

ORDER SHEET

Appellate No. 310 /2024

Other proceedings with signature of judge

22/02/2024

The appeal of Mr. Gohar Farooq resubmitted by Syed Roman Shah Advocate. It is fixed for its next hearing before Single Bench at Peshawar on 26.2.2024. Parcha Peshi is given to counsel for the appellant.

By the order of Chairman


  
REGISTRAR

The appeal of Mr. Gohar Farooq received today i.e on 21.02.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondents no. 2, 4 & 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.

No. 400 /S.T.


Dt. 22/02 /2024.

  
22/2/24  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Syed Roman Shah Adv.  
High Court Peshawar.

Note:-

objection complied with,  
Re-submitted for further N/A please.

  
Syed Roman Shah  
Advocate.  
22/02/2024

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No. 310 /2024

Gohar Farooq ..... Appellant

Versus


Government of Khyber Pakhtunkhwa and others..... Respondents

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Appellant

Through

  
Syed Roman Shah  
Advocate High Court,  
Peshawar  
Mob No. 0333-9918830

Dated: 21/02/2024

(1-A)

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWAPESHAWAR

Service Appeal No. 310 /2024

Gohar Farooq S/o Tahir Farooq Sabir, R/o Ghundi Kala , Chokara Tehsil And  
District Karak, Junior Clerk, (BPS-11) at probation Office Karak.

..... Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary  
Home and Tribal Affairs, Civil Secretariat, Peshawar
2. Director Reclamation & Probation Benevolent Fund Building Room No.  
126-127 & 128 Peshawar Cantt.

..... Respondents

**APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER NO. 3662-66 D.R&P (P/F) DATED PESHAWAR  
THE 11/09/2023 BY RESPONDENT NO. 2 SIGNED BY DEPUTY  
DIRECTOR (ADMN) RECLAMATION AND PROBATION BY WHICH THE  
APPELLANT HAS BEEN AWARDED MINOR PENALTY OF  
WITHHOLDING OF TWO ANNUAL INCREMENTS WITHOUT  
CUMULATIVE EFFECT AND AGAINST THE ORDER NO. SO(PRISON-  
II)/HD/1-17/2023, DATED 23/01/2024 PASSED BY RESPONDENT  
NO. 1 SIGNED BY section officer (PRISON-II) VIDE WHICH THE  
DEPARTMENTAL REPRESENTATION/ APPEAL FILED BY APPELLANT  
HAS BEEN REJECTED AND THE ORDER OF RESPONDENT NO 2 WAS  
UPHELD.**

PRAYER

on accepting this service appeal, the impugned order No. 3662-66 D.R&P (P/F)  
Dated Peshawar the 11/09/2023 by respondent No. 2 signed by respondent  
deputy director (Admn) and order No. SO(PRISON-II)/HD/1-17/2023, Dated  
23/01/2024 passed by respondent No. 1 signed by section officer-II may  
graciously be set aside by declaring it illegal, unlawful, without authority,  
based on mala fide, void abinitio and thus not sustainable in the eyes of law.

Respectfully Sheweth;

1. That the appellant is serving as Junior clerk in respondent department, and performing his duty with great zeal and honesty, whatsoever, assigned to him and no complaint has been filed against him to the high ups regarding his performance.
2. That Senior Probation Officer (SPO) district Khyber had made baseless and unjustified report to the worthy Director, on the basis of which the worthy deputy director issued a charge sheet and statement of allegation and had initiated the disciplinary proceedings by issuing a show case Notice against the appellant. (Copy of Report, charge sheet along statement of allegation, and show case Notice are attached as Annexure A, B & C respectively)
3. That respondent No. 2 passed an order Dated 11/09/2023 vide which the minor penalty of withholding of two Annual Increments without cumulative effect has been passed against appellant, it is pertinent to mention here that the same impugned order is passed by the office of Worthy Respondent No.2 while surprisingly the same is signed the worthy deputy director, which clearly shows the departmental irregularity while passing the impugned order. (Copy of impugned order dated 11/09/2023 is attached as Annexure-D)
4. That feeling aggrieved the appellant had filed a departmental appeal before worthy respondent No. 1 (The facts and ground agitated therein may please be treated as part and parcel of this appeal) against the impugned order, who, vide order dated 23/01/2023 rejected the same without complying codal-formalities, and upheld the order of respondent No.2, it is further pertinent to mention here that, that impugned order too was signed by the section officer (prison-II) while the appellant had made the departmental representation to the worthy respondent No.1 which also speaks about the departmental irregularity made by the respondents. (Copy of appeal and impugned order dated 23/01/2023 are attached as Annexure-E and F).
5. That now appellant feeling aggrieved from the above orders, filling this appeal on the following amongst other grounds inter alia;

GROUNDS:

