5 10.08.2015 Counsel for the appellant present. Learned counsel for the appellant requested for adjournment as the departmental appeal of the appellant is statedly accepted. To come up for further proceedings on 24.8.2015 before S.B.

Chairman

24.08.2015 Counsel for the appellant present. Learned counsel for the appellant submitted copy of office order dated 10.8.2015 vide which the penalty of dismissal from service imposed against the appellant was converted into reduction to lower grade and recovery of incentive allowances @ Rs. 20,000/- per month drawn for the year 2013.

In view of the afore-stated development, learned counsel for the appellant requested for withdrawal of the instant appeal as the appellant is to seek redressal of his grievances afresh.

The appeal is dismissed as withdrawn. The appellant may seek redressal of his grievances in the prescribed manners afresh. File be consigned to the record.

ANNOUNCED
24.8.2015

Chairman
24.08.15

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 631/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12.06.2015	The appeal of Mr. Nawab Zareen presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order. REGISTRAR
2	22.6.15	This case is entrusted to S. Bench for preliminary hearing to be put up thereon 23.6.15. CHAIRMAN
3	23.06.2015	Appellant in person present. Requested for adjournment. Adjourned to 27.7.2015 for preliminary hearing before S.B. Chairman
4	27.7.2015	Agent of counsel for the appellant present. Requested for adjournment. Adjourned to 10.8.2015 for preliminary hearing before S.B. CHAIRMAN

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No 632 /2015

Nawab Zarin S/O Rahim Gul, Ex-Public Prosecutor (BPS-18), Bannu, R/o Sukari Jabbar Tehsil & District Bannu.

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others. **(Respondents)**

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Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&
SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

K.W.F. Province
Service Tribunal
Diary No. 678
Dated 12-6-2015

Appeal No. 632 /2015

Nawab Zarin S/O Rahim Gul, Ex-Public Prosecutor (BPS-18), Bannu, R/o Sukari Jabbar Tehsil & District Bannu.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt Khyber Pakhtunkhwa, Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. Secretary to Govt Khyber Pakhtunkhwa, Home and Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
4. Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order/ Notification No. SO(Com/Enq)HD/1-31PP/DPP/2014 dated 29/01/2015 communicated to the appellant on 11.02.2015, whereby the major penalty of "*DISMISSAL FROM SERVICE AND RECOVERY OF INCENTIVE ALLOWANCE@ Rs.20,000/ PER MONTH FOR THE YEAR 2013*" has been imposed upon the appellant, against which his departmental Review dated 18.02.2015 has not been responded within the statutory period of 90 days.

Prayer in Appeal: -

On acceptance of this Service Appeal the impugned Notification No. SO\(Com/Enq)HD/1-31PP/DPP/2014 dated 29/01/2015, may please be set aside and the appellant may be reinstated in to service *with all back benefits of service*.

Respectfully Submitted:

1. That on the recommendation of the Khyber Pakhtunkhwa Public Service Commission, the Appellant was initially appointed as Additional Public Prosecutor (BPS-17) vide order dated 19.02.2004 and posted at District Bannu. During the course of his service, the appellant also was promoted to the Post of Public Prosecutor (BPS-18). The appellant remained posted at different courts and performed his duties efficiently. Lastly the appellant was Posted at Anti Terrorism Court Bannu on 16.11.2011.

2. That ever since his appointment, the Appellant had performed his duties as assigned with zeal and devotion and there was no compliant whatsoever regarding his performance.

3. That a fact finding inquiry was conducted to probe into the matter of high ratio of acquittals in the Anti- Terrorism Court Bannu. It is pertinent to mention here that the Inquiry committee/team which conducted fact finding Inquiry, also consisted of a member/ official who was junior to the appellant. The inquiry committee submitted its report on 04.02.2014, wherein it gave certain recommendations. ***(Copy of the fact finding inquiry report is attached as Annexure A)***

4. That while making base the recommendations of the fact finding inquiry, the appellant was served with Charge Sheet and Statement of allegations dated 23.04.2014, containing certain unfounded and baseless allegations that the Appellant while posted as Public Prosecutor ATC Bannu, committed the following irregularities:-

   a. *"That you have failed to manage properly the prosecution of the cases in the Anti-terrorism Court, Bannu and ignoring the order No.SO(Pros)HD/1-2/2010-VOL-I dated 11.02.2011issued by the competent authority and forwarded the cases at your own to the Anti- terrorism Court by passing the Head of investigation and District Public Prosecutor, resulting into acquittals".*
   b. *"That you failed to file appeals against acquittals in the competent court in twenty seven (27) high profile cases without any justification".*

   (Copies of the Charge Sheet and Statement of allegations dated 23.04.2014 are attached as Annexure B).

