



June, 2023

1. Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney for respondents present.

2. Learned counsel for the petitioner requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 14.07.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

14th July, 2023

1. Junior to counsel for the appellant and Mr. Muhammad Jan, District Attorney for the respondents present.

2. The Worthy Chairman is on leave, therefore, case is adjourned to 08.08.2023 for arguments before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah


(Fareeha Paul)
Member (E)

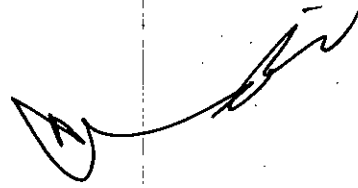
12th April, 2023

1. Learned counsel for the petitioner present. Mr. Muhammad Jan, District Attorney for respondents present.

2. Learned District Attorney on behalf of the respondents did not controvert the contention of the learned counsel for the petitioner. Instant application is for restoration of appeal No. 186/2017 dismissed in default on 27.02.2023 which is well within time. Considering the contention of learned counsel for the petitioner and in the interest of justice, instant service appeal is restored to its original number. Office is directed to requisition original file. To come up for arguments on 02.06.2023 before D.B.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 12th day of April, 2023.*


(M. Akbar Khan)
Member(E)

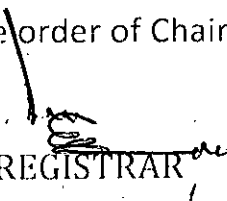


(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. **148/2023**

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	06.03.2023	<p>The application for restoration of Appeal no. 186/2017 submitted today by Syed Ghous Azam Shah Advocate. It is fixed for hearing before Single Bench at Peshawar on 8-3-23. Original file be requisitioned. Parcha Peshi is given to appellant/Counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>
	08.03.2023	<p>Learned counsel for the appellant present.</p> <p>On perusal of case file, it transpired that the appeal in hand was dismissed in default at the stage of arguments and has been inadvertently placed for its restoration before the S.B. The appeal in hand is, therefore, sent to D.B for further proceedings on 12.04.2023.</p> <p> (Muhammad Akbar Khan) Member (E)</p>

SCANNED
JST
Peshawar

SCANNED
JST
Peshawar

27th Feb, 2023

1. Nobody is present on behalf of the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.


2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 27th day of February, 2023.*

SCANNED
PESHAWAR



(Rozina Rehman)
Member(Judicial)

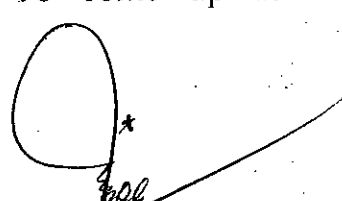


(Kalim Arshad Khan)
Chairman

25.11.2022

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned Member Judicial Mr. Salah-ud-Din is on leave, therefore, bench is incomplete. Adjourned. To come up for arguments on 19.01.2023 before the D.B.



(Mian Muhammad)
Member (E)

19th Jan. 2023

Lawyers are on strike today.

To come up for arguments on 27.02.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member(E)


(Rozina Rehman)
Member (J)

25.08.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 27.10.2022 before the D.B.

(Salah-ud-Din)
Member (Judicial)

27.10.2022

Mr. Farhan, Advocate (Junior of learned counsel for the appellant) present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments before the D.B on 25.11.2022.

SCANNED
BY
PAINDAKHEL

(Mian Muhammad)
Member (E)

(Salah-ud-Din)
Member (J)

31.08.2021

Due to summer vacations, the case is adjourned to 27.09.2021 for the same as before.

27-12-2021

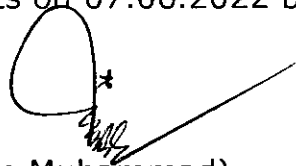
Due to ^{winter vacation} ~~retirement~~ of the ~~Member~~ ^{Reader} the case is adjourned to come up for the same as before on 12-04-2022


Reader.

12.04.2022

Mr. Saqib Ullah, Advocate (junior of learned counsel for the appellant) present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station. Adjourned. To come up for arguments on 07.06.2022 before the D.B.



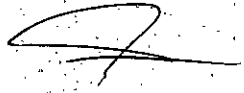
(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

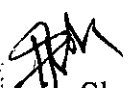
7.6.22

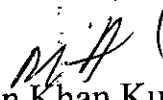
Proper O.B. is on file, therefore the case is adjourned to 25.8.22 for issue.



11.02.2020

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.03.2020 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

18.03.2020

Junior to counsel for the appellant present. Asst: AG for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available today. Adjourned. To come up for arguments on 19.05.2020 before D.B.


(MAIN MUHAMMAD)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

19.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 31.08.2021 for the same as before.


Reader

07.10.2019

Ghaus Azam Advocate junior to counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Masaud ur Rehman S.O and Muhammad Ismail Superintendent present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned by way of last chance. Adjourn. To come up for arguments on 14.11.2019 before D.B


Member


Member

14.11.2019

Mr. Jalal ud Din, Advocate present and submitted fresh Wakalatnama on behalf of the appellant. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.01.2020 before D.B.


Member


Member

13.01.2020

Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 11.02.2020 before D.B.


Member


Member

04.07.2019
28.05.2019


Junior Counsel for the appellant present. Mr. Riaz Ahmed Paindakhel learned Assistant Advocate General for the respondents present. Junior Counsel for the appellant requests for adjournment. Granted. To come up for arguments on 04.07.2019 before D.B.


(Hussain Shah)
MEMBER
Member


(M. Amin Khan Kundi)
MEMBER
Member

04.07.2019

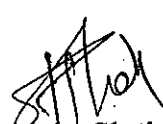
Learned counsel for the appellant present. Mr. Riaz Ahmed Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant requests for adjournment. Adjourned. To come up for arguments on 22.08.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

22.08.2019

Junior to counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General for the respondents present. Learned counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 07.10.2019 before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

08.11.2018


Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 20.02.2018


READER

20.02.2019

Junior to counsel for the appellant and Mr. Riaz Paindakhel learned Asst; AG for the respondents present. Junior to counsel for the appellant requests for adjournment as learned senior counsel for the appellant is not available today. Adjourned To come up for arguments on 04.04.2019 before D.B


Member


Chairman

04.04.2019

Nemo for the appellant. Mr. Riaz Paindakhel learned Asst; AG for the respondents present.

Due to general strike on the call of Bar Council learned counsel for the appellant is not in attendance.

Adjourned to 29.05.2019 before D.B.

Handwritten notes:
for the case no. B-11-2018
with the learned, the case is adjourned
to 29.05.2019 before D.B.
Member



Chairman



18.04.2018


Counsel for the appellant and Asst: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26-6-18 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

26.06.2018


Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Muhammad Ismail Superintendent for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.08.2018 before D.B.

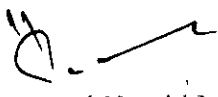

(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

06.08.2018

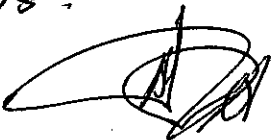
Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.09.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

21-9-18

Since 21-9-2018 has been declared as Public Holiday, therefore the case is adjourned for the same on 8-11-2018.



19-5 .2020

Due to COVID19, the case is adjourned to

10/8/2020 for the same as before.


Reader

10.08.2020

Due to summer vacations case to come up for the same on
13.10.2020 before D.B.


Reader

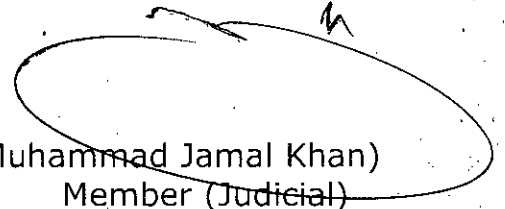
13.10.2020

Counsel for appellant is present. Mr. Riaz Ahmad Paindakheil,
Assistant Advocate General for the respondents is also present.

Learned counsel for appellant submitted that he has not
prepared the brief and requested for adjournment. Adjourned to
07.12.2020 on which to come up for arguments before D.B.



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



(Muhammad Jamal Khan)
Member (Judicial)

07.12.2020

Due to COVID-19 the case is adjourned for the same on
26.02.2021 before D.B.


READER

26.02.2021

Due to Pandemic of Covid-19, the case is adjourned to
11.05.2021 for the same.


Reader

OK

18

03.11.2017


Counsel for the appellant and Addl: AG for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.12.2017 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

07.12.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Muhammad Ismail, SO (litigation) for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.02.2018 before D.B.


(Ahmad Hassan)
Member (E)


(Muhammad Amin Khan Kundi)
Member (J)

13.02.2018


Appellant in person present. Mr. Riaz Paindakhel, Assistant AG for the respondent present. Counsel for the appellant is not in attendance due to general strike of the bar. To come up for arguments on 18.04.2018 before D.B.


Member


Chairman

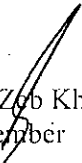
27.04.2017


Counsel for the appellant and Mr. Fida Muhammad, Sudpt. alongwith Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder and final hearing on 06.06.2017 before D.B.


(Ahmad Hassan)
Member

06.06.2017


Counsel for the appellant and Mr. Fida Muhammad, Supdt alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the submitted rejoinder which is placed on file. To come up for arguments on 24/08/2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Amin Khan Kundi)
Member

24.08.2017


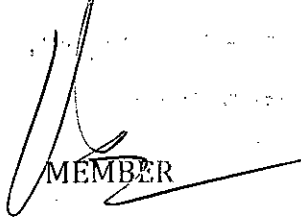
Counsel for the appellant and Asst: AG alongwith Mr. Ismail, SO for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Ahmad Hassan)
Member

Form- A
FORM OF ORDER SHEET

Court of _____
Case No. 186/2017


S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	17/02/2017	<p>The appeal of Mst. Wasi Jamil resubmitted today by Sophia Noreen Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	20-2-17	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>27-02-2017</u></p> <p style="text-align: right;"> MEMBER</p>

The appeal of Wasima Jamil Senior Government Pleader Peshawar received today i.e on 13.02.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of show cause notice mentioned in para-6 of the memo of appeal is not attached with the appeal which may be placed on it.

