
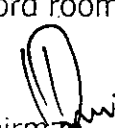


Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 1131 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	05/09/2019	As per direction of the Worthy Chairman this case is submitted to the S. Bench for preliminary hearing along with office objection. To be put up there on <u>18/10/19</u> .  REGISTRAR
	18.10.2019	Counsel for the appellant present. Learned counsel requests for withdrawal of instant appeal with the permission to file a fresh one. Disposed of as such. File be consigned to record room.  Chairman <u>Announced:</u> 18.10.2019


This is an appeal filed by Mr. Qazi Aslam today on 31/08/2019 against the orders dated 13.06.2019 and 17.06.2019 against which he preferred/made departmental appeal/ representation on 05.08.2019 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies:

- 1- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 2- Copy of impugned order dated 12.6.2019 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.

No. 1533/ST,

Dt. 31/8/2019


REGISTRAR -
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Mr. Riaz Ahmad Adv. Pesh.

R/Sd,

The appeal is mature on the ground that the application of the appellant has been responded vide office orders 21794/Ec-II dt: 23/8/2019 and No. 2208/E-III dt: 28/8/2019, annexed herewith respectively as Page 63 & 64 of the appeal.

1. Sequence given to the annexures.
2. Copy of the impugned order dt: 12/6/2019, is not being given to the appellant, and may be waived as provided for in the rules. Resubmitted and may be placed before the bench please.

Registrar (PST)


RIAZ AHMAD
(Advocate)

4/09/19

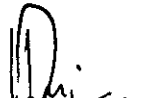
Sir

The objection of this office and
reply of counsel for the appellant is
sub-itted for order please.


4/9/18

Hayble
Cham-er.

- Instant appeal be fixed for P.H
before an S.B. after office objection.


5/9/18

BEFORE THE HON'BLE KHYBER PAKHTOONKHWASERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1131 /2019

Qazi Aslam

..... Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar, and others. Respondents

I N D E X

S.No.	Description of documents	Annexure	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Memo of addresses		7/7A
5.	Copies of the petition and Judgment, and orders.	A	8-15
6.	Copy of COC and Order	B	16-19
7.	Copies of mercy petitions of the accused	C	20-34
8.	Copies of repatriation, cancellation, posting orders, and relieving orders	D	35-38
9.	Copy of writ petition and order	E	39-53
10.	Copies of application for cancellation of orders and response	F	54-64
11.	Wakalatnama		

Dated ___/08/2019

Appellant
Qazi Aslam
Qazi Aslam

Through

Riaz Ahmad
Riaz Ahmad

(Advocate High Court)

Cell No. 0303 8238839

(1)

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1131 /2019

Qazi Aslam S/O Sarfaraz Khan R/O Malakano Kalay Tehsil Tangi, District Charsadda (Sub Inspector Police, No. P/34, CCPO, Peshawar)

..... Appellant

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1219

Dated 30/8/2019

1. Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa.

..... Respondents

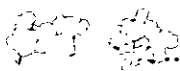
Appeal under section of 4 of the Khyber Pakhtoonkhwa Service Tribunal Act 1974 (Act 1 1974) from the orders bearing Nos:-

(A) AD (Admn:) DACE- 2 Officials /M-F/ 2019 (Vol-II) 11455, dated 12/6/2019 by respondent No. 3 whereby the cancellation of deputation of the appellant has been recommended. *(copy not being given to the app/cont)*

(B) Order bearing No. 1460/E-III, dated 13/6/2019 by Respondent No 1 whereby the appellant was repatriated to his parent department instead of exact place of posting, creating complications for the appellant.

(C) Order of relieving bearing No. 11685-94 dated 17/06/2019 by respondent No. 3 and subsequent order bearing No. 2205/E-III, dated 28/08/2019 for corrigendum of errors by respondent No.1, which also is not legal.

(D) Office Order of demotion No. 11695-11704 dated 17/06/2019 by respondent No. 3.



Prayer:

On acceptance of the instant appeal this Hon'ble Tribunal would be pleased to set aside the above mentioned orders and

Filed to-day

Registrar

30/8/2019

2

restore the deputation of the appellant in the Anti Corruption Establishment as per the judgment of the Hon'ble High Court Peshawar the deputation period of the appellant is only 14/15 months in the Anti Corruption Establishment and, therefore, he has the legal right to remain on deputation for two more years in that establishment, and the payment of deputation allowance to the appellant for the entire aggregate periods in the ACE may also very kindly be ordered.

.....

Respectfully submitted:

1. That in 2017 the appellant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE/respondent No3, a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017 filed by Mst. Zia Gul, DM.
2. That in compliance with the direction the appellant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and consequent thereupon he registered FIR No. 2 /2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed.
3. That during the course of inquiry the appellant suffered great pressure from the political as well as other corners. The appellant did not surrender to any kind of pressure and performed his duty with full professional honesty and moral integrity.
4. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the appellant was transferred from Police Station Anti Corruption Establishment, Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad.
5. That vide the order, dated 8/11/2017, on ground of pressure, malafide, and annoyance the authorities of ACE surrendered the appellant to his parent department and he was repatriated to police, CCPO Peshawar, vide the office order dated 16/11/2017. The appellant approached the Honorable Peshawar High Court, Peshawar against the orders of surrender and

(B)

repatriation through Writ Petition No. 4699-P/2017, the operation of the orders was suspended by the court on 20/12/2017 and the authorities were restrained from dislocating the applicant.

(Copies of the petition and Judgment, and order are enclosed as Annex- A)

6. That the concerned authorities of ACE tried not to comply with the order of the High Court, and under compulsion the appellant again approached the High Court with a petition of COC No. 32-P/2018, and as a result the order of the court was complied with by cancellation of the repatriation order of the appellant vide the order dated 23/02/2018 and posting of the appellant as Inspector in SIW in the Directorate of ACE vide the order dated 02/03/2018. The petition was disposed of in favour of the appellant on 19/04/2018.

(Copy of COC and Order enclosed herewith as Annex-B)

7. That the accused, namely Mst. Ulfat Begum and Sufia Tabbassum, DEOs Charsadda and Peshawar along with clerical staff, namely Sartaj, Mazhar and Ishaq, nominated in the case FIR No. 2/2017, approached the Hon'ble High Court, Peshawar through Quashment Petitions against their nomination as accused in the case FIR. The ACE authorities filed detailed comments in response to the said petitions. In the comments all the contentions of the accused petitioners have been strongly denied with full documentary proof and the findings of the inquiry, conducted by the appellant, have been fully supported and validated.

8. That after filing the comments, during proceedings in the Quashment Petitions before the High Court, the ACE authorities felt pressure and obtained applications of innocence/ mercy from the above mentioned influential accused for withdrawal / deletion of their names from the case FIR. The ACE authorities withdrew/deleted their names from the case FIR in straight violation of their own comments before the Hon'ble High Court, Peshawar and the required procedure, and that even the statement of the appellant was not obtained in writing nor he was informed of / involved in the process, being the complainant in the case.

2 copies enclosed as Annex - C

9. That in the mercy petitions the accused have levelled some baseless and unfounded charges / allegations against the appellant.

10. That the appellant, who has full knowledge of all facts / documentary proof and grounds of involvement of the accused in the case, has been removed from the scene vide surrender letter No. AD (Admn) DACE- 2 Officials /M-F /2019 (Vol-II)11455 dated 12/6/2019 by the ACE authorities, on the basis of which the appellant's repatriation order No. 1460/E-III, dated 13/6/2019 was issued by Authority No.1. The surrender letter is based on complete ill-will, malafide, and annoyance of the ACE authorities as the service number of the appellant has been written 502,

(4)

instead of P/34, Range Mardan, District Charsadda Police instead of CCPO, Peshawar, District Peshawar Police. That the relieving order of the appellant was issued on 17/06/2019, in which the same facts were again intentionally wrongly mentioned. The LPC of the appellant has so far not been issued as it is not received in the office of the Police District Peshawar. The same orders have now been rectified but the same error of Number of the appellant has been repeated in the corrigendum/order No. 2205/E-III, dated 28/08/2019. The CCPO and DPO Charsadda have mentioned/ pointed out the same errors in their letters to the respondent No.3. and CCPO has illegally issued the corrigendum of which should have been issued by the respondent No.3.

(Copies enclosed herewith as Annex-~~C~~, **D**)

11. That ACE authorities have tried to confuse the appellant in the matter of his posting/ repatriation and salary, as his salary for the month of June, July 2019 have not been paid to him by the Directorate of ACE. The appellant would also not possibly be able to receive his salary for some months onwards.
12. That as the ACE authorities have willfully and intentionally mentioned wrong Range and District of repatriation, service number in the letters referred to above, the appellant is in a hang up position and has been deprived of salaries. He can neither report arrival in Mardan Range, District Police Charsadda, nor in the parent District Police Peshawar, nor is the service number of the appellant correct, nor can he get his salaries from the DPO Charsadda being not an official of the Mardan Range, District Police Charsadda. Therefore, the applicant cannot get his previous and future salaries to meet the different economic needs of his children, whose education can also suffer.
13. That all the orders of the ACE authorities are incorrect and not implementable in any way, and the appellant, therefore, is still legally and officially in the service on deputation to and at the strength of the Anti Corruption Establishment, Khyber Pakhtoonkhwa. The deputation period of the appellant is also not complete in the ACE as is mentioned in the decision of the Hon'ble Peshawar High Court dated 23/07/2019, that the appellant has served on deputation only for 14 to 15 months in the ACE. The appellant is still to serve for about two more years on deputation in ACE. (COPY enclosed Annex - E)
14. That the demotion of the appellant vide the order No. 11695-11704, dated 17/06/2019 is also the result of the annoyance and ill intention of the ACE authorities and is squarely illegal, since the Hon'ble Khyber Pakhtoonkhwa Service Tribunal, Peshawar, on acceptance of the appellant's appeal for promotion as officiating inspector, has already placed the appellant in the rank of officiating inspector BPS-16 with effect from 11/02/2014, with the

(5)

inclusion of the appellant's name in the seniority list issued on 09/05/2014, vide its judgment dated 24/4/2019.

15. That the appellant approached the concerned authorities with an application (copies of applications and response are enclosed Annex-~~A~~) but the same were responded in no just terms, hence the instant appeal inter alia on the following

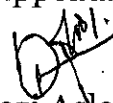
GROUNDS:

- A. That the impugned orders are against the law, rules and constitutional provisions.
- B. That the orders are based on apparent malafide and illegal grounds.
- C. That the appellant has been deprived to respond to the allegations of the accused nominated in the FIR.
- D. That deputation of services is granted for a fixed term/ tenure.
- E. That the terms as to deputation allowance have been violated.
- F. Any other ground / documents may very kindly also be allowed to be presented at the time of arguments and during the proceedings where required.

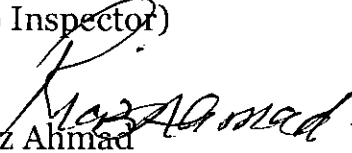
It is, therefore, respectfully requested that in view of the above submissions, the orders impugned herein may very kindly be set aside and the appellant be restored in the ACE KPK in his own position as earlier and his salaries be released on the said post. It is also requested that orders of payment of full deputation allowance to the appellant for the entire period in the ACE, may be made, as the same has so far not been paid to him, please.

Dated ___/08/2019

Appellant


Qazi Aslam
(Sub Inspector)

Through:


Riaz Ahmad
(Advocate High Court)

6

BEFORE THE HON'BLE KHYBER PAKHTOONKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Qazi Aslam

..... Appellant

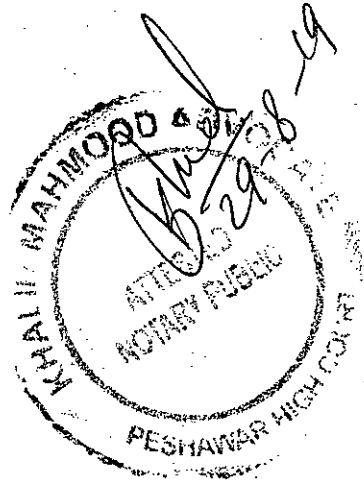
VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
and others

..... Respondents

AFFIDAVIT

I, Qazi Aslam, the appellant do hereby solemnly affirm and declare on oath that contents of the instant appeal are true and correct and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT


Qazi Aslam

7

BEFORE THE HON'BLE KHYBER PAKHTOONKHWAS SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2019

Qazi Aslam

..... Appellant

VERSUS

Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa,
Peshawar and others

..... Respondents

MEMO OF ADDRESSES

APPELLANT

Qazi Aslam S/O R/O Tehsil Tangi, District Charsadda (Sub
Inspector Police, No. CCPO Peshawar)

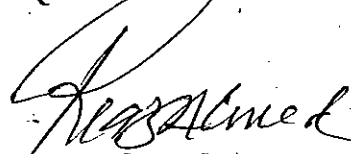
RESPONDENTS

1. Inspector General of Police/ Provincial Police Officer, Khyber Pakhtoonkhwa, CPO, Peshawar.
2. Capital City Police Officer, CPO, Peshawar.
3. Director, Anti Corruption Establishment, Khyber Pakhtoonkhwa, near Rahman Medical Institute, Phase – V, Hayatabad, Peshawar.

