



KHYBER PAKHTUNKHWA  
ENVIRONMENTAL PROTECTION TRIBUNAL  
PESHAWAR


REGISTRAR OFFICE  
PH: 091-9219003  
[kpkept@gmail.com](mailto:kpkept@gmail.com)

No.EPT/Admn/2023 10/0

Dated 19/09/2023

**Authority Letter**

The competent Authority has been please to authorized the official Mr. Sheraz Khan (Bailiff) for submission of reply/para wise comments in service appeal No.1093/22 Hameed ullah VS Chairman EPT & Acting Registrar EPT at principal seat of KP Service Tribunal at Peshawar.

  
REGISTRAR 19/9/23  
Environmental protection Tribunal  
Peshawar  
Environmental Protection  
Tribunal

Copy for information:

- 1) Personal file of the official.

Chairman Copy

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

Appeal No. 1093/2022


Hameed ullah S/O Muhammad Ishaq, Resident of Mohala Rahatabad mangora Tehsil  
Babuzai District Swat. Ex-Naib Qasid (BPS-03)

**VERSUS**

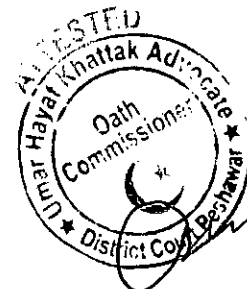
- 1) Chairman, Environmental Protection Tribunal, KPK Peshawar.
- 2) Acting Registrar, Environmental Protection Tribunal, KPK Peshawar.

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Respondents  
Through Registrar  
Khyber Pakhtunkhwa  
Environmental Protection Tribunal,  
Peshawar

Dated: 14/09/2023



①

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

Hameed ullah S/O Muhammad Ishaq, Resident of Mohala Rahatabad mangora Tehsil  
Babuzai District Swat. Ex-Naib Qasid (BPS-03)

..... Appellant

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 7681

Dated 19/9/2023

**VERSUS**

- 1) Chairman, Environmental Protection Tribunal, KPK Peshawar.
- 2) Acting Registrar, Environmental Protection Tribunal, KPK Peshawar.

..... Respondents

**PARA-WISE COMMENTS FOR AND ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has got no cause of action and locus standi to file the instant Appeal.
2. That the Appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the Appeal is time barred.
4. That the Appellant has not come to this Worthy Tribunal with clean hands.
5. That this Worthy Tribunal has got no jurisdiction to entertain the present Appeal.
6. That the instant Appeal is not maintainable in its present form.
7. That the Appellant has concealed material facts from this Worthy Tribunal.
8. That the Appellant is estopped by his own conduct from filing the instant Appeal as he has violated the applicable law, rules and principles of ethics and morality.
9. That the instant Appeal is bad in the eyes of law.
10. That the Appeal is based on distortion of facts and is therefore liable to be dismissed.
11. That facts admitted and available on record need not be proved.

**ON FACTS:**

1. That Para-1 pertains to record.
2. That Para-2 pertains to record.
3. That Para-3 pertains to record.
4. That Para-4 is disputed as the appellant who as Naib Qasid was to look after the office of the Worthy Chairman, Environmental Protection Tribunal, Peshawar however by using the Chamber of the Worthy Chairman, Environmental Protection Tribunal, Peshawar including his washroom for himself and his guests and committing immoral activities where "condom" was found in the washroom of the Worthy Chairman, Environmental Protection Tribunal, Peshawar does not make him diligent, honest and has brought bad name to the Khyber Pakhtunkhwa Environmental Protection Tribunal and the private

chamber and office of Worthy Chairman. Consequently, and upon the matter being reported to the Worthy Chairman, Environmental Protection Tribunal, Peshawar, the appellant was suspended with immediate effect and show cause notice was issued.

**(Copy of Note on Incident and Suspension Order dated 07-01-2022 is attached herewith as Annexure "A" - "A1")**

- 5. **That** Para - 5 is vehemently denied. The Khyber Pakhtunkhwa Environmental Protection Tribunal, Peshawar is an honorable seat for dispensation of justice and all those working are held in high esteem by the litigants as well as by legal profession and staff are expected to show highest level of morality and ethical conduct besides being in compliance of the efficiency and disciplinary rules. The respondents have acted in light of the evidence and therefore none of the staff and officers have concocted the facts and situation against the appellant nor there are any personal grudges and male fides of any one at the Environmental Protection Agency against the appellant. The appellant is put to prove his allegations which are in fact raised by him to divert the issue at hand which includes his immorality, unethical and illegal conduct and divert and deflect this Worthy Tribunal from looking into reasons that led to the appellant's dismissal from service which this Worthy Tribunal cannot ignore.
- 6. **That** Para-6 pertains to record however the contents of the reply to the Show Cause Notice given by the appellant are vehemently denied as the same are not only distorted but are also misleading and factually incorrect. The appellant always had access to the washroom, the brother of the appellant is serving in the provincial police, the appellant has been living in the staff quarters of the judicial complex on sharing basis and the show cause notice is self-explanatory and contains the observations, allegations and violations. A Final Show Cause was also responded to by the appellant where an unsuccessful effort was made to doubt the allegations and show cause notice but the record and evidence is too strong to be ignored and rebutted.

**(Copy of the reply of the appellant to the Final Show Cause Notice is attached herewith as Annexure "B")**

- 7. **That** Para-7 is vehemently denied. The note of respondent no. 02 along with incriminating evidence explains the position of respondents and dismissal of appellant from service after due process of law. This Worthy Tribunal is requested to direct the respondents for submission of USB that contains pictures and audio recording from which it is crystal clear that the appellant has fallen below the ethical and moral standards expected from a civil servant/employee of a judicial body.
- 8. **That** Para - 8 pertains to record. The appellant was involved in major form of gross misconduct including illegal, unethical and immoral activities and grounds taken in the text of appeal are vehemently denied.

**GROUND:**

- A. **That** Ground A is vehemently denied. The orders passed by the respondent No. 1 complies with the applicable law and rules and no illegality has taken place in imposing the penalty while due process of law has been applied in the case of the appellant.
- B. **That** Ground B is vehemently denied. The evidence on record has not been disputed and rather allegations have not been directly answered and irrelevant, misleading and distorted facts have been brought to the fore. By bringing in guests to the Chamber of the Worthy Chairman, Environmental Protection Tribunal and admitting the same in an audio recording cannot be kept aside. The facts surrounding the CCTV camera and finding an objectionable matter in washroom, i.e. "condom", are crucial evidence against the appellant when the incident note of the respondent no. 02, report of CCTV incharge for the Federal Judicial Complex and statement of a fellow Naib Qasid are all read in totality. It is surprising and highly regrettable that the appellant is defending his conduct and immoral activities and does not consider the facts and the incident not constituting any offence and denying his daily duties and tasks by relying on terms of reference which does not reflect upon the complete tasks of various employees at the Tribunal. There is no malice against the appellant and appellant has been given opportunity to submit his

representation and has also been heard and departmental proceedings conducted as per the facts.