5. That the Appellant duly replied the Charge Sheet vide reply dated 13.05.2014, and refuted the unfounded and baseless allegations leveled against him. ***(Copy of the Reply to the charge sheet* dated 13.05.2014, *is attached as Annexure C)***.

6. That thereafter a partial inquiry was conducted and the inquiry officer without properly associating the appellant with the inquiry proceedings, concluded the inquiry and submitted his report on 09.06.2014, wherein he recommended the appellant for the punishment of Reduction to the lower grade and recovery of incentive allowance of Rs.20000/-PM for the year 2013.***(Copies of the statements of the appellant and co-accused and inquiry Report is attached as Annexure D & E)***

7. That the Appellant was served with Show Cause Notice dated 08.09.2014. Which he duly replied vide reply dated 01.10.2014, wherein besides refuting the allegations leveled against him as false and baseless, he also pointed out the partial attitude of the inquiry officer adopted by him during the inquiry proceedings against him by not giving him fair opportunity to defend himself.***(Copy of the Show Cause Notice dated 08.09.2014,and Reply to the Show Cause Notice dated01.10.2014 are attached as Annexure F & G)*.**

8. That without considering the defense reply of the appellant the competent authority quite illegally awarded the Appellant the major penalty of "***DISMISSAL FROM SERVICE AND RECOVERY OF RS.20,000/- PER MONTH FOR THE YEAR 2013***" vide Order/ Notification No. SO(Com/Enq)HD/1-31PP/DPP/2014 dated 29/01/2015. However the order was communicated to the appellant vide letter dated 04.02.2015, which he received on 11.02.2015. ***(Copy of the Notification dated 29.01.2015, along with letter dated 04.02.2014 are attached as Annexure H & I).***

9. That aggrieved from the order dated 29.01.2015the appellant filed his departmental review dated 18.02.2015, however it has not been responded despite the lapse of 90 days statutory period. ***(Copy of the Departmental Appeal dated 18.09.2015 is attached as Annexure J).***

10. That the Impugned order is illegal, unlawful without lawful authority and against the law and facts, hence liable to be set aside inter alia on the following grounds.

GROUNDS OF SERVICE APPEAL:-

A. That the Appellant has not been treated in accordance with law, hence his rights secured and guaranteed under the law are badly violated.

B. That no proper procedure has been followed before awarding the penalty to the appellant, no proper inquiry has been conducted, neither he has been properly associated with the inquiry proceedings nor any witness has been examined , the inquiry officer gave his findings on surmises and conjunctures, hence the proceedings so conducted are violative of law and thus not tenable.

C. That the appellant has not been given proper opportunity of personal hearing thus he has been condemned unheard.

D. That that the Inquiry committee/team which conducted fact finding Inquiry, also consisted of a member who was junior to the appellant and under the law he was not competent to conduct inquiry against the appellant.

E. That the charges leveled against the appellant were never proved during the inquiry officer gave his findings on surmises and conjunctures.

F. That the charges leveled are of such a nature never admitted nor proved against the Appellant, therefore proving the charges on the basis of no evidence are illegal, unlawful and not tenable.

G. That the copy of the letter referred in the statement of allegations as well as charge sheet has never been communicated to the appellant nor conveyed or circulated such instructions by the then District Public Prosecutor Bannu (Mr. Imtiaz ud Din Mansoor) and Directorate of Prosecution as well as to appellant and this fact is also candidly conceded by the District Public Prosecutor Bannu in his statement recorded during inquiry proceedings on 27.05.2014 before inquiry officer stating therein that he had never sighted or seen the said letter.