- a. That both the impugned orders of the respondents No.1 and 2, are illegal, unlawful, without authority, based on mala fide intention, against the natural justice, violative of the Constitution and Service Laws and equally without jurisdiction, hence the same are liable to be set aside in the best interest of justice.
- b. That both the impugned orders passed by respondents are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.
- c. That while initiating the departmental proceedings against the appellant the authorities had not bothered to inquire about that, whether the reporting officer has the jurisdiction / power to made a report against the appellant, which clearly shows mala-fide on the part of the respondent. This fact is very much clear from the office order dated 09/03/2023, whereby the reporting officer / Senior Probation Officer (SPO) District Khyber was given the charge of District Kohat while the appellant was performing duty in District Karak, hence the orders are liable to be set side. (Office Order Dated 09/03/2023 is attached as Annexure-G)
- d. That, both the impugned orders are passed in violation of the service laws as while passing the impugned orders the respondents had clearly ignored the fact that the allegations leveled against the appellant are not in conformity within the domain of the appellant Job description, in fact the Authorities has clearly prohibited the taking probation cases from the courts, therefore both the orders are void in the eyes of law. ( Letter Dated 20/12/2016 is attached as Annexure-H)
- e. That both the respondents No.1 and 2 have not properly evaluated the facts and evidences on record before passing the impugned orders, there is nothing on record which connects the appellant with the allegation, nor any cell data record available on record which proved any allegation against the appellant. Hence, the impugned orders

(4)

- passed by the respondents against the appellant are liable to be set aside.
- f. That appellant is young energetic efficient person and having unblemished service record which could be verified from the service record of the appellant. In the present case all the proceedings carried in clear violation of service rules, law and constitution.
  - g. That the inquiry officer had not collected any evidence in support of the charges. No one was examined as witness in presence of appellant nor was appellant confronted with any documentary or other kind of evidence on the basis of which the impugned orders were passed.
  - h. That the biasness of the respondents are very much proved from the factum that while awarding the impugned punishment the enquiry report has not been given to the appellant which is very much necessary as per the dicta of superior judiciary.
  - i. That while awarding the impugned orders the respondents not bothered to take that the appellant is honest and dedicated official of and left no stone unturned to discharge his duties
  - j. That the impugned orders have been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and Malafidely based the impugned orders without giving any reason with proof whatsoever, therefore the impugned orders are bad in law.
  - k. That respondent No. 1 has not decided the departmental appeal / representation in accordance to the rules and regulation which clearly shows mala fide intention thus, has no sanctity in the eyes of law and the act of respondents are totally based on male fide intention which clearly shows discrimination and undue victimization.
  - l. That all the orders are very much silent regarding the compliance of operational and professional guideline issued by the respondents.

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It is therefore most humbly prayed that on accepting this service appeal, the impugned order No. 3662-66 D.R&P (P/F) Dated Peshawar the 11/09/2023 by respondent No. 2 signed by respondent deputy director (Admn) and order No. SO(PRISON-II)/HD/1-17/2023, Dated 23/01/2024 passed by respondent No. 1 signed by section officer-II may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law.

Any other relief not specifically prayed for but deems appropriate in the circumstances of the case may also be granted.

*Gohar Farooq*

Appellant

Through

*Syed Roman Shah*

Syed Roman Shah  
Advocate High Court  
Peshawar

Dated: 21/02/2024

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

*Syed Roman Shah*

Advocate

AFFIDAVIT

I, Gohar Farooq S/o Tahir Farooq Sabir, R/o Ghundi Kala, Chokara Tehsil and District Karak, Junior Clerk, (BPS-11) at probation Office Karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



22 2 24

*Gohar Farooq*

Deponent



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BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No. /2024

Gohar Farooq ..... Appellant

Versus

Government of Khyber Pakhtunkhwa and others..... Respondents

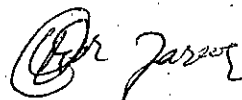
ADDRESSES OF THE PARTIES

APPELLANT

Gohar Farooq S/o Tahir Farooq Sabir, R/o Ghundi Kala , Chokara Tehsil And District Karak, Junior Clerk, (BPS-11) at probation Office Karak.

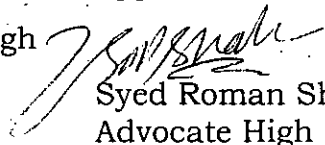
RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary Home and Tribal Affairs, Civil Secretariat, Peshawar
2. Director Reclamation & Probation Benevolent Fund Building Room No. 126-127 & 128 Peshawar Cantt



Appellant

Through



Syed Roman Shah  
Advocate High Court  
Peshawar

-Dated: 21/02/2024

6  
7

SENIOR PROBATION OFFICER  
DISTRICT COURTS  
KHYBER

NO. 85 / S.P.O

DATED: 13/04/2023

Ameswye - A

2894  
20/4/23  
11F

To

The Director,  
Reclamation and Probation,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REPORT ON IRRESPONSIBLE ATTITUDE OF GOHAR FAROOQ  
JUNIOR CLERK KARAK

Sir,

Refer to the subject noted above and to enclose herewith a report in respect of Gohar Farooq Junior Clerk Karak for favor of information of your good self.

Submitted please.

