

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR

CM No. _____ 2024

in

Service Appeal No.310/2024

Gohar Farooq S/o Tahir Farooq Sabir

Versus

Government of Khyber Pakhtunkhwa through Additional Chief Secretary and
others

Index

S. No	Description of the documents	Annexure	Page
1	Application for additional Documents		1
3	Inquiry Report	A	2 - 8

Petitioners

Through

Syed Roman Shah

Syed Roman Shah

Advocate High Court, Peshawar

*23-04-2024
Peshawar*

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**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR**

CM No. _____ 2024
in
Service Appeal No. 310/2024

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 11382

Dated 27-02-2024

Gohar Farooq S/o Tahir Farooq Sabir

Versus


Government of Khyber Pakhtunkhwa through Additional Chief Secretary and
others

**APPLICATION FOR PLACING ON FILE
ADDITIONAL DOCUMENTS**

Respectfully Sheweth,

1. That the above-mentioned case is pending adjudication before this Hon'ble Court.
2. That the appellant wants to bring on record certain documents for just and proper decision of the instant case.
3. That additional documents can be placed on record at any time for proper dispensation of justice.
4. That the document may be read as part and parcel of the main case.

It is there for respectfully prayed that on the acceptance of instant application the appellant may kindly be allowed to place the document on file and may be considered as part of documents of the main appeal.

Petitioners 
Through
Syed Roman Shah
Advocate High Court, Peshawar

Affidavit

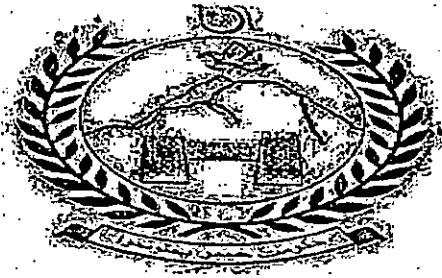
As per instruction of my client the content of the above application are true and correct to the best of my knowledge and believe and nothing has been kept concealed from this Hon'ble Tribunal.


Advocate



2
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INQUIRY REPORT IN RESPECT OF MR. GOHAR
FAROOQ (JUNIOR CLERK BPS-11).



GOVERNMENT OF KHYBER PAKHTUNKHWA

Submitted to: Director Reclamation and Probation Khyber
Pakhtunkhwa, Peshawar.

Submitted by: Inquiry officer
Riaz Ali, Senior Parole Officer, District
Courts, Peshawar.

S. Shah
ATTESTED

DIRECTORATE OF RECLAMATION AND PROBATION
KHYBER PAKHTUNKHWA, PESHAWAR

2 (3)

86

TABLE OF CONTENTS

S.No	CHAPTER	Page No.
1	Introduction	03
2	Allegations levelled against the Accused	04
3	Methodology	04
4	Written Defence	04
5	Inquiry Proceedings	04
6	Findings of the inquiry	06
7	Conclusion	06
8	Annexes	8 to 33

J. S. Mah...

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INTRODUCTION

BACKGROUND

The Honourable Director Reclamation and Probation assigned the additional charge of the vacant post of the Probation officer Karak to Mr. Zahid Akram SPO Khyber till the appointment of new Officer. The Senior Probation Officer Khyber was contacted by the reader of ADJ Banda Daud Shah on dated 18-03-2023 and informed him to ensure his visit on dated 20-03-2023 to the court for probation cases. The SPO Khyber contacted and directed the junior clerk to bring Form "A" register etc. for registration of new cases. On the next day SPO Khyber again called him at evening time i.e., 07:11 pm for reminder of the court's date/visit. On dated 20-3-2023 SPO Khyber visited the court accordingly and contacted Junior Clerk in a response he stated that he don't know about the Tehsil of Banda Daud Shah. SPO Khyber contacted P/A to Director R&P regarding the situation. After receiving call from P/A to Director the junior clerk reached to Banda Daud Shah within 30 minutes along with Form-"A" Register etc. The junior clerk was allowed by the SPO Khyber on his request for his evening paper/ exam. The SPO Khyber managed and shared the concerned list of 20 Probation cases with junior clerk with the direction to receive all the judgment copies and other forms from the court but the J/C remained silent and did not ask about the cases.

The J/C was contacted by SPO Khyber on dated 03-04-2023 to share monthly reports and other letters for correspondence and he assured the SPO Khyber that he will share the reports etc., by tomorrow positively but as usual he failed to do so.

On dated 4-03-2023 the SPO Khyber inquired from the reader of ADJ B.D. Shah regarding the pending 20 Probation cases but the cases were still pending. The SPO strictly directed the J/C to do the needful but the result remained the same

On dated 5-04-2023 the SPO Khyber observed that neither the J/C pursued the Pending cases nor shared monthly report of District Karak with Directorate. The SPO tried several times to contact J/C but during duty hours his mobile number was switched off as usual. He was contacted by the SPO at 7:18 pm with a direction to submit reports today but he added that he will

Zahid Akram
ATTESTED

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88/

share the reports tomorrow till 11:30 am and disobeyed the direction of the SPO again.