**(Copy of Statement of CCTV In Charge and Naib-Qasid are attached herewith as Annexure "C" - "C1")**

- C. **That** Ground C is vehemently denied. The various documents appended with the instant reply/replication including the incident note explains the decision taken by the respondent no. 01 and the allegations raised by the appellant are not only baseless but illogical and unsubstantiated where the appellant is questioning the authority for taking action against him which was required for the appellant's illegal, unethical and immoral conduct taking place at place of work.
- D. **That** Ground D is vehemently denied. It is stated with regret that the appellant is not remorseful and shameful for bringing his guests into the premises of Environmental Protection Tribunal and office and Chamber of the Worthy Chairman, Khyber Pakhtunkhwa Environmental Protection Tribunal, Peshawar while he was certainly aware that he could not achieve his purpose in the jointly shared staff living quarters. The appellant cannot shield his conduct by highlighting principles of equity, law and justice as he has fallen short of the ethical conduct demanded by his profession and superiors as per law. It is pertinent to note that in the instant ground the appellant is admitting the fact that he had guests and is defending them which speaks volumes about his conduct and attitude.
- E. **That** Ground E is vehemently denied. The appellant has access to the private chamber and washroom of Worthy Chairman and the allegations does not relate to his official duties rather the misuse of the same. The appellant is making an effortless exercise by brining in "Farash" as the instant matter pertains to his immoral activities and misconduct.
- F. **That** Ground F is vehemently denied. The facts presented by the appellant in Ground F are irrelevant and illogical as he cannot force competent authority to take legal recourse taken or not taken against the appellant. It is pertinent to note that the respondents are law abiding citizens holding positions in seat of dispensation and cannot think of initiating proceedings on unfounded matters. In essence, responsible and informed decision have been taken against the appellant which cannot be questioned for lack of any criminal proceedings against the appellant.
- G. **That** Ground G is vehemently denied. The ground taken here has no substance as the conduct and violation of law and rules was brought to the knowledge of the competent authority and due process of law was followed in imposing the major penalty against the appellant. This does not mean that the appellant was a perfect employee and rather highlights the fact that the appellant's conduct was questioned when his immoral, illegal and unethical issues came to the light.
- H. **That** Ground H is vehemently denied. Due process of law was followed in arriving at a lawful decision against the appellant which is evidence from the record annexed with the instant reply. Any allegations of personal grudges are non-existent and unfounded as are baseless and unsubstantiated.
- I. **That** Ground I is vehemently denied. The fact that an employee is respectful and obedient does not mean that his conduct is ethical and moral. It is clear that the appellant has brought the office and the Tribunal to a disrepute.
- J. **That** Ground J is vehemently denied. The appellant cannot blame respondents for his own shortcomings. It is pertinent to note that the facts on record speaks otherwise as not claimed by the appellant.
- K. **That** Ground K is vehemently denied. The appellant cannot blame respondents for his own shortcomings. It is pertinent to note that the lame excuse and defence presented by the appellant and grounds for departmental proceedings are unfounded.
- L. **That** Ground L is vehemently denied. The appellant cannot blame respondents for his own shortcomings. It is pertinent to note that the lame excuse and defence presented by the appellant and grounds for departmental proceedings are unfounded.


- M. That Ground M is vehemently denied. The appellant cannot blame respondents for his own shortcomings. It is pertinent to note that the conduct, acts and omissions of the appellant cannot be ignored and the major penalty of dismissal from service has been rightly given in the situation and facts of the case.
- N. That Ground N is vehemently denied. No fundamental rights were violated and rather the appellant has brought the seat of dispensation of justice to a disrepute due to his own misconduct and violation of decorum of the private chamber of the worthy Chamber, Environmental Protection Tribunal.
- O. That personal attributes in terms of the appellant pertains to him and need no reply however he was given the major penalty in light of the facts of his conduct leading to dismissal from service for which he cannot plead his reputation and any damage.
- P. That Ground P is vehemently denied. The appellant's reply/representation have all been considered in all forms and decision taken in light of the record before the competent authority.
- Q. That Ground Q is vehemently denied. The competent authority has proceeded as per law and rules with opportunity given to the appellant to defend himself and which was availed by the appellant by submitting his reply and appeal and no transgression of powers and jurisdiction has taken place while looking into the matter at hand.
- R. That Ground R is vehemently denied. The appellant cannot speak of male fides as the respondents have acted and proceeded as per law against the appellant in matter requiring serious action to protect the institution from disrepute.

(Copy of judgment reported as 1988 PLC (C.S) 381 in case titled as "Miss Mumtaz Hakim Ali Versus Secretary to Government of Punjab Health Department and 3 others" is attached herewith as Annexure "D")

S. That Grounds need no comments.

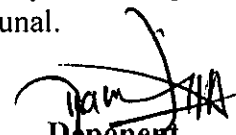
PRAYER:

It is, therefore, humbly prayed that the Appeal being baseless, without any legal substance and devoid of merit may kindly be dismissed with cost.

  
 Respondents  
 Through Registrar  
 Khyber Pakhtunkhwa  
 Environmental Protection Tribunal,  
 Peshawar

AFFIDAVIT

I, Muhammad Akram S/o Arsale Khan, currently serving as Registrar do hereby solemnly affirm and declare on oath that the contents of the enclosed Para-wise Comments/ Reply are correct to the best of my knowledge and belief and that nothing has been concealed or withheld from this Worthy Tribunal.

  
 Deponent

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

Appeal No. 1093/2022

Hameed ullah S/O Muhammad Ishaq, Resident of Mohala Rahatabad mangora Tehsil  
Babuzai District Swat. Ex-Naib Qasid (BPS-03)

..... Appellant

**VERSUS**

- 1) Chairman, Environmental Protection Tribunal, KPK Peshawar.
- 2) Acting Registrar, Environmental Protection Tribunal, KPK Peshawar.

..... Respondents

**PARA-WISE REPLY TO APPLICATION FOR SUSPENSION OF OPERATION OF  
IMPUGNED ORDER FOR AND ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:**

- 1. That the Applicant/Appellant has got no cause of action and locus standi to file the instant Application/Appeal.
- 2. That the Application/Appeal is bad due to misjoinder and nonjoinder of necessary parties.
- 3. That the Application/Appeal is time barred.
- 4. That the Applicant/Appellant has not come to this Worthy Tribunal with clean hands.
- 5. That this Worthy Tribunal has got no jurisdiction to entertain the present Application/Appeal.
- 6. That the instant Application/Appeal is not maintainable in its present form.
- 7. That the Applicant/Appellant has concealed material facts from this Worthy Tribunal.
- 8. That the Appellant is estopped by his own conduct from filing the instant Appeal as he has violated the applicable law, rules and principles of ethics and morality.
- 9. That the instant Appeal is bad in the eyes of law.
- 10. That the Appeal is based on distortion of facts and is therefore liable to be dismissed.
- 11. That facts admitted and available on record need not be proved.


**ON FACTS:**

- 1. That Para-1 needs no reply.
- 2. That Para-2 is vehemently denied. The Applicant/Appellant has committed gross violation of applicable law and rules and caused disrepute to the Environmental Tribunal due to his immoral conduct.