Enclose ( 1 )

*[Handwritten signature]*

*[Handwritten signature]*

SENIOR PROBATION OFFICER  
DISTRICT COURTS  
KHYBER

*[Handwritten signature]*

*[Handwritten signature]*  
19/4/23

DD (Am)

(8)

REPORT

**IRRESPONSIBLE ATTITUDE OF GOHAR FAROOQ JUNIOR CLERK KARAK**

**Background**

The Honorable Director Reclamation and Probation KPK directed the Senior Probation Officer Khyber to receive the pending probation cases from the court of Adj Banda Daud Shah tehsil Karak and also to look after the vacant post of the Probation Officer Karak until the arrival of the newly appointed officer. During this course, the SPO Khyber assigned different official tasks to Junior Clerk Mr. Gohar Farooq for the smooth running of the office, but he failed to comply.

The details of the discrepancies on the part of the J/C Karak are: -

1. On 18-03-2023 the SPO Khyber was contacted on his mobile phone and informed by the Reader of Adj B.D.Shah to visit this court on 20-03-2023 for probation cases. The SPO Khyber on the same date informed the J/C Karak to ensure his presence and bring Form-A register for disposal of cases.
2. On 19-03-2023 again SPO Khyber contacted J/C Karak at 07:11 pm and reminds him.
3. On 20-03-2023 after the arrival of SPO Khyber to the court of Adj B.D.Shah the J/C Karak was contacted, upon which he stated that he doesn't know where B.D.Shah tehsil is located. The SPO Khyber informed the P/A to the director R&P about the situation. Consequently, the J/C Karak arrived to the court of adj B.D.Shah within 30 minutes along with Form-A register after receiving a sudden call from the directorate of R&P. Later on, the J/C Karak was allowed on his request for paper/exam in the evening. The SPO Khyber disposed of 20 probation cases and shared its list with the direction to J/C Karak to receive the judgment copies and other forms of said cases from the court concerned, as the SPO Khyber directed Naib Court of Adj B.D.Shah to send all the documents to the office of Probation Officer Karak after completion, but the J/C Karak didn't bother to ask about these cases.
4. On 03-04-2023 the J/C Karak was contacted and asked to share the monthly progress reports along with the other official letters for further correspondence. The J/C Karak ensured to share all of these by tomorrow, but he didn't.

*S. M. Shah*

*Handwritten notes in Urdu at the bottom of the page, including the word 'Second Time'.*

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5. On 04-03-2023 SPO Khyber, himself contacted again to the reader of Adj B.D.Shah regarding the documentation of the received 20 probation cases as it was noticed that those cases were still pending due to negligence of the J/C Karak. The SPO Khyber also contacted the J/C Karak to pursue this matter seriously, but he didn't comply.
6. On 05-04-2023 SPO Khyber noticed that the J/C Karak is non-serious towards his duty as he still didn't pursue receiving the 20 new probation cases from the court of Adj B.D.Shah and he didn't share the monthly progress reports of Karak to communicate with the directorate of R&P. Moreover, it is very astonishing that the mobile number of J/C Karak is usually switched off or doesn't receive the call of SPO Khyber during the official time. once again SPO Khyber contacted him at 07:18 pm and strictly directed him to share the monthly progress reports. The J/C Karak ensured that till 11:30 am, he will communicate all the progress reports by tomorrow, but he disobeyed the direction.
7. On 06-04-2023 the Deputy Director R&P Muhammad Niaz and SPO Khyber both repeatedly tried to contact J/C Karak to share monthly progress till 12:00 pm, but his contact number was off. As if he was not on his duty because he didn't bother to contact his high-ups for an unknown reason.

After all, his irresponsible attitude shows that he doesn't take interest in official business on one hand while on the other he pays no attention / weightage to the calls / directions of high-ups.

*Muhammad Niaz*

*Gabriel*

SENIOR PROBATION OFFICER  
DISTRICT COURTS  
KHYBER

(10)

Annexure - 'B'

Charge Sheet

I, Mualim Jan Aramzai, Director Reclamation & Probation Khyber Pakhunkhwa Peshawar, as Competent Authority, hereby charge you, Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak as follow:-

- a) The Senior Probation Officer, District Khyber / Karak reported about your irresponsible attitude vide letter No.85/S.P.O dated 13-04-2023.
- b) An Explanation was called from you vide this Office No.1817/ D.R&P (P/F) dated 08-05-2023 and your reply was found unsatisfactory and just a Novel Story.

2. By reasons of the above, you appear to be guilty of misconduct under section-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Committee, as the case may be.

4. Your written defense, if any, should reach to the Inquiry Officer/Committee with in specified period, failing which it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A Statement of Allegations is enclosed herewith.

*J. Aramzai*

*J. Aramzai*  
(MUALIM JAN ARAMZAI)  
DIRECTOR  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR

(10) (11)

Signature

### DISCIPLINARY ACTION

I, Mualim Jan Aramzai, Director, Reclamation & Probation Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule, 2011.