Appellant


Qazi Aslam

Through


Riaz Ahmad
(Advocate High Court)

7/A



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name
Qazi Aslam



Father Name
Sarfraz Khan

Gender: M Country of Stay: Pakistan

Identity Number: 17102-0657420-7 Date of Birth: 06.04.1965

Date of Issue: 19.03.2019 Date of Expiry: 19.03.2029

Holder's Signature

17102-0657420-7



101131238380
139-92-612621

Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیو بکس میں ڈال دیں

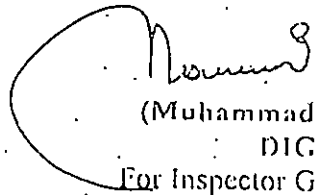
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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

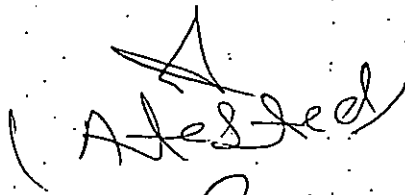
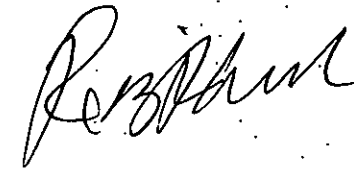
ORDER.

SI Qazi Aslam of CCP/Peshawar presently serving in Anti-Corruption Establishment Khyber Pakhtunkhwa is hereby repatriated to his parent District CCP/Peshawar with immediate effect.


(Muhammad Ali Khan)PSP
DIG/HQ
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar.

No. 4241-43 /E-III. Dated Peshawar, the 16 / 11 / 2017.

- Copy of above is forwarded for information and necessary action to the:-
1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
 2. Capital City Police Officer, Peshawar.
 3. Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 16920/ACE, dated 08.11.2017.

9

IN THE PESHAWAR HIGH COURT PESHAWAR

W.P No ____/2017

1. Qazi Aslam S/o Sarfaraz Khan, Circle Officer, Anti Corruption Establishment, Police Station Charsadda **Petitioner.**

V E R S U S

1. Govt of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Director Anti Corruption Establishment Opposite , Rehman Medical Institute (RMI) Phase-5, Hayatabad Peshawar.
3. Inspector General Of Police / Provincial Police Officer, Central Police Office, Peshawar..... **Respondents**

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN FOR DIRECTION/DECLARATION/ORDER TO THE EFFECT THAT TRANSFER OF PETITIONER FROM THE POST OF CIRCLE OFFICER (C.O) ANTI CORRUPTION ESTABLISHMENT CHARSADDA TO THE SPECIAL INVESTIGATION WING (S.I.W) HEAD OFFICE ANTI CORRUPTION ESTABLISHMENT AND THEREAFTER, REQUIRING RESPONDENT No. 3 TO CALL HIM BACK TO POLICE ARE BASED ON MALA-FIDE FAVORITISM AND EXTRANEOUS CONSIDERATION AND HENCE LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Brief facts leading to this Writ Petition are as under:-

1. That petitioner belongs to Police Service of Khyber Pakhtunkhwa and was posted as Sub Inspector in police lines Peshawar when his services were required by respondent No. 2 and accordingly he was transferred to Anti Corruption Establishment and was posted as ACO(Additional Circle Officer) Anti Corruption Establishment Charsadda. Thereafter he was posted as Circle Officer Charsadda in his own pay scale and then went for upper course at Hangu in October,2011 and returned on 09.04.2012. He was posted as Circle Officer at Nowshera. In January 2013 he was transferred and posted Circle Officer Charsadda. In October,2014 he was transferred and posted as Circle Officer Malakand. In June, 2016 petitioner was transferred and posted Circle Officer Charsadda till 31.10.2017 when the impugned order was passed.

*Received
Filing
copy*

2. That while posted as Circle Officer, **Anti Corruption Establishment Charsadda** petitioner was summoned by Hon`able Peshawar High Court Peshawar to perform certain duty in a Writ Petition No. 2028-P/2017 titled "**Mst. Zia Gul vs Govt of Khyber Pakhtunkhwa and others**" in which appointment order of petitioner Mst. Zia Gul was challenged as fake. Hence, the parties agreed that the matter be referred to Anti Corruption Establishment for inquiry and necessary action, detail of which are clearly reflected in order dated 14.9.2017 passed by Division Bench in Writ Petition No. 2028-P/2017, with COC No. 477/2017. **Copy of order dated 14.09.2017 is annex "A"**.

3. That in the above matter the Hon`able Peshawar High Court Peshawar has asked Director Anti Corruption Establishment to inquire into and submit report with in 15 days, hence, petitioner was entrusted with the task who visited Battagram, Manshera, Bajur Agency, Khyber Agency, and District Peshawar in which other fake appointments were traced. Accordingly the petitioner registered FIR No.2 in Anti Corruption Establishment Charsadda on 09.10.2017 in which the petitioner named charged twenty persons i.e five ladies as the real beneficiaries and fifteen others who had played a role in the fake appointments orders. **Copy of FIR No.2 dated 09.10.2017 is annex "B"**.

[Handwritten signatures and initials]

4. That when on 11.10.2017 again Writ Petition No. 2028/2017 with COC No. 477/2017 were fixed for hearing before Division Bench of Hon`able Peshawar High Court Peshawar the petitioner produced the record of open inquiry conduct in compliance of the order of the Hon`able High court dated 14.09.2017, the Writ Petition was held infructuous and thus was dismissed. **Copy of the order dated 11.10.2011 is annex "C"**

5. That dismissal of Writ Petition as well as the registration of FIR No.2 by the petitioner provoked a host of people including MPAs and Bureaucrats, initially pressurizing the petitioner to exonerate all the accused and in particular District Education Officer (Female) Peshawar and District Education Officer (Female) Charsadda which the petitioner could not and thus he refused to back track the findings regarding all the accused.

6. That when the petitioner did not accept any pressure, Safarish and/or request he was threatened of dire consequences like his immediate transfer or even dismissal from service but the petitioner resisted all such acts/threats and refused to back out from the findings which resulted into FIR No. 2 aforementioned and already annexed herewith. (3)

7. That petitioner was informed by Director Anti Corruption Establishment that he has performed well and has done his duty but he is not in a position to defend him. Consequently the petitioner was transferred from the post of Circle Officer Anti Corruption Establishment Charsadda and was posted to Special Investigation Wing (S.I.W) Anti Corruption Establishment Head Office Peshawar vide impugned office order dated 31.10.2017. **Copy of the impugned transfer order dated 31.10.2017 is annex "D"**.

8. That on direction of respondent No.1 Director Anti Corruption Establishment wrote to the Inspector General of Police (Respondent No.3) for the withdrawal of the petitioner from Anti Corruption Establishment and to repatriate him to regular police.

9. That the petitioner is mortally aggrieved of the impugned actions/orders against him taken by the respondents as the petitioner deserve appreciation and reward but instead he has been punished, hence he approaches this Hon`able court against the malafide actions for the following amongst other grounds.

GROUND S

A. That the impugned action against the petitioner is prime-facie based on mala-fide, misuse of authority, against the rules and principles of policy.

B. That the petitioner having acted fairly and in accordance with law in pursuance of the orders of this Hon`able court deserves appreciation but instead he has been willfully punished and the mala-fide, malice and ill will are floating on the surface of the record.

Amir
Rashid
Adnan

C. That petitioner has been treated unequally against the law and thus deprived of equal protection of law as contemplated by Art-4 of the Constitution.

D. That when the petitioner fairly investigated the case, located the accused and pinpointed the role of every accused, his performance needed approval and appreciation. But he was punished and thus flagrantly discriminated.

E. That the petitioner is filing this Writ Petition based on the verdict of Supreme Court reported in PLD 2013 SC-195, and therefore the alternate remedy of moving Service Tribunal was not resorted to as the service of representation then waiting for reply and thereafter, moving the Service Tribunal would render the cause of action of petitioner as zero, hence this writ petition is filed mainly on the basis of mala-fide malice and ill will and same is genuinely needs to be adjudicated by this Hon`able Court.

It is therefore, most humbly prayed that by acceptance of this Writ Petition the impugned office order No. 16670-73/ACE dated 31.10.2017, may please be struck down based on malafide, malice, ill will as petitioner performed in pursuance of order of Hon`able Peshawar High Court Peshawar and his refusal to accept any pressure, Safarish, against FIR No. 2 dated .9.10.2017, Police Station ACE Charsadda should have an appreciation for him rather than the punishment awarded to him illegally.

Any other relief not specifically prayed but deemed just and fair in the given facts and circumstances of the case may please be allowed.

M. Anwar
M. Anwar
CA No. 10

INTERIM RELIEF.

By way of interim Relief that the impugned office order No. 16670-73/ACE dated 31.03.2017 may please be suspended till the decision of this writ petition.

Petitioner

Through


A. Lateef Afridi

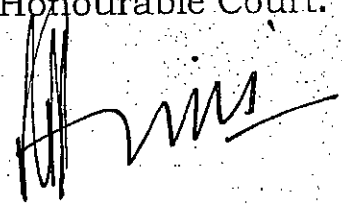
Khalid Anwar Afridi
And ~~_____~~
Sajeed Khan Afridi
Advocates Peshawar

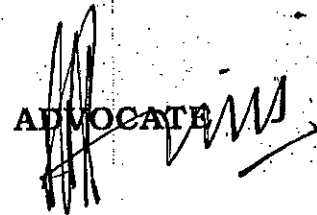
CERTIFICATE

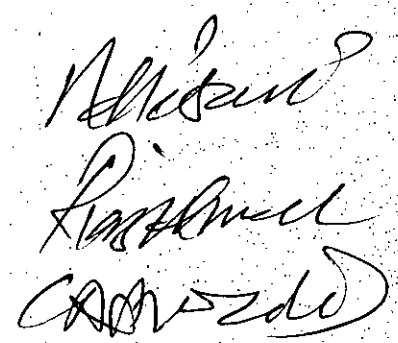
It is certified that no such like writ petition has earlier been filed by the petitioner in this Honorable court. It is further stated that being the writ petition on the score that since there is no adequate and alternate legal remedy is available or previously availed or approached lower forum thus this case may be fixed before the worthy Division Bench (D.B) of this Honourable Court.

L A W B O O K S:

1. Constitution of Pakistan
2. any Law Book as per need



ADVOCATE




THE PESHAWAR HIGH COURT PESHAWAR

W.P No 4699 P / 2017

1. Qazi Aslam S/o Sarfaraz Khan, Circle Officer, Anti Corruption Establishment, Police Station Charsadda Petitioner

VERSUS

Annex - D

1. Govt. of Khyber Pakhtunkhwa, through Chief Secretary, Civil Secretariat, Peshawar.
2. Director Anti Corruption Establishment Opposite , Rehman Medical Institute (RMI) Phase-5, Hayatabad Peshawar.
3. Inspector General Of Police / Provincial Police Officer, Central Police Office, Peshawar..... Respondents

PETITION UNDER ARTICLE 199 OF THE CONSTITUTION OF PAKISTAN FOR DIRECTION/DECLARATION/ORDER TO THE EFFECT THAT TRANSFER OF PETITIONER FROM THE POST OF CIRCLE OFFICER (C.O) ANTI CORRUPTION ESTABLISHMENT CHARSADDA TO THE SPECIAL INVESTIGATION WING (S.I.W) HEAD OFFICE ANTI CORRUPTION ESTABLISHMENT AND THEREAFTER, REQUIRING RESPONDENT No. 3 TO CALL HIM BACK TO POLICE ARE BASED ON MALA-FIDE FAVORITISM AND EXTRANEOUS CONSIDERATION AND HENCE LIABLE TO BE STRUCK DOWN.

Respectfully Sheweth:

Brief facts leading to this Writ Petition are as under:-

1. That petitioner belongs to Police Service of Khyber Pakhtunkhwa and was posted as Sub Inspector in police lines Peshawar when his services were required by respondent No. 2 and accordingly he was transferred to Anti Corruption Establishment and was posted as ACO(Additional Circle Officer) Anti Corruption Establishment Charsadda. Thereafter he was posted as Circle Officer Charsadda in his own pay scale and then went for upper course at Hangu in October, 2011 and returned on 09.04.2012. He was posted as Circle Officer at Nowshera. In January 2013 he was transferred and posted Circle Officer Charsadda. In October, 2014 he was transferred and posted as Circle Officer Malakand. In June, 2016 petitioner was transferred and posted Circle Officer Charsadda till 31.10.2017 when the impugned order was passed.

ATTESTED
EXAMINER
Peshawar High Court

21 DEC 2017

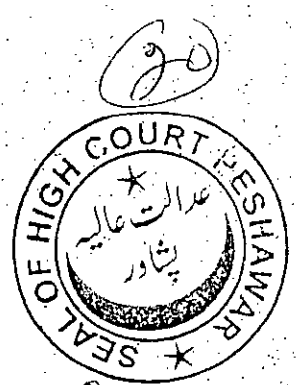
FILED TODAY
Deputy Registrar

18 NOV 2017

(Attested)

Amir
Rasheed
Lame

15 (96)



PESHAWAR HIGH COURT PESHAWAR
FORM "A"
FORM OF ORDER SHEET

Court of.....

Case No..... **Annex D**

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
1	2	3
<p>4801</p> <p>Date of Presentation of Application..... 2/12/17</p> <p>No. of Pages..... 04 - P</p> <p>Copying Fee..... /</p> <p>Legal Fee..... Rs 10/-</p> <p>Date of Preparation of Copy..... 2/12/17</p> <p>Date of Delivery of Copy..... 2/12/17</p> <p>Prepared By..... Wajidullah</p> <p>CERTIFIED TO BE TRUE COPY</p> <p>Examined by Peshawar High Court, Peshawar Authorised Under Article 87 of The Constitution of Pakistan Order 1985</p> <p>21 DEC 2017</p>	<p>20.12.2017</p>	<p>WP No. 4699-P/2017 with CM No. 2435-P/2017 with I.R</p> <p>Present: Mr. Abdul Latif Afridi, Advocate for petitioner.</p> <p>*****</p> <p>Mr. Rab Nawaz Khan, AAG present in Court was put on notice who stated that he will take the case of petitioner on personal level with the Provincial Government and will also file reply. May do so well before the next date of hearing.</p> <p>CM No. 2435-P/2017.</p> <p>Worthy AAG accepts notice of the instant CM. In the meanwhile the petitioner shall not be dislocated from the present posting till the next date of hearing.</p> <p><i>sd: Rooh-ul-Amin Khan J</i></p> <p><i>sd: Syed Afsar Shah J</i></p>

Javed

(DB)

Mr. Justice Rooh-Ul-Amin Khan & Mr. Justice Syed Afsar Shah

(Annex D)
Wajidullah
Rab Nawaz Khan
CM No.