No. 336 /S.T,

Dt. 15-2 /2017


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sophia Noreen Adv. Pesh.

Respected Sir

*Resubmitted after due
completion.*

*Sophia / Noreen
Adv*

17/2/17

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Services Appeal No. 186 /2017

Wasima Jamil

VERSUS

Government of Khyber Pakhtunkhwa etc

INDEX

S.No.	Description	Annexure	Pages
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3.	Affidavit		8
4.	Copy of explanation	A	9-15
5.	Copies of the letters, charge sheet, statement of allegations and reply	B,C,D & E	16-22
6.	Copy of the final show cause notice and reply	F&G	23-27
7.	Copy of the impugned order dated 29/09/2016	H	28
8.	Copy of the review petition	I	29-32
9.	Copy of the representation	J	33
10.	Wakalat Nama		34

Dated: 11/02/2017

Appellant
WASIMA JAMIL
Senior Government Pleader,
District Peshawar

Through

SOPHIA NOREEN,
Advocate, High Court, Peshawar

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Services Appeal No. 186 2017

Received by the Registrar
Date 13/2/17

Wahidullah Senior Government Pleader District Peshawar (BPS 19).

... (APPELLANT)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Principal Secretary
Chief Minister of Khyber Pakhtunkhwa.

2. Secretary to Government of Khyber Pakhtunkhwa Law,
Parliamentary Affairs and Human Rights Department.

3. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal
Affairs Department, Peshawar.

4. Section officer (General), Govt of Khyber Pakhtunkhwa, Law,
Parliamentary Affairs & Human Rights Department.

.. RESPONDENTS

13/2/17

APPEAL UNDER SECTION 4 OF SERVICES
TRIBUNAL ACT 1974 AGAINST THE ORDER DATED
29/09/2016 PASSED BY RESPONDENT NO.1
WHEREBY THE APPELLANT WAS AWARDED WITH
THE PUNISHMENT OF CENSURE, AND AGAINST
THE REVIEW PETITION NOT DECIDED WITHIN
THE STATUTORY PERIOD OF 90 DAYS

Received to-day
and...

Registrar

17/2/17

PRAYER:

On acceptance of the instant appeal the impugned order dated 29/09/2016 passed by respondent no.1 may kindly be set aside in favour of the appellate

RESPECTFULLY SHEWETH,

1. That the appellant is working as Senior Government Pleader (BPS-19) at District Peshawar since 09/11/2016.
2. That the appellant previously was transferred to District Karak in November 2013, since then the appellant was working as Senior Government Pleader at district Karak, till 09/11/2016.
3. That the appellant was served with different illegal explanations by respondent no.2, which were duly replied by the appellant. (Copy of explanation is attached as annexure A).
4. That the appellant was then served with a charge sheet along with statement of allegations on 11/04/2016, vide letter no. SO(G)/LD/1-3/2014/PF/13364-67WE, dated 14/04/2016, communicated on 16/04/2016 for which the appellant replied in detail within time. (Copies of the letters, charge sheet, statement of allegations and reply are attached as annexure B, C, D & E).
5. That the respondents initiated inquiry against the appellant, but the appellant was not allowed by the cross examine witnesses produced against her.

6. That the appellant was served with the final show cause notice dated 22/06/2016, which was replied in detail within time. (Copy of the final show cause notice and reply are attached as annexure F & G).
7. That the respondents without considering the replies submitted by the appellant, passed impugned order / notification dated 29/09/2016 whereas the punishment of Censure was imposed upon the appellant. (Copy of the impugned order dated 29/09/2016 is attached as annexure H)
8. That being aggrieved from the impugned order dated 29/09/2016 the appellant filed a review petition before the respondent no.1 which was not decided within the statutory period of 90 days, hence the present appeal on the following grounds amongst the others. (Copy of the review petition is attached as annexure I).

GROUND:

- A. That the impugned order dated 29/09/2016 of the respondent No.1 is against the law, facts, and material available on record, and against the principles of natural justice, hence liable to be set aside.
- B. That the appellant was working as Senior Government pleader at District Karak since Nov 2013 till 09/11/2016, where the appellant became eligible to be transferred according to the policy of the provincial government contained in Establishment Code of KPK.

- C. That the appellant made several requests to the competent authority for her transfer, which were ignored, being disappointed from the attitude of respondent no.2 the appellant then moved request / representation to the Honourable Chief Minister KPK, under section 22(2) of KPK Civil Servant Act 1973 (page 226 of Serial Esta Code), under which the appellant was eligible to submit a representation to the Honourable Chief Minister. It is pertinent to mention here that the Honourable Chief Minister accepted her request. (Copy of the representation is attached as annexure J).
- D. That the appellant being mother of three minor kids is residing with her husband in Peshawar, who is a private practicing lawyer at District Peshawar, and the appellant had to go for her duty to District Karak on public transport and to come back to look after her school going children.
- E. That despite the fact that the appellant had completed her two years tenure at District Karak and was eligible under posting / transfer policy to be transferred, but the respondent no.2 did not bother to consider her transfer request and the appellant kept at District Karak with malafide intentions.
- F. That the appellant never denied translation of law, in compliance with the order of respondent no.2 the appellant arranged translation of two out of three Acts and submitted the same.

- G. That the appellant had also made request to the respondent for the duty at Peshawar on detailment basis but was informed that there was ban on detailment, despite the fact that some of the officials were allowed for duty on detailment / attachment basis, in this way the appellant was treated discriminatory, which is clear violation of Article of 25 of the Constitution of Islamic Republic of Pakistan 1973.
- H. That the appointment of section officer (general) as a member of Inquiry Committee being in scale lower than BPS-19 shows the deliberate malafide, preplanned intention of respondent no.2 to defame the official career of the appellant.
- I. That the inquiry committee did not allow the appellant to cross examine the witness, which is a clear violation of S 1No. 3 of check list reproduced on page 226 of Esta Code Rule 6(1)(h) of E&D Rules 2011.
- J. That the reply to the charge sheet has not been taken into consideration by the inquiry committee while conducting the so called inquiry against the appellant.
- K. That throughout her service career, the appellant performed her duties with great zeal and honesty and there is no negative remarks throughout her service career.

6

L. That any other ground would be raised at the time of arguments with prior permission of this Honourable Court.

It is therefore, most humbly prayed that on acceptance of the instant appeal the impugned order dated 29/09/2016 passed by respondent no.1 may kindly be set aside in favour of the appellate.

Any other relief which this Honourable Tribunal deems fit in the circumstances may also very kindly be granted in favour of the appellant.

Dated: 11/02/2017

Appellant

WASIMA JAMIL

Senior Government Pleader,

District Peshawar

Through

SOPHIA NOREEN,

Advocate, High Court, Peshawar

Certificate:

Certified that as per instruction of my client no such like appeal has earlier been filed.


Advocate

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Services Appeal No. _____/2017

Wasima Jamil

VERSUS

Government of Khyber Pakhtunkhwa etc

ADDRESSES OF PARTIES

ADDRESS OF APPELLANT:

Wasima Jamil Senior Government Pleader District Peshawar (BPS-19).

ADDRESSES OF RESPONDENTS: -

1. Government of Khyber Pakhtunkhwa, through Principal Secretary to Chief Minister of Khyber Pakhtunkhwa.
2. Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.
3. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
4. Section officer (General), Govt of KPK, Law, Parliamentary Affairs & Human Rights Department.

Dated: 11/02/2017

Appellant
~~WASIMA JAMIL~~
Senior Government Pleader,
District Peshawar

Through

~~SOPHIA NOREEN,~~
Advocate, High Court, Peshawar

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Services Appeal No. _____/2017

Wasima Jamil

VERSUS

Government of Khyber Pakhtunkhwa etc

AFFIDAVIT

I, Wasima Jamil Senior Government Pleader District Peshawar (BPS-19), do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

DEPONENT
WASIMA JAMIL

Identified by:



Sophia Noreen,
Advocate, High Court Peshawar

ATTESTED

MEHER GUL
Oath Commissioner
Licence: 13/15-74
Nic: 1721-24194101-9
Mob: 0300-2931781

Reg No: _____

15/2/17

(b) all sanctions of the govt
supersession, be performed

OFFICE OF THE SENIOR GOVERNMENT PLEADER

KARAK.

DATED: 30-07-2015

208
9

To

Secretary to Government of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights Department

Subject: TRANSLATION OF LAWS.

Dear Sir,

Enclosed please find herewith Urdu translation of the following

Acts:-

1. The Khyber Pakhtunkhwa Finance Act 2010.
2. The Khyber Pakhtunkhwa Child Protection and Welfare Act, 2010.
3. The Khyber Pakhtunkhwa provincial Ombudsmen Act, 2010.

It is necessary to bring into your kind notice that I paid Rs. 5000/= per Act for translation to the Urdu expert, which I paid from my pocket, as the undersigned is not a technical being a translator in Urdu.

SENIOR GOVT PLEADER
DISTRICT KARAK
SENIOR GOVERNMENT PLEADER
KARAK.