### STATEMENT OF ALLEGATIONS

1. The Senior Probation Officer, District Khyber/ Karak has reported about irresponsible attitude of Mr. Gohar Farooq, Junior Clerk, Office of the Probation Officer, District Courts, District Karak vide his letter No.85/S.P.O dated 13-04-2023.
2. An explanation was called from him vide this Office letter No.1817/D.R&P(P/F) dated 08-05-2023, his reply was found unsatisfactory and just a novel story.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Riaz Ali Senior Parole Officer, District Peshawar is hereby appointed as Inquiry Officer under rule-10 (I) (a) of the rules ibid.
3. The Inquiry Officer/Inquiry Committee shall, in accordance with the provision of rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make recommendations within 60 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

*J. Aramzai*

(MUALIM JAN ARAMZAI)  
DIRECTOR  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR

2323-25  
No.          /D.R&P(PF) Dated Peshawar the 13/06/2023.

Copy of the above is forwarded to:-

1. Mr. Riaz Ali Senior Parole Officer, District Peshawar for initiating proceeding against the accused official under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline Rules, 2011). A copy of Charge Sheet alongwith its enclosures is enclosed herewith.
2. The Senior Probation Officer District Courts, Khyber for similar necessary action please.
3. Mr. Gohar Farooq Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak with the directions to appear before the Inquiry Officer/Inquiry Committee on the date, time and place fixed by the Inquiry Officer/Inquiry Committee for the purpose of inquiry proceedings. Charge Sheet in duplicate is sent herewith, one copy of the same duly signed and dated by you may be returned to this office as token of its receipt.

*[Signature]*

DEPUTY DIRECTOR (ADMN)  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR

(12)

Annexure - C



**DIRECTORATE OF RECLAMATION AND PROBATION,  
KHYBER PAKHTUNKHWA, PESHAWAR**  
Benevolent Fund Building, R. No. 126-127-128 & 120-121  
P.No. 9213309, 9211207 Fax: 9210720

No. 3091 D.R&P ( P/F )

Dated Peshawar, the 09-08-2023

To

The Probation Officer,  
District Courts, Karrak.

Subject: SHOW CAUSE NOTICE.

Memo:

I am directed to enclose herewith Show Cause Notice (In Duplicate) to be served upon Mr. Gohar Farooq, Junior Clerk of your office with the directions that one copy of the same be returned to this Directorate duly signed & dated by him as token of its receipt for record please.



*[Handwritten signature]*

**DEPUTY DIRECTOR (ADMN)  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR**

Seen *[initials]*  
15-08-23

(13)

**SHOW CAUSE NOTICE**

I, Mualim Jan Aramzai, Director Reclamation & Probation Khyber Pakhtunkhwa, Peshawar as Competent Authority, Under Khyber Pakhtunkhwa Civil Servants Efficiency & Disciplinary Rules 2011, do hereby serve you Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak as follow:-

That consequent upon the completion of inquiry conducted against you by the Inquiry Officer and going through the findings and recommendations of the Inquiry Officer the material on record and other connected papers, I am satisfied that the charges leveled against you in the charge sheet have been proved.

2- As a result therefore, I, as Competent Authority, have tentatively decided to impose upon you a minor penalty of withholding two annual increments without cumulative effect as defined under section 4 read with section 3 of the Rules ibid.

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

4- If no reply to this notice is received within (7) days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defence to put forward and in that case ex-parte action shall be taken against you.

5- Copy of the findings of the Inquiry officer is enclosed.

*Jan Aramzai*

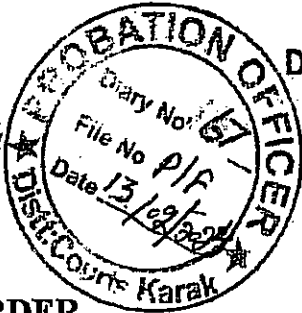
*Jan Aramzai*

(MUALIM JAN ARAMZAI)  
DIRECTOR  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR



(14)

Annexure - D



**DIRECTORATE OF RECLAMATION AND PROBATION,  
KHYBER PAKHTUNKHWA, PESHAWAR**

Benevolent Fund Building, R. No. 126-127-128 & 120-121  
P.No. 9213309, 9211207 Fax: 9210720

No. 3662-86 D.R&P (P/F)

Dated Peshawar, the 11-09-2023

**ORDER**

WHEREAS, the accused official Mr. Gohar Farooq, Junior Clerk (BPS-11) of the Office of Probation Officer, District Courts, Karak was proceeded against under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the Charge Sheet/Statement of Allegations served upon him.

AND WHEREAS, Mr. Riaz Ali, Senior Parole Officer (BPS-17), Peshawar was appointed as Inquiry Officer for conducting inquiry in the matter vide this Office letter No. 2323-25/D.R&P(PF) dated 13-06-2023.

AND WHEREAS, the Inquiry Officer submitted its finding according to which charges at S.No.(a) & (b) have been proved against him.