H. That the letter bearing such instructions was issued on 11.10.2011 while at that time the appellant was working in the Anti-Corruption Court Southern Region Bannu as Public Prosecutor where he remain from September, 2009 to 24.11.2011 whereas during this period the predecessor in office Mr. Kamran Khan Wazir was working as PP in the Anti- Terrorism Court Bannu as such the appellant has been held responsible just for no fault blaming the

appellant that he have not complied with the instructions mentioned in the above referred letter which was never been conveyed to the appellant. ***(Copy of the letter dated 11.10.2011, is attached as Annexure K)***

I. That all the cases pertaining to Anti-Terrorism Court Bannu, were efficiently proceeded and instituted by the appellant within stipulated period prescribed U/S 173 of CrPC read with Section 19 of Anti- Terrorism Act, 1997 and the prosecution was conducted by him with full devotion and vigilant.

J. That the inquiry officer has not carried out the inquiry as plea the prescribed rules and the findings based for imposing major penalty upon the appellant is defective having no legal support form record as a single iota of evidence has not been brought on record to fix responsibility upon the appellant of the alleged charges as such the order of dismissal is harsh, illegal and not tenable at all.

K. That the case of the appellant does not fall in the purview of misconduct and the inquiry officer has unlawfully held him guilty of misconduct on the basis of defective inquiry and thus misconceived by proposing major penalty just for no fault which is illegal, harsh and in justice.

L. That the inquiry officer was under legal obligation to find out as to whether the instructions contained in letter under reference dated 11.10.2011 was conveyed to appellant and the instruction contained therein were deliberately and knowingly violated and ignored by the appellant or any malafide was involved, needless to mention that the above mentioned directives were declared null and void by the learned judge Anti-terrorism court II Peshawar while debating upon the application of the learned PP of the said court for discharging of the accused. ***(Copy of the ATC, Peshawar Decision dated 08.09.2014, is attached as Annexure L)***

M. That the inquiry officer did not bother to remained that the appellant had preferred appeals against acquittal in 10 cases which were found fit while remaining cases were not fit for appeals, hence dropped to avoid futile litigation and wastage of time of the court.

N. That initially in the charge sheet the charges of committing irregularities were leveled against the appellant, however later on in the show cause notice the charges of inefficiency and negligence was mentioned, as such the charge sheet and the show cause notice are contradictory and ambiguous.

O. That in criminal cases the ratio of acquittal is ordinarily greater than convictions because the prosecution cases are mainly based upon the statements of PWs expert & medical reports and circumstantial evidence. If thorough heed is paid to the decided cases during the tenure of the appellant, it will be concluded that the appellant had left no stone unturned in performance of prosecution duty in the court of law. But when the PWs and I.Os of the cases failed to bring convincing material / evidence on record for bringing home charges to the accused, then the prosecutor cannot do anything in this regard, as in criminal cases slightest doubt is sufficient for the acquittal of accused and this is why the ratio of acquittal is ordinarily higher then convictions not only in Anti Terrorism courts but in ordinary criminal courts too. It is also pertinent to mention here that as per the record only in the year 2013, the Anti Terrorism courts of Khyber Pakhtunkhwa passed acquittal orders in 344 cases out of 524 cases and convictions have been made only in 76 cases. It is also worth to mention that the ratio of appeals filed against the acquittals passed by ATC, Bannu was higher than other ATC, Courts of the Province in the year 2013. ***(Copies of the List of cases of 2013, are attached as Annexure M)***

P. That the inquiry officer recommended the appellant for the penalty of reduction to lower post, however the competent authority has awarded the penalty of dismissal from service without showing any reason of disagreement with the inquiry officer nor has shown any cogent reasons in the show cause notice for the enhancement of the penalty as such the show cause notice and the subsequent penalty order are issued in violation of the express provision of Khyber Pakhtunkhwa Govt Servant E &D rules 2011.

Q. That during the posting of the appellant at ATC, Bannu, he has performed his duties efficiently and honestly, however quite illegally the recovery of incentive allowance has also been ordered against the appellant. The same is also liable to be set aside.