- 3. That Para-3 is vehemently denied. The Applicant/Appellant has violated principles of ethics and morality as well as abused his position and breached the decorum of a Tribunal and office and private chamber of its Worthy Chairman.
- 4. That Para-4 is vehemently denied. The Applicant/Appellant is estopped from fabricating and concealing facts and has not come to this Worthy Tribunal with clean hands.
- 5. That Para-5 is vehemently denied. The Applicant/Appellant in light of his conduct has brought the proceedings against himself on his own and will not be at any loss as he was involved in immoral activity and violated principles of ethics and the applicable law and rules.


**PRAAYER:**

It is, therefore, humbly prayed that the Application being baseless, without any legal substance and devoid of merit may kindly be dismissed with cost.

  
 Respondents  
 Through Registrar  
 Khyber Pakhtunkhwa  
 Environmental Protection Tribunal,  
 Peshawar

**AFFIDAVIT**

I, Alaceemullah S/o Arsale Khan, currently serving as Registrar do hereby solemnly affirm and declare on oath that the contents of the enclosed Para-wise Comments/ Reply are correct to the best of my knowledge and belief and that nothing has been concealed or withheld from this Worthy Tribunal.

  
 Deponent



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

**Appeal No. 1093/2022**

**Hameed ullah S/O Muhammad Ishaq, Resident of Mohala Rahatabad Mangora Tehsil  
Babuzai District Swat. Ex-Naib Qasid (BPS-03)**

..... Appellant

**VERSUS**

- 1) **Chairman, Environmental Protection Tribunal, KPK Peshawar.**
- 2) **Acting Registrar, Environmental Protection Tribunal, KPK Peshawar.**

..... Respondents

**PARA-WISE REPLY TO APPLICATION FOR CONDONATION OF DELAY FOR AND  
ON BEHALF OF RESPONDENTS**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTIONS:**

- 1. **That** the Applicant/Appellant has got no cause of action and locus standi to file the instant Application/Appeal.
- 2. **That** the Application/Appeal is bad due to misjoinder and nonjoinder of necessary parties.
- 3. **That** the Application/Appeal is time barred.
- 4. **That** the Applicant/Appellant has not come to this Worthy Tribunal with clean hands.
- 5. **That** this Worthy Tribunal has got no jurisdiction to entertain the present Application/Appeal.
- 6. **That** the instant Application/Appeal is not maintainable in its present form.
- 7. **That** the Applicant/Appellant has concealed material facts from this Worthy Tribunal.
- 8. **That** the Appellant is estopped by his own conduct from filing the instant Appeal as he has violated the applicable law, rules and principles of ethics and morality.
- 9. **That** the instant Appeal is bad in the eyes of law.
- 10. **That** the Appeal is based on distortion of facts and is therefore liable to be dismissed.
- 11. **That** facts admitted and available on record need not be proved.

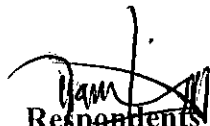
**ON FACTS:**

- 1. **That** Para-1 needs no reply.
- 2. **That** Para-2 pertains to record. It is pertinent to mention that the respondents have acted as per law.
- 3. **That** Para-3 is incorrect, hence denied. The Applicant/Appellant has not brought on record any material facts to prove that any contact was made with the respondents.

- 4. That Para-4 is subject to proof, hence denied.
- 5. That Para- 5 pertains to record. It is pertinent to mention that the respondents have acted as per law and rather the applicant/appellant is putting blame on others for his own shortcomings.
- 6. That Para-6 is vehemently denied. The justification provided for late filing and that also beyond the period of limitation for instant appeal is baseless and unsubstantiated. The impugned order was passed on 31.01.2022, the departmental appeal was submitted on 10-02-2022 and appeal filed before this Worthy Tribunal on 05-07-2022. This clearly is an appeal which is badly time barred.
- 7. That Para-7 is vehemently denied. The Applicant/Appellant in light of his conduct has brought the proceedings against himself on his own and will not be at any loss as he was involved in immoral activity and violated principles of ethics and the applicable law and rules.

**PRAYER:**

It is, therefore, humbly prayed that the Application being baseless, without any legal substance and devoid of merit may kindly be dismissed with cost.

  
 Respondents  
 Through Registrar  
 Khyber Pakhtunkhwa  
 Environmental Protection Tribunal,  
 Peshawar

**AFFIDAVIT**

I, Nazeem ullekh S/o Arsale kho, currently serving as Registrar do hereby solemnly affirm and declare on oath that the contents of the enclosed Para-wise Comments/ Reply are correct to the best of my knowledge and belief and that nothing has been concealed or withheld from this Worthy Tribunal.

  
 Deponent

P-1

Environmental Protection Tribunal Peshawar  
Initial Report submitted to chairman.

No. 1  
 Subject: Involve in immoral activity Mr. Hameed Khan Naib Qasid  
(BPS-03) on 05/01/2022 in the chamber of  
The Hon'ble chairman EPT, Peshawar.

Referred to the subject noted above and to state  
 that on Thursday 06/01/2022 at morning 10:25 AM I  
 checked the office/chamber of the chairman on routine  
 basis. During the said inspection I examined the  
 chamber washroom of the chairperson, I found their  
 inside the washroom immoral material (ie condom) in  
 the commode. I asked from Naib Qasid Mr. Hameed Khan  
 to explain this immoral material and to whom does it belong  
 and for what purpose. He directly disowned that I don't have  
 any idea about this type of incident, and then he pushed the  
 flush of the commode at the same time to remove  
 the evidence, for inquiry, but before he push the  
 flush and remove the evidence of the incident, I took  
 03 pictures of the condom <sup>in side</sup>. The commode on the  
 spot during initial questioning. The pictures are attached herewith  
 as Annex-A.

After an hour of the initial set of questions I asked  
 the said Naib Qasid of the incident/material, he stated  
 that his (4) friends namely 01) Yasir Khan 02) Shakeel  
 03) Zakir 04) Khalid came from Swat after duty hours.  
 He received the said friends personally. Before receiving of  
 friends he switched off the main server of the all cameras  
 of the EPT, the reason for which stated that there was  
 problem in the electricity but as per verbally statement  
 of the building control room including Mr. Zia Khan

Attested

(Four)

There is no problem of electricity on 5/1/2022 because all the building cameras are working properly. Further he stated that his friends are associated with the transgender community for immoral activities.

The questions/answers of the Nav's Qasid have been recorded to the extent possible / audio recording that of 03 minutes and eighteen second are available for ready reference.

The above incident is greatly regretted as firstly irrelevant persons were brought in to Environmental Protection Tribunal and then to the private chamber and washroom of the Hon'ble chairperson and then it's washroom used for questionable and illegal activities which are beyond the acceptable norms of law and common understanding. DFA report is put up to conduct ~~the~~ proper inquiry / further direction, please.

Registrar  
7/01/2022

Hon'ble chairman

The allegations are of very serious nature, rather criminal, any way as first instance as officer is suspended. Accountant is directed to stop the monthly pay of the accused officer forthwith. Show-cause notice is issued to the accused officer forthwith.