AND WHEREAS, the undersigned being competent authority granted him the opportunity of personal hearing on 04-09-2023 as provided under rules ibid. During the course of personal hearing the accused official failed to justify his innocence.

NOW THEREFORE, in exercise of powers conferred under Rule-14, sub rule-5 (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, having considered the charges, evidence on record, the explanation of the accused official as well as the inquiry report and after affording the opportunity of personal hearing the undersigned being competent authority is pleased to impose Minor penalty of withholding of two Annual Increments without cumulative effect on the accused Mr. Gohar Farooq, presently posted as Junior Clerk (BPS-11) in the Office of Probation Officer, District Courts, Karak.

(MUALIM JAN ARAMZAI)  
DIRECTOR  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR

Endst: No. & Date Even.

Copy of above is forwarded for information & necessary action to:

1. The District Accounts Officer, Karak.
2. The Senior Parole Officer/Inquiry Officer, District Courts, Peshawar.
3. The Probation Officer, District Courts, Karak.
4. Official Concerned.

DEPUTY DIRECTOR (ADMN)  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR

(15)

Annexure-E

**OFFICE OF THE PROBATION OFFICER DISTRICT COURTS, KARAK**

NO. 148 /P.O/KK.

DATED KARAK THE. 20 /09 /2023.

To

The Director,  
Reclamation & Probation,  
Khyber Pakhtunkhwa, Peshawar.

Subject: APPEAL AGAINST THE ORDER NO. 3662-66 DATED:  
11-09-2023 OF DIRECTOR RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA.

Respected Sir,

With reference to your office letter No. 3662-66 DR&P (P/F) Dated: 11/09/2023 the appeal in respect Mr. Gohar Farooq with the subject cited above is hereby submitted for your kind consideration and further necessary action please.

Forwarded for further N/A please!

Shahid

20/09/23

PROBATION OFFICER  
DISTRICT COURTS  
KARAK

o/c

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To

**The Secretary to Govt. of Khyber Pakhtunkhwa,  
Home & TAs Department, Peshawar.**

**Through: Proper Channel**

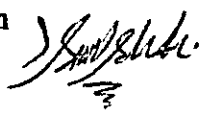
**Subject: APPEAL AGAINST THE ORDER NO. 3662-66 DATED:  
11-09-2023 OF DIRECTOR RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA.**

Respected Sir,

It is humbly stated that I have been performing my duty as a Junior Clerk in the Directorate of Reclamation and Probation Khyber Pakhtunkhwa since last five years. Since the joining of this department, I always perform my duties with honesty, discipline and to the best satisfaction of my high ups.

The penalty of withholding two annual increments without cumulative effect have been imposed upon me by the order of worthy Director Reclamation and Probation Khyber Pakhtunkhwa. Brief facts of the case are as under for your kind perusal and consideration: -

1. That I have been called explanation vide office letter No. 1817 on dated 08-05-2023. (F/A).
2. I briefly and clearly explained my position in the matter, regretted and also ensured the authority that all was happened because of hurry and worry from my end and also shown my commitment to perform my duty properly in future. (F/B)
3. After the submission of explanation the authority constituted an inquiry committee vide office letter No. 2323-25 dated 13-06-2023 for the purpose of finding facts in matter. (F/C).
4. In compliance with the order of worthy Director Reclamation and Probation I appeared before the inquiry officer and again clearly explained that all was done unintentionally, but inquiry report was submitted with the conclusion that the allegations against me were proved. (F/D)
5. In the light of conclusion of inquiry report the worthy Director Served upon show cause notice vide office letter No. 3091 dated 09-08-2023 with the in imposition of minor penalty withholding two annual increments without cumulative effect. (F/E)
6. In response to show cause notice I shown my submission to the order of worthy Director and reiterated that I am ready to apologize the concerned officer on an unintentional mishandling of the matter. (F/F)
7. Besides all this the worthy Deputy Director Reclamation and Probation called me for personal hearing / inquiry vide office letter No. 3369-71 dated: 22-08-2023. (F/G)



(17)

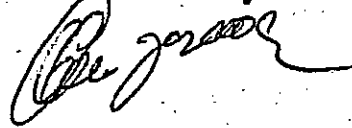
8. I appeared before the worthy Director on dated 04-09-2023 for the justification of the matter but according to him I have failed to prove my innocence and finally the minor penalty of withholding of two annual increments without cumulative effect have been imposed upon me vide office letter No. 3662-66 dated 11-09-2023. (F/H)

keeping in view the above mentioned facts, you are kindly requested to consider all this a human error and to take a lenient view into the matter and set aside the order of worthy Director Reclamation and Probation Khyber Pakhtunkhwa.


I will be very grateful to you for this act of kindness.