Copy to:-

1. PS to Registrar Supreme Court of Pakistan, Islamabad.
2. Translator Law, Parliamentary Affairs and Human Rights Department.
3. PS to Minister Law, Parliamentary Affairs and Human Rights Department.

Translator

This is just "google"
translation.



30.7.15

WASIMA JAMIL
SENIOR GOVERNMENT PLEADER
KARAK.

Attached to be
copy

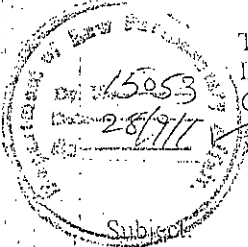
13/2/17

207/42-VII
OFFICE OF THE SENIOR GOVERNMENT PLEADER, KARAK.

No. 347-100 /SGP/KK

Dated: 29 / 09 / 2015

To



The Translator,
Law, Parliamentary Affairs & Human Rights Department,
Govt. of Khyber Pukhtunkhwa, Peshawar.

10

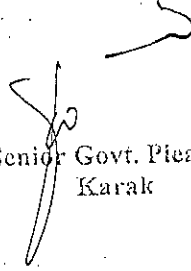
Subject: TRANSLATION OF LAWS.

Respected Sir,

Reference to your letter No. Translator/ LD/General/ 2015/18347-48 dated 27-07-2015 on subject noted above, the undersigned submitted that due to single officer / Senior Government Pleader for District Karak. The District Karak consist of three Tehsils in which almost 60 cases are pending in different Courts.

It is, therefore, submitted that the undersigned is unable to make contribution in the above subject matter.

Thanks


Senior Govt. Pleader
Karak

Endst: No & date even.

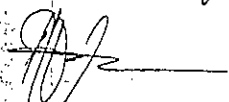
Copy forwarded for information to:

1. P.S to the Secretary Law Department, Khyber Pakhtunkhwa.
2. The Deputy Solicitor, Law Department, Khyber Pakhtunkhwa.
3. Office record.

Translator/

*This is misconduct.
Pl put up.*

Senior Govt. Pleader
Karak
SENIOR GOVT PLEADER
DISTRICT KARAK


28/9/15

*Asaf 29/9/15
pl put up on file.
J/c*

*Placed to
copy*

11



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

NO. SO (G)(LD) 1-3/2014/PF / 21142-43
Dated Peshawar the sept 08, 2015

To

✓ Ms. Wasima Jamil,
Senior Govt. Pleader
Karak.

Subject: EXPLANATION.

I am directed to refer to Chief Minister's Secretarial letter No. SO-
M/CMS.KPK/C-1/2014/8683 dated 13/07/2014 alongwith a copy of your application for
transfer, addressed to the Chief Minister, Khyber Pakhtunkhwa. The Competent
Authority has taken very serious notice upon your direct correspondence with Chief
Minister's Secretariat which tantamounts to gross misconduct on your part in terms of
Rule 2(f)(v) which provides that "any act to bring or attempt to bring outside
influence, directly or indirectly, to bear on the Governor, the Chief Minister, a
Minister or any other Government officer in respect of any matter relating to the
appointment, promotion, transfer or other conditions of service".

You are, therefore, directed to explain your position as to why you shall
not be proceeded against under the Khyber Pakhtunkhwa Govt. Servants (E&D), Rules,
2011.

Your reply shall reach this Department within 15 days of the receipt of this
letter.

(Signature)
(At Bar Khan)
Section Officer (General)

Endst. No. & Date Even:

Copy is forwarded to:-

1. PS to Secretary Law Department.

(Signature)
Section Officer (General)

*Attached to
be copy SII*

383
received

OFFICE OF THE SENIOR GOVERNMENT PLEADER, KARAK.

No. 394--96 /SGP/KK

Dated: 22/09/2015

To

The Section Officer (General),
Law, Parliamentary Affairs & Human Rights Department,
Govt. of Khyber Pukhtunkhwa. Peshawar.

Subject: EXPLANATION

Respected Sir,

Reference to your letter No. SO(G)(LD)I-3/2014/PI/21142-43 dated 08-09-2015 on subject noted above, it is submitted that the undersigned have neither requested for transfer nor this application is in my knowledge, if possible the mentioned application may sent to the undersigned for further reply.

[Signature]
Senior Govt. Pleader
Karak
SENIOR GOVT PLEADER
DISTRICT KARAK

Enclst: No & date even.

Copy forwarded for information to:

- 1. P.S to the Secretary Law Department, Khyber Pakhtunkhwa.
- ✓ 2. Office record.

[Handwritten initials]

[Signature]
Senior Govt. Pleader
Karak
SENIOR GOVT PLEADER
DISTRICT KARAK

Attached to be copy
[Signature]

13



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

NO. SO (G)(LD) 1-3/2014/PF/23
Dated Peshawar the Oct. 08, 2015

To

Ms. Wasima Jamil,
Senior Govt. Pleader
Karak.

Subject: EXPLANATION.

I am directed to refer to your letter No. 397-100 dated 22/09/2015 wherein you have shown your inability to the task entrusted to you regarding translation of laws in accordance with orders of Supreme Court which tantamounts to gross misconduct on your part. The Competent Authority has taken very serious notice over this attitude as compared to other counterparts in the province in lieu of implementation of orders of the august Supreme Court of Pakistan in the matter.

You are, therefore, directed to explain your position as to why you shall not be proceeded against under the Khyber Pakhtunkhwa Civil Servants (E&D), Rules, 2011.

Your reply shall reach this Department within 15 days of the receipt of this letter.

(Signature)
(Akbar Khan)
Section Officer (General)

Endst. No. & Date Even:

Copy is forwarded to:-

1. PS to Secretary Law Department.
2. Translator Law Department.

Section Officer (General)

Attached to be law copy

Received date 13-10-15

14

OFFICE OF THE SENIOR GOVERNMENT PLEADER, KARAK.

No. 311-13 /SGP/KK

Dated: 14 / 10 /2015.

To:

The Section Officer (General),
Law, Parliamentary Affairs & Human Rights Department
Khyber Pakhtunkhwa, Peshawar.

Subject: EXPLANATION.

Respected Sir,

Reference your letter No.SO(G)(LD)1-3/2014/PF/23026-28, Dated Peshawar the 08-10-2015, on subject noted above, it is submitted that I have already made request (Copy attached) that due to single officer for Karak, I cannot contribute in the subject matter.

It is therefore, once again submitted that due to rush of work I cannot contribute in the subject matter.

Thanks



Senior Government Pleader
Karak

Copy forwarded for information to:

1. PS to Secretary Law Department.
2. Office Copy.

Senior Government Pleader
Karak

Attached to be given copy

SI

15



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

NO. SO (G)(LD) 1-3/2014/PF/2586
Dated Peshawar the Nov 16, 2015

To ✓
Ms. Wasima Jamil,
Senior Govt. Pleader
Karak.

Subject: EXPLANATION.

I am directed to refer to the explanation called from you vide this Department's letter NO. SO(G)(LD)1-3/2014/PF/23026-28 dated 08/10/2015 and your reply to this effect, and to direct you to provide date-wise details of cases pending at District Karak and your attendance in the cases on such dates, please.

Akbar Khan
(Akbar Khan)
Section Officer (General)

Endst. No. & Date Even:

Copy is forwarded to:-

1. PS to Secretary Law Department.

Akbar Khan
Section Officer (General)

*Attested to
be law copy
SII*

Received 25/11/15
S.No: 398
D:\26 folders\mixed works\1-3. Wasima Jamil.docx

16



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS
& HUMAN RIGHTS DEPARTMENT

NO.SO(G)/LD/1-3/2014/PF/13364-6/WJ
Dated: Peshawar the April 14, 2016

To

Mr. Masood Ahmad (PCS-SG-20)
MD, FATA Education Foundation.

Subject: INQUIRY/DICIPLINARY ACTION AGAINST MS. WASIMA JAMIL,
SENIOR GOVT. PLEADER (BPS-19) KARAK.

Dear Sir,

I am directed to refer to the subject noted above and to inform that the Competent Authority has been pleased to appoint you as Inquiry Officer to conduct inquiry under Khyber Pakhtunkhwa, Govt. Servants (E&D) rules, 2011 against Ms. Wasima Jamil, Senior Govt. Pleader (BPS-19), Karak.

2. Copies of the Charge Sheet and Statement of Allegations against the accused officer duly signed by the Competent Authority are enclosed for further necessary action.

3. It is, therefore, requested to kindly conduct the Inquiry and submit report within the prescribed time as per rules.

Yours faithfully,

Encl: As above.

(Signature)
(Kibag Khan)
14/4/16
Deputy Secretary (Admn)

Endst: No & Date Even.

Copy forwarded to:

1. The Section Officer (G), Law Department as Departmental Representative with the request to attend the inquiry proceedings alongwith all relevant record as and when date is fixed for inquiry by the Inquiry Officer.
2. A copy of Charge Sheet alongwith Statement of Allegations is forwarded to Ms. Wasima Jamil, SGP, Karak for information and necessary action. She is directed to appear before the Inquiry Officer as and when called by him.
3. PS to Secretary Law Department.

Deputy Secretary (Admn)

*Request on Monday / Tuesday
PS 7/5/16*

Alleged to be true copy

Confidential
Urgent



FATA EDUCATION FOUNDATION (FaEF)

1st Floor, G-8 Building Gate No. 03, Khyber Road Peshawar.

Contact: 091-9212346 Fax: 091-9212347

VI
17

No. FaEF/MD-PF/01/21

Date: 20-04-2016

To

Ms. Wasima Jamil,
Senior Government Pleader (BPS-19),
Karak.