Arrested

3/1/20

11-3  
He shall reply to the show card  
with in (7) Seven days. Proceedings  
may be initiated against the  
accused officer forth with.

11  
~~Deputy~~

AT

7.1.2022

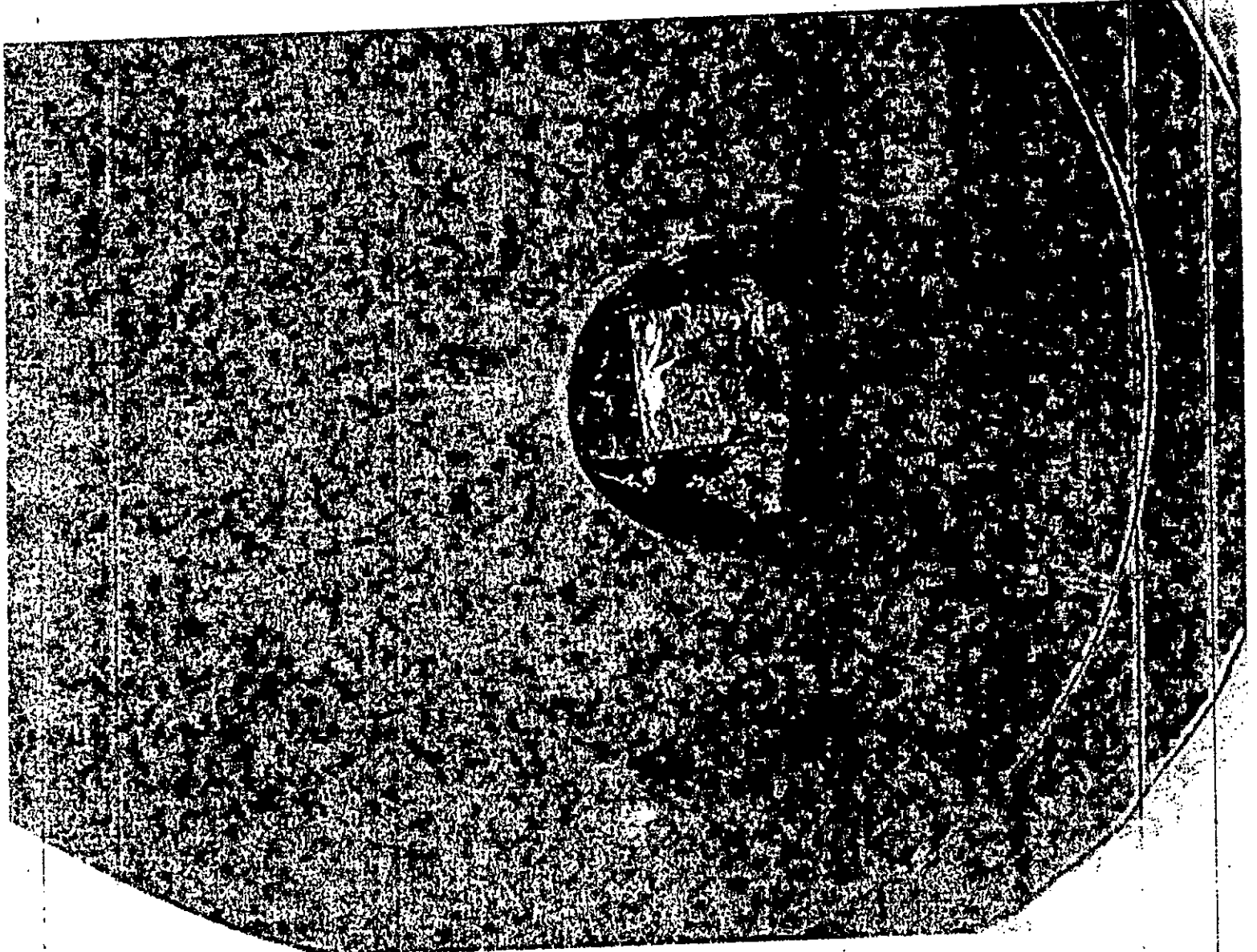
suspension order issued vide no. EPT/Hameed/P.F/21/614 dated 21/1/22  
AS Per direction in the report S.No. of 21/1/22  
The pay of the officer Hameed Khan Naik Qasid  
(BMS-03) from today immediately.

Accountant

~~Accountant~~  
7/1/22

Accepted  
AT

(C)