Dated: 20-09-2023

Yours obediently



Gohar Farooq J/C  
Probation Office Karak



(18)

Annexure "F"



**DIRECTORATE OF RECLAMATION AND PROBATION,  
KHYBER PAKHTUNKHWA, PESHAWAR**

Benevolent Fund Building, R. No. 126-127-128 & 120-121  
P.No. 9213309, 9211207 Fax: 9210720

No. 689-90 D.R&P (PIF)

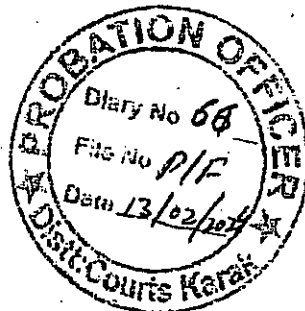
Dated Peshawar, the 31/1/2024

To

Mr. Gohar Farooq,  
Junior Clerk, office of Probation Officer,  
District Courts, Karak.

Subject: ORDER.

Memo:



I am directed to refer to the subject noted above and to enclose herewith a copy of Home Department Order No.SO(Prison-II)/HD/1-17/2023 dated 23-01-2024 which is self-explanatory for information please.

Encl: A.A.

**DEPUTY DIRECTOR (ADMN)  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR**

Endst: No. & Date Even.

Copy of above is forwarded for information to Probation Officer, District Courts, Karak.

*Handwritten signature*

**DEPUTY DIRECTOR (ADMN)  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR**

Seen ll  
13/02/24



GOVERNMENT OF KHYBER PAKHTUNKHWA,  
HOME & TRIBAL AFFAIRS DEPARTMENT.

Directorate of (R. & P.)

No. 769

Dated Peshawar, the 23<sup>rd</sup> January, 2024

Date 29/1/24

**ORDER**

File \_\_\_\_\_

**No. SO(Prison-II)/HD/1-17/2023:** WHEREAS Mr. Gohar Farooq, Junior Clerk office of the probation officer, District courts of Karak was proceeded against under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011 and was awarded Minor Penalty of "withholding of two annual increments without cumulative effect" vide Order No. 3662-66 D.R.&P(P/F) dated 11.09.2023 by the Competent Authority (Director, Reclamation & Probation, Khyber Pakhtunkhwa).

2. AND WHEREAS, he filed appeal before the Appellate Authority; (Additional Chief Secretary, Home, Khyber Pakhtunkhwa) for relief under Rule-17 of the Ibid Rules.

3. AND WHEREAS, the Appellate Authority has empowered Special Secretary-I Home & T.A Department to give personal hearing to the accused which was recorded subsequently.

4. NOW THEREFORE, the Appellate Authority (Additional Chief Secretary, Home Khyber Pakhtunkhwa) in exercise of the powers conferred upon him under Rule-17(2)(a) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011 has upheld the order of penalty and rejected appeal of the accused.

*29/1/24*

Additional Chief Secretary  
Home & Tribal Affairs Department  
Khyber Pakhtunkhwa

**Order of even No. & Date.**

Copy forwarded for information & necessary action to the:-

- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- Director, Reclamation & Probation, Khyber Pakhtunkhwa, Peshawar.
- PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
- PS to Additional Chief Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
- Officer concerned.

Section Officer (Prison-II)

*[Signature]*

*DD (Adm/II)*

*[Signature]*

*Supdt-I*

*29/1/2024*

*Seen*

*13-02-24*

*(19)*

(20)

Annexure-6



Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

No. SO(Prison-II) HD/Misc/1-9/2022.  
Peshawar Dated the 09. March, 2023.

Directorate of (B. & P.)

No.

1675

Date

14/3/23

File

P/F

OFFICE ORDER

The competent authority has been pleased to relieve Mr. Abid Ali Senior Probation Officer (BPS-17) District Kohat to join his new assignment as lecturer in Sociology Higher Education, Archives and Libraries Department w.e.f. 08.02.2023. He is allowed lien as per relevant rules.

Consequent upon the above, Mr. Zahid Akram, Senior Probation Officer (BPS-17) District Courts Khyber shall look after charge of the Post of Senior Probation Officer, Kohat in addition to his own duties till further orders.

*Zahid Akram*

Secretary to Government of  
Khyber Pakhtunkhwa Home  
& T.As Department

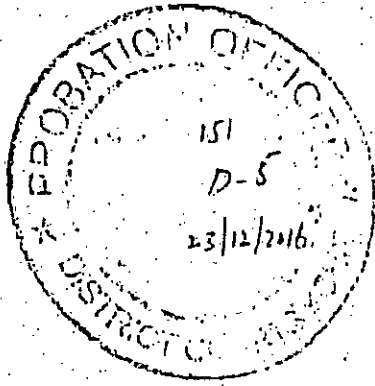
Encl: As above  
Endst: of Even No. & Date

Copy forwarded for information and necessary action to:

1. Director Reclamation & Probation, Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Higher Education, Archives and Libraries Department.
3. PS to Secretary, Home & T.As Department, Khyber Pakhtunkhwa.
4. Officers concerned.
5. Master file.