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Judgment Sheet

IN THE PESHAWAR HIGH COURT, PESHAWAR,
JUDICIAL DEPARTMENT.

WP No. 4699-P/2017 with COC No. 32-P/2018 and CM
No. 2435-P/2017.

JUDGMENT

Date of hearing.....19.4.2018.....

Petitioner(s) by Mr. Abdul Latif Afridi, advocate.

Respondent (s) by Syed Qaiser Ali Shah, AAG, alongwith Mir
Faraz, Director Legal.

YAHYA AFRIDI, CJ.- Petitioner Qazi Aslam seeks the
constitutional jurisdiction of this Court praying that:

It is, therefore, most humbly prayed
that by acceptance of this writ petition the
impugned office order No. 16670-73/ACE dated
31.10.2017 may please be struck down based on
malafide, malice, ill will as petitioner performed
in pursuance of order of Honourable Peshawar
High Court Peshawar and his refusal to accept
any pressure, Safarish, against the FIR No.2
dated 09.10.2017, Police Station ACE
Charsadda should have an appreciation for him
rather than the punishment awarded to him
illegally.

2. At the very outset, worthy counsel for respondent
submitted that the petitioner has been repatriated to the Anti
Corruption Establishment and hence the instant petition has
become infructuous.

3. It is disheartening to note the petitioner has been
transferred immediately after initiating criminal proceedings

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Amir Kure
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against certain *important persons*. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

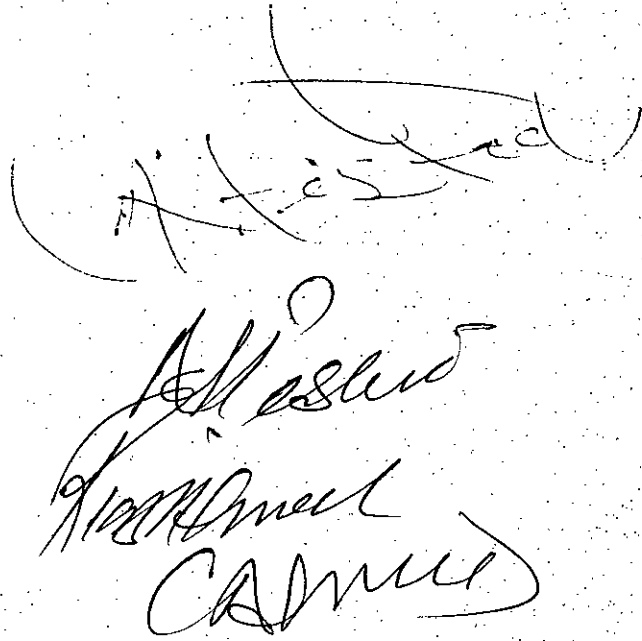
Instant petition is disposed of, accordingly.

Announced on;
19th of April, 2018
"Zaahad"


CHIEF JUSTICE


JUDGE

(DB) Hon'ble the Chief Justice Mr. Justice Yahya Afridi and Mr. Justice Rooh Ul Amin Khan

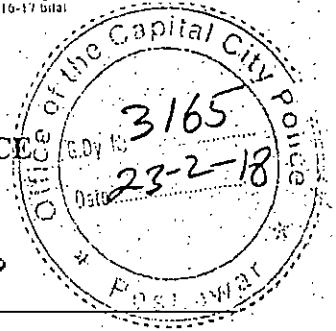


18408
16-2-17

20/11/2017



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.



ORDER.

This office order issued No. 4241-43/E-III, dated 16.11.2017 so far its relates to the repatriation of Qazi Aslam SI No. P/34 from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar is hereby cancelled in compliance with Honorable Peshawar High Court Order dated 20.12.2017 passed in WP from 4499-P/2017 with immediate effect.

(SHER AKBAR)
PSP, S.St

Deputy Inspector General of Police HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

No. 387-89 /E-III. Dated Peshawar, the 23 / 02 /2018.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar w/r to his office letter No. 1770/EC-II, dated 24.01.2018.
3. Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar w/r to his office letter No. 16920/ACE, dated 08.11.2017.

- C.C.P.O.
- SSP/O
- SSP/I
- SP/Cantt
- SP/City
- SP/Rural
- SP/Sec
- SP/HQ
- SPT/O
- SPT. HQ
- DSP/LOS
- P.O./C.C.
- PA/EC-II
- "C. Cell"

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

No. 3030-24/EC-II, dated Peshawar, the 2 / 2 /2018.

Copy of above is sent for information and further necessary action w/r to this office endst: No.12889-92/EC-I, dated 21.11.2017 to:-

1. SSP/Operations, Peshawar.
2. PO, AS, CC, EC-I.

FOR CAPITAL CITY POLICE OFFICER
PESHAWAR.

(5)

23/2/18

o/c

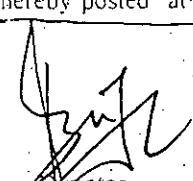
26/02 (2)

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DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT,
KHYBER PAKHTUNKHWA,
PESHAWAR.

OFFICE ORDER

On eve of cancellation of transfer order of Qazi Aslam issued vide PPO. order No.387-89/E-III, dated.23.02.2018 Inspector Qazi Aslam No.P/34 is hereby posted at Special Investigation Wing (HQ) ACE, Peshawar with immediate effect.


Director,
Anti-Corruption Establishment,
Khyber Pakhtunkhwa,
Peshawar.

No. 3798-³⁸⁰⁴ /ACE Dated 2/03/2018.

Copy forwarded for information & necessary action to the.

1. Registrar Peshawar High Court Peshawar.
 2. PS, to Chief Secretary Khyber Pakhtunkhwa Peshawar.
 3. PS, to Secretary Establishment Khyber Pakhtunkhwa Peshawar.
 4. PA to Director, ACE, Peshawar.
 5. DIG of Police (HQ) Khyber Pakhtunkhwa Peshawar.
 6. Assistant Director Special Investigation Wing (HQ) ACE, Peshawar.
 7. Officials concerned.
- (4)

Reader for Record

AD/SINWA

(A. Aslam)
Kazim
Khan

Mst. Ulfat Bigum d/o Kifayat Ullah presently posted as DEO, Peshawar and others.
(Petitioners)

Versus

Govt; of Khyber Pakhtunkhwa through Chief Secretary civil secretariat, Peshawar and others.
(Respondents)

Subject:- WRITTEN REPLY ON BEHALF OF RESPONDENT NO.02 & 03.

1. That Para No.01 is correct, hence No comments.
2. That in reply/comments to Para No.02, it is submitted that the duration of appointment from 31-05-2011 to 31-08-2013 of Petitioner No.01 Mst. Ulfat Begum is correct, while orders of female DM teacher namely Mst. Zia Gul and Arabic Teacher namely Mst. Niggat Seema at Battagram and thereafter, their transfer orders dated: 27-01-2011 and 16-11-2012 from District Battagram to District Charsadda are fake and bogus. As per our inquiry there is no valid record of their appointments or transfer in the Directorate of Elementary and Secondary Education, Peshawar. (Reports from the District Education Officer, Female District Battagram and the Directorate of Elementary and Secondary Education, Peshawar are attached herewith as annexure "A" & "B"). The petitioner No.01 issued an NOC for the transfer of Mst. Hasrat Begum PET, who as per our inquiry was also appointed on the basis of a bogus and fake appointment order. (The NOC so issued is attached herewith as annexure "C").
3. That Para No.03 is incorrect as, when Mst. Zia Gul and Mst. Niggat Seema were transferred from District Battagram to District Charsadda on the basis of bogus and fake orders, the petitioner No.01 did not verify the transfer orders of the above mentioned female teachers from DEO, Female District Battagram and prepared a bogus and fake verification letter on the basis of which salaries issued to the accused teachers. (The bogus verification letter in this regard is attached as annexure "D"). The bogus transfer order from District Battagram to District Charsadda is from DEO, Female District Battagram instead of Directorate of Elementary and Secondary Education, Peshawar as the later is the competent authority.
4. That Para No.04 is correct, hence No comments.
5. That as per Para No.05, hence No comments.
6. That Para No.06 is also incorrect as the petitioner No.02 namely Mst. Sofia Tabbasum DEO, female District Charsadda admitted in Para No.05 that appointment orders of female teacher Mst. Zia Gul, DM and two other teachers were verified from DEO, female District Battagram which were

Ali Hassan
Mst. Ulfat
Charsadda

21

declared fake and bogus, then the question arises that why petitioner No.02 did not initiate legal action against the above mentioned delinquent female teachers or brought the matter in the notice of her High Ups. Worth mentioning here that letters regarding fake and bogus transfer order of Mst. Sania Wali SST, issued from the Directorate of Elementary and Secondary Education, Peshawar vide letter No. 3397 dated: 18-05-2017 to petitioner No.02 for order and sending her record to the Directorate of Elementary and Secondary Education, Peshawar but she failed to do so, in this respect another letter bearing No.2463 dated: 14-09-2017 was also issued to the petitioner No.02. (Copies of letters are attached herewith as annexure "E", "F", "G" & "H"). Furthermore, an inquiry was conducted regarding female teachers Mst. Sania Wali SST by the inquiry committee in which it was held that she mis-appropriated Rupees Seven Lacs and also vanished the record and action was proposed against her. (Copy of the inquiry is attached as annexure "I"), astonishingly petitioner No.02 did not take action and transferred her from GHS, Daulat Pora District Charsadda to GGCMS, Daki District Charsadda vide order No. 6691/95 dated: 29-08-2017 against the said delinquent teacher. Intentions of the petitioner No.02 regarding her failure is cleared from the said transferred orders. (Copies of orders are attached herewith as annexure "J").

7. That Para No.07. Is correct , hence no comments.
8. That no comments regarding Para No.08.
9. That Para No.09 is correct, hence no comments.
10. That no comments regarding Para No.10.
11. That Para No.11 is also incorrect, as during open inquiry all documents were collected from the concerned departments regarding their duties, negligence, cheating and corrupt practices on the basis of which a case bearing FIR No.02 dated: 09-10-2017 U/S 409/418/419/420/468/471/474/477-A PPC/5(2) PC Act, was registered in PS ACE, District Charsadda against all the accused including petitioners. (Copy of FIR is annexed as annexure "K" and Inquiry/Final report is annexed as annexure "L").
12. That no comments regarding Para No.12.
13. That Para No.13 is also incorrect, as the case was registered after fulfillment of all the legal requirements i.e complete inquiry and on the basis of documentation in which roles of every accused is clear and accusing one.

Program which...

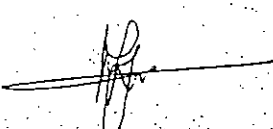
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
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GROUNDS

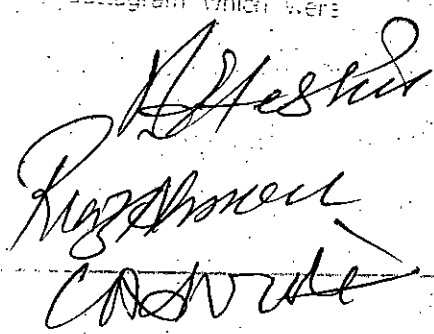
- A. Para-A of the ground is misconceived by petitioners, hence denied.
- B. Para-B of the ground is incorrect, hence denied. The Competent Authority is empowered under Rule-6 (a) Anti-Corruption Establishment, 1999, to initiate proceedings against the delinquents. (Annexure-M)
- C. Para-C of the ground pertains to record, hence no comments. However, the verification of transferee teachers were made through bogus and fake letters.
- D. Para-D of the ground pertains to record, hence no comments.
- E. Para-E of the ground is incorrect and misconceived by petitioners. It is worth mention to note that whenever any person is involved in any offence and FIR has been lodged against him, and specially in circumstances where no restraining order of investigation is passed by the court or accused is not on BBA then the investigation agency is empowered to initiate absconding proceedings against him.
- F. Para-F of the ground is incorrect and misconceived by petitioners. Hence denied. There is sufficient evidence against the accused which connect them with commission of offence, however, the case is under investigation and if other co-accused are found involved in the case the same will be implicated as per law.
- G. Para-G of the ground is incorrect, hence denied. The Investigation Officer is a devoted and honest officer and investigate the case without any fear or favour and have no ill will against the accused.
- H. Para-H of the ground is misconceived, hence denied. The petitioners No3 to 6 are charged by name in FIR, the case is under investigation and yet challan is not forwarded to the court, however, if during investigation they are found innocent, then accordingly, they will be dealt as per law.
- I. Para-I of the ground is incorrect, hence denied. Detail reply is given in Para-H.
- J. Para-j investigation is under processes and their role will be ascertained accordingly.

It is, therefore, requested that as the petitioners have not come to the court with clean hands and they are involved in the offence cleared from the inquires and the documentations attached herewith, therefore, writ petition in hand may kindly be filed/dismissed.


(Respondent No.3)
Circle Officer,
Police Station,
Anti-Corruption Establishment,
Charsadda.


(Respondent No.2)
Director,
Anti-corruption establishment,
Khyber-Pakhtunkhwa
Peshawar.

...gram which were



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(9)

The Director Anti Corruption (Establishment),
Khyber Pakthunkhwa Peshawar.

SUBJECT:- APPEAL / DROPPAGE OF NAME FROM FIR NO.02 DATED 09/10/2017
U/S 218/409/418/419/420/468/471/474/477A PPC R/W5(2) PC ACT PS ACE
CHARSADDA.