R. That the appellant never committed any act or omission which could be termed as misconduct, albeit he has been awarded the major punishment.

S. That the appellant is dealt with quite harshly on the basis of unproven charges. Moreover the appellant has been discriminated against as a lenient action has been taken against the co-accused in the same inquiry. The penalty imposed upon the appellant is too harsh and liable to be set aside.

T. That the appellant has at his credit a long and spotless service career of more than 10 years. However his unblemished service record has never been taken into consideration before imposition of penalty upon the appellant.

U. That the facts and grounds taken in the replies of the ***Charges Sheet, Show Cause Notice and Departmental Review*** of the appellant may also be taken as integral part of this appeal.

V. That the appellant is jobless since the illegal ***Dismissal from Service.***

W. That the Appellant seeks permission of this Honourable Tribunal to rely on additional grounds at the time of hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this Service Appeal the impugned Notification No. SO\(Com/Enq)HD/1-31PP/DPP/2014 dated 29/01/2015, may please be set aside and the appellant may be reinstated in to service with all back benefits of service.

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No._____/2015

Nawab Zarin S/O Rahim Gul, Ex-Public Prosecutor (BPS-18), Bannu, R/o Sukari Jabbar Tehsil & District Bannu.

(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others.

(Respondents)

Application for the suspension of the impugned order Dated 29.01.2015 and restraining the respondents from affecting recovery pursuant to the order dated 29.01.2015 till the decision of the above noted Appeal.

Respectfully Submitted:

1. That the appellant has filed the titled appeal in this Honourable Tribunal in which no date of hearing is fixed so far.

2. That the facts and ground mentioned in the accompanied appeal may be read as integral part of this application.

3. That the applicant has got a good prima facie case and there is likelihood of it success.

4. That the applicant would be exposed to great hard ship and inconvenience in case the order is not suspended.

5. That it will also serve the interest of justice if the order impugned is suspended till the final decision of the appeal.

It is, therefore, prayed that on acceptance of this application the operation of the impugned order dated 29.01.2015, may please be suspended and the respondents may please be restrained from recovery pursuant to the order dated 29.01.2015 till the decision of the appeal.

Applicant

Through

IJAZ ANWAR
Advocate, Peshawar
&
SAJID AMIN
Advocate, Peshawar

AFFIDAVIT

I, **Nawab Zarin S/O Rahim Gul, Ex-Public Prosecutor (BPS-18), Bannu, R/o Sukari Jabbar Tehsil & District Bannu,** do hereby solemnly affirm and declare on oath that the contents of the titled appeal as well as application are true and correct to best of my knowledge and believe and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

KHALID MAHMOOD ADVOCATE
ATTESTED 12-6-15
NOTARY PUBLIC
PESHAWAR HIGH COURT

(10)

FACT FINDING INQUIRY REPORT

In pursuance to the direction by the Director General Prosecution Khyber Pakhtunkhwa, we visited the office of the District Public Prosecutor office Bannu on 18-01-2014 to probe into the matter of high ratio of acquittals in the Anti-Terrorism Court Bannu. The Senior Public Prosecutor Anti-Terrorism Court Bannu was also present there along with the record of the cases decided during the year 2013.

The perusal of record reveals that in the year 2013 total number of 67 cases were forwarded to the Court out of which the acquittals were in 37 cases the conviction in only one case. Further 05 cases were transferred to ordinary Courts and 3 were returned to Prosecution. Out of 37 cases the wherein, acquittals were made appeals were preferred in 10 suitable case, to this effect the report is at **Flag-A.**

What irregularity we noticed there was that prior to the submission of the cases to the Court concerned the District Public Prosecutor or the SP Investigation were not consulted as required vide order no. SO (Pros) HD/1-2010-Vol-I dated 11-10-2011 Flag-B and that the Senior Public Prosecutor in Anti-Terrorism Court straight away at his own without holding any meeting with other stake holders forwarded the cases to the Court.

Further we could not find any proper mechanism for the supervision of the Investigation of such high profile cases. It appeared to us that the investigation of the cases registered under Anti-Terrorism Act was not properly managed nor supervised in professional manner resulting into bulky acquittals.