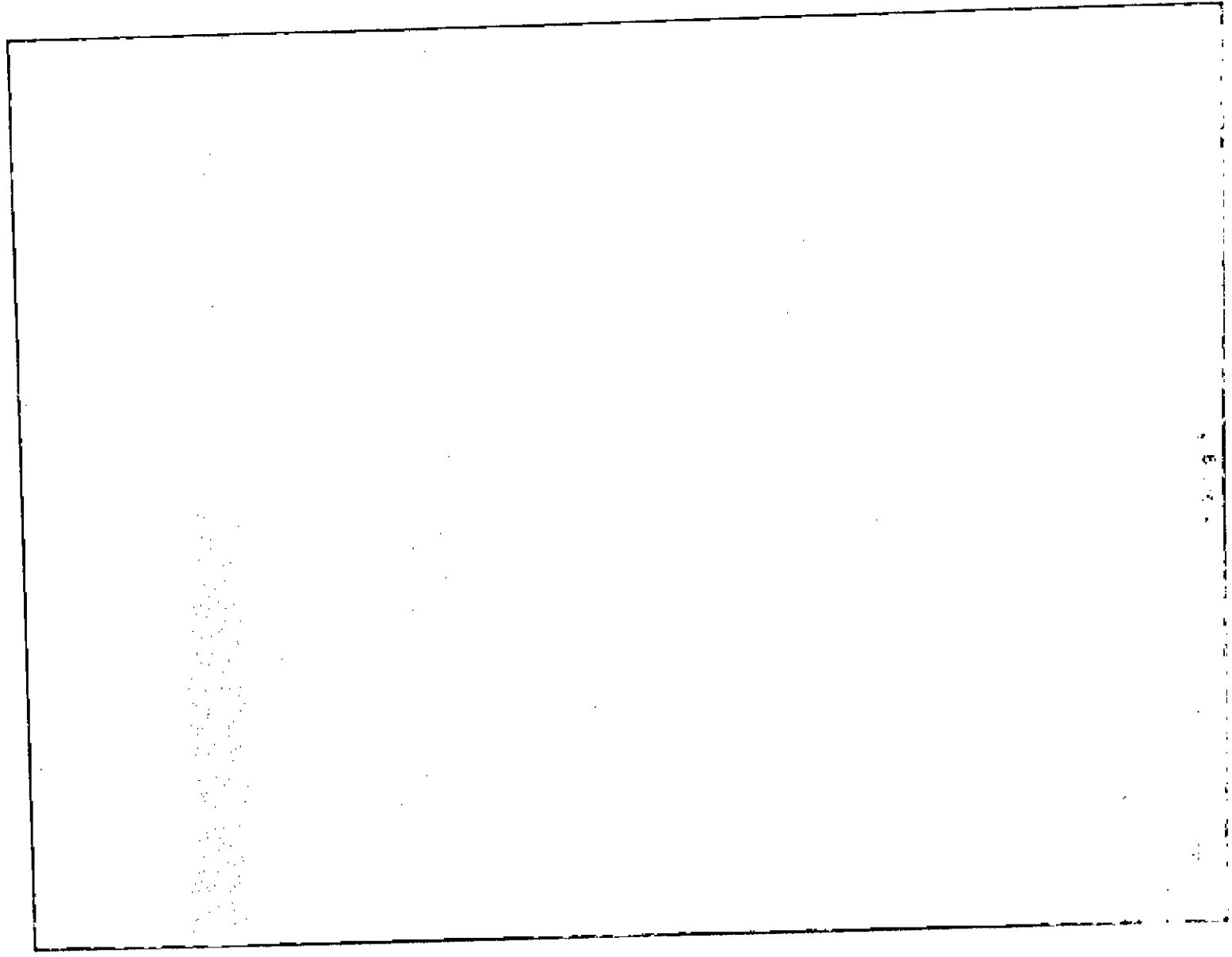


Attested  
*[Signature]*

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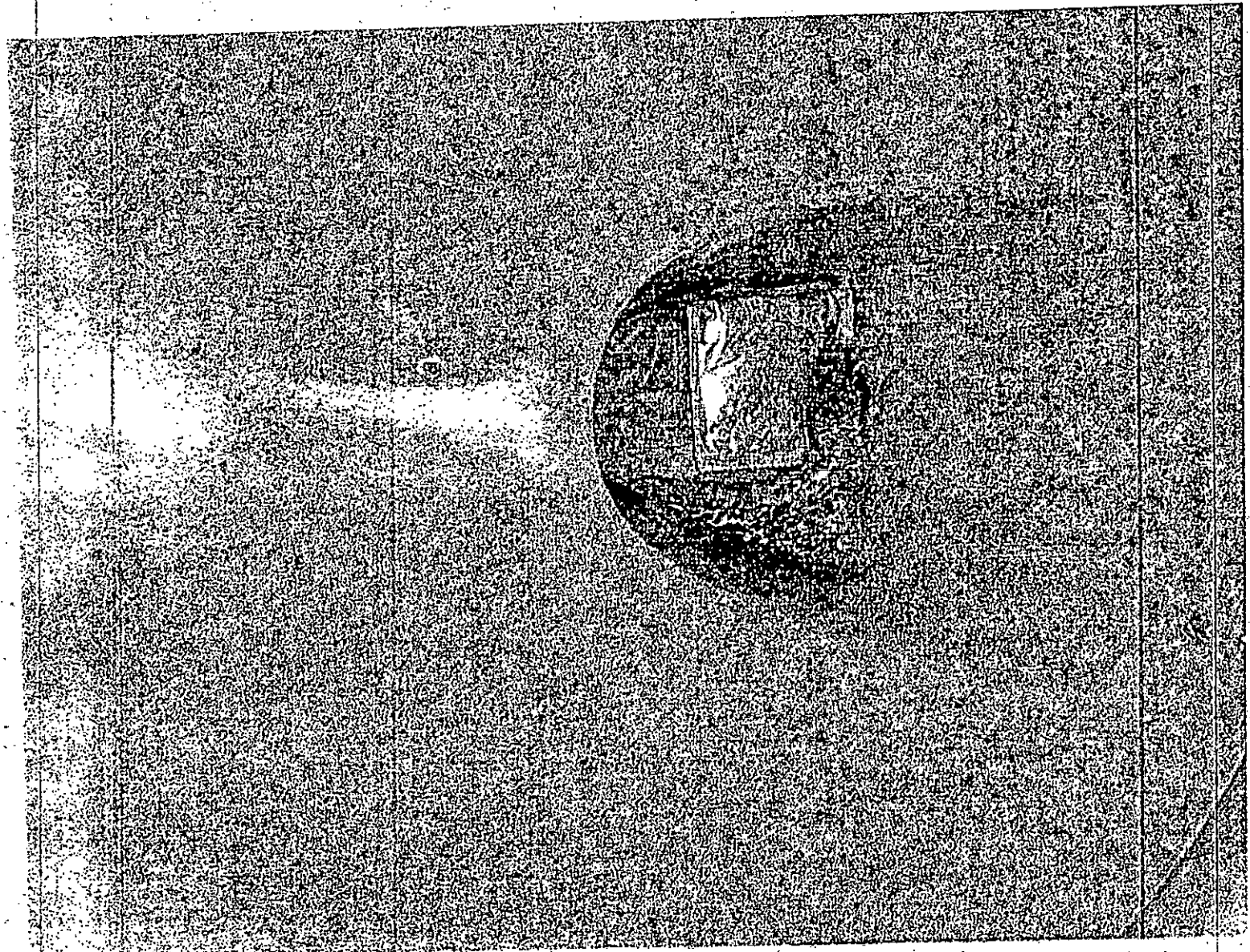


~~SECRET~~

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6

5



Attested  
[Signature]



Annexure "A1" (15)



KHYBER PAKHTUNKHWA  
ENVIRONMENTAL PROTECTION TRIBUNAL  
PESHAWAR

PH: 091-9219003  
kpkept@gmail.com


No. EPT/Hameed/P.F/21 614

Dated: 07 / 01 / 2022

### Suspension Order


The competent authority has been pleased to suspend the official Mr. Hameed Ullah Naib Qasid (BPS-03) with immediate effect.

Show-cause notice to the official be given as to why they should not proceeded under E&D Rules 2011.

  
REGISTRAR 7/01/22  
Environmental Protection Tribunal  
Peshawar

Copy Forwarded to.