Respected Sir,

I very humbly submitted appeal as under:-

282
9/11/18

1. My name is Mst. Sofia Tabbassum presently performing duty as a District Education Officer (Female) Charsadda since 21/02/2016.
2. My Name is Ulfat Begum presently duty as D E O (Female) Peshawar
3. That the above mentioned FIR registered against the applicant without any reason and against the Law, the applicant has not committed any illegality, the mentioned female teachers in FIR Mst. Sania Wali and others who were initially appointed SST and various cadres were not falls in the ambit and Jurisdiction of the applicant because they were appointed in Out District and also transferred from out District.
4. That the Department constituted enquiry committee to probe into the matter on Departmental side, the facts findings of the enquiry committee according to the available record, fixed all responsibility on District Education Officer (Female) Mansehra and Battagram. Hence the applicant never remained posted in District Battagram and Mansehra, and the applicant was not remained appointing or transfer Authority of the fake and bogus teachers. (Copy of the enquiry appended)
5. That the applicant raised the illegality of the fake and bogus teachers which are mentioned in FIR, the applicant send the transfer order of the impugned teachers for verification, consequently the transfer posting Authority (Director E & SE), according to no record available, which has been found fake and bogus. (Copies of letters appended)
6. The Section 23-A of the Civil Servant Act 1973 is very much clear on the point that no suit prosecution or other legal proceeding shall lie against a Civil Servant for anything done or intended to be done in good faith in his official capacity under this Act or the rules instructions or directions made or issued their under.

No 597
10/11/2018

AD/Mansehra

Pl. put up
on relevant
file.

J. n.
9-1-18
DAC

C.O, Charsada

pl. put up on re
file as directed
worthy DAC.

No-182-05-ADL
Date-13-01-2018

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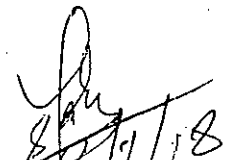
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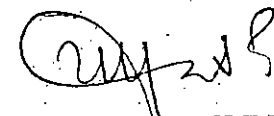
7. We at the very outset deny the allegation against us. We have never committed a or omission which can be lead registered FIR, just I raised fake and bogus teachers allegation against us are baseless.

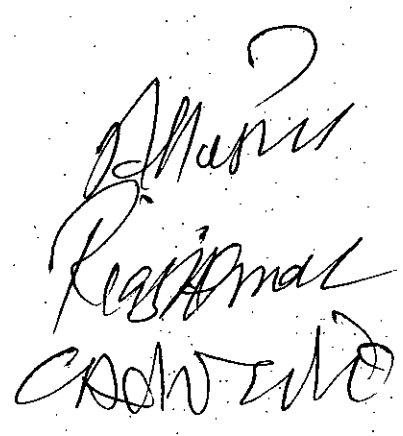
It is therefore humbly prayed that accept our request/ Appeal and our name kindly be dropped from the above mentioned FIR please.

Dated : _____ /2018

Yours Sincerely


(MST SOHA TABBASSUM)
D E O (FEMALE) CHARSADDA


(MST ULFAT BEGUM)
D E O (FEMALE) PESHAWAR


Regional
COUNSEL

With humble submission it is submitted that the applicants are serving in Education Department and presently posted at various offices/School as Clerks. We are performing our duties with great devotion and all of us never indulged in any kind of illegal corrupt practice.

The Ex -Circle Officer ACE Charsadda Mr. Qazi Aslam was pressuring us to fulfill his illegal demand and trying to drag us in false complaints /Inquires and criminal case.

That the said delinquent Officer falsely involved us in the case FIR NO 02 U/S 218/409 418/419/420/468/471/474/477-A PPC r/w 5(2)PC ACT at PS Anti Corruption Charsadda Dated 9.10.2017 in which we obtained interim bail from worthy Special Judge Anti Corruption Khyber Pakhtunkhwa Peshawar. (Copy of FIR Attached)

That we have no concern with the appointments, transfers and release of pay of the accused mistresses as we are not competent to do so.

That we all are innocent and charged in the above mentioned FIR falsely.

It is therefore humbly requested that our names may kindly be dropped from the above mentioned FIR please.

Yours Obediently

1) SARTAJ J/CLERK O/O GHS NO 1 CHARSADDA.

2) MAZHAR HUSSAIN J/C at o/o DEO(F)Charsadda.

3) Muhammad Ishaq S/Clerk, SDEO(F)Charsadda.

ADC/Nowshera
For comments

JW
D.A.C

No 18858
20/12/17

C O Charsadda
For Comments please

No: 168-5 ADC/NSR
22-12-17

Local Khan
22.12
ADC

M. Ishaq
S. Mazhar

PESHAWAR

26


Committee Report

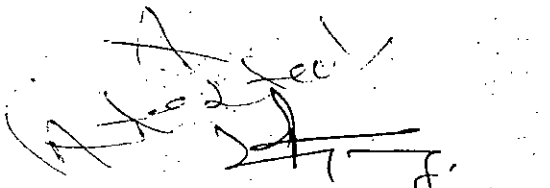
APPLICATION OF ACCUSED SOFIA TABBASSUM, ULFAT BEGUM, SIRTAJ UNION CLERK, MUHAMMAD ISHAQ AND MAZHER HUSSAIN CLERKS IN CASE FIR NO.2 DATED 09.10.2017 U/S 218,409,419,420,468,471,477 A PPC / 5 (2) PC ACT POLICE STATION ANTI-CORRUPTION ESTABLISHMENT CHARSAKDA.

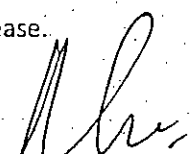
Sir,

1. Joint application of Mst Sofia Tabassum, and Ulfat Begum D.E.Os, application of Sirtaj Clerk etc with enquiry reports of Circle Officer Charsadda and opinion of ADL-II reveal that the applicants officials have been arrayed as accused in above FIR by Ex Circle Officer Charsadda (Qazi Aslam) without bringing solid proof on casefile. Ex DEOs Mst Sofia and Ulfat Begum have detected the bogus/forged appointment orders of teachers Ziagul, Hassrat Nighat Sema and Sania Wali etc and initiated departmental action with stoppage of their pays but Ex CO/I.O instead of their active role, has placed their names in list of accused. During subsequent investigation, it transpires that they are Competent Prosecution witnesses. So we agree with the re-investigation report of Circle Officer Charsadda. Their names may be dropped from FIR and placed in list of prosecution witnesses.
2. Furthermore report dated Nil of Circle Officer Charsadda regarding the innocence of accused Surtaj Clerks etc reveals that no proof/evidence was found on record to connect the accused officials with the offence. They have been booked in the FIR mere on presumption and surmises which has no evidentiary value in court of law.
3. Keeping in view the above facts and investigation reports of Circle Officer Charsadda and opinion of ADL-II, names of all applicants may be dropped from FIR and names of Mst Sofia Tabassum and Mst Ulfat Begum DEOs may be cited as prosecution witnesses.
4. Ex Circle Officer Charsadda (Qazi Aslam) has not properly investigated the matter in accordance with facts and wrongly arrayed officials as accused without solid proof. Thus he has misused his official power for which he may be dealt departmentally if agreed please.

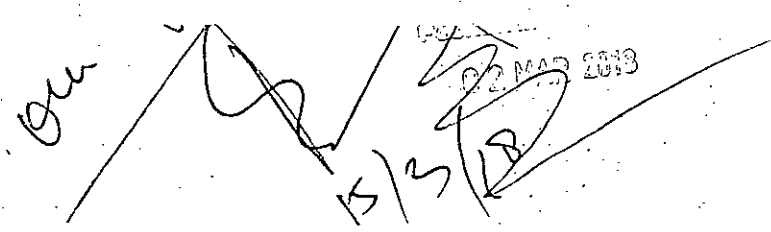
AD Adm

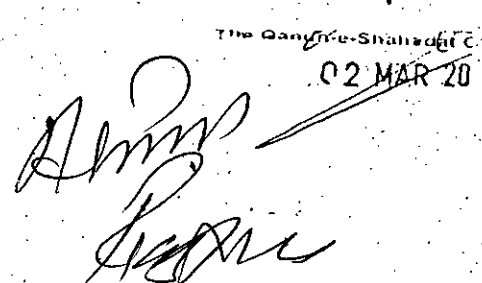

Amir Anjam
Prosecutor-II

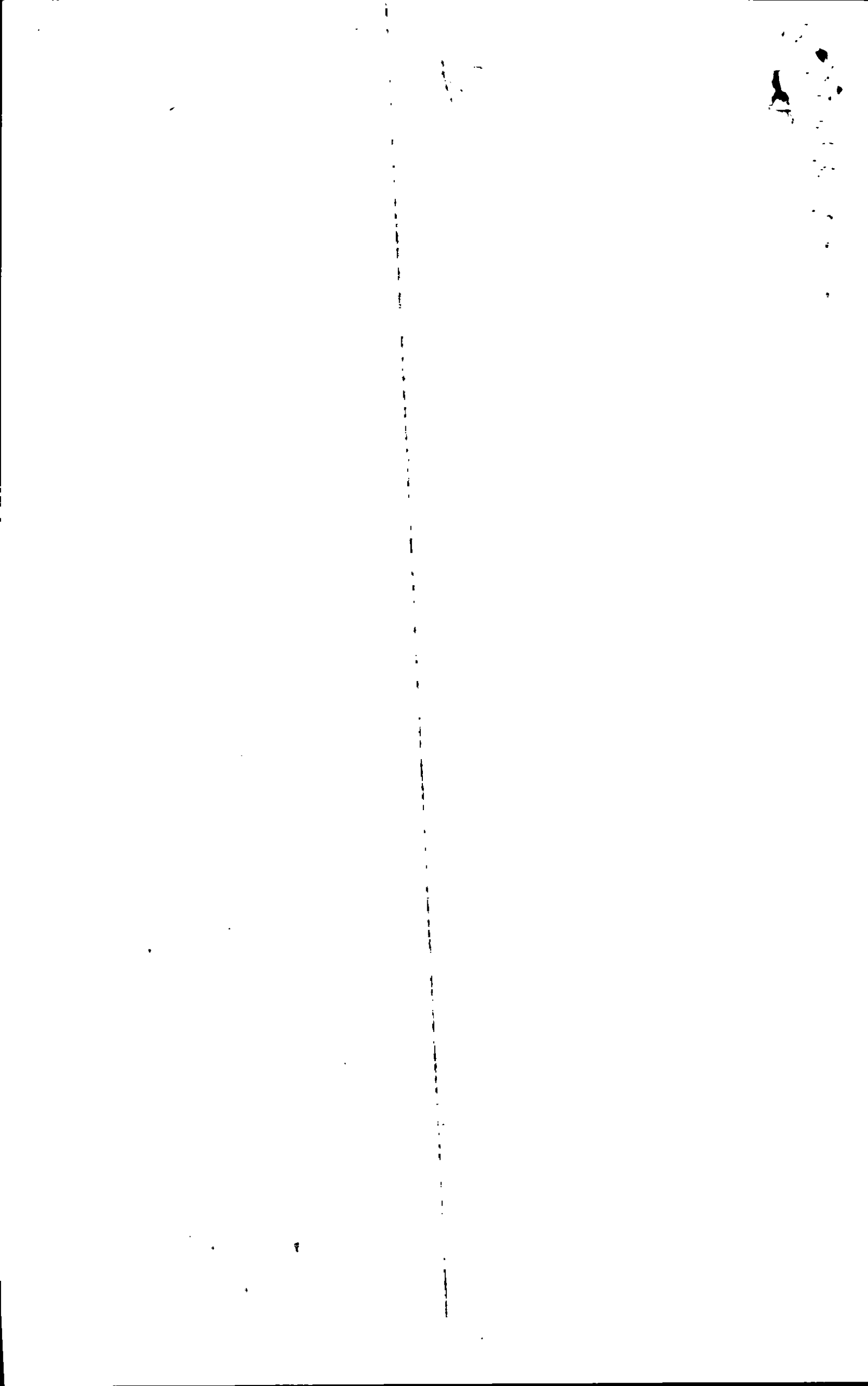

Ow Nawaz
Prosecutor 2


Assistant Director Legal-I
Anti-Corruption Establishment
Peshawar.
07-05-2018

W- DAC A2.
Para 3 + 4 approved.
Please proceed further.