Subject: - INQUIRY/DISCIPLINARY ACTION AGAINST MS. WASIMA JAMIL,
SENIOR GOVERNMENT PLEADER (BPS-19) KARAK.

With reference to the Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department letter No. SO (G)/LD/1-3/2014/PF/13364-67WE dated 14-04-2016 and this office letter No. FaEF/MD-PF/01/20 dated 19-04-2016 regarding the subject disciplinary proceedings, you are hereby directed to appear before the Inquiry Committee on 26-04-2016 at 1100 hours at my office.

etc

[Signature]

(Mr. MASOOD AHMAD)
Managing Director/Inquiry Officer

Encl: As above.

A copy of the above is forwarded for information to:

1. Secretary to Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department.
2. Mr. Akbar Khan, Section Officer (G), Law Department, Departmental Representative/Member Inquiry Committee with the request to attend the inquiry proceedings along with all relevant record.

etc

[Signature]

(Mr. MASOOD AHMAD)
Managing Director/Inquiry Officer

*Attached to
be law
copy*

18



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS
& HUMAN RIGHTS DEPARTMENT

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, hereby charge you, Ms. Wasima Jamil, Senior Govt. Pleader (BPS-19), Karak, Law, Parliamentary Affairs & Human Rights Department as follows:-

1. You directly approached the Chief Minister, Khyber Pakhtunkhwa regarding your transfer to District Peshawar which is misconduct in terms of Rule-2 (I)(v) of the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.
2. You denied contributing in the translation of laws, as compared to your other counterparts in the province in lieu of implementation of order of the Supreme Court of Pakistan dated 03/03/2015 which is misconduct in terms of rules ibid.
2. By reason of the above, you appear to be guilty of misconduct under Rule-2 of Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the rules ibid.
3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which 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. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

Ms. Wasima Jamil,
Senior Govt. Pleader, Karak.

Pervez Khattak
(Pervez Khattak)
Chief Minister, Khyber Pakhtunkhwa.
11/4/2016

Attached to be seen copy

(19) III

DISCIPLINARY ACTION

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa as competent authority am of the opinion that Ms. Wasiam Jamil, Senior Govt. Pleader (BPS-19), Karak rendered herself to be proceeded against, as she has committed the following acts/omissions within the meaning of Rule-2 of the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.

STATEMENT OF ALLEGATION

1. She directly approached the Chief Minister, Khyber Pakhtunkhwa regarding her transfer to District Peshawar which is misconduct in terms of Rule-2 (I)(v) of the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.
2. She denied contributing in the translation of laws, as compared to her other counterparts in the province in lieu of implementation of order of the Supreme Court of Pakistan dated 03/03/2015 which is misconduct in terms of rules ibid.

2. For the purpose of inquiry against the said accused with reference to the above allegation, an Inquiry Officer/Inquiry Committee, consisting of the following, is constituted under rules 10(1)(a) of the ibid rules.

- i. Mr. Mabood Ahmad (Pcs SG BS-20)
- ii. Mr. Akbar Khan Sr. General Law Dept.

1. The Inquiry Officer/Inquiry Committee shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make within thirty (30) days of the receipt of this order, recommendations as to punishment and other appropriate action against the accused.

2. The accused and a well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

Pervez Khattak
(Pervez Khattak)
Chief Minister, Khyber Pakhtunkhwa,
11/4/2015

Ms. Wasima Jamil,
Senior Govt. Pleader, Karak.

*Attested
to be true
copy*
SI

20

V

No. 386-89/89/P/WK
dtd 19 April, 2016

To,

1. Mr Mascod Ahmed(PCS-SG-20), MD, FATA Education Foundation.
2. Mr Akbar Khan, Section Officer (General), Law Department, Khyber Pukhtunkhwa.

Subject: CHARGE SHEET:

Sir,

With reference to charge sheet dated 11/04/2016 recieved from department letter No. SO(G)/LD/1-3/2014/PF/13364-67WE dated 14/04/2016(delivered on 16/04/2016). I submit to explain my position as under:

1. In the charge sheet and the statement of allegation, I have been charged as follows;

- (a). You directly approached the Chief Minister, Khyber Pukhtunkhwa regarding your transfer to District Peshawar which is misconduct in terms of Rule-2(I)(V) of khyber Pukhtunkhwa, Servants (E&D) Rules, 2011.
- (b). You denied contributing in the translation of laws, as compared to your other counterparts in the province in lieu of implementation of order of the Supreme Court of Pakistan dated 03/03/2015 which is misconduct in terms of rules ibid.

26/4/16
by signed for
h... ..

[Signature]
19/4/16

Attested by
by law copy
[Signature]

RS

2. It is submitted that I am working as Senior Government PLeader(PBS-19) at Karak since November 2013 to date i-e for about two and half years, I become eligible for tranfer being a female according to the policy of the provincial government, contained in Establishment Code of Khyber Pukhtunkhwa(revised edition 2011). Furthermore, I have to go to Karak for duty on working days and have to come back to Peshawar to lookafter my school going children residing with my husband at Peshawar.

My husband is a private practicing lawyer at Peshawar High Court, Peshawar, as per se; No(ix) ibid the said policy provides facility for posting at the station. My husband have District Peshawar domicile, living in Peshawar with my school going children.

Keeping in view the facts in above paras, I requested the Honorable Chief Minister for transfer from Karak to Peshawar. The Honorable Chief Minister very kindly marked my request to the Home Department instead of Law Department for favourable action/ remarks(i-e please transfer), further action there on is not known to me. Infact, it was a representation for submission to the Honorable Chief Minister, Khyber Pukhtunkhwa and not an alleged approach. There is no bar on submission of such representation to the higher authorities, if the grievance is not heard by the authority competant for transfer according

23



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS &
HUMAN RIGHTS DEPARTMENT

NO. SO (G)(LD) 1-3/2014/PF 90955-57
Dated Peshawar the June, 22, 2016

To:

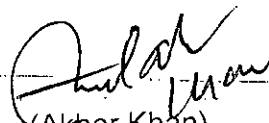
Ms. Wasima Jamil,
Senior Govt. Pleader
Karak.

Subject: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of show cause Notice containing the tentative minor penalty of with holding of two increments for two year along with inquiry report conducted by inquiry committee comprising Mr. Masood Ahmad (PCS-SG-20)MD, FATA Education Foundation and Mr. Akbar Khan section officer (General) Law Department and to state that the copy of show cause may be returned to this department after having signing it a token of receipt immediately.

You are directed to submit your reply, if any within seven (07) days or not more then fifteen (15) days of the delivery of this letter, otherwise, it will be presumed that you have nothing to put in your defense and ex-parte action will follow.

You are further directed to intimate whether you desire to be heard in person or otherwise.


(Akbar Khan)
Section Officer (General)

Endst. No. & Date Even:

Copy is forwarded to:-

1. PS to Secretary Law Department.
2. Master file.

Attached
to be
copy

Section Officer (General)

to the standing orders of the government of Khyber Pukhtunkhwa.

3. I never denied contributing in the translation of laws. In compliance with order of the Secretary Law, Parliamentary Affairs Human Rights Department, khyber pukhtunkhwa. I arranged and submitted the translation of two Acts with my letter dated 30/07/2015. I paid Rs 5000/- per Acts from my own pocket and showed my inability for translation of further Acts because being Pushtu speaking, I am unable to translate Acts in Urdu.

It is added that I was entitled for remuneration of translation fee under FR 46(a) Rules.

4. In view of the facts stated above it is requested that I may very kindly be absolve of the charges levelled against me.

5. I wish to be heard in person(enclosed as above) and will explain further my position regarding these charges then and there.

Yours Obediently,

SENIOR GOVT. PLEADER
WASIM AMIL
DISTRICT KARAK

Senior Government Pleader(PBS-19),

District Courts Karak.

Cell // 0333 9163240

SHOW CAUSE NOTICE.

I, Pervaiz Khattak, Chief Minister Khyber Pakhtunkhwa as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Ms. Wasima Jamil, Senior Government Pleader, Karak of Law, Parliamentary Affairs & Human Rights Department as follows:

That on going through the findings and recommendations of the Inquiry Committee, the material on record and other connected papers including your defence before the Inquiry Committee.

2. I am satisfied that you have committed the offence of misconduct as specified in rule 3 of the said rules:-

3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of withholding of two under rule 4 of the said rules.
increments for two years

4. 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.

5. If no reply to this notice is received within seven days or not more than 15 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.

Pervaiz Khattak
(PERVEZ KHATTAK)
Chief Minister, Khyber Pakhtunkhwa
Competent Authority

Ms. Wasima Jamil,
Senior Government Pleader,
Karak.

*Accepted
copy to be
sent*

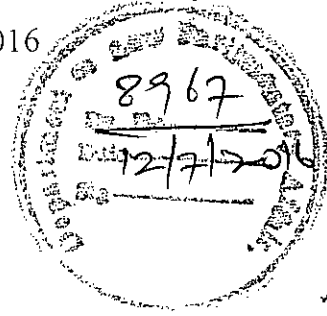
17-2-17

24

OFFICE OF THE SENIOR GOVERNMENT PLEADER, KARAK.

No, 437/SGP/KK

dated: 12/07/2016



To,

The Section Officer (General),
Government of Khyber Pakhtunkhwa,
Law, Parliamentary affairs & Human Rights Department,
Peshawar.