1. PS to Chairperson.
2. Accountant.
- ✓ 3. Personal file-2 official concerned



## بخدمت جناب چیئر مین پرسن EPT پشاور

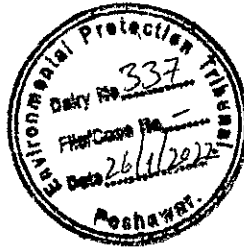
جواب فائل شوکا زٹوٹس ذیل ہے۔

- 1- سائل نے ذمہ داری کسی کو منتقل نہیں بلکہ رجسٹرار (نعیم اللہ) مذکور کے خلاف بدینتی کو ظاہر کیا ہے۔ رجسٹرار مذکور بغیر کسی شہادت کے سائل کو نا کردارہ گناہ میں ملوث کر رہا ہے۔ جس کے لئے انکو آڑی شہادت کی استدعا کرتا ہے۔ رجسٹرار (نعیم اللہ) کو کیسے علم ہوا کہ سائل نے کوئی غیر اخلاقی جرم کیا ہے۔ جملہ سوالات و جوابات مندرجہ آڈیو مفروضہ جات پر مبنی ہے۔ جس سے رجسٹرار (نعیم اللہ) کی بدینتی ظاہر ہوتی ہے۔ سٹاف ممبران بشمول رجسٹرار ایک دوسرے سے ہر لمحہ بات چیت کو آڈیو ریکارڈنگ نہیں کرتے بلکہ یہ ریکارڈنگ رجسٹرار (نعیم اللہ) نے پہلے سے تیار منصوبے کے تحت کی ہوگی۔ جس کی تصدیق اثبوت اس پر لازم ہے۔ اور شہادت کے قانون کے تحت کوئی قانونی حیثیت نہیں ہے۔
  - 2- آڈیو ریکارڈنگ اور یو ایس بی میں جمع کردہ مواد بھی رجسٹرار کی بدینتی ظاہر کرتا ہے۔ رجسٹرار (نعیم اللہ) نے سائل پر نہایت سنگین الزام عائد کیا ہے کہ سائل نے غیر اخلاقی لوگ دفتر میں لائے ہیں جو سراسر غلط ہے چیئر مین کی چابی رجسٹرار (نعیم اللہ) کے پاس ہوتی ہے۔ واٹس روم چیئر مین کے اندر ہے جس تک سائل کی رسائی ممکن نہ ہے۔ سائل کے پاس صرف PS روم کی چابی ہے۔ رجسٹرار (نعیم اللہ) کو یہ ساری کارروائی کس نے بتائی یہ امر شہادت طلب کرتا ہے۔ جس کے لئے انکو آڑی ضروری ہے۔
  - 3- جناب عالی سائل پہلے بھی عرض کر چکا ہے۔ کہ ایسا کوئی جرم سائل نے سرزد نہیں کیا جو E&D رولز 2011 کے تحت آتا ہو۔
  - 4- سائل ذاتی شنوائی اور انکو آڑی شہادت کا مستدعی ہے۔
  - 5- جناب عالی سائل غریب آدمی ہے رجسٹرار (نعیم اللہ) پہلے سائل کے ساتھ دفتر میں محسٹیت ڈرائیور کام کرتا تھا جو کہ بعد میں شیٹوگراف بن گیا جس کے شروع دن سے سائل کے ساتھ تعلق ٹھیک نہیں تھا دفتر کے CCTV کیمرہ کے علاوہ پولیس گارڈ اور مین بلڈنگ کے CCTV کیمرہ میں کوئی غیر اخلاقی فرد دفتر میں داخل نہیں ہوا اور نہ ہی کسی جرم کا ارتکاب ہو ہے۔ سائل کے خلاف الزامات میں رجسٹرار (نعیم اللہ) بدینتی سے اپنے اختیار سے تجاوز کر رہا ہے۔
- لہذا جناب سے رحم کی استدعا کرتے ہوئے بذریعہ انکو آڑی رجسٹرار (نعیم اللہ) کو حکم دیا جائے کہ اگر سائل کے خلاف کوئی جرم بنتا ہو تو ثابت کرے اور بلا اثبوت سائل کے خلاف E&D رولز 2011 کے تحت کارروائی نہ فرمائی جاوے۔

سائل

حمید اللہ

نائب قاصد EPT پشاور



المرقوم: 26-01-2022

(M)

(H)

Annexure C  
رپورٹ برائے بجلی فلکھویشن دستاویزی

بھاری CCTV سسٹم میں موجود ریکارڈنگ کے مطابق مورچہ 5/1/2022 کو بروز بدھ، بوقت 12:00am سے لیکر رات 12:00pm تک بجلی یا واپڈا لائن کی کوئی فلکھویشن یا بجلی بند ہونے کی شکایت موجود نہیں ہے۔

یہذا اس دن بھاری باس CCTV سسٹم آن (ON) حالت میں تھا اور مکمل ریکارڈنگ موجود ہے۔

رپورٹ عرض ہے تاکہ سندھ رہے۔

محمد ضیاء الرحمن  
713 Hc سٹیبل راجہ

مورچہ 12/1/2022

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Statement under oath

میں شہزاد حسین دالر عیاشی حسین بطور نائب مہتمم EPI میں ڈیوٹی سرکاری  
کے لئے مقرر ہیں۔

حضور جبرئیل حسین صاحب EPI لیٹاور

سرکاری کی علاقائی لکھنؤ کے بعد بتاریخ 06/01/2022 بروز جمعرات صبح 10:25

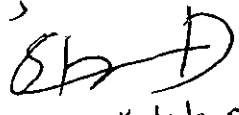
منٹ ڈیڑھے بجے رجسٹرار صاحب لغنیع اللہ نے جبرئیل حسین افسس میں بلا کر پوچھا کہ  
کیا آپ نے ایسی چیزیں استعمال کیں جن سے آپ کو کوئی خطرہ ہو سکتا ہے؟

میں نے ایسی چیزیں استعمال نہیں کیں۔ (Condom) میں نے ایسی چیزیں استعمال نہیں کیں جن سے  
میں کو کوئی خطرہ ہو سکتا ہے۔ جنسی رابطہ میں رجسٹرار صاحب نے یہ بھی پوچھا کہ  
آپ نے ایسی چیزیں استعمال کیں جن سے آپ کو کوئی خطرہ ہو سکتا ہے؟

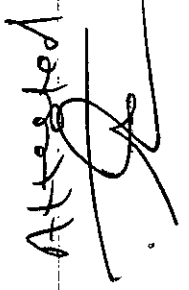
بیان عرض ہے۔

(5)

شہزاد حسین نائب مہتمم



14/1/2022

Accepted 

*Amended No. 19*

1988 P L C (C.S.) 381

[Service Tribunal Punjab]

Present: Ihsanul Haq Chaudhry, Chairman, Kh. Muhammad Yousaf and Ch. Abdul Rashid, Members

MISS MUMTAZ HAKIM ALI

versus

SECRETARY TO GOVERNMENT OF PUNJAB HEALTH DEPARTMENT and 3 others

Appeal No.761 of 1987, decided on 25th January, 1988.

**(a) Punjab Civil Servants (Efficiency and Discipline) Rules, 1975--**

--Rr.2(1)(d) & 3--Term "misconduct"--Definition--Charge of immorality against civil servant, held, was covered by the term "misconduct"--Argument that term "misconduct" used in Efficiency and Discipline Rules only related to duties of public servant and that private or personal activities or actions could not be deemed to be covered by "misconduct" was superficial and devoid of any merit--Such interpretation would amount to giving a free licence to public servants to do whatever they liked and indulge in anti-religious and immoral activities, commit dacoities, run brothel houses and gambling dens and indulge in black-marketing and smuggling which obviously could not be the intention of legislature--Civil servant could not be heard to say that such activities were his private affair and not covered by mischief of the word "misconduct".