15/3/18


The Registrar-Shahzad C.
02 MAR 20



صلم چارٹرڈ

1069
22.2.2018

A چارٹرڈ

وال مستعمل درخواست ازان ہوقہ تبسم DEO/F چارٹرڈ

الفت بیگم سابقہ DEO/F چارٹرڈ ہوقہ خدمت ہوقہ

وہلزمان بالخدمت ہوقہ 9¹⁰/₀₁₇ ہوقہ 218-409-419-420-463-471-477A PPC S (2) PCACT

رہنہوں نے مقدمہ ہذا میں عدالت پیش ہج میں اپنی کرپشن چہرہ چھو خواہ
عبوری ضمانت قبل از گرفتاری منظور کر رکھی ہے اور ساتھ ہی عدالت عالیہ
کے لئے ور میں بسلسلہ کوآ شمنٹ FIR مقدمہ بالدرٹ پٹن دائر کی گئی ہے
۱۰۰۰ پٹی 31¹/₀₁₈ ہوقہ ہے۔ ہر دو ملزمان بالذ نے جناب DAE میں لٹاؤر کو
ہی کے بارے میں درخواست دائر کر کے مقدمہ ہذا سے اپنے نام حذف کرنے
آئی ہے۔ درخواست ہذا الوساطت افران بالذ لعمریں کارروائی من ۵۰ کو
رہنہ پر باقاعدہ کارروائی شروع ہو کر معلوم ہوا۔

ہذا میں نامزد ملزمہ الفت بیگم بالذ نے ہوقہ 31⁷/₀₁₃ تک جنت DEO/F چارٹرڈ
راجام دی ہے۔ جکی دوران تعنالی ملزمہ نگہت سیماء AT منلو ہنگرام سے
نہ ٹرانسفر ہو چکی ہے۔ ملزمہ حمادہ الفت بیگم نے جنت DEO/F چارٹرڈ
سیماء AT کے سروس کاغذات کی وہر لفٹیشن لٹر نمبر 119 ہوقہ 7¹/₀₁₃ ہوقہ
ہر دفتر سے ہر ٹنڈنٹ مشتاق احمد کے ذریعے منلو ہنگرام کے دفتر DEO/F
چائ کر کے ہر لٹر نمبر 7519 ہوقہ 9¹/₀₁₃ درست لکھائی کی ہے۔ اس منلو
انکوائری افر نے مشتاق احمد ہر ہر کا بیان قلمبندی ہے جس میں مشتاق احمد نے

تمام تر خدمت داری علی رخص نامی کلرک دفتر DEO/F ہنگرام پر عائد کی ہے
لیکن سروس کاغذات حمادہ الفت بیگم DEO/F چارٹرڈ نے نگہت سیماء AT
ریلینڈ کرائی ہے جمعہ ہائے انگریزی و بیان ازان مشتاق احمد ہر ہر
ہر سیماء AT لف رپورٹ ہذا ہے بیان پر یہ بات قابل امر ہے کہ
ت بیگم نے ٹرانسفر آرڈر کی وہر لفٹیشن ڈائریکٹریٹ آف اینٹنٹری اینڈ
ن ایجوکیشن لٹاؤر کے بجائے ہی DEO/F منلو ہنگرام سے لکھائی کرائی ہے
ملزمہ حمادہ ہوقہ تبسم DEO/F چارٹرڈ نے ہوقہ 21¹/₀₁₆ سے ہوقہ 19¹/₀₁₈ لکھی ہے

[Handwritten signature]

Handwritten signature at the top left.

Handwritten signature in the upper middle section.

Main body of handwritten text, likely a list or report, containing various alphanumeric codes and names such as DEO/F, AT, DM, and PET.

(2)

Handwritten signature or stamp at the bottom center.

سوال (3)۔ نوٹس صوفیہ تسم DEO/F جاریہ نے متعلقہ ہیڈ پر
De مہ جاریہ کی شکایت پر ٹرانسفر کی گئی ہے۔

صوفیہ تسم DEO/F جاریہ نے فیمل ٹیچرز جماعت ضیاء گل DM حرف AT
عام AT اور ٹائپ و لی (6) آئی ڈی نامزد قدم ہڈائے خلاف ٹیٹ DEO/F جاریہ

جو کارروائی کی گئی ہے۔ اسکے چھٹی ہڈائے بطور وجہ ثبوت پیش کر کے جملہ چھٹی
د دفتر DEO/F جاریہ کے ریکارڈ سے ویریفائن کر کے درست پانے پر متعلق

اپکار حکم ایجوکیشن محمد سعید کا بیان زیر دفعہ 161 اور لیا جا کر جو
دالت ہانڈ کمال جوڈیشل ٹریٹس 17 جاریہ میں زیر دفعہ 164 اور

کے ساتھ ہی جملہ چھٹی ہڈائے ہی جناب جوڈیشل ٹریٹس مہ نے اپنے قلم
پیٹ کر کے جن پر دستخط ہڈائے ثبت کیے ہیں۔ جملہ چھٹی ہڈائے و بیان زیر دفعہ

CA لف رپورٹ ہڈا کر کے جن کی فوٹو کاپیاں لف مٹل قدم کی جائیگی
قدم ہڈا میں پر دو مدعاں صاۃ الفت بیگم صاۃ
بسم نے ٹیٹ DEO/F فیمل جاریہ اپنے اپنے ڈھولی کسی حد تک سر انجام

اور حاصل کر صاۃ صوفیہ تسم DEO/F جاریہ نے مدعاں نامزد دفتر
ضیاء گل DM حرف PET اور ٹیٹ ضیاء AT کو لوٹاٹ اوٹ کر کے

رہو جس ہڈا و پائے جبکہ ٹائپ و لی (6) آئی ڈی کے خلاف ہی قبل از قدم حکام
شروع کی گئی تھی۔ ہر 4 مدعاں فیمل ٹیچر بالہ کے تمام ترمذ دار پان

صوبہ میں صلو بیگم میں بعد پر اس وقت کے DEO، SDEO، فیمل
بم و DAO صلو بیگم جبکہ صاۃ ٹائپ و لی (6) آئی ڈی جو باجوڑ ایجنسی میں

پان تھ اس وقت کے ایجنسی ایجوکیشن اپنر اور ایجنسی ایگوانٹ ایڈر ہڈا
ایک لکھی ایڈر کے ٹیٹ سے میں اس نتیجہ پر لیا کہ ہر دو مدعاں

بنے ہڈا لکھی میں زراستی کا مظاہرہ ہوئی ہے۔ ہر کے خلاف
وائس کی سفارشات کی گئی ہے۔ اگر ہر دو مدعاں بالہ کے نام مقدم
حذف کر کے مدعاں کے بجائے ٹیٹ گواہان قائم رکھی
و مقدم ہڈا تو کافی قوت پر قائم کی گئی ہے۔ اس قدر حالات پر
رپورٹ مرتب ہو کر بعد مناسب حکم گزارش ہے

P.O. ACE CHD.

Sin,

Handwritten signature

Dy No. 1048
Date 2-2-19
File No.

صالح چارسدہ

حوالہ مشغولہ درخواست ازان سر تاج خان جوہر ملک حال

CHISS چارسدہ بذمہ 1 (2) قدا سحاق سینر ملک دفتر SDEO مل بندر
عظیم حسین جوہر ملک دفتر DEO/F چارسدہ مفروضہ خدمت میں

پر سپہ ملزمان بالا مقدمہ نمبر 9/10 جو 468-419-409-18 نمبر ACE
471-477A PPE SK (P) PACT

مزد پورک جہوں نے مقدمہ ہذا میں عدالت سیشن جم میں اپنی ریشن ڈیڈکٹر
اہ لکے ور سے بیرونی ضمانت قبل از گرفتاری منظور کر رکھی ہے۔ اور سابقہ بی عدالت
یہ خانی کورٹ لکے ور میں بسلسلہ کو اسٹیمٹ FIR مقدمہ بالا رٹ پٹیشن دائر کی گئی ہے
میں آئندہ سیشن 3/18/19 مقرر ہے۔ عدالت ملزمان بالا نے جناب DAC میں رٹ
اپنے بے گناہی کے بارے میں درخواست دائر کر کے مقدمہ ہذا سے اپنے نام حذف کرنے
استدعا کی ہے۔ درخواست ہذا بوساطت انجمن بالاد لبریشن کارروائی میں CO کو
ول پورک جہ پر باقاعدہ کارروائی شروع ہو کر عدالت ملزمان بالا جو حکم اجرائی
میں سیشن کلریکل سٹاف ڈیوٹی سر انجام دے رہے ہیں اس سلسلہ میں DEO/F
میں کوئی ترقی پر جانہ جاری کر کے ہر سہ روز ملزمان بالا کے دفتری امور کے نسبت
یہاں دیورٹ طلب کی گئی دفتر DEO/F میں چارج ہونے سے ترقی رپورٹ ہو چکا ہے
میں ترقی ہو گئی ہے۔ ہر سہ روز ملزمان جو سٹاف کلریکل سٹاف حکم اجرائی چارج
ڈیوٹی سر انجام دے رہے ہیں۔ جہاں تک مقدمہ ہذا میں نامزد ملزمان میں سیشن
6/18/19 DM ٹرانسپورٹ آئی جسٹس PET. ڈاکٹریٹ سیمہ AT شمع سیمہ آئی
روسٹ امڈلے اور فاطمہ شریا سے ملو ہذا ٹرانسپورٹ ہو چکے ہیں۔ ہذا کے استخواہ
مکرتے سروس کاغذات ٹرانسپورٹ اور ڈاکے و پرنٹیشن وغیرہ ہر سہ روز کلریکل
فہار کے ذمہ داری میں ہیں آتا ہے

علاوہ ازیں ہر سہ روز ملزمان کلریکل سٹاف

کے ساتھ ضمانت سر تاج جوہر ملک کے نسبت قبل ازیں حکیمانہ انتوائرن
م پورک تہذہ انتوائرن ادارہ اپنی ریشن کو سب سے کارروائی کے تمام مفروضہ
ی جن پر باقاعدہ اوپن انتوائرن نمبر 106 جو 12/16 کلریکل جو حوالہ چھٹی
میری نمبر 16479-81 داخل دفتر ہوئی ہے۔ دیورٹ DEO/F اور حقی
30-10-17

۷

ADP
Khan
CAWMA

09/02/19

B1

B

P-2/8

میری عمر 16479-81 سے 17 سالہ ہے۔
 16479-81 سے 17 سالہ ہے۔
 DEC کا سہارا ہے رپورٹ کی روشنی میں اور تاحال کسی گناہ کی اطلاع نہیں ہے۔
 میں نے اسے ملنے والی کوئی اطلاع نہیں دی ہے۔
 اس کی وجہ سے اس کا حکم درست ہے۔

H. Qas

COACE EHD. Sir, The report made by CI

Charwadla is worth perus

Forwarded for for they are

Please.

COACE

30.01.2
ADC/N

Ref Sir,

Application Submitted by accused officials,

ADP-2-D

Sastry Kishan, Mahomed Akbar, and Masher Hussain, clerks DFO (F) Charwadla, for Components

Charged vide FILE No. 02 dttd 10/11/17 registered

at DS ACE Charwadla, requesting there in that they are innocent hence their names be dropped from

column of accused.

On the report of DFO (F) dttd 11/1/18 above stated clerks have in consonance with release of

full staff of DS ACE Charwadla have recommended ~~to~~ accused have no role in the instant case

Matter may be referred to Committee discussion, if approved. Jul

091

v

ADP-2-D

ADP-2-D

Submitted by CO, Charsadda
perusal. Forwarded for
please.

W/DAIC
30.01.18
ADC

ADP-II
D/A 6/2/018.

R/Sir, Application of Mst. Sobira Tabasum
and Mst Ulfat Begum DEO (F)
File No. 02 dt. 09/10/17 As Chk
therein for droppage of their
names of accused being innocent.

Field staff have a
accused petitioners have no role
they have pointed out the false
They be cited as witnesses in

May be referred to C
through bar discussion, if appro
The decide the fate of their
droppage of their names.

W/DAIC

Submitted pl.
R/Sir
Khan

58

MOST URGENT

IN THE PESHAWAR HIGH COURT, PESHAWAR

25

C.M.No

S/

W.P-4315/2017

Mst. Ulfat Begum etc V/s Govt.of KPK through Chief Secretary etc

Notice to :

1 NO.2 DIRECTOR ANTI CORRUPTION ESTABLISHMENT KPK s/o
PHASE V HAYATABAD PESHAWAR.

Directorate Anti Corruption
By No. 7802
Date: 6/11/17
File No. [unclear]
KPK Establishment

The above-mentioned writ petition has been presented in this Court by the Petitioner through Council/Advocate, under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

The same was placed before the court for preliminary hearing, and it has now been admitted to full hearing on more. It has been ordered by the Court to send you notice of the same.

You are, therefore, informed through this notice that the said Writ Petition is now fixed for full hearing before a Division Bench on

November, 14 2017

However, it may be noted that you are required to file your statement/ counter affidavit/any other documents upon which you rely, in this Court at least 2 days before the date fixed for hearing.

Please note that if you do not appear on the date so fixed, the Petition shall be heard and decided in your absence.

Given under my hand and the seal of the Court, this day on

01/11/2017

No 16954
3/11/17
AD/Peshawar

[Signature]

BY ORDER OF THE JUDGES

A7
//D-A-C

15

For Additional Registrar

CO / CHAR.SPADIA

For n/pe and
Report

[Signature]

ADE - PESH
08-11-2017

[Signature]

[Large handwritten scribble]

To: The Assistant Director Crimes,
Anti-Corruption Establishment,
Nowshera.

No. 8380 /ACE, dated 11/5/2018.

Subject: Mercy petition in Case FIR No. 2, dated 9.10.2017 U/S
218/409/419/420/468/471/477-A PPC 5 (2) PC. Act. PS. ACE, Charsadda.

As per recommendation of Scrutiny Committee, dated 7.5.2018, names of the applicants i.e. (1) Sartaj, Junior, Clerk, GHS, No.1, Charsadda (2) Mazhar Hussain, Junior Clerk, Office of DEO (F) Charsadda and (3) Muhammad Ishaq, Senior Clerk, SDEO (F) Charsadda are hereby deleted from column of accused of the subject FIR.

Moreover, accused Mst. Sofia Tabbassum, DEO (F) Charsadda and Mst. Ulfat Begum, DEO (F) Peshawar are hereby declared as prosecution witnesses in the subject case. Case against the remaining accused may be disposed of on merits.

Director,
Anti-Corruption Establishment
Khyber Pakhtunkhwa,
Peshawar.

No. /ACE, dated /5/2018.

Copy to SA, ACE, Peshawar.

Director,
Anti-Corruption Establishment
Khyber Pakhtunkhwa,
Peshawar.

Alexander
Khan
Crown

270
102

ADL 30



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

35
[Signature]

No. 1460 /E-III. Dated Peshawar, the 13 / 06/2019.

ORDER.

