. Iwan Khan (APP)	Mr. Shah Khalid (JMJC-IX, JMJC)		50	0	0	0	0	0	0			
					1847	1984	352	67	88	185		

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INFORMATION REGARDING INDIVIDUAL PERFORMANCE OF PROSECUTOR FOR NOVEMBER 2021 OF DISTRICT PUBLIC PROSECUTOR

Month	Court Type	Name of Prosecutor	Name of Court	Case files Scrutinized	Total No of Trial concluded	Conviction	Acquitted	Compromise	Consigned to record room u/s 512/249 Cr.PC	Discharged	Appeal/ Revision / BCA submitted
October	Sessions	Mr. Jehanzeb Khan (Sr.PP)	Mr. Ashfaq Taj (D&SJ)	200	14	7	4	1	2	0	
		Mr. Falak Sair (Sr.PP)	Scrutiny Work	150	0	0	0	0	0	0	
		Miss. Huma Farid (APP)	Mr. Ahmad Eshan Ullah Qureshi (ASJ-I)	200	19	13	2	0	4	0	
		Mr. Anwar Khan (Dy.PP)	Muhammad Ayaz (ASJ-XI)	40	16	6	3	4	3	0	
		Miss. Fozia Durrani (APP)	Mr. Muhammad Faisal (ASJ-IV)	60	23	13	8	1	1	0	
		Muhammad Khalid (Sr. PP)	Mr. Tayyab Jan (ASJ-V)	12	12	1	7	3	1	0	
		Miss Uzma Nasir (APP)	Mr. Alamgir Shah (ASJ-VI)	50	7	4	1	2	0	1	
		Mrs. Beenish Gul (APP)	Mr. Shahid Mehmood (ASJ-VII)	45	14	2	6	6	0	34	
		Mr. Jamsheed Khan (Sr. PP)	Mr. Tayyab Jan (SJ-VIII)	186	16	7	7	1	6	3	
		Mr. Shafi Ullah Wazir (Sr.PP)	Mr. Tahir Aurangzeb (ASJ-IX)	50	6	1	3	0	2	0	
		Miss. Syeda Alivina Shah (APP)	Mr. Abdul Majid (ASJ-X)	60	18	1	10	7	0	0	
		Miss Aliya (APP)	Mrs. Kiran Naz (ASJ-III)	40	0	0	0	0	0	0	
		Mr. Manzoor Alam Khan (Sr.PP)	Muhammad Sajid (ASJ-XIII)	50	0	0	0	0	0	0	
		Mr. Zulfiqar Ali (Sr.PP)	Mr. Syed Shaukatullah Shah (ASJ-XIV)	80	23	3	14	3	3	37	
		Mr. Javed Ali Mohamnd (Dy. PP)	Scrutiny Work	60	0	0	0	0	0	0	
		Mrs. Hassena Syed (Dy. PP)	Mr. Nasrullah Khan (ASJ-XV)	60	48	23	8	8	8	9	
		Mrs. Huma Denial (APP)	Mr. Naveed Ur Rehman (ASJ-II, MCTC)	50	33	5	21	2	5	0	
		Mr. Arif Bilal (Sr. PP)		100	15	2	11	2	6	0	
		Mr. Laila Farman (APP)	Muhammad Farooq Ahmad (JMIC-I)	96	332	284	30	1	11	11	
		Mr. Murtaza (SPP)	Mr. Hassan Mehboob (JMIC-II)	0	931	899	10	22	0	0	
		Mr. Arbab Ahtisham (APP)	Mr. Noor Ul Haq (JMIC-IV)	40	321	174	144	0	3	0	
		Miss Sidra (APP)	Mr. Salman Rayat (JMIC-V)	55	114	90	25	20	39	90	
		Mr. Shahzad Ahmad (APP)	Mr. Sana Ullah Khan (JMIC-VIII)	60	489	449	37	3	0	0	
		Mr. Iman Khan (APP)	Mr. Shah Khalid (JMIC-IX/MTMC)	50	0	0	0	0	0	0	
				1847	2511	1984	352	87	88	185	

15

Disposed Off Cases/ Trials Concluded for the Month of December 2021

Office of District Public Prosecutor, Perthawi

	Completed	Acquitted Please specify option (i) Dec no legal evidence (ii) On the basis of evidence (iii) On the basis of Section 173 CrPc (iv) On the basis of Section 174 CrPc	Compounded	Conserved to record from s.173 S.P. CrPc	Dismissed	Other
P.P.C.	24	14		114		
CNSA		53				55
Private A.C.L.	37	53		04		
RBO - SUP	02					43
Others	04					

Name of Court Magistrate Court
 Name of Prosecutor D. Suresh Kumar

Date 31/12/2021

(Signature)