[Handwritten signature]
12/7/2016

Subject:- Show Cause Notice

With reference to show cause notice copy of which was found enclosed with your letter no SO(G)(LD)1-3/2014/PF 20966-67 dated 22-06-2016 delivered to me on 30-06-2016 at 11:20 am. I, the undersigned, submit the following reply,

- My reply to the charge sheet has not been considered by the inquiry committee.
- The appointment of section officer (General) as member of inquiry committee, being in scale lower than BPS19, also shows deliberate malafide preplanned intension of Law Department to favour the Department and defame my official career for no fault on my part.
- The inquiry report contains no recommendations setting aside the instructions of Government of Khyber Pakhtunkhwa-embodied in KPK ESTA CODE (Revised Edition) 2011.
- I have not been allowed by the inquiry committee to cross examine the witnesses against me in violation of Sl: No 3 of check list reproduced on page 226 of ESTA CODE and Rule 6.(1)(h) of E&D Rules,2011.
- The findings were not recorded in violation of Sl: No 6, page 226

Alleged to be true copy

of said ESTA CODE, although I repeatedly verbally requested for copy of personal hearing with questions by the committee and my reply there to duly signed by both the parties. It has nowhere been laid down that it was a "secret document" and it is always supplied, but I was deprived from my legitimate right.

- During my personal hearing I requested the committee to consider my request / representations (ANNEX-A) address to the honourable Chief Minister Khyber Pakhtunkhwa, but it was ignored. It is stated that I had already requested the department for my transfer to Peshawar, where my school going children are living with my husband, having Peshawar Domicile and who is working as private Lawyer.
- I am working as senior Government Pleader (BPS19) at Karak since November, 2013. I have to go from Peshawar to Karak for official duty and have to come back on the same day from Karak to Peshawar to look after my school going children living with my husband at Peshawar.
- Since, the Department after my repeated requests did not considered my transfer to Peshawar, I made request / representation (ANNEX-A) to the Honourable Chief Minister Khyber Pakhtunkhwa Peshawar, under great stress, during August, 2014. The Honourable Chief Minister ordered my transfer, as recorded on my said request/representation, that (Please Transfer) which was sent to the Home Department for issue of my transfer order instead of Law Department. The Law Department, with malafide intention, managed to collect my said request and initiated pre-planned disciplinary action against me to defame my official career.
- Under Rules 22 (2) of NWFP civil servant act 1973 (page 227 of the said ESTA CODE), I was eligible for submission of representation to the Honourable Chief Minister i-e the next higher authority because the competent authority had not considered my transfer as admissible under the Rules mentioned at(d) below.
- The existing tenure of posting/transfer of three (03) years

for settled areas has been reduced to two (02) years as per Sl:No(iv)page 80 of the said ESTA CODE amended vide Government of NWFP, Establishment Department (Regulation Wing) circular letter No SOR-vi/E&AD/1-4/2008/vol-vii dated 11-09-2009.

- I completed two (02) years of my service at Karak during October, 2015 and was due for transfer during November, 2015 but non-consideration of my transfer is against justice and I was kept at Karak beyond the said period of two (02) years service with malafide intention to take disciplinary action to damage my official career for no fault on my part.

As regards the alleged denial for contributing and translation of laws, it is re-iterated that I never denied contributing in the translation of laws. It will be appreciated that, in compliance with the orders of the Secretary Law Department, KPK, I arranged the translation of two out of the three Acts and submitted the same with my letter dated 30-07-2015. I paid Rs. 5000/- per Act from my own pocket to the translator because i am not a technical/specialize person to translate from English to Urdu. It is added that I was and am entitled for remuneration of translation fee under Rules 46 (a) of fundamental rules Vol-1.

It will not be out of place to mention here, that I had also requested the Department for duty at Peshawar on detailment basis but I was informed that there was ban on detailment basis. But, in the cases of following officials, they were allowed for duty on detailment/ attachment basis;

- Mr. Manzoor Ahmad senior Clerk (BPS09) office of the Government Pleader DIKhan was allowed to perform duty in Government Pleader office Karak vide Government of KPK, Law Department Peshawar order No- E&A (LD) 4-4 (2) dated 25-02-2013 (ANNEX-C) and
- Mr. Naeem Dad computer operator office of the senior Government Pleader Lakki Marwat posted as computer operated at the office of the senior Government Leader Karak on attachment basis vide Government of KPK Law Department Peshawar order No E&D (LD)/14-1/2010/PH/CD/11830-38

dated 10-06-2016 (ANNEX-D)

The attachment / detailment of the above named officials is discriminatory and violation of Article 25 of the Constitution of Islamic Republic of Pakistan.

I reserved the right to point out other irregular orders issued by the Law Department.

In view of the facts stated above it is requested that

- I may very kindly be absolved of the charges leveled against me and
- The case may kindly be closed also, in view of my good performance in the field and there has been no appeal before scrutiny committee (headed by secretary law) against any case which is decided against Government at District Karak.

I wished to be heard in person and informed through my cell no.03339163240.

Yours obediently,

SENIOR GOVT PLEADER
DISTRICT KARAK

(Sasima Jamil)
Senior Government Pleader(PBS-19),
District Courts, Karak



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS
& HUMAN RIGHTS DEPARTMENT

Dated Peshawar the 29.09.2016

121875-82

NOTIFICATION

NO.E&A/LD/1-3/2014/PF: WHEREAS Ms. Wasima Jamil Senior Govt: Pleader (BS-19) Karak, Law, Parliamentary Affairs and Human Rights Department was proceeded against under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011.

2. AND WHEREAS, Inquiry Committee was constituted comprising the following officers to conduct formal inquiry against the accused officer.

- i. Mr. Masood Ahmad (PCS SG BS-20), MD FATA Education Foundation.
- ii. Mr. Akbar Khan Section Officer (PMS BS-17), Law, Parliamentary Affairs and Human Rights Department

3. AND WHEREAS, the Inquiry Committee after having examined the charges, evidence on record and explanation of the accused officer has submitted the report.

4. AND WHEREAS, the Competent Authority afforded the opportunity of personal hearing to the accused officer.

5. NOW, THEREFORE, the Competent Authority, after having considered the charges, evidence on record, the explanation of the accused officer and defense offered by the accused officer during personal hearing and exercising his power under Rulc-14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011 has been pleased to impose minor penalty of "Censure" upon Ms. Wasima Jamil Senior Govt: Pleader (BS-19) Karak, Law, Parliamentary Affairs and Human Rights Department with immediate effect.

Sd/-
SECRETARY LAW
KHYBER PAKHTUNKHWA.

Endst: of Even No. & Date:

Copy forwarded to the: -

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
- 3- PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 4- PS to Secretary Establishment Department Khyber Pakhtunkhwa.
- 5- PS to Secretary Law Department Khyber Pakhtunkhwa.
- 6- District Accounts Officer Karak.
- 7- Officer concerned.
- 8- The Manager, Govt Printing Press, Peshawar.

(RIZWANULLAH)
Section Officer (General)

Altered to be Law copy

No

To

dated

4/0/SGP/KK

17/10/2016

29

The Section Officer (General)

Government of Khyber Pakhtunkhwa,

Law, Parliamentary affair & Human Rights Department,

Peshawar.

Subject:- Review Petition

Prayer

Request for withdrawal/set aside/ exonerate

From the order/notification/censure punishment

Vide Dated 29/09/2016

Facts:-

With reference to charge sheet dated 11/04/2016 received from department letter No SO(G)/LD/1-3/2014/PF/13364-67WE dated 14/04/2016 delivered on 16/04/2016 submitted to explain my position as under:

1. In the charge sheet and the statement of allegation, I have been charged as follows:
 - a. You directly approached the chief minister, Khyber Pakhtunkhwa regarding your transfer to District Peshawar which is misconduct in terms of Rule-2(I) (V) of Khyber Pakhtunkhwa, Servants (E&O) Rules, 2011
 - b. You denied contributing in the translation of laws, as compared to your other counterparts in the province in lieu of implementation of order of the Supreme Court of Pakistan dated 03/03/2015 which is misconduct in terms of Rules ibid.
2. It is submitted the I am working as senior Government Pleader (BSP-19) at Karak since November 2013 to date i-e for about three years, I became eligible to transfer being a female according to the policy of the provincial Government contained in Establishment Code of Khyber Pakhtunkhwa (revised edition 2011). Furthermore, I have to go to Karak for duty on

Attached to be law copy

working days and have to come back to Peshawar to look after my school going children residing with my husband at Peshawar.

30

My husband is a private practicing lawyer at Peshawar High Court, Peshawar, as per se; No (ix) ibid the said policy provides facility for posting at the station. My husband have District Peshawar Domicile, living in Peshawar with my school going children.

Keeping in view the facts in above paras, I requested the Honorable Chief Minister very kindly marked my request to the Home Department instead of Law Department for favourable action/ remarks (i-e please transfer), further action there on is not known to me. Infact, it was a representation for submission to the Honorable Chief Minister, Khyber Pakhtunkhwa and not alleged approach. There is no bar on submission of such representation to the higher authorities, if the grievance is not heard by the authority competent for transfer according to standing orders of the Government of Khyber Pakhtunkhwa.

3. I never denied contributing in the translation of laws. In compliance with order of the Secretary Law, Parliamentary Affairs Human Rights Department, Khyber Pakhtunkhwa. I arranged and submitted the translation of two Acts with my letter dated 30/07/2015. I paid Rs 5000/- per Acts from my own pocket.
4. It is added that I was entitled for remuneration of translation fee under FR46(a) Rules.