The following Upper Subordinates of various District/Region presently serving in Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar on deputation are hereby repatriated to their parent District as noted against each names, with immediate effect:-

1. SI Qazi Aslam No. 502/MR of Charsadda District.
2. SI Taifur Shah No. 262/K of Kohat District.

Sd/-
SHER AKBAR
PSP, S.St

Deputy Inspector General of Police HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

Endst: No. & dated even

Copy forwarded to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officers Mardan & Kohat Region.
3. Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office letter No. AD(Admn)/DACE/2/Officials/M-F/2019(Vol-II)11455, dated 12.06.2019.
4. District Police Officers, Charsadda & Kohat.

[Signature]
(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]



30-11-19
24

DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar the 17.06.2019

ORDER

11685-84

NO.AD(ADMN)/DACE/2-2/OFFICIALS/M.F/2019/VOL-II/ : Consequent upon the Order issued by DIG (HQs), Central Police Office, Peshawar bearing No.1460/E-III, dated:13.06.2019, the following Sub-Inspectors (details quoted against each) are hereby relieved from the Anti-Corruption Establishment, Khyber Pakhtunkhwa, with immediate effect :-

S.No	Name of Official	Designation of Official	Parent District
1.	Qazi Aslam	Sub-Inspector (No.502/MR)	District Charsadda
2.	Taifur Shah	Sub-Inspector (No.262/K)	District Kohat

Director
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (Esst), Central Police Office, Peshawar.
4. The Regional Police Officers, Mardan & Kohat region.
5. The District Police Officers, Charsadda & Kohat.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Assistant Director (Crimes), Anti-Corruption Establishment, Kohat.
8. The Cashier/Accountant, Directorate of ACE, Peshawar with the request to issue LPC and also to hand over the original service record to the concerned officials by today positively.
9. The Caretaker, Directorate of ACE, Peshawar with the directions to take over the official vehicle in custody properly.
10. P.A to Director, Anti-Corruption Establishment, Peshawar.

Assistant Director (Admn)
AntiCorruption Establishment
Khyber Pakhtunkhwa
Peshawar.

17/06/2019

(Accepted)
Revised
(Admn)

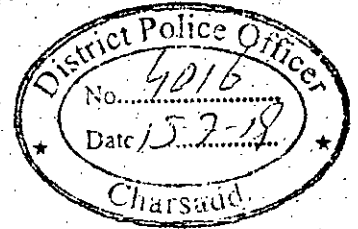


DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

No.A.D (Admn)/DACE/2-2/Officials/M.F/2019/Vol-II/13315-20,
Dated Peshawar the 09.07.2019

To

The District Police Officer,
Charsadda.



Subject:- LAST PAY CERTIFICATE & SERVICE RECORD

Dear Sir,

I am directed to refer to the Central Police Office, Peshawar Order No.1460/E-III, dated:13.06.2019 regarding repatriation of services of Sub Inspector Qazi Aslam from the Directorate of Anti-Corruption Establishment, Khyber Pakhtunkhwa to District Police Charsadda and to forward herewith the Last Pay Certificate (In Original) in respect of the above quoted official, for further necessary action at your end, please.

Pertinent to mention here that services of the said official have already been relieved vide this Establishment Order No.AD(ADMN)/DACE/2-2/Officials/M.F/2019/Vol-II/11685-94, dated:17.06.2019. As far as service record (i.e., Service Book, Service Roll etc) is concerned, the same are already in custody of the official concerned.

Yours faithfully,

ASSISTANT DIRECTOR (ADMN) 09/07/20

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Deputy Inspector General, of Police (HQs), Central Police Office, Peshawar.
2. The Assistant Inspector General of Police (Estt), Central Police Office, Peshawar.
3. Qazi Aslam, Ex-Sub Inspector, ACE, Peshawar resident of District Charsadda through Special Messenger (Mr.Aftab Alam, Circle Officer, Police Station, ACE, Charsadda).
4. The Cashier/Accountant, Directorate of ACE, Peshawar.
5. P.A to Director, Anti-Corruption Establishment, Peshawar.

Along with
photocopy of the LPC
for information /
necessary action.

For Information.

DO + EC
for action

ASSISTANT DIRECTOR (ADMN)

Recd from
E.C. Officer to day
am 20-8-2019

DPO (CEA)
15/7



DIRECTORATE OF
ANTI-CORRUPTION ESTABLISHMENT
KHYBER PAKHTUNKHWA
PESHAWAR

Dated Peshawar the 17.06.2019

ORDER

1163-11/2019
NO.AD(ADMIN)/DACE/2-2/OFFICIALS/M.E/2019/VOL-III : Consequent upon the transfer of services to District Charsadda (vide DIG (HQs), Central Police Office, Peshawar bearing No.14604-III, dated:13.06.2019), the following official of Police Department temporarily promoted to the higher rank (while working in the Anti-Corruption Establishment, Khyber Pakhtunkhwa) is hereby demoted to his original rank (details provided as under) with immediate effect :-

S.No	Name of Official	Details	
		Demoted from the Post of	Demoted to Original Rank Of
1	Qazi Aslam, Sub Inspector (BPS-14)	Inspector (BPS-16)	Sub-Inspector (BPS-14)

Director
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar.

ENDST OF EVEN NO. & DATE

Copy forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Inspector General of Police (HQs), Central Police Office, Peshawar.
3. The Assistant Inspector General of Police (Estt), Central Police Office, Peshawar.
4. The Regional Police Officer, Mardan region.
5. The District Police Officer, Charsadda.
6. The Assistant Director SIW-HQs, Directorate of ACE, Peshawar.
7. The Cashier/Accountant, Directorate of ACE, Peshawar.
8. The Caretaker, Directorate of ACE, Peshawar.
9. P.A to Director, Anti-Corruption Establishment, Peshawar.

Assistant Director (Admin)
Anti-Corruption Establishment
Khyber Pakhtunkhwa
Peshawar.

17/06/2019

39

Annex

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. _____/2019

Qazi Aslam S/o Sarfaraz Khan
Inspector, Special Investigation Wing (SIW),
Anti-Corruption Directorate,
Phase-V, Hayatabad, Peshawar.....



Petitioner

V E R S U S

1. Director Anti-Corruption,
Directorate of Anti-Corruption,
Opposite Rehman Medical Institute (RMI),
Phase-V, Hayatabad, Peshawar
2. Inspector General of Police, KPK
Central Police Officers, Peshawar
3. Govt of KPK through Chief Secretary,
Civil Secretariat, Peshawar
4. Secretary Establishment
Govt of KPK,
Civil Secretariat, Peshawar.....

ATTESTED
EXAMINER
Peshawar High Court

Respondents

Writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 for issuance of direction, declaration and order that the transfer of petitioner from the post of Special Investigation Wing (SIW), Director Anti-Corruption Establishment vide impugned letter by respondent No.1 to respondent No.2 bearing letter No.AD(Admn)DACE-2/ Officials/M-F2019(Vol-II)11455 dated 12.06.2019 and on the basis of said letter, the repatriation order No.1460/E-III dated 13.06.2019 alongwith

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relieving order No.11685-94 dated 17.06.2019 by respondent No.1 and office order No.11695-11704 dated 17.06.2019 regarding the demotion of petitioner from BPS-16 to BPS-14, is malafide, illegal and are proceeding without jurisdiction and lawful authority, lack of extraneous consideration and liable to be struck down.

Respectfully Sheweth:

The facts leading the filing of instant writ petition are:

1. That the petitioner belong to police service of Khyber Pakhtunkhwa and was initially posted as Sub-Inspector in Police Department, when his services were required by respondent No.1, accordingly he was transferred to Anti-Corruption Establishment and was posted as Additional Circle Officer (ACO) in Anti-Corruption Establishment at Charsadda.
2. That the petitioner rendered unblemished services in Anti-Corruption Department and then went for upper course of department at Hangu in October, 2011 and returned in April, 2012. He was posted as Circle Officer in Nowshera, then as Circle Officer, Charsadda and thereafter Circle Officer, Malakand.

ATTESTED
EXAMINER
Peshwar High Court

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3

3. That in June, 2016, petitioner was transferred and posted as Circle Officer, Charsadda.
4. That writ petition No.2028-P of 2017 was instituted before this Hon'ble Court by one Mst. Zia Gul against stoppage of her salary by Education Department, Charsadda, whose appointment was later on proved to be bogus and fake, resultantly, this Hon'ble Court vide order dated 14.09.2017 directed Anti-corruption Director to conduct a free and fair inquiry in the matter regarding the malpractices in employment and recruitment process in Education Department, Charsadda and also directed to take an action against the those high-ups involved in the matter of malpractices of appointment. (Copy of order of this Hon'ble Court dated 14.09.2017 is Annexure "A").
5. That inquiry was marked to petitioner by respondent No.1 vide its order dated 05.10.2017.
6. That the petitioner conducted the said inquiry and as a result of inquiry FIR No.2/2017 was got registered against at-least 20 culprits involved in the matter and thus direction of this Hon'ble Court were obeyed in letter and spirit, and compliance report was submitted to this Hon'ble Court on 11.10.2017. (Copy of FIR No.2/2017 is Annexure "B").
7. That due to involvement of high-ups of Education Department, in the crime and due to honest and

ATTESTED
EXAMINER
Peshawar High Court

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straightforward attitude of the petitioner, the high-ups were annoyed, hence, with malafide intentions, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017. (Copy of order dated 16.11.2017 is Annexure "C").

8. That petitioner instituted writ petition No.4699-P of 2017, whereby challenged the transfer and repatriation order dated 16.11.2017.
9. That on 20.12.2017, this Hon'ble Court was pleased to order that petitioner shall not be dislocated from present posting till next date. (Copy of order of this Hon'ble Court dated 20.12.2017 is Annexure "D").
10. That due to non-compliance of order dated 20.12.2017, COC No.32-P of 2018 was also filed on 11.01.2018.
11. That lateron, transfer order was cancelled and the petitioner was given posting in Special Investigation Wing (SIW) at Hayatabad Peshawar (copy of cancellation order dated 23.02.2018 and 02.03.2018 are Annexure "E & E/1" and order of this Hon'ble Court dated 19.04.2018 is attached as Annexure "E/3") whereby this Hon'ble Court while disposing-off the writ petition has stated for treatment of the case of petitioner in accordance to law.

ATTESTED
EXAMINER
Peshawar High Court

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12. That since the matter of FIR No.2/2017 is still subjudice before this Hon'ble Court for quashment and respondent No.1 exonerated so many accused official BPS-18 and others pending the writ petition No.4315-P of 2017 of Mst. Ulfat Begum BPS-18 and Mst. Sofia Tabassum BPS-18 and so many other cases bearing writ petitions Nos.140/2018, 102/2018, 1024/2018, but, illegally the respondent No.1 has exonerated BPS-18 and other officials from the charges of FIR. (Copies of exoneration orders are attached as Annexure "F").
13. That the power to exonerate from FIR, BPS-18 officers only vest with the Chief Secretary of Province of Khyber Pakhtunkhwa, but, the respondent No.1/ Director Anti-Corruption Establishment has exercised illegally the said powers and misused his authority and abused his official position as public servant.
14. That in the above scenario, with malafide and to keep all in darkness from the illegal activities and goals of respondent No.1, the repatriation and transfer of petitioner was necessitated by respondent No.1 by writing letter No.AD(Admn)/ DACE-2/M-F/2019 Vol-II1455 dated 12.06.2019 (impugned herein) to respondent No.2, who vide impugned office order No.1460/E-III dated 13.06.2019 repatriated the services of the petitioner to parent district. (Copy of letter dated 13.06.2019 is attached as Annexure "G" while letter dated

ATTESTED
EXAMINER
Peshawar High Court

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12.06.2019 is mentioned in the footnote of letter already Annex "G").

15. That the respondent No.1 afterwards issued a letter/ office order No.11685-94 dated 17.06.2019 relieving the services of petitioner from Anti-Corruption Establishment, KPK. (Copy of letter dated 17.06.2019 is attached as Annexure "H").
16. That the height of malice and ill-will is apparent that after relieving the petitioner, the respondent No.1 issued impugned office order No.11695-11704 dated 17.06.2019, whereby the petitioner was demoted from Inspector BPS-16 to Sub-Inspector BPS-14. (Copy of office order dated 17.06.2019 is attached as Annexure "I").
17. That things and illegal actions were not stopped, but, the petitioner's salary was not at all transferred to bank (**bank statement is Annexure "J"**) and neither any last pay slips (LPC) is issued and further the service number of the petitioner is P/34 District Peshawar while in the relieving order, the service number of the petitioner was also wrongly mentioned P/502 District Rang Mardan, so that to increase the difficulties and hardships of the petitioner.
18. That the petitioner being aggrieved from the aforesaid impugned letters/ orders/ actions and malafide inactions, enumerated above, having no

ATTESTED
EXAMINER
Peshawar High Court

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other alternative and efficacious remedy, is constrained to file the instant writ petition, on the following grounds, inter alia:

GROUND:-

- A. That impugned letter No.12.06.2019 of respondent No.1 to respondent No.2 for withdrawal of petitioner from Anti-Corruption and repatriated order No.1460/E-III dated 13.06.2019 issued by respondent No.2, is based on malafide, against rules and policy of government and as such clear-cut violation of order dated 19.04.2018 passed by this Hon'ble Court in writ petition No.4699-P of 2017, hence, not tenable and impugned letters of respondents are liable to be struck down.
- B. That impugned office order No.11685-94 dated 14.06.2019 and consequently after relieving petitioner, the impugned office order No.11695-11704 dated 17.06.2019, whereby the petitioner is demoted from post of Inspector BPS-16 to Sub-Inspector BPS-14, is without lawful authority, jurisdiction, in disregard to the rules and law applicable to the matter, thus, the same is void ab-initio and liable to be set aside and be declared null and void.
- C. That petitioner being an honest officer, acted fairly, justly and completed inquiry on compliance of order of this Hon'ble Court and although he deserve

ATTESTED
EXAMINER
Peshawar High Court

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the appreciation but instead he has been willfully punished despite clear-cut orders of this Hon'ble Court dated 19.04.2018, hence, the attitude of respondent No.1 and others is very much malafide and illegal, apparently floating on the surface of record.