**(b) Punjab Civil Servants (Efficiency and Discipline) Rules, 1975**

--Rr.3, 5 & 6--Dismissal for misconduct--Appellant, a nurse found guilty of immoral act committed within the premises of hospital and after show-cause notice dismissed from service--Contention of appellant's counsel that action against appellant was mala fide and on account of her union activities--Such contention, held, could not be accepted for the reasons firstly, the appellant had not alleged mala fides in her reply to show-cause notice, secondly, the appellant was not only the office-bearer of the union and there was no link between union activities of appellant and disciplinary proceedings against her; thirdly, nature of allegations was fully supported by report of Chemical Examiner and medical examination of appellant; fourthly, the presence of appellant in battery room of Telephone Exchange of hospital at midnight with male officials with whom she did not fall within prohibited degree and lastly, medical report proved that the appellant was a woman of easy virtues.

**(c) Punjab Service Tribunals Act (IX of 19.74)--**

--S.4--Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, R.6(3)--Dismissal from service--Appellant, a nurse, found guilty of immoral act committed within premises of hospital and after show-cause a notice dismissed from service for misconduct--Contention that it was a case of detailed inquiry could not be accepted in view of documentary evidence coupled with admissions of appellant herself--Such admissions read with result of medical examination of appellant as well as report of Chemical Examiner left no scope for any detailed inquiry Appellant not

having challenged the result of her medical examination, was itself sufficient to prove her character--No evidence to suggest that appellant was victimized and punished for her union activities- Authorities, held, had absolute discretion to dispense with the inquiry and such discretion could not be interfered with--Appeal dismissed.

D.I.G. another v. Anis-ur-Rehman P L D 1985 S C 134 rel.

Muhammad Rashid Malik and Maqbool Ellahi Malik for Appellant.

Date of hearing: 11th January, 1988.

**JUDGMENT**

**IHSANUL HAQ CHAUDHARY (CHAIRMAN).**--The relevant facts for the decision of the present appeal are that the appellant was working as Incharge Nurse in BS-14 and was posted in Mayo Hospital, Lahore. The Hospital authorities received an information to the effect that the appellant is present in the battery room of the telephone exchange for sinister motive. Dr. Muhammad Rafiud Din, Additional Medical Superintendent of the Hospital accordingly conducted the raid. The room was found bolted from inside and lights off. It was with great difficulty that the appellant and her co-accused were made to open the door. The Additional Medical Superintendent on examination found that sheet, pillow cover etc. were stained with semen. The Hospital authorities accordingly reported the matter to the local police, which registered a case against the appellant and others under Hudood Ordinance., The authorities, after the receipt of result of the chemical examiner and medico-legal report of the appellant, decided to take disciplinary proceedings against the appellant on the charges of mis-conduct. The respondent No.3, therefore, served the appellant with a show-cause notice dated 21-7-1986. The relevant portion of the show-cause notice reads as under:-

(i) That on 27-6-1986 at midnight you were found present in the Battery Room of Telephone Exchange, Mayo Hospital, Lahore, alongwith Kanwar Muhammad Haroon, Telephone Supervisor and Muhammad Naeem, Sub-Engineer Telephone. The room was bolted from inside and the lights were found put off by the surprise raid conducted by Additional Medical Superintendent, Mayo Hospital Dr. Muhammad Raft-ud-Din. Your presence in the Battery Room was a criminal act alongwith Mr. Muhammad Haroon.

(ii) Local Police recovered a fresh semen stained chadar, pillow and pillow cover from the place of occurrence. The clothes stained wet and giving semen smell.

(iii) The report of the Chemical Examiner regarding the above mentioned clothes is: "Stained with semen."

(iv) The Medical Examination and the Chemical Examination Reports of the vaginal swabs taken after medico-legal examination read as follows: -

"Hymen torn. Torn edges healed. Tear is complete one, vagina is lax and admits two fingers easily. She has been subjected to sexual intercourse."

2. The appellant submitted reply to the show-cause notice and denied the allegations of misconduct. However it was admitted that at the time of raid by the Additional Medical Superintendent, the appellant was present in the Telephone Exchange. The respondent No.3 went through the explanation rendered by the appellant and found the same unsatisfactory. Therefore, she called upon the appellant to show cause why her

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having challenged the result of her medical examination, was itself sufficient to prove her character--No evidence to suggest that appellant was victimized and punished for her union activities- Authorities, held, had absolute discretion to dispense with the inquiry and such discretion could not be interfered with--Appeal dismissed.

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## JUDGMENT

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case should not be recommended to the authority for imposition of major penalty. The appellant submitted a brief reply thereto and informed the respondent that she can only reiterate her previous stand. It was, however, added that the action of imposing penalty will be illegal, extremely cruel and unfair. The respondent No.3 thereafter formulated the report and submitted the same to the authority i.e. respondent No.2 who after affording the opportunity to the appellant to defend herself proceeded to impose the penalty of dismissal from service. The order is dated 19th of May, 1987.

3. The appellant assailed the order of her dismissal from service through departmental appeal before the respondent No.1. Since that appeal was not decided within statutory period of 90 days, therefore, appellant proceeded to file the present appeal under section 4 of the Punjab Service Tribunal Act, 1974.

4. We heard Mr. Muhammad Rashid Malik, Advocate for the appellant on 29th of September, 1987 and the appeal was posted to 7th of October, 1987 for orders when appellant through Mr. Muhammad Rashid Malik, Advocate made an application that Mr. Maqbool Elahi is the senior Counsel in this appeal and he wants to argue the appeal once again. Although arguments were heard and there was no occasion to grant the application yet in the interest of justice, we allowed the other Counsel, also, to argue the appeal. The appeal could not be decided because on subsequent dates the learned Senior Counsel was not available. It was ultimately on 11-1-1988 that the appeal was argued by him. We have gone through the record and heard the learned Counsel for the appellant, who in support of the appeal has raised the following points:

(i) Firstly, that the respondent could have only imposed the penalty as prescribed in rule 3 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 and since the allegations of immorality are not covered by rule 3, therefore, whole proceedings are void ab initio;

(ii) Secondly, that since the respondents Nos. 2 to 4 were biased on account of union activities of the appellant, therefore, she moved the respondent No.1 for appointment of somebody else as authority and as authorised officer instead. But this application was not decided and instead the respondents continued with the proceedings and ultimately proceeded to dismiss her from service;

(iii) Thirdly, it is argued that the case of the appellant at most had been covered by rule 9 but under this rule action could only be taken after the conclusion of the "Hudood" case, The action before the decision of the criminal case is illegal; and

(iv) Lastly, it was argued that it was case of enquiry and the same could not have been dispensed with.

5. The argument of the learned counsel of the appellant is that since allegations against the appellant are not covered by any of the provisions of rule 3, therefore, the whole action is without jurisdiction. We would, therefore, first of all refer to rule 3 of the Efficiency and Discipline Rules before proceeding any further. The rule reads as under:-

"3. Grounds for penalty.--A civil servant, who,

(a) is inefficient or has ceased to be efficient; or

(b) is guilty of misconduct; or



(c) is corrupt, or may reasonably be considered corrupt because:-

(i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income, which he cannot reasonably account for; or

(ii) he has assumed a style of living beyond his ostensible means; or

(iii) he has a persistent reputation of being corrupt; or

(d) is engaged, or is reasonably suspected of being engaged in subversive activities or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorised person and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him."