*M. Akmal*  
Section Officer (Prison-II)

*W. Farid*



*Annexure - 11*

**DIRECTORATE OF RECLAMATION  
AND PROBATION, KHYBER PAKHTUNKHWA,  
PESHAWAR**  
Benevolent Fund Building R.No. 126-127-128 & 231  
P.No. 9213309, 9211207. Fax: 9210720

No. 3059-83 D.R&P (P-1) )  
Dated Peshawar the 20-12-2016

To

All Parole/Probation Officers (Male/Female),  
Reclamation & Probation Department,  
in Khyber Pakhtunkhwa.

Subject: PROBATION CASE WORK UNDER PROBATION OF  
OFFENDERS ORDINANCE 1960/ RULES 1961

Memo:

I am directed to refer to the subject noted above and to convey that under the Probation of Offenders Ordinance, 1960, it is the duty of Probation Officer to take the cases from courts personally as well as monitor their performance.

I am further directed to inform that the Director Reclamation & Probation has seriously noticed that Junior Clerks or Naib Qasids are taking probation cases from the courts, which is not according to the spirit of Probation Ordinance.

Therefore you are directed to avoid such like practice in future.

*[Handwritten Signature]*

**DEPUTY DIRECTOR  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR.**

*Seen & advised by  
[Handwritten Name]  
23/12/2016*







صنعت (3)

کیم کل کرے ہوئے سنسز پر پیش آفسز (خبر) اور سنسز پر پیش آفسز (بنوں)  
 دو ٹون کو میں نے کیا کہ اگر آپ دو ٹون ہما بیان کی اجازت ہو تو  
 میں امتحان دینے چاہتا ہوں۔ لہذا سنسز پر پیش آفسز (بنوں) نے سنسز  
 پر پیش آفسز کو کیا کہ کام کو مکمل ہو گا یہ اب اس کو اجازت  
 دے دیں کہ وہ سیر دینے پہنچ جائے اور دو ٹون سے مجھے اجازت مل  
 گئی اور پھر کا وقت ختم ہونے میں کچھ وقت رہ گیا تھا کہ اللہ  
 کی منتقلی سے میں انگلینڈ میں فریڈ سے پہنچ گیا۔

پیر 4:- یہ کہ ڈائری 3-3 اور سنسز پر پیش آفسز خبر نے مو بائل ٹون  
 سے ذریعے جو دے دیا گیا اور کیا کہ میرا ساتھ میں ہوا اور ڈیڑھ  
 اور آفیشل خطوں سنسز کو چونکہ میرا پاس آفس میں اس  
 سہولت کا کوئی ٹکٹ نہیں تھا کہ میں اس سے ساتھ آفس کا کام اس  
 کے ذریعے سنسز کرتا۔ آفس میں نہ بھلی سے نہ آفس میں اور نہ  
 مو بائل سنسز جس کی وجہ سے میں نے سنسز پر پیش آفسز (خبر)  
 کے ساتھ کچھ بھی نہ کر سکا۔

ان دو ٹون کو میں نے سنسز پر پیش آفسز (خبر) سے حاصل کیا۔  
 پہلی نہ ہو نہ ہو۔ جس سے آفس کا کام ہموار چل سکی  
 ہو جائے۔ پہلے دو ٹون میں آفس میں ایڈمنٹ آفس سٹور بلڈنگ سے  
 جو بھلی موجود تھی۔ کچھ عرصہ گزارنے کے بعد وہ بھی نہیں رہے تھے۔  
 جس سے آفس کا کام متاثر ہوا۔

پیر 5:- سر جہاں نگر پیرا ماہینہ کے متعلق ہے۔ وہ کینسر کی بات ہے اس  
 سولہ سے مہرگی ماہ رمضان میں ضرور ہو گا۔ انشاء کہ ساتھ ساتھ (جاری  
 میں رہا ہوں۔ اور میں نے ان سے عرض کی تھی کہ ضرور کینسر  
 پتہ کیلئے مجھے کافی مسائل درپیش ہیں۔

Shah

صفحہ (4)

پیرا نمبر 1 کا۔ اگر کہہ دے ہاں سو دس یوں پوچھتا ہوں کہ پیرا نمبر 1 کا کیا ہے؟  
دیکھتے ہیں اس سوال سے 5.3.5 ہاں کہہ دیتے ہوتے ہیں پیرا نمبر 1 میں پیرا  
لیج داغ ہے۔ اس طرح مندرجہ کسٹرز ہمیں کسٹرز اور ڈاکٹر کے ساتھ  
سے موصول ہوئے ہیں۔

پیرا نمبر 1۔ پیرا نمبر کا جواب پیرا نمبر 1 میں تفصیل سے دیا گیا ہے۔

پیرا نمبر 2۔ سہا جیہاں کسٹرز پیرا نمبر 2 کا تعلق ہے۔ میں نے تمام پیرا نمبر 1  
بالا کے احکامات اور پیرا نمبر 2 کے مطابق اپنی ڈیوٹی رینج میں دی ہے۔  
اور کبھی کوئی نہ کہی ہے۔ ان دنوں یہاں پیرا نمبر 2 کے احکامات میں  
سٹاف ورکس کا مسئلہ تھا اور جان بوجھ کر یہ نہ کیا ہے۔  
جس کا مجموعہ خود بھی رہا اور اس میں سے۔