- D. That petitioner has not been treated in accordance to law as contemplated under Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That petitioner honestly investigated the case, registered in FIR No.2/2017, but, he was punished and discriminated.
- F. That the petitioner has not been treated in accordance with law and discriminated just to benefit the blue-eyed by exonerating them illegally from case, thus, respondent No.1 misused his authority.
- G. That the petitioner's case is being based on judgment rendered by Apex Court reported in **PLD 2013 SC 195**, since the action of respondents is malafide and based on malice and ill-will and the earlier writ petition on similar cause of action/ locus standi was entertained by this Hon'ble Court, hence, in circumstances, the alternative remedy of Service Tribunal is not resorted to as the service of representation, then waiting for reply and

ATTESTED
EXAMINER
Peshawar High Court

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approached to Tribunal would destroy the cause of action of petitioner.

- H. That any other grounds will be raised at the time of arguments with the prior permission of this Hon'ble Court.

It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-II/11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on malafide, malice, ill-will as petitioner performed its duty as per order of this Hon'ble Court without any influence and pressure by registering Case/ FIR No.2/2017 for which there should be appreciation and as not punishment.

It is further prayed that, directions be issued to respondents to release the salary of petitioner for the monthly of July, 2019 and onward.

Any other remedy deems fit and appropriate in the circumstance of the case may also be granted in favour of the petitioner.

ATTESTED
EXAMINER
Peshawar High Court

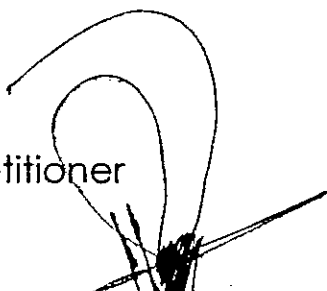
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INTERIM RELIEF

As an interim relief, this Hon'ble Court may graciously be pleased to suspend the operation of impugned letters dated 12.06.2019, 13.06.2019, 17.06.2019 and demotion letter dated No.11695-11704 dated 17.06.2019, till the final decision of the instant writ petition.

It is further prayed that the respondent No.1 be directed to release the salary of the petitioner for the month of June, 2019.

Through  Petitioner
Malik Haroon Iqbal
Advocate Supreme Court

&

Abbas Khan Mohmand
Advocate High Court

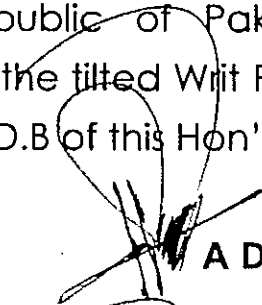
Dated 9/07/2019

CERTIFICATE:

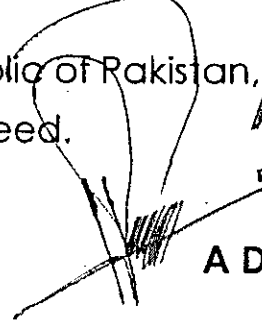
Certified on instructions of my client that petitioner has not previously moved this Hon'ble Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 regarding the instant matter, thus the filed Writ Petition may kindly be fixed before the Worthy D.B of this Hon'ble Court.

LIST OF BOOKS:

1. Constitution of Islamic Republic of Pakistan, 1973.
2. Any other law book as per need.

 **ADVOCATE**

ATTESTED
EXAMINER
Peshawar High Court

 **ADVOCATE**

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11

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____/2019

Qazi Aslam.....Petitioner

V E R S U S

Director Anti-Corruption KPK and others.....Respondents

AFFIDAVIT

I, Qazi Aslam S/o Sarfaraz Khan, Inspector, Special Investigation Wing (SIW), Anti-Corruption Directorate, Phase-V, Hayatabad, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by

Malik Haroon Iqbal
Advocate Supreme Court

DEPONENT
CNIC: 17102-0657420-7
Cell: 0332-3729712

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Certified to be true and correct on solemnly affirmation by Qazi Aslam on 09 day of July 2019 at Peshawar who was examined by Malik Haroon Iqbal
CERTIFIED TO BE TRUE COPY
Examiner, Peshawar
Peshawar High Court, Peshawar
Authorized Under Article 87 of the Qanun-e-shahadat Order 1984
27 JUL 2019
9/7/19

250

PESHAWAR HIGH COURT, PESHAWAR

ORDER SHEET

Serial No. of order or proceeding	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge and that of parties or counsel where necessary.
1	2	3
	23.07.2019	<p><u>W.P No.3771-P/2019</u></p> <p>Present: Malik Haroon Iqbal, Advocate, for the Petitioner.</p> <p style="text-align: center;">***</p> <p><u>ISHTIAQ IBRAHIM, J.</u>- This writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan has been filed by Qazi Aslam, petitioner, praying that:</p> <p style="text-align: center;"><i>“It is, therefore most humbly prayed that on acceptance of this writ petition, the letter No.AD(Admn)DACE-2/Officials/M-F/2019-V-11455 dated 12.06.2017 for withdrawal of petition from Anti-Corruption Establishment, repatriation order No.1460/E-III dated 13.06.2019 alongwith relieving order No.11685-94 dated 17.06.2019 and order No.11695-11704 dated 17.06.2019, whereby petitioner demoted to Sub-Inspector BPS-14 from Inspector BPS-16, may kindly be declared as null and void, without any lawful authority and jurisdiction and may please be struck down, which is based on mala-fide, malice, ill-will as petitioner performed its duty as per order of this Hon'ble Court without any influence and</i></p>

pressure by registering case/FIR No.2/2017 for which there should be appreciation and as not punishment.

It is further prayed that, directions be issued to respondents to release the salary of petitioner for the month of June, 2019 and onward.

Any other remedy deems fit and appropriate in the circumstances of the case may also be granted in favour of the petitioner”

2. In his writ petition, the petition averred that on the direction of Court order in W.P No.2028 of 2017, he conducted inquiry against the Education Department involved in the matter of malpractices of appointment and as a result of the said inquiry an FIR No.02/2017 was registered against 20 culprits involved in the matter; that due to involvement of high-ups of Education Department in the crime, the petitioner was transferred from Anti-Corruption Establishment, Charsadda to Chief Capital City Office, Peshawar and was repatriated to said department of CCPO, Peshawar vide office order dated 16.11.2017.

3. Perusal of record shows that being aggrieved of the said transfer order, the petitioner filed writ petition No.4699-P/2017 before this Court and for non complaisance also filed COC No.32-P/2018. The writ

petition alongwith COC was decided by this Court on 19.04.2018 wherein it was held that;

“It is disheartening to note the petitioner has been transferred immediately after initiating criminal proceedings against certain important persons. However, as the petitioner has been posted back to Anti Corruption Department and keeping in view the jurisdictional bar contained under Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973, this Court would not pass any definite findings on the impugned action. Suffice it to state that the petitioner shall be treated in accordance with law.

Instant petition is disposed of, accordingly.”

In compliance of the order of this Court, the Inspector General of Police Khyber Pakhtunkhwa cancelled the transfer order of the petitioner Qazi Aslam SI from Anti-Corruption Establishment Khyber Pakhtunkhwa to CCP/Peshawar vide office order dated 23.02.2018.

5. Record shows that after cancellation of transfer of the petitioner, he served at Special Investigation Wing (HQ) ACE, Peshawar for about 01 year and 04 months in the said department on deputation basis and thereafter vide order dated 13.06.2019 of the office of Inspector General of Police Khyber Pakhtunkhwa, Peshawar repatriated to their parent District/Department. The learned counsel for the

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petitioner was confronted with Article 212 of the Constitution as the petitioner is civil servant and the writ petition is against the transfer order. The same is not maintainable, however, the petitioner is directed to approach the proper forum i.e parents department for redressal of his grievance. It is the function of the parent department to repatriate the petitioner as and when desired.

Announced
23.07.2019

JUDGE

JUDGE
CERTIFIED TO BE TRUE COPY
Examing
Senior High Court, Peshawar
Authorized Under Article 87 of
The Qanun-e-shahadat Order 1988
27 JUL 2019

No. 22421
Date of Presentation of Application 27/7/19
No of Pages 10
Copying fee 602
Total 27/7/19
Date of Preparation of Copy 27/7/19
Date of Delivery of copy
Received By [Signature]

54

Annex-F

1. The worthy Inspector General of Police,
Khyber Pakhtoonkhwa
2. Director Anti Corruption,
Directorate of Anti Corruption
Opposite Rahman Medical Institute (RMI)
Phase -V, Hayatabad, Peshawar.

Subject: APPLICATION FOR

- (a) Cancellation of letter of surrender bearing No. AD (Admn.)
DACE- 2 Officials /M-F/ 2019 (Vol-II) 11455, dated
12/6/2019 by Authority No. 2
- (b) Order of repatriation bearing No. 1460/E-III, dated
13/6/2019 by Authority No.1
- (c) Order of relieving bearing No. 11685-94 dated 17/06/2019
by Authority No. 2
- (d) Office Order of demotion No. 11695-11704 dated 17/06/2019
by Authority No. 2

Respected sir

The applicant respectfully makes the following submissions:

1. That in 2017 the applicant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017 filed by Mst. Zia Gul, DM.
2. That in compliance with the direction the applicant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and consequent thereupon he registered FIR No. 2 /2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed.
3. That during the course of inquiry the applicant suffered great pressure from the political as well as other corners. The applicant did not surrender

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to any kind of pressure and performed his duty with full professional honesty and moral integrity.

4. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the applicant was transferred from PS ACE Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad.
5. That vide the order, dated 8/11/2017, on ground of pressure, malafide, and annoyance the authorities of ACE surrendered the applicant to his parent department and he was repatriated to police, CCPO Peshawar, vide the office order dated 16/11/2017. The applicant approached the Honorable Peshawar High Court, Peshawar against the orders of surrender and repatriation through Writ Petition No. 4699-P/2017, the operation of the orders was suspended by the court on 20/12/2017 and the authorities were restrained from dislocating the applicant.
6. That the concerned authorities of ACE tried not to comply with the order of the High Court, and under compulsion the applicant again approached the High Court with a petition of COC No. 32-P/2018, and as a result the order of the court was complied with by cancellation of the repatriation order of the applicant vide the order dated 23/02/2018 and posting of the applicant as Inspector in SIW in the Directorate of ACE vide the order dated 02/03/2018. The petition was disposed of in favour of the petitioner on 19/04/2018. (Copies of letters enclosed)
7. That the accused, namely Mst. Ulfat Begum and Sufia Tabbassum, DEOs Charsadda and Peshawar along with clerical staff, namely Sartaj, Mazhar and Ishaq, nominated in the case FIR No. 2/2017, approached the Hon'ble High Court, Peshawar through Quashment Petitions against their nomination as accused in the case FIR. The ACE authorities filed detailed comments in response to the said petitions. In the comments all the contentions of the accused petitioners have been strongly denied with full documentary proof and the findings of the inquiry, conducted by the applicant, have been fully supported and validated. (Copy of comments enclosed)
8. That after filing the comments, during proceedings in the Quashment Petitions before the High Court, the ACE authorities felt pressure and obtained applications of innocence/ mercy from the above mentioned influential accused for withdrawal / deletion of their names from the case FIR. The ACE authorities withdrew/deleted their names from the case FIR in straight violation of their own comments before the Hon'ble High Court, Peshawar and the required procedure, and that even the statement of the applicant was not obtained in writing nor he was informed of / involved in the process, being the complainant in the case.

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9. That in the mercy petitions the accused have levelled some baseless and unfounded charges / allegations against the applicant.
10. That the applicant, who has full knowledge of all facts / documentary proof and grounds of involvement of the accused in the case, has been removed from the scene vide surrender letter No. AD (Admn) DACE- 2 Officials /M-F /2019 (Vol-II)11455 dated 12/6/2019 by the ACE authorities, on the basis of which the applicant's repatriation order No. 1460/E-III, dated 13/6/2019 was issued by Authority No.1. The surrender letter is based on complete ill-will, malafide, and annoyance of the ACE authorities as the service number of the applicant has been written 502, instead of P/34, Range Mardan, District Charsadda Police instead of CCPO, Peshawar, District Peshawar Police. That the relieving order of the applicant was issued on 17/06/2019, in which the same facts were again intentionally wrongly mentioned. The LPC of the applicant has so far not been issued as it is not received in the office of the Police District Peshawar. (copies of letters enclosed)
11. That ACE authorities have tried to confuse the applicant in the matter of his posting/ repatriation and salary, as his salary for the month of June, July 2019 have not been paid to him by the Directorate of ACE. The applicant would also not possibly be able to receive his salary for some months onwards.
12. That since the ACE authorities have willfully and intentionally mentioned wrong Range and District of repatriation, service number in the letters referred to above, the applicant is in a hang up position and has been deprived of salaries. He can neither report arrival in Mardan Range, District Police Charsadda, nor in the parent District Police Peshawar, nor is the service number of the applicant correct, nor can he get his salaries from the DPO Charsadda being not an official of the Mardan Range, District Police Charsadda. Therefore, the applicant cannot get his previous and future salaries to meet the different economic needs of his children, whose education can also suffer.
13. That all the orders of the ACE authorities are incorrect and not implementable in any way, and the applicant, therefore, is still legally and officially in the service on deputation to and at the strength of the Anti Corruption Establishment, Khyber Pakhtoonkhwa. The deputation period of the applicant is also not complete in the ACE as is mentioned in the decision of the Hon'ble Peshawar High Court dated 23/07/2019, that the applicant has served on deputation only for 14 to 15 months in the ACE. The applicant is still to serve for about two more years on deputation in ACE.
14. That the demotion of the applicant vide the order No. 11695-11704, dated 17/06/2019 is also the result of the annoyance and ill intention of the ACE authorities and is squarely illegal, since the Hon'ble Khyber Pakhtoonkhwa

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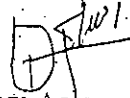
S749

Service Tribunal, Peshawar, on acceptance of the applicant's appeal for promotion as officiating inspector, has already placed the applicant in the rank of officiating inspector BPS-16 with effect from 11/02/2014, with the inclusion of the applicant's name in the seniority list issued on 09/05/2014, vide its judgment dated 24/4/2019.