6. We have asked the learned counsel whether the term 'misconduct' is comprehensive to cover the immoral conduct of the appellant or not. The precise submission of the learned Counsel for the appellant was that the term 'misconduct' used in the Efficiency and Discipline Rules only relates to duties of public servant. The private or personal activities or actions cannot be deemed to have been covered by 'misconduct'. The term 'misconduct' has been defined in rule 2(1)(d) of the Efficiency and Discipline Rules, 1975 and the same reads as under:-

"(d) 'Misconduct' means conduct prejudicial to good order or service discipline or contrary to the West Pakistan Government Servants (Conduct) Rules, 1966, as applicable to the Province of the Punjab or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister or any Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Civil Servant."

7. It is clear from the bare reading of this definition of term 'misconduct' that the arguments on behalf of the appellant are superficial and devoid of any merit. The charges against the appellant very much covered by the term 'misconduct'. The immoral act committed in the premises of the Hospital, therefore, the authorities rightly took cognisance of the matter. Even otherwise it is difficult to accept the interpretation of the learned Counsel for the appellant because it will amount to given a free licence to public servants to do whatever they liking and indulge in anti-religious and immoral activities after the duties hours. The public servant is supposed to conduct himself properly all the time and wherever he is. The words 'conduct unbecoming of an officer and a Gentleman' are wide any comprehensive to cover all official and social activities of a public servant.

8. The accusations against the appellant are fully covered by rule 3 of the Efficiency and Discipline Rules, 1975. The arguments or the leaned counsel for the appellant if accepted will demolish the whole structure of civil service and shall also defeat the purpose of Civil Servants Act and Efficiency and Discipline Rules. The result will be that Civil Servant will be free to commit dacoities, run brothal houses and gambling dens, indulge in black marketing and smuggling. This obviously could not have been intention of the legislature. The civil servant cannot be heard to say that these are his private affair and not covered by the mischief of the word 'misconduct'. We hold that

immoral conduct of the appellant is fully covered by 'misconduct',

9. Now we take up the arguments of the learned Counsel for the appellant that tile action against the appellant is mala fide and on account of she being office bearer of the union and remained on forefront in the agitation which was going few months back. We are least impressed by the arguments for the reasons:- ,

(i) Firstly, this was not the case of the appellant in reply to show-cause notice and even the mala fides was not alleged in reply to show-cause notice issued to her by the authorised officer.

(ii) Secondly, the appellant was not the only office-bearer of the union. There were many more and as is clear from press clipping attached by the appellant as Annexure 'D', the name of the appellant in this news item appeared at the end. It is not the case of the appellant that the respondents victimized members of the Action Committee. It is very convenient to allege mala fides but very difficult to prove the same. We find that there is no link between the union activities of the appellant and the present disciplinary proceedings.

(iii) Thirdly, the nature of the allegations, which are fully supported by report of the Chemical Examiner and medical examination of the appellant;

(iv) Fourthly, the presence of the appellant in the Battery Room of the Telephone Exchange at midnight with the male officials with whom she does not fall within the prohibited degree and who are 'Ghair Mehram' for her; and

(v) Lastly, the medical report proves that the appellant is a woman of easy virtues.

10. The third contention of the appellant that allegations against the appellant are not covered by rule 9 of the Efficiency and Discipline Rules. We fail to understand how the learned Counsel has introduced rule 9 in this matter, as neither there is any reference nor the respondent has relied on this rule. It is the mere misapprehension of the learned counsel, otherwise it is not the case in which respondent had proceeded against the appellant under rule 9. The respondent proceeded against the appellant under rule 6 and dispensed with the enquiry under sub-rule (3). The argument is, therefore, irrelevant.

11. As for the last ground in support of the appeal that it was the case of detailed enquiry is concerned, we have given our anxious consideration to the arguments of the learned Counsel but find ourselves unable to be persuaded by the same in view of the documentary evidence coupled with the admissions of the appellant herself. In the first instance we refer to the admissions of the appellant which are as under:-


(a) The appellant was present with Mr. Muhammad Haroon, Telephone Supervisor and Muhammad Naeem, Sub-Engineer at midnight on 27-6-1986 in the Telephone Exchange.

(b) The door was closed.

(c) That they were made to come out in the presence of many persons.

(d) Appellant has not denied result of her medical examination.

(e) The result of her medical examination as quoted in para 4 of the show-cause notice.

Attested  


12. When these admissions are read with the result of medical examination of the appellant as well as report of the Chemical Examiner, no scope is left for any detailed enquiry. We have asked Malik Muhammad Rashid one of the learned counsel for the appellant as to the marital status of the appellant. The reply was that the appellant was unmarried at the time of occurrence but now she has contracted marriage with her co-accused i.e. Muhammad Haroon. The appellant has not challenged the result of her medical examination which itself is sufficient to prove the character of the appellant. We cannot even conceive that the respondents Nos.2 and 4, who belong to a noble profession will stoop so low as to victimize the appellant. There is not the slightest evidence to suggest any such motive.

13. Now assuming for argument sake that the respondents Nos.2 to 3 wanted to punish the appellant for her union activities, the question will arise why they should have involved Miss Shagufta Yasmin and two male accused. The allegations against the appellant are further proved by her presence in the Battery Room of Telephone Exchange at midnight. The contention of the appellant that the door was chained from outside is sufficient to prove the allegations against her. It means that the people around were aware of her illicit relation with the Exchange officials and they were looking for an opportunity to get hold of them red handed. This knocks out the bottom of her defence that she had per chance gone to the Telephone Exchange to make a call. If it was so, then there was no question of any body chaining Telephone Exchange from outside. The defence version does not inspire any confidence and bristles with inherent weaknesses.

14. She has taken up the position that when she went there the doors of the Telephone Exchange were open but subsequently the same were closed on the pretext that the air-conditioning is ineffective due to the doors remaining opened. This is clearly afterthought and introduced with the purpose to justify the closing of the door.

15. The authorities have absolute discretion to dispense with the enquiry and that discretion cannot be interfered. We are fortified in our view by the decision of the Supreme Court in the D.-I. G. and another v. Anis-ur-Rehman reported as P L D 1985 S C page 134. the relevant portion of which reads as under:-

"A discretion has, therefore, been conferred on the competent authority to decide whether a departmental inquiry through an Inquiry Officer is not necessary. The exercise of this discretion is not controlled by any pre-requisite or guidelines. All the same as held by the Tribunal, it should appear ex facie from the record to have been resorted to fairly and justly and not oppressively and perversely. In the case in hand there was ample justification for dispensing with the inquiry through an Inquiry Officer. A superior officer of the appellants had conducted the raid in the company of another functionary of the Martial Law Headquarters. The things appearing before the superior officer itself established that there was laxity in observing the discipline and there was breach of it. On the facts, therefore, where a superior who has even otherwise the authority to control and supervise the functioning of his subordinate conducted such a raid, the results whereof were accepted by the appellants themselves, the resort to the show cause procedure without appointing any inquiry Officer cannot on any principle be objected to as abuse of the discretion or unjustified in law."

16. The result is that we do not find any merit in the appeal and the same is dismissed in limine.

Attached  