Grounds:-

- 1) My reply to the charge sheet has not been considered by the inquiry committee.
- 2) The appointment of section officer (General) as member of inquiry committee being in scale lower then BPS19 also shows deliberate malafide preplanned intension of Law Department to favour the Department and to defame my official career for no fault on my part.
- 3) The inquiry report contains no recommendations setting aside the instructions of Government of Khyber Pakhtunkhwa embodied in KPK ESTA CODE (Revised Edition) 2011.
- 4) I have not been allowed by the inquiry committee to cross examine the witnesses against me in violation of Sl: No 3 of check list reproduced on page 226 of ESTA CODE and Rule 6 (1)(h) of E&D Rules, 2011
- 5) The findings were not recorded in violation of Sl: No 6, page 226 of said ESTA CODE. Although I repeated verbally requested for a copy of personal hearing with questions by the committee and my reply there to

duly signed by both the parties. It has nowhere been laid down that it was a "secret document" and it is always supplied, but I was deprived from my legitimate right.

5) During my personal hearing I requested the committee to consider my Application / Representations address to the honourable Chief Minister Khyber Pakhtunkhwa, but it was ignored. It is stated that I had already requested the department where my school going children are living with my husband having Peshawar Domicile and who is working as private Lawyer

- a. I am working as senior Government Pleader (BPS19) at Karak since November, 2013. I have to go from Peshawar to Karak for official duty and have to come back on the same day from Karak to Peshawar to look after my school going children living with my husband at Peshawar.
- b. Since the Department did not considered my Application for transfer to Peshawar, I submitted an Application/ Representation to the Honourable Chief Minister Khyber Pakhtunkhwa Peshawar during August, 2014. The Honourable Chief Minister ordered my transfer as recorded on my said Application/ Representation that (Please Transfer) which was sent to the Home Department for issue of my transfer order instead of Law Department. The Law Department managed to collect my said Application and initiated pre-planned disciplinary action against me to defame my official career.
- c. Under Rules 22 (2) of NWFP civil servant act 1973 (page 227 of the said ESTA CODE) I was eligible for submission of representation to the Honourable Chief Minister i-e the next higher authority because the competent authority had not considered my transfer as admissible under the Rules mentioned at(d) below.
- d. The existing tenure of posting/transfer of three (03) years for settled areas has been reduced to two (02) years as per Sl:No(iv)page 80 of the said ESTA CODE amended vide Government of NWFP, Establishment Department (Regulation Wing) circular letter No SOR-vi/E&AD/1-4/2008/vol-vii dated 11-09-2009
- e. I completed two (02) years of my service at Karak during October, 2015 and was due for transfer during November, 2015 but non-consideration of my transfer is against justice and I was kept at Karak beyond the said period of two (02) years service with malafide intention to take disciplinary action to damage my official career for no fault on my part.

3:- As regards the alleged denial for contributing and translation of laws, it is reiterated that I never denied contributing in the translation of laws. It will be appreciated that, in compliance with the orders of the Secretary Law Department KP, I arranged the translation of two out of the three Acts and submitted the same with my letter dated 30-07-2015. I paid Rs 5000/- per Act from my own pocket to the translator being Pashto speaking, . It is added that I was and am entitled for remuneration of translation fee under Rules 46(a) of fundamental rules Vol-1

4:- It will not be out of the place to mention that I had also requested the Department for duty at Peshawar on detailment basis but I was informed that there was ban on detailment basis but in the following cases officials were allowed for duty on detailment/ attachment basis

- I. Mr. Manzoor Ahmad senior Clerk (BPS09) office of the Government Pleader DIKhan was allowed to perform duty in Government Pleader office Karak vide Government of KPK, Law Department Peshawar order No- E&A (LD) 4-4 (2) dated 25-02-2013 and
- II. Mr. Naeem Dad computer operator office of the senior Government Pleader Lakki Marwat posted as computer operated at the office of the senior Government Leader Karak on attachment basis vide Government of KPK Law Department Peshawar order No E&D (LD)/14-1/2010/PH/CD/11830-38 dated 10-06-2016

The attachment / detailment of the above named officials is discriminatory and violation of Article 25 of the Constitution of Islamic Republic of Pakistan

It is humbly prayed that on view of the above facts the undersigned may kindly be absolved of the charges/censure Punishment leveled against me

The case may kindly be closed in view of my good performance in the field and there has been no appeal before the scrutiny committee (headed by Secretary Law) against any case which is decided against Government at District Karak.

Yours obediently

(Wasim Jamil)

Senior Government Pleader (BPS19)

Karak

SENIOR GOVT PLEADER
DISTRICT KARAK

31/8/2014

SO-VI CMT'S Secy.
Duty No. 456
Dated 18-7-2014
Sgt. Secy.
668 (D) 222
Date 16/07/14

To
The Honourable Chief Minister,
Khyber Pakhtunkhwa Peshawar

Subject: TRANSFER FROM DISTRICT KARAK TO PESHAWAR ON HUMANITARIAN GROUND.

R/Sir,

It humbly submitted that I am presently working as Senior Government Pleader (B-19) at District Karak, being female officer I am facing so many hard ship as give below for your kind consideration:-

1. My husband is practicing lawyer in Peshawar high Court Peshawar, and we settled in Hayatabad Peshawar.
2. My three (3) kids below 12 years studying in City School Hayatabad Peshawar. It very difficult for me to manage as in this stage they are required mother supervision.
3. Previously I was posted as Director Reclamation & Probation attached with Home department Khyber Pakhtunkhwa on the direction of Peshawar High Court Peshawar order in the writ petition No. 3330/2012. The post of Director Reclamation & Probation is still lying vacant.
4. Karak is my native District and as per new policy an officer cannot be posted in their District of Domicile.

It is therefore earnestly requested that being a female I facing the above genuine problems, I may please be posted at Peshawar on humanitarian ground and to redress my, as well as my family difficulties and I will be obliged to the rest of my life please.

See Home

(WASIMA JAMIL)
Senior Govt Pleader (B-19)
District Court Karak

Please Transfer

Power of attorney

Home Dept
18/8/2014

Attached to
be sent
copy

SSCM
1577

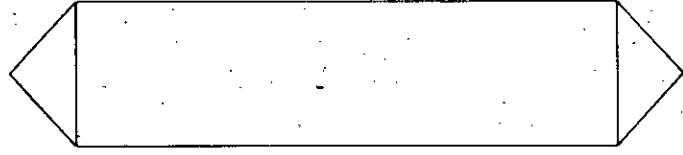
(Signature)

1577

Put up
16/07

RECEIVED SLIP

بعدالت جناب سرسری تریڈنگ کمپنی کے لیے



وسیلہ جمل سیرسری
کوہنڈی بلڈنگ
ڈسٹرکٹ شاپورہ
سالہ

مورخہ 13 صوفی
مقدمہ Appeal
دعویٰ
جرم
2017ء منجانب
Wasima Jami
بنام
Gret of KPIC

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام پشاور کیلئے (صوبائی عدلیہ) عمران خان ایڈووکیٹس
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

GOVT. PLEADER
PESHAWAR

المرقوم 13 ماہ صوفی 2017ء

13

العہد گواہ العہد

مقام شاپورہ کے لئے منظور ہے۔

Accepted

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.186/2017

Mst. Waseema Jamil -----Appellant

Versus

Government of Khyber Pakhtunkhwa & Others -----Respondents

Parawise comments on behalf of Respondents No.1 to 4.

Respectfully Sheweth:-

The respondents humbly submit as under:-

PRELIMINARY OBJECTIONS.

- (1) That the appeal is not maintainable and incompetent.
- (2) That the appellant is estopped due to his own conduct.
- (3) That the appellant has got no cause of action and locus standi.
- (4) That the appellant has not come to the Tribunal with clean hands.
- (5) That the appeal is bad for misjoinder and non-joinder of necessary parties.
- (6) That the appellant has concealed the material facts from Honorable Tribunal.
- (7) That the Honorable Service Tribunal has no jurisdiction to entertain the instant appeal.

ON FACTS:-

- (1) Para No.1 pertains to record. Needs no comments.
- (2) Para No.2 pertains to record.
- (3) Not correct. She has made direct correspondence with the Chief Executive of the Province by violating and committing misconduct under E&D Rules, 2011 and also denied to contribute to the translation of Laws.
- (4) Correct.
- (5) Para No.5 is not correct. A proper inquiry against the appellant was conducted and she was given full opportunity for personal hearing and she has also recorded her statement before the inquiry committee.
- (6) No Comments.
- (7) Not correct. Consequent upon she was transferred and posted as a Senior Government Pleader at Karak. She made direct correspondence with the Chief Minister's Secretariat for her transfer violating and committing misconduct under E&D Rules, 2011. She also denied that translation of laws as compared with her other counterparts. After fulfilling all the legal requirements and rules the competent authority has imposed upon her a minor penalty of censure.

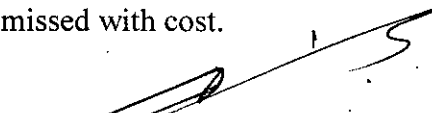
- (8) Not correct. The appeal of the appellant was considered by the Government and after detail examination the same was rejected by the Appellant Authority.