On dated 6-04-2023 The Deputy Director R& P Muhammad Niaz and SPO Khyber have tried several times to contact J/C on his mobile for the purpose to submit monthly progress report till 12:00 pm but his number was out of reach.

The orders/ directions from high ups were not obeyed by the said J/C. Upon which the SPO Khyber forwarded a comprehensive report vide letter No.85/SPO dated 13-4-2023 regarding the misconduct and nor serious attitude towards the officials matters.

The Director Reclamation and Probation ordered to inquire the matter. The undersigned was appointed as inquiry officer vide letter No.2323-25D.R & P (P/F) dated 13-06-2023. (Enclosed as Annex -A)

ALLEGATIONS LEVELLED AGAINST MR. GOHAR FAROOQ

Mr.ZahidAkram SPO Khyber submitted a report to the Directorate regarding the non- compliance of the orders as well as the irresponsible attitude of the said J/C.(Copy of report enclosed as Annex-B).

METHODOLOGY

Open ended questionnaire was used by the undersigned for all the concerned parties i.e., Mr.Muhammad Niaz Deputy Director, (As annexure-C), Mr.ZahidAkram SPO Khyber (annexed as-D), Mr.Gohar Farooq (Junior Clerk annexed as -E).

WRITTEN DEFENCE

The undersigned received written statements of the concerned i.e., Mr. Zahid Akram SPO Khyber, & Mr.GoharFarooq(Junior Clerk). (Annexed as F & G).

INQUIRY PROCEEDINGS

The undersigned informed all the relevant Officers/ official telephonically about the date of the inquiry i.e. 10-07-2023. All the concerned officer / Official were present.

J. Shah
TESTED

89

6

The undersigned asked from Mr. Zahid Akram SPO regarding the allegations submitted by him against Mr. GoharFarooq Junior Clerk. He not only acknowledged but submitted the details as under;

1. Mr. Zahid Akram added that he called on 18-3-2023 on 9:19 am and was connected for 9 minutes 45 seconds.
2. He called to the Junior clerk for reminder on dated 19-3-2023 at 7:11 pm and was connected for 2 minutes 12 seconds.
3. On 20-3-2023 he tried 5 times to contact the said Junior clerk at 10:17 am but he did not pick the call. Then he contacted P/A to director and after that he received message from P/A to Director that he informed him and he will catch you soon.
4. He contacted on 3-4-2023 at 9:43 am and talked up to 20 minutes 24 seconds regarding submission of monthly reports. Furthermore again he was contacted at 10-05 am and talked up to 2 minutes 19 seconds to submit report but in vain.
5. The junior clerk was again contacted by SPO Khyber again on dated 4-4-2023 at 11:48 am and talked for 11 minutes 24 seconds to submit report but result was zero.
6. Again SPO Khyber tried 4 times on 5-4-2023 to contact him at 11:50 am regarding submission of monthly report but he did not receive the call. The SPO received call on the same day at 12:00 pm from Directorate regarding the non- submission of monthly report. The SPO again contacted the said junior clerk at 7:18 pm and talked up to 8 minutes 45 seconds with a strict direction to submit monthly report positively.
7. On dated 6-4-2023 Mr. Muhammad Niaz Deputy Director R & P called him on 10:51 am and talked for 6 minutes 25 seconds. The SPO Khyber added that he is trying to contact the said clerk for submission of monthly reports but his number was switched off. Then at 11:28 am the SPO Khyber informed the Deputy Director telephonically and informed him that the clerk number is switched off.
The SPO Khyber not only acknowledged the allegations but also submitted complete mobile screen shots dates wise relevant to the case.
(Screenshots are enclosed- As Annex-H)

When the undersigned inquired about the matter and dates he submitted the details as under;


ATTESTED

890

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1. He confessed that the SPO informed him regarding the cases time and again. He further added that he was unaware about the location of B.D Shah Tehsil but as he received call from Directorate he traced the location by asking from others. He further accepted that SPO Khyber time and again informed him regarding submission of Monthly reports. He further added that due to load shedding and absence of signals in his office his mobile remained off. He further added that he submitted the monthly reports on 4-4-2023 to Directorate. He further stated that due to Ramadan and his exam he was in tension that is why he failed to submit the reports on time. When asked about that why he informed Deputy Director Despite of SPO Khyber regarding his exam he added that, the post was vacant but in fact SPO Khyber had the look after charge of that office. When he was asked about the Para No.3 of his written statement in which he mentioned that all the pending probation case work was completed but in Para No.5 he repeated that he contacted the reader of B.D Shah regarding the pending 20 Probation cases, he said that both statements are correct.

FINDINGS OF THE INQUIRY

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.

Zahid Akram
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8

91

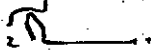
Recommendation

It is recommended by the undersigned that under rule 4 (1) (a) (ii) of the Efficiency and Discipline rules (2011) may be applied and withhold of increment for 2 years is recommended as a minor penalty.

11

(The report consists of 1653- words/ 7 pages, exclusive of annexure)

INQUIRY OFFICER



RIAZ ALI
SENIOR PAROLE OFFICER DISTRICT COURTS PESHAWAR.

Shah
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