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	Covered	Acquitted Pleas Specific option (i) Des to lark of evidence (ii) On the basis of benefit of describe (iii) on the basis of hostile witnesses	Compounded	Consigned to record room u/s 249/512 Cr.PC	Discharged	Appeal/ Revision Preferred
P.P.C	24	14		114		
CNSA		03			55	
Arms Act	37	03		04		
RBO+Sup	08				48	
Others	04					

Cluded _____

Name of Court JMJC-IX/MTMC

Name of Prosecutor: Muhammad Imran (APP)

Date 25-01-2022

Sign: SD/-

10

16

DISCIPLINARY ACTION

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, is of the opinion that Muhammad Imran, 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 his Individual Performance Report was cross checked/tallied with the concerned court's data for the month of November & December 2021, and found that he had furnished wrong/fake and concocted data to the Directorate of Prosecution and as such, he 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. Malik Manzoor Ahmad (Pras. BS-18) DS EP
- ii. Mian Aziz, Director Monitoring Prosecution

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.

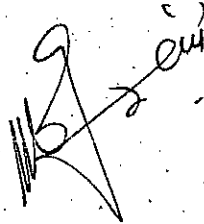

(Dr. Shahzad Khan Bangash)
Chief Secretary
Khyber Pakhtunkhwa

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



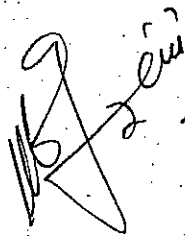
and Sessions Judge Peshawar was requested for provision of the required data so that the allegations could be probed (Flag-D). The District and Sessions Judge Peshawar provided the data/ details of the cases for the month of November and December 2021 which were received on 15th July 2022 (Flag-E).

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.

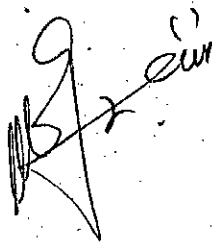
2. Ms Huma Daniel Murad stated that she provided the same data as received from the court. She added that there is no proper laid down procedure or notified mechanism whereby the court Muharrer could be bound for provision of data. The only way is to request the Muharrer for data and the same is forwarded 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).



(20)

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.

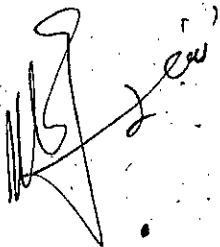
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(21)

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.



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.

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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.

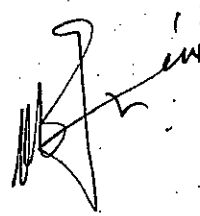
4 That Prosecutor attached with the Court may maintain registers of all cases pending in the Court including details of all the cases interested to Court for adjudications, Bail Petitions, miscellaneous matters and all disposals of cases pertaining to criminal nature.

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.



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

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Mian Aziz Ahmad
Director Monitoring
Directorate General Prosecution
20/11/2022


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

SHOW CAUSE NOTICE

E
24

I, **Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa**, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, **Muhammad Imran, Assistant Public Prosecutor (BS-17), Peshawar**, as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing by the inquiry officer, and
- (ii) on going through the findings and recommendation of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer;

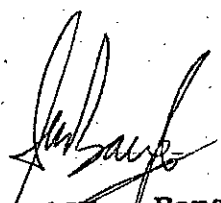
I am satisfied that you have committed the following acts/omissions specified in **Rule 3 (a & b)** of the said rules.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Censure under rule 4 of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of findings of the inquiry officer/inquiry committee is enclosed.


(**Dr. Shahzad Khan Bangash**)
CHIEF SECRETARY
KHYBER PAKHTUNKHWA.

To

The Worthy Chief Secretary,
Khyber Pakhtunkhwa.

F
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Through: Proper Channel

Subject: REPLY TO SHOW CAUSE NOTICE

R/Sir,

Reference to letter No. RD-Pesh/103 dated 09-09-2022 received from the Regional Director Prosecution Peshawar Division, on the subject noted above.

The applicant submits as under that:

1. That my replies to the charge sheet, statement of allegation and defense taken before the inquiry committee may be considered as integral part of this reply.
2. That with profound veneration, the mandatory requirements for conducting inquiry proceedings have been grossly ignored.
3. That the alleged inquiry proceedings have been conducted in my absence. No statement what so ever has been recorded in my presence.
4. That no opportunity of cross examination was extended to the applicant during the course of proceedings which is on one hand gross violation of E&D Rules, and on the other hand it is inalienable right under the rule ibid.
5. That no opportunity of defense as mandated by the Rule has been provided.
6. That the Para No.1 of the conclusion drawn by the learned enquiry committee shows that the officers/officials cannot be bound down as there is no proper mechanism for the transmission and compilation of data. Similarly, in the same Para the learned committee has recommend "warning on one hand while minor penalty of Censure on the other hand.
7. That with great respect, the applicant wish to be heard in person.

