

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

**SERVICE APPEAL NO. 1364/2023**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8797

Dated 2/11/23

Mr. Muhammad Imran, Assistant Public Prosecutor (BP-17), District Peshawar

Appellant.....

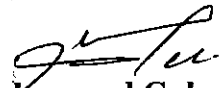
**VERSUS**

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

Respondents.....

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**Muhammad Gulzar Ali**  
(Superintendent)  
Directorate of Prosecution,  
Khyber Pakhtunkhwa

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

**SERVICE APPEAL NO. 1364/2023**

**Muhammad Imran, Assistant Public Prosecutor (BPS-17) District Peshawar.**

**.....APPELLANT**

**VERSUS**

1. **Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.**
2. **Secretary to the Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariat Peshawar.**
3. **Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.**

**..... RESPONDENTS**

**Comments On Behalf Of Respondents No.1, 2 & 3**

**PRELIMINARY OBJECTIONS:**

1. That the Appellant has got no cause of action to file the instant Service Appeal.
2. That the Appellant has concealed material facts from this Honourable Tribunal, which is bad in eyes of law.
3. That the penalty was imposed in pursuance of a comprehensive Inquiry conducted in accordance with law.
4. That the Appellant showed no interest in sending correct data/information to the Directorate of Prosecution, still a lenient view was taken and minor penalty of "censure" was awarded.
5. That the instant Service Appeal is not maintainable in its present form.
6. That the Appellant is estopped by his own conduct to file the present Service Appeal.
7. That the instant Service Appeal has no legal footings.

**PARAWISE REPLY:-**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record. However, it is submitted that the allegations were not baseless rather based on sound reasons.
6. Pertains to record. However, it is submitted that all the codal formalities were complied during the Inquiry and each step of the Inquiry was conducted in accordance with law impartially.
7. Pertains to record.
8. No comments.

## ROUNDS

- A. Incorrect, hence denied.
- B. Incorrect, hence denied. Appellant has been treated in accordance with law and no injustice has been done by the Respondent Department.
- C. Incorrect, hence denied. Right of personal defense was duly provided to the Appellant and his statement was also recorded during Inquiry. Charge sheet and statement of allegations were served upon the Appellant and he submitted his reply. His statement was also recorded during the course of Inquiry and before awarding the penalty, a show cause notice was also issued, which was replied by the Appellant.
- D. Incorrect, hence denied. In fact the relevant record was obtained and checked. The Inquiry Report is comprehensive. The Appellant showed no interest in sending correct data/information to the Directorate of Prosecution still a lenient view was taken and minor penalty of "censure" was awarded to the Appellant in light of Inquiry.
- E. This para needs clarification. All the prosecutors of province are submitting monthly data including the Appellant, however, this time wrong/fake and concocted data was submitted by the Appellant, hence proceeded against.
- F. Incorrect, hence denied. As replied vide "C" Above.
- G. Incorrect hence denied.
- H. The Respondents also seek permission to advance other grounds at time of hearing.

## PRAYER:

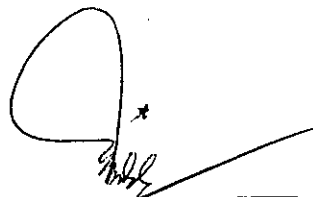
In light of the above facts and circumstances of the case, the Service Appeal is devoid of any merit and legal substance; therefore, the same may kindly be dismissed with cost, please.



Chief Secretary  
Govt. of Khyber Pakhtunkhwa  
Respondent No.1



Secretary to Govt.  
Home & Tribal Affairs Department  
Khyber Pakhtunkhwa  
Respondent No.2



Director General Prosecution  
Khyber Pakhtunkhwa  
Respondent No.3

Secretary,  
Govt. of Khyber Pakhtunkhwa

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

**SERVICE APPEAL NO. 1313/2023**

Miss. Huma Daniel/Murad, Assistant Public Prosecutor (BP-17), District Mardan

**Appellant.....**

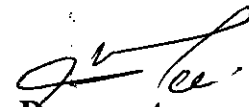
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3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar

**Respondents.....**

**AFFIDAVIT**

I, Muhammad Gulzar Ali, Superintendent, Directorate of Prosecution, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the Service Appeal No. 1364/2023, are true and correct to the extent of office record and nothing has been concealed from Service Tribunal Khyber Pakhtunkhwa. It is further stated on oath that in this Appeal the answering respondents have neither been placed ex-party nor their defense struck off.

  
**Deponent**

**CNIC No: 17301-1440140-1**

**Cell No: 0332-9279260**

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

**SERVICE APPEAL NO. 1364/2023**

**Muhammad Imran, Assistant Public Prosecutor (BPS-17) District Peshawar.**

**.....APPELLANT**


**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. Secretary to the Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, Civil Secretariat Peshawar.
3. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.

**..... RESPONDENTS**

**AUTHORITY LETTER**

Muhammad Gulzar Ali, Superintendent, Directorate of Prosecution Khyber Pakhtunkhwa, is hereby nominated by the undersigned to submit para wise comments before the Khyber Pakhtunkhwa Service Tribunal, Peshawar, on behalf of Directorate of Prosecution, in Service Appeal No. 1364/2023.



**Director General**  
Directorate of Prosecution  
Khyber Pakhtunkhwa  
Peshawar