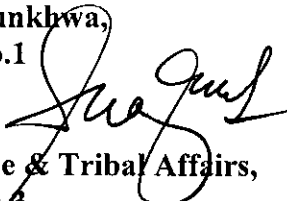
GROUND:-

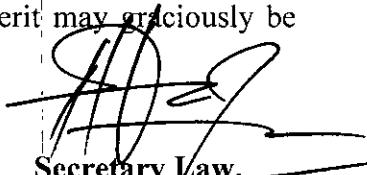
- A) Incorrect and not admitted. After fulfilling the required formalities as provided under the rules the penalty was imposed against the appellant.
- B) No Comments. Relates to the record.
- C) No Comments.
- D) Needs no comments.
- E) Incorrect. Detail reply has been given above.
- ✓ F) Not correct. The Appellant through a letter No.397-100/SGO/KK, dated 22-09- 2015 (Annex-A) informed the Department that she was unable to make contribution in the translation of Laws and denied orders of the Supreme Court in this regard.
- G) Incorrect. The appellant was treated as per Law and there is no violation Article 25 of the Constitution of Islamic Republic of Pakistan.
- H) Incorrect. The enquiry Committee was constituted as per the mandate of relevant provision of rules and an officer of B-20 was appointed as Enquiry Officer.
- I) Incorrect. The appellant was extended all kind of opportunities available to her under the Law.
- J) Incorrect. Reply of the appellant was properly perused and found unsatisfactory.
- K) Incorrect. Charges leveled against appellant stand proved duly during the proceeding conducted against the appellant.
- L) That any other grounds would be raised at the time of arguments with prior permission of the Honorable Tribunal.

Prayer:

It is therefore, most humbly prayed that on acceptance of this para-wise comments, the appeal being devoid of legal footings and merit may graciously be dismissed with cost.


Principal Secretary to Chief Minister,
Chief Minister's Secretariat,
Khyber Pakhtunkhwa,
Respondent No.1


Secretary Home & Tribal Affairs,
Respondent No.3


Secretary Law,
Respondent No.2


Section Officer (G) Law,
Respondent No.4

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service appeal No. 186/2017.

Mst. Waseema Jamil..... Appellant

VERSUS

Government of Khyber Pakhtunkhwa & others..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4.

Respectfully Sheweth.

AFFIDAVIT

I Mr. Fida Muhammad, Superintendent Government of Khyber Pakhtunkhwa Law Department do hereby solemnly affirm and declare on oath as per my knowledge that the contents of the instant Para wise comments are true and correct and nothing has been concealed from this honorable tribunal.


DEPONENT

Fida Muhammad
Superintendent Law Deptt:

Identified by:

ATTESTED



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2017

Wasima Jamil

Versus

The Government of Khyber Pakhtunkhwa and others

REJOINDER ON BEHALF OF THE PETITIONER IN
RESPONSE TO THE REPLY SUBMITTED BY
RESPONDENTS NO.1 TO 4

Respectfully Sheweth,

Reply on preliminary Objections:

1. All the objections raised by the respondent are incorrect, respondents are estopped due to their own conduct to raise any objection at this stage of petition.

On facts:

1. Admitted correct, hence denied.
2. Admitted correct, hence denied.

3. Incorrect and not replied accordingly, the appellant was working as senior Government pleader at District Karak since Nov 2013 till 09/11/2016, after became eligible to be transferred according to the policy, the appellant made several request to the competent authority for her transfer but in vain. The appellant had left with no other choice resultantly she made request / representation to the Honourable Chief Minister KPK, under section 22(2) of KPK Civil Servant Act 1973, it is astonishing that in some cases the respondent no.2 after getting directives from the Chief Minister moved summary for transfer of some of the officials, which is also clear discrimination on part of respondent no.2 for keeping double standards amongst the officials and also personal grudges with the appellant on part of respondent no.2.

4. Admitted.

5. Incorrect, and not replied accordingly, the inquiry was not according with law. One of the member of inquiry committee was lower in scale than the appellant and also belonged to respondent's department, so all the procedure of inquiry was based on malafide just to get the desired results according to their own wishes.

6. Admitted, hence denied.

7. Incorrect, and not replied accordingly. Detailed reply is already given in para no.3, moreover the appellant never denied translation of law, in compliance with the order of respondent no.2 the appellant arranged translation of two out of three act and submitted the same with the explanation of her position that she is not technical translator, besides this the appellant was the only Government pleader at District Karak with a heavy work duty on her shoulder, which were her basic service requirement. The respondent also failed to fulfill the codal formalities of inquiry as provided under the law while passing the impugned order.

8. Incorrect, not replied accordingly the respondents failed to appreciate all the replies submitted by the appellant in response of the baseless allegations leveled against her, while passing the impugned order dated 29/09/2016 even the review petition submitted against the impugned order dated 29/09/2016 not responded ever.

GROUND:

All the grounds of main appeal are correct and in accordance with law and prevailing rules, and the reply submitted by the respondents is

incorrect and baseless, hence denied. That the impugned order dated 29/09/2016 of respondents is against the law, facts and norms of natural justice. That the respondent acted in malafidely manner and baseless allegations were made which never proved against the appellant, and passed an order of censure which is a stigma on unblemished service career of the appellant which amounts injustice done on the part of the respondents.

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

Through

Appellant

A handwritten signature in black ink, appearing to read 'SOPHIA NOREEN', is written over the printed name. A long, thin arrow points from the top of the signature towards the top right of the page.
SOPHIA NOREEN,

Advocate, High Court Peshawar

Dated 30/5/2017

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Services Appeal No. _____/2017

Wasima Jamil

Versus


The Government of Khyber Pakhtunkhwa and others

AFFIDAVIT

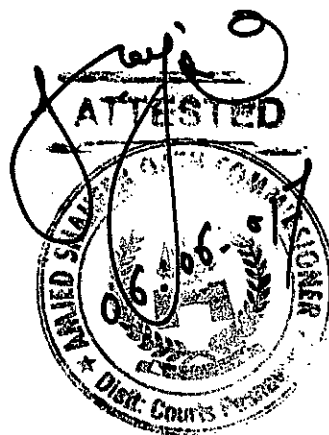
I, Wasima Jamil Senior Government Pleader District Peshawar (BPS-19), do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

DEPONENT
WASIMA JAMIL

Identified by:


Sophia Noreen,
Advocate, High Court Peshawar

30/5/2017



قیمت
50 روپے

32184



ایڈوکیٹ: Jalal-ud-Din

بار کونسل ایسوسی ایشن نمبر: BC-09-0287

رابطہ نمبر: 03339216527

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: ہیڈ منسٹرس ٹریڈ اینڈ سروسز کمیشن، پشاور

Petitioner/Applicant 2017	Service Appeal
و سمجھ جیل بنام حکومت و عدلیہ	دعویٰ: علیت نمبر: مورخہ: جرم: تھانہ:

بابت تحریر آگے

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

آن مقام پشاور کیلئے جلال الدین اور کسٹمرز سٹور کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

14.11.2019

المرقوم:

العبد العبد

پشاور

مقام

Attested & Accepted by

Jalal-ud-Din

JALAL-UD-DIN
Advocate Peshawar

پشاور
سٹور
کسٹمرز
جلال الدین
سٹور

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. _____/2017

Wasima Jamil

Versus

The Government of Khyber Pakhtunkhwa and others

REJOINDER ON BEHALF OF THE PETITIONER IN
RESPONSE TO THE REPLY SUBMITTED BY
RESPONDENTS NO.1 TO 4

Respectfully Sheweth,

Reply on preliminary Objections:

1. All the objections raised by the respondent are incorrect, respondents are estopped due to their own conduct to raise any objection at this stage of petition.

On facts:

1. Admitted correct, hence denied.
2. Admitted correct, hence denied.

3. Incorrect and not replied accordingly, the appellant was working as senior Government pleader at District Karak since Nov 2013 till 09/11/2016, after became eligible to be transferred according to the policy, the appellant made several request to the competent authority for her transfer but in vain. The appellant had left with no other choice resultantly she made request / representation to the Honourable Chief Minister KPK; under section 22(2) of KPK Civil Servant Act 1973, it is astonishing that in some cases the respondent no.2 after getting directives from the Chief Minister moved summary for transfer of some of the officials, which is also clear discrimination on part of respondent no.2 for keeping double standards amongst the officials and also personal grudges with the appellant on part of respondent no.2.

4. Admitted.

5. Incorrect, and not replied accordingly, the inquiry was not according with law. One of the member of inquiry committee was lower in scale than the appellant and also belonged to respondent's department, so all the procedure of inquiry was based on malafide just to get the desired results according to their own wishes.

6. Admitted, hence denied.

07

7. Incorrect, and not replied accordingly. Detailed reply is already given in para no.3, moreover the appellant never denied translation of law, in compliance with the order of respondent no.2 the appellant arranged translation of two out of three act and submitted the same with the explanation of her position that she is not technical translator, besides this the appellant was the only Government pleader at District Karak with a heavy work duty on her shoulder, which were her basic service requirement. The respondent also failed to fulfill the codal formalities of inquiry as provided under the law while passing the impugned order.

8. Incorrect, not replied accordingly the respondents failed to appreciate all the replies submitted by the appellant in response of the baseless allegations leveled against her, while passing the impugned order dated 29/09/2016 even the review petition submitted against the impugned order dated 29/09/2016 not responded ever.

GROUNDS:


All the grounds of main appeal are correct and in accordance with law and prevailing rules, and the reply submitted by the respondents is

incorrect and baseless, hence denied. That the impugned order dated 29/09/2016 of respondents is against the law, facts and norms of natural justice. That the respondent acted in malafidely manner and baseless allegations were made which never proved against the appellant, and passed an order of censure which is a stigma on unblemished service career of the appellant which amounts injustice done on the part of the respondents.

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

Appellant

Through

A handwritten signature in black ink, appearing to read 'SOPHIA NOREEN', is written over the printed name. A vertical line is drawn through the signature and the name below it. There are also some scribbles and arrows pointing towards the signature area.