It is therefore with humbly requested that on acceptance of this reply the applicant may kindly be exonerated from all allegations/charges.


Muhammad Imran

Assistant Public Prosecutor
Peshawar

12/05/2022

26

(G)

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar, the 12th January, 2023

ORDER

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

WHEREAS, Mr. Muhammad Imran, 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 him an opportunity of personal hearing as provided for under the Rules.

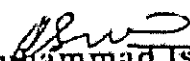
3. **NOW, THEREFORE**, the competent authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, the explanation of the accused officer and affording an opportunity of personal hearing to the accused officer, findings of the inquiry committee and exercising 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 Mr. Muhammad Imran, 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)

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GOVERNMENT OF KHYBER PAKHTUNKHWA HOME & TRIBAL
AFFAIRS DEPARTMENT

Dated Peshawar, the 12th January, 2023

ORDER

No. SO Pros)/HD/1-31/Inq:/03 APPS/2022: WHEERAS, Mr. Muhammad Imran 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, Pakhtunkhwa) granted him an apportsime of personal hearing as provided for under the Rules.

3. NOW, THEREFORE, the competent authority (Chief Secretary, Khyber Pakhtunkhwa) after having consideren urges, evidence un record, the explanation of the accused office and affording an opportunity of personal hearing to the accused officer, findings of the inquiry committee and exercising bis powers under rule 3 read with Rae Tags of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased, to impose minor penalty of "Censure upon Mr. Muhammad Imran, Assistant: Public Prosecutor (13PS 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)

To

The Worthy Chief Minister,
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel.

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 12.01.2023 WHEREBY MINOR PENALTY OF CENSURE HAS BEEN IMPOSED UPON THE APPELLANT

Respected Sir,

The appellant with great respect submits as under:

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

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

That in response to the mentioned charge sheet the appellant 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 appellant as there is no such mechanism or notified channels to bound the appellant/ officials.

That the mentioned position was clarified by the appellant 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 appellant 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 appellant.

That it is pertinent to mention here that the entries were incomplete that was due to the engagement of the appellant in another court.

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: 29 .01.2023

Yours Obediently


MUHAMMAD IMRAN
ASSISTANT PUBLIC PROSECUTOR
DIRECTORATE OF PROSECUTION.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

28

Dated Peshawar, the 8th May, 2023

ORDER

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

WHEERAS, Mr. Muhammad Imran,

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 him the minor penalty of "Censure".

2. **AND WHEREAS**, Mr. Muhammad Imran, 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 him.

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 Mr. Muhammad Imran, Assistant Public Prosecutor (BPS-17), Peshawar having no solid reason for his exoneration.

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

Endst: No. & Date even.

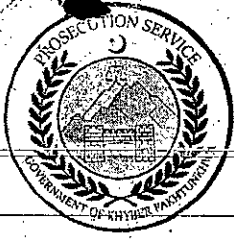
Copy forwarded to:-

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)

3826
09/05/2023

16/5/2023
DA
4/5/2023
HA/MDA



**DIRECTORATE OF PROSECUTION
GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT**

No. DDC/ Complaint / 6484

Dated Peshawar the 12/05/2023

Office Landline#091-9212559

dc.prosecution@kp.gov.pk

<https://prosecution.kp.gov.pk/>

<https://www.facebook.com/kpprosecution>

<https://twitter.com/kpprosecution>

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To

The District Public Prosecutor,

Peshawar,

Attention: Muhammad Imran (APP)

Subject: ORDER NO. SO (PROS)/HD/1-31/Inq:/03APPs.

Respected sir,

I am directed to the subject noted above and to enclose herewith the order No. SO (PROS)/HD/1-31/Inq:/03APPs dated: 08-05-2023 received to this Directorate from Section Officer (Prosecution) and to state that to serve the same upon Muhammad Imran (APP) for perusal and further necessary action, please.

Yours Sincerely,

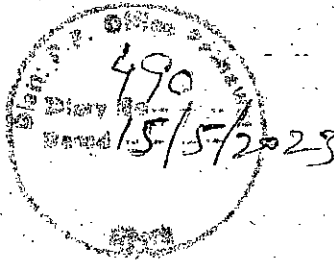
(Deputy Director Complaint)

Encl: as above

Copy forwarded for information to:-

- PA to Director General Prosecution Khyber Pakhtunkhwa.

(Deputy Director Complaint)



VAKALATNAMA

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

_____ OF 2023

Muhammed Imran

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Home and Trib's Dept

(RESPONDENT)
(DEFENDANT)

I/We Muhammed Imran

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. 14 / 5 / 2023



CLIENT



**ACCEPTED
UMAR FAROOQ MOHMAND
ADVOCATE HIGH COURT**

OFFICE:

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