سزا مندرجہ بالا تمام شرائط کی روشنی میں اسٹریٹ کرنا ہوں کہ  
مورخہ :- 22/04/13 بمقام لپٹر نمبر 5.3.5 اور پیرا نمبر 2 کے احکامات  
داخل دفتر فزاکر منگور فرمائیں۔

سائل آئینہ انی ڈیوٹی رینج مندرجہ سے کرنا۔

آئی اے خالص لپٹر منگور (جو مندرجہ میں ہے)

پیرا نمبر 2 کے احکامات

مورخہ :- 24/5/23

Shah

## FINDINGS OF THE INQUIRY

23 (26)

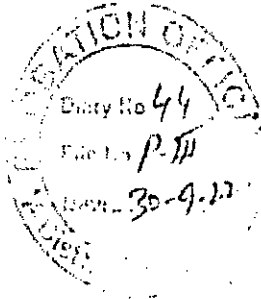
The record relating to the subject matter was examined thoroughly. All the allegations levelled against Mr. Gohar Farooq are proved. As per rules he was bound to discuss his leave and other official matters with SPO Khyber but he by passed the hierarchy and discussed his leave and other official matters with Deputy Directors of the Directorate which is a clear violation of the rules. From the record it has been cleared that he violated several times the directions of his Officer and disobeyed the orders.

## CONCLUSION

On the basis of above facts explored by the undersigned during inquiry charges levelled against Mr. Gohar Farooq were proved. It is concluded that in the entire matter Mr. Zahid Akram SPO Khyber was in a liaison with the said junior clerk and informed time to time regarding the officials and courts matters but the said Junior Clerk failed to obey his orders.

*J. S. Shah*

27



**DIRECTORATE OF RECLAMATION  
AND PROBATION KHYBER PAKHTUNKHWA  
PESHAWAR**

4073-4104 P-11  
19/9/2022

To

1. All Senior Parole/Probation Officers,
2. All Parole/Probation Officers,  
Reclamation & Probation Department,  
In Khyber Pakhtunkhwa.

Subject: - INSTRUCTION / WARNING

Memo:

I am directed to refer to the subject noted above and to convey that it has been noticed that the Junior Clerks take the probation cases from Courts, filling Form C&D and Form - A and then got it signed from concerned Courts. They also receive visits of probationers and their attendance are marked in the attendance register which is against the rules and spirit of Probation Ordinance.

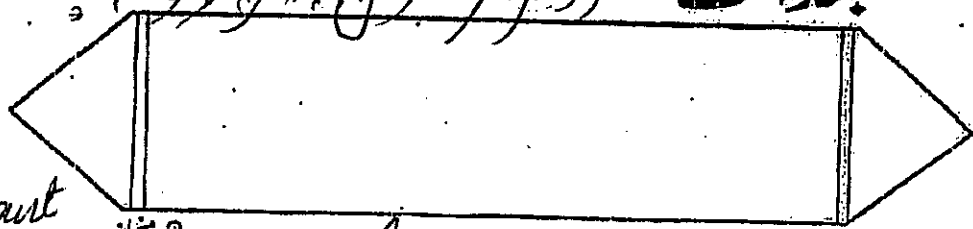
I am further directed to ask you to avoid such practice in future as the Junior Clerks have nothing to do with the Probations/Probation Case Work filing, which strict action will be initiated against the defaulter Officers/Officials.

*78/11/2022*  
*S. M. Shah*

*S. M. Shah*  
*30/9/2022*  
*g/c*

*107*  
**DEPUTY DIRECTOR (PROBATION)  
RECLAMATION & PROBATION  
KHYBER PAKHTUNKHWA  
PESHAWAR**

بعدالت سرسبز انٹرنیشنل چیمبر آف کمرس



Appellant  
2 جناب  
گورنر فاروق بنام حکومت و علیہ

موزخ  
مقدمہ  
دعویٰ  
پریم

باعث تحریر آنگہ

مقدمہ بندرج عدالت عالیہ لاہور میں اپنی طرف سے واسطے پیروئی و جواب دہی وکل کاروائی متعلقہ  
آن مقام سپریمور کیلئے سپریمور و جانرل ایڈووکیٹ  
مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نکل کاروائی کا کامل اختیار ہوگا۔ نیز  
دیکل رہ صاحب کو رائی نامہ کرنے و تقرر ثالثت و فیصلہ بر حلف دینے جناب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروئی یا ڈگری یا بطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروئی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے نکل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سائلہ  
برداشتہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانشینا اتوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروئی  
مذکورہ کریں۔ لہذا وکالت نامہ لکھد یا کہ سند رہے۔

گورنر فاروق 5/10 طاہر فاروق صاحب  
مکملہ بندرج عدالت عالیہ لاہور  
کے حضور

Attested  
2024 02 21  
Accepted  
واہ الع

نئے کے منظور ہے  
2  
مقام