SOPHIA NOREEN,

Advocate, High Court Peshawar

Dated 30/5/2017

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Services Appeal No. _____/2017

Wasima Jamil

Versus


The Government of Khyber Pakhtunkhwa and others

AFFIDAVIT

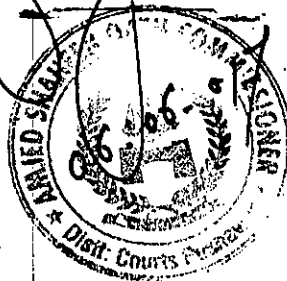
I, Wasima Jamil Senior Government Pleader District Peshawar (BPS-19), do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.

DEPONENT
WASIMA JAMIL

Identified by:


Sophia Noreen,
Advocate, High Court Peshawar

30/5/2017





FATA EDUCATION FOUNDATION (FaEF)

1st Floor G-8 Building Gate No. 03

Khyber Road Peshawar.

INQUIRY REPORT DISCIPLINARY PROCEEDINGS AGAINST MS. WASIMA JAMIL, SENIOR GOVERNMENT PLEADER (BPS-19) DISTRICT COURT KARAK

BACKGROUND

The Government of Khyber Pakhtunkhwa, Law, Parliamentary Affairs and Human Rights Department vide letter No. SO(G)/LD/1-3/2014/PF/13364-67WE dated 14/04/2016 (**Annexure-I**), informed that the competent authority has been pleased to constitute the following inquiry committee under rules 10(1) (a) of the Khyber Pakhtunkhwa, Government Servants (E&D) Rules, 2011 to conduct Inquiry against Ms. Wasima Jamil (BS-19), Senior Government Pleader (BPS-19), District Court Karak.

1. Mr. Masood Ahmad, PCS-SG BS-20, MD FATA Education Foundation.
2. Mr. Akbar Khan, Section Officer (General), Law, Parliamentary Affairs and Human Rights Department.

The copies of the Charge Sheet and the Statement of Allegation, duly signed by the Chief Minister Khyber Pakhtunkhwa were also received (**Annexure-II, III**), along with the aforementioned letter issued by the Law, Parliamentary Affairs and Human Rights Department. The Accused Officer was also directed to submit her written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer. The following allegations were levelled against the accused officer Ms. Wasima Jamil, Senior Government Pleader (BPS-19), District Court Karak as per Statement of Allegations:-



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1st Floor G-8 Building Gate No. 03

Khyber Road Peshawar

- 1. You directly approached the Chief Minister, Khyber Pakhtunkhwa regarding your transfer to Peshawar which is misconduct in terms of Rule-2 (I) (V) of the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011.*
- 2. You denied contributing in the translation of laws, as compared to your other counterparts in the province in lieu of implementation of order of the Supreme Court of Pakistan dated 03/03/2015 which is misconduct in terms of rules ibid.*

For the purpose of the inquiry against the said accused officer with reference to the above allegations, the Administrative Department nominated Section Officer (G), Law, Parliamentary Affairs and Human Rights Department as Departmental Representative and asked him to attend the inquiry proceedings alongwith all relevant record as and when date is fixed for inquiry by the Inquiry Officer.

Later on, the administrative department nominated Mr. Musadiq Shah, Superintendent, Law, Parliamentary Affairs and Human Rights Department as Departmental Representative vide letter No. SO(G)/LD/1-3/2014/PF dated 26-04-2016 (Annexure-IV).

PRILIMINARY PROCEEDINGS:

The written reply of the Accused Officer was received to the Inquiry Committee on 19-04-2016 (Annexure-V). Accordingly, 26-04-2016 was fixed for conducting hearing of the case and all concerned were duly informed including the Accused Officer (Annexure-VI).



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Khyber Road Peshawar

FORMAL INQUIRY PROCEEDINGS

Proceedings on 26th April 2016

The Inquiry Committee met on 26-04-2016 in the office of MD FATA Education Foundation at 1100 hours. The Departmental Representative Mr. Musadiq Shah as well as the Accused Officer Ms. Wasima Jamil attended the proceedings. The inquiry committee gone through the Charges as well as written reply of the Accused Officer and gave hearing to the Accused Officer.

The Accused Officer Wasima Jamil while responding to Allegation 1 did not contradict submission of application to the Honorable Chief Minister Khyber Pakhtunkhwa. However, she put forth domestic hardship as the main reason for submission of the representation to the Chief Minister. She further stated that her husband is domiciled of Peshawar and her school going children were living with her husband at Peshawar. Therefore, she was facing hardships while performing her duties at Karak.

As regards the 2nd allegation, she stated that out of 3 Acts, assigned to her for translations, she arranged translation of 2 Acts and submitted them to the Law Department vide letter dated 30-07-2015 (Annexure-VII). She further stated that she paid Rs. 5000 per Acts for translations in respect of the said two Acts. However, she admitted that she showed her inability to translate 3rd Act due to her work load (Annexure-VIII).



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Finding and Conclusion

The Inquiry Committee very carefully examined all the relevant record and Government instructions. It was observed that as per posting/transfer policy issued by Establishment Department, posting/transferring authority outside Secretariat for the Heads of Attached Departments and other Officers in BS-19 and above in all the Departments has been notified as "Chief Secretary in consultation with Establishment Department and Department concerned with the approval of the Chief Minister" (Annexure-IX). Since the Accused Officer did not route her transfer application through proper channel as such **Allegation 1 stands proved.**

As regard the Allegation 2, it is observed that **this allegation stands partially proved** as the Accused Officer did contribute in translation of 2 Acts, out of the 3 Acts assigned to her for the purpose but shown her inability in writing with respect to translation of 3rd one (Annexure-VIII *ibid*).

Aulav
9/5/16
Mr. AKBAR KHAN

Section Officer (G)

Law, Parliamentary Affairs and Human Rights Department

Masood Ahmad
9/5/16
Mr. MASOOD AHMAD, PCS-SG (BPS-20)

Managing Director,

FATA Education Foundation, Peshawar

Dated 9th May, 2016

**BEFORE THE HYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHWAR**

Restoration Application No. 148 in service appeal no 186/2017

SCANNED
KPT
Peshawar

Waseema Jameel D/o Mian Jameel Shah R/o House No 24
Sector A-1 Zone-3 Regi Model Town Peshawar.

Petitioner

VERSUS

Government of Kpk Peshawar etc.

Khyber Pakhtunkhwa
Service Tribunal

4071

Case No.

6/3/2023

Defendant/ Respondents

**APPLICATION FOR RESTORATION
OF THE CAPTIONED CASE ON
BEHALF OF PETITIONER.**

Respectfully Sheweth;

1. That the captioned case was pending adjudication before this Hon'ble Court and has been dismissed for non-prosecution vide impugned order dated: 27/02/2023.
2. That the Petitioner on each and every date appear and attended this Hon'ble Court in the instant case regularly by herself or through counsel, but on 27/02/2023 Petitioner did not appear before this Hon'ble Court due to having being engaged in labour court and the counsel of Petitioner was busy in Khyber Courts.

3. That on the fateful day the nonattendance of the Petitioner was not intentional nor deliberate but due to the above mentioned facts, which is beyond control of the Petitioner.
4. That the instant application is well within time.

It is, therefore, humbly prayed that on acceptance of the instant petition, the captioned case may graciously be restored and be decided on merits.

Dated: 06/03/2023

Through **Petitioner**
[Signature]
Syed Ghous Azam Shah
Advocate, High Court
Peshawar.

*affidavits
stated can both that the
contents of above affidavits
we refer to best of my
knowledge and belief.*



Deponent.
[Signature]

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES
TRIBUNAL PESHAWAR

Services Appeal No. 186 /2017

Wasima Jamil Senior Government Pleader District Peshawar (BPS-19).

... (APPELLANT)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Principal Secretary to Chief Minister of Khyber Pakhtunkhwa.
2. Secretary to Government of Khyber Pakhtunkhwa Law, Parliamentary Affairs and Human Rights Department.
3. Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Peshawar.
4. Section officer (General), Govt of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department.

.. RESPONDENTS

APPEAL UNDER SECTION 4 OF SERVICES
TRIBUNAL ACT 1974 AGAINST THE ORDER DATED
29/09/2016 PASSED BY RESPONDENT NO.1
WHEREBY THE APPELLANT WAS AWARDED WITH
THE PUNISHMENT OF CENSURE, AND AGAINST
THE REVIEW PETITION NOT DECIDED WITHIN
THE STATUTORY PERIOD OF 90 DAYS

A.No. 186/2017
Waseema Jamil vs Govt



27th Feb, 2023

1. Nobody is present on behalf of the appellant. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

2. Called several times till last hours of the court but nobody turned up on behalf of the appellant. In view of the above, the instant appeal is dismissed in default. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 27th day of February, 2023.

(Rozina Rehman)
Member(Judicial)

(Kalim Arshad Khan)
Chairman

Certified to be true copy

MEMBER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 28/2/23

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ایڈوکیٹ: سید نوح اعظم ستاہ
بار کونسل / ایسوسی ایشن نمبر: BC 7-7404
رابطہ نمبر: 03365353880

پشاور بار ایسوسی ایشن، خیبر پختونخواہ
Peshawar Bar Association

بعدالت جناب: جس میں جسٹس محکمہ کو اس کے لئے قبول شدہ

منجانب: سید نوح اعظم ستاہ

Restoration Application

علت نمبر:

مورخہ

جرم:

تھانہ



باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب کوئی کارروائی متعلقہ

آن مقام کے لئے سید نوح اعظم ستاہ ایڈوکیٹ کی ایک کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے



المرقوم:

مقام پشاور کے لیے منظور ہے

Accepted

Handwritten signature

نوٹ: اس وکالت نامہ کی نوٹ کاپی ناقابل قبول ہوگی۔