It is, therefore, respectfully requested that in view of the above submissions, the order of surrender, repatriation order, relieving order, and order of demotion of the applicant may very kindly be cancelled/ withdrawn and the applicant be posted by an order in his own position as earlier and his salaries be released on the said post. It is also requested that orders of payment of full deputation allowance to the applicant for the entire period in the ACE, may be made, as the same has so far not been paid to him, please.

Dated 5/8/2019

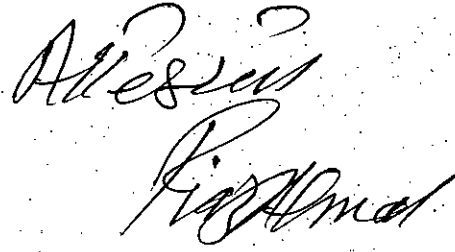
Yours, Obediently



Qazi Aslam

Inspector No. P/34

(SIW ACE)



To

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1. The worthy Inspector General of Police,
Khyber Pakhtoonkhwa
2. Director Anti Corruption,
Directorate of Anti Corruption
Opposite Rahman Medical Institute (RMI)
Phase -V, Hayatabad, Peshawar.

Subject: APPLICATION FOR

- (a) Cancellation of letter of surrender bearing No. AD (Admn:) DACE- 2 Officials /M-F/ 2019 (Vol-II) 11455, dated 12/6/2019 by Authority No. 2
- (b) Order of repatriation bearing No. 1460/E-III, dated 13/6/2019 by Authority No.1
- (c) Order of relieving bearing No. 11685-94 dated 17/06/2019 by Authority No. 2
- (d) Office Order of demotion No. 11695-11704 dated 17/06/2019 by Authority No. 2

Respected sir

The applicant respectfully makes the following submissions:

1. That in 2017 the applicant was posted as circle officer (CO) Police Station ACE Charsadda. On 05/10/2017 he received from the high ups of ACE a direction to conduct inquiry regarding malpractices in the Education Department Charsadda in compliance with the order / direction of the Honorable Peshawar High Court, Peshawar dated 14/09/2017 and to submit report before 11/10/2017, the date of hearing fixed in writ petition No. 2028-p/2017 filed by Mst. Zia Gul, DM.
2. That in compliance with the direction the applicant conducted a detailed inquiry and collected all documentary proof in the matter / scandal mentioned in the order of the Hon'ble High Court and consequent thereupon he registered FIR No. 2 /2017 against 20 officials of the Education and Accounts departments found involved in malpractices and fabrication of record. After registration of the FIR, the compliance report with the findings of inquiry was submitted before the Hon'ble High Court on 11/10/2017, and resultantly the writ petition of Zia Gul, DM, was dismissed.
3. That during the course of inquiry the applicant suffered great pressure from the political as well as other corners. The applicant did not surrender

Ali Asan
Rasool

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to any kind of pressure and performed his duty with full professional honesty and moral integrity.

4. That due to the involvement in the scandal and subsequent nomination of influential officials in the case, the applicant was transferred from PS ACE Charsadda after 20 days of the inquiry and was posted in SIW, Directorate of ACE, Hayatabad.
5. That vide the order, dated 8/11/2017, on ground of pressure, malafide, and annoyance the authorities of ACE surrendered the applicant to his parent department and he was repatriated to police, CCPO Peshawar, vide the office order dated 16/11/2017. The applicant approached the Honorable Peshawar High Court, Peshawar against the orders of surrender and repatriation through Writ Petition No. 4699-P/2017, the operation of the orders was suspended by the court on 20/12/2017 and the authorities were restrained from dislocating the applicant.
6. That the concerned authorities of ACE tried not to comply with the order of the High Court, and under compulsion the applicant again approached the High Court with a petition of COC No. 32-P/2018, and as a result the order of the court was complied with by cancellation of the repatriation order of the applicant vide the order dated 23/02/2018 and posting of the applicant as Inspector in SIW in the Directorate of ACE vide the order dated 02/03/2018. The petition was disposed of in favour of the petitioner on 19/04/2018. (Copies of letters enclosed)
7. That the accused, namely Mst. Ulfat Begum and Sufia Tabbassum, DEOs Charsadda and Peshawar along with clerical staff, namely Sartaj, Mazhar and Ishaq, nominated in the case FIR No. 2/2017, approached the Hon'ble High Court, Peshawar through Quashment Petitions against their nomination as accused in the case FIR. The ACE authorities filed detailed comments in response to the said petitions. In the comments all the contentions of the accused petitioners have been strongly denied with full documentary proof and the findings of the inquiry, conducted by the applicant, have been fully supported and validated. (Copy of comments enclosed)
8. That after filing the comments, during proceedings in the Quashment Petitions before the High Court, the ACE authorities felt pressure and obtained applications of innocence/ mercy from the above mentioned influential accused for withdrawal / deletion of their names from the case FIR. The ACE authorities withdrew/deleted their names from the case FIR in straight violation of their own comments before the Hon'ble High Court, Peshawar and the required procedure, and that even the statement of the applicant was not obtained in writing nor he was informed of / involved in the process, being the complainant in the case.

[Handwritten Signature]
[Handwritten Signature]
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9. That in the mercy petitions the accused have levelled some baseless and unfounded charges / allegations against the applicant.
10. That the applicant, who has full knowledge of all facts / documentary proof and grounds of involvement of the accused in the case, has been removed from the scene vide surrender letter No. AD (Admn) DACE- 2 Officials /M-F /2019 (Vol-II)11455 dated 12/6/2019 by the ACE authorities, on the basis of which the applicant's repatriation order No. 1460/E-III, dated 13/6/2019 was issued by Authority No.1. The surrender letter is based on complete ill-will, malafide, and annoyance of the ACE authorities as the service number of the applicant has been written 502, instead of P/34, Range Mardan, District Charsadda Police instead of CCPO, Peshawar, District Peshawar Police. That the relieving order of the applicant was issued on 17/06/2019, in which the same facts were again intentionally wrongly mentioned. The LPC of the applicant has so far not been issued as it is not received in the office of the Police District Peshawar. (copies of letters enclosed)
11. That ACE authorities have tried to confuse the applicant in the matter of his posting/ repatriation and salary, as his salary for the month of June, July 2019 have not been paid to him by the Directorate of ACE. The applicant would also not possibly be able to receive his salary for some months onwards.
12. That since the ACE authorities have willfully and intentionally mentioned wrong Range and District of repatriation, service number in the letters referred to above, the applicant is in a hang up position and has been deprived of salaries. He can neither report arrival in Mardan Range, District Police Charsadda, nor in the parent District Police Peshawar, nor is the service number of the applicant correct, nor can he get his salaries from the DPO Charsadda being not an official of the Mardan Range, District Police Charsadda. Therefore, the applicant cannot get his previous and future salaries to meet the different economic needs of his children, whose education can also suffer.
13. That all the orders of the ACE authorities are incorrect and not implementable in any way, and the applicant, therefore, is still legally and officially in the service on deputation to and at the strength of the Anti Corruption Establishment, Khyber Pakhtoonkhwa. The deputation period of the applicant is also not complete in the ACE as is mentioned in the decision of the Hon'ble Peshawar High Court dated 23/07/2019, that the applicant has served on deputation only for 14 to 15 months in the ACE. The applicant is still to serve for about two more years on deputation in ACE.
14. That the demotion of the applicant vide the order No. 11695-11704, dated 17/06/2019 is also the result of the annoyance and ill intention of the ACE authorities and is squarely illegal, since the Hon'ble Khyber Pakhtoonkhwa

R. Hussain
Rajinder

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Service Tribunal, Peshawar, on acceptance of the applicant's appeal for promotion as officiating inspector, has already placed the applicant in the rank of officiating inspector BPS-16 with effect from 11/02/2014, with the inclusion of the applicant's name in the seniority list issued on 09/05/2014, vide its judgment dated 24/4/2019.

It is, therefore, respectfully requested that in view of the above submissions, the order of surrender, repatriation order, relieving order, and order of demotion of the applicant may very kindly be cancelled/ withdrawn and the applicant be posted by an order in his own position as earlier and his salaries be released on the said post. It is also requested that orders of payment of full deputation allowance to the applicant for the entire period in the ACE, may be made, as the same has so far not been paid to him, please.

Dated 5/8/2019

Yours, Obediently



Qazi Aslam

Inspector No. P/34

(SIW ACE)

Q
Aslam
P/34

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GOVERNMENT OF KHYBER PAKHTUNKHWA



Govt. of Khyber Pakhtunkhwa
OFFICE OF THE DISTRICT POLICE OFFICER
CHARSADDA

Tel: 091-9220400 Fax: 091-9220401

No 23281 dated Charsadda the 23/08/2019

To,

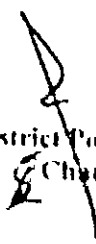
The Director,
Anti Corruption, KPK Peshawar.



Subject - LAST PAY CERTIFICATE AND SERVICE RECORD.

Memo:

Please refer to your office letter No AD(Admin)DACF-2-2 Officials/MLI 2019
Vol-II 13315-20 dated 09/7/2019

It is apprising that the officer is not on the roll of this district whereas, lien of
the officer is attached to CCP Peshawar, therefore, the Last Pay Certificate received vide above
reference is returned herewith for favour of further appropriate necessary action, please


District Police Officer,
Charsadda



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989

Fax: No. 091-9212597

No. 21784 /EC-II, Dated Peshawar the 23.8. /2019.

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: ORDER.
Memo:

Kindly refer to your office endst: No.3877/Legal, dated 02.08.2019.

It is submitted that Legal Opinion of Legal Branch, CCP/Peshawar sought, according to legal opinion of DSP/Legal, CCP/Peshawar, SI Qazi Aslam No. P/34 who is actually on the strength of CCP/Peshawar has been transferred to Mardan Region instead of CCP/Peshawar. Belt Number mentioned against his name is also of someone else; his actual belt Number is P/34.

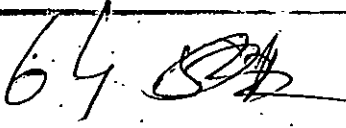
It is therefore, requested that necessary addendum in reference of subject order may be issued so as he can make arrival at CCP/Peshawar, please.

FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

23/08

Attested
Rizwan



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No 2205 /E-III, Dated Peshawar, the 28 /08/2019

Addendum/Corrigendum.

This office order issued vide CPO, No. 1460/E-III, dated 13.06.2019, so far it relates to the repatriation of SI Qazi Aslam No. P/34 from Anti-Corruption Establishment Khyber Pakhtunkhwa to his parent District Charsadda is hereby amended as belt No. 34/P of CCP/Peshawar instead of belt No. 502/MR District Charsadda.

Sd/-
SHER AKHAR
PSP, SSI

Deputy Inspector General of Police
Headquarters, Khyber Pakhtunkhwa,
Peshawar

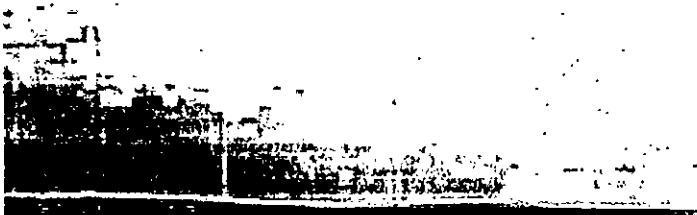
Ends: No. & dated even

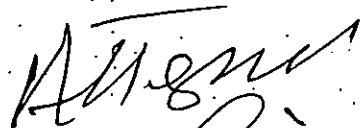

Copy forwarded to the:-

- 1 Addl IGP/IGOs- Khyber Pakhtunkhwa, Peshawar
- 2 Capital City Police Officer Peshawar w/r to his office letter No. 21703/EC-II, dated 23.08.2019
- 3 Regional Police Officers Mardan Region
- 4 Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa Peshawar w/r to his office letter No. AD(Admin)/DACE/2-2/Officials/M-F/2019(Vol-II)11455, dated 12.06.2019.
- 5 District Police Officer, Charsadda w/r to his office letter No. 1622/EC, dated 20.08.2019
- 6 SI Qazi Aslam P/34 with the direction to deposit official vehicle immediately w/r to Director, Anti-Corruption Establishment, Khyber Pakhtunkhwa letter No. A.D(Admin)/DACE/2-5/Officials/M-F/2019/Vol-II/16287-90, dated 19.08.2019.


(SADIQ ULLAH)PSP

AC/E Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar



قیمت
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ایڈوکیٹ: Raza Ahmad

بار کونسل/ ایسوسی ایشن نمبر: 0511440

رابطہ نمبر: 03038238839

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب:

مخاطب:	دعویٰ:
مخاطب:	علت نمبر:
بنام	موضوع:
۱۹۲ مختونخواہ	جرم:
	تھانہ:

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
آن مقام مختونخواہ کیلئے مختونخواہ کو وکیل 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 برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی 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
کاروائی 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

المرقوم: 30 اگست 2019

العبد گواہ شد العبد

مقام مختونخواہ کے لیے منظور ہے۔

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

Raza Ahmad
Advocate

محکمہ

File No. 17102-D-657620-7

Raza Ahmad