The Senior Public Prosecutor ATC Bannu when confronted with the situation regarding non-consulting the other stake holders prior to forwarding the case to the Courts and non-supervision of the investigation of such cases, he appeared to be helpless. The statement of the concerned was also recorded which is **Flag-C** wherein the Prosecutor tried to justify his stance but failed to manage the same. We also found lack of coordination between the office of the District Public Prosecutor Bannu and the Senior Prosecutor ATC Bannu.

In the given circumstances the following recommendation are formulated for the approval of the Director General Prosecution.

1. *The Senior Public Prosecutor ATC Bannu who has failed to manage properly the Prosecution of the cases in the Court is required to be transfer from the same.*

2. *The Senior Public Prosecutor ATC Bannu is required to explain the reasons for ignoring the order no. SO (Pros) HD/1-2010-Vol-I dated 11-10-2011by the competent authority and forwarding the cases at his own to the Court resulting into acquittals.*

3. *The District Public Prosecutor Bannu may be asked to improve his liaison with the Senior Public Prosecutor ATC Bannu.*

4. *The District Public Prosecutor Bannu to personally supervise the process of investigation of the cases registered under Anti-Terrorism Act 1997 and to ensure the proper implementation of the order No. SO (Pros) HD/1-2010-Vol-I dated 11-10-2011by the competent authority.*

04/2

(IRSHAD ULLAH AFRIDI)
Deputy Director Legal

04/2

(ZAFAR ABBAS MIRZA
Deputy Director Monitoring

(12) Annex: B

CHARGE SHEET

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you, Mr. Nawab Zarin, Public Prosecutor (BPS-18), ATC Bannu as follows:

That you, while posted as Public Prosecutor, ATC Bannu committed the following irregularities:

i. That you have failed to manage properly the prosecution of the cases in the Anti-Terrorism Court, Bannu and ignoring order No. SO (Pros)HD/1-2/2010-Vol-1 dated 11-10-2011 issued by the Competent Authority and forwarded the cases at your own to the Anti-Terrorism Court by passing the Head of investigation and District Public Prosecutor, resulting into acquittals.

ii. That you failed to file appeals against acquittals in the competent Court in twenty-seven (27) high profile cases without any justification (Annex-A).

2. By reasons of the above, you appear to be guilty of misconduct under rule 3 of the 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 defence within seven days of the receipt of this Charge Sheet to the inquiry officer /inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/inquiry committee, within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-party action shall be taken against you.

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

7. A statement of allegations is enclosed.

Pervez Khattak
(PERVEZ KHATTAK)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA.
23.04.2014

(13)

Duplicate

DISCIPLINARY ACTION

I, **Pervez Khattak**, Chief Minister, Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that **Mr. Nawab Zarin,** Public Prosecutor (BPS-18), ATC Bannu, has rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government, Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

i. **That he has failed to manage properly the prosecution of the cases in the Anti-Terrorism Court, Bannu and ignoring order No. SO (Pros)HD/1-2/2010-Vol-1 dated 11-10-2011 issued by the Competent Authority and forwarded the cases at his own to the Anti-Terrorism Court by-passing the Head of investigation and District Public Prosecutor, resulting into acquittals.**

ii. **That he has failed to file appeals against acquittals in the competent Court in twenty seven (27) high profile cases without** any justification (Annex-A).

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer / inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the rules ibid:

a. Mr. Abdul Ghafoor Baig. (PCS-EG-BS-20)

b. Mr._____

c. Mr._____

3. The inquiry officer / inquiry committee shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer / inquiry committee.

Pervez Khattak

(PERVEZ KHATTAK)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA.
23.04.2014.

To

ANNEX: C

(14)

The Hon, able Abdul Ghafoor Baig
(Enquiry Officer)
Special Secretary, higher Education deptt:
Khyber Pakhtunkhwa Peshawar.

Subject: **REPLY TO THE CHARGE SHEET BASED UPON STATEMENT OF ALLEGATIONS.**

Respectfully Sheweth,

With reference to the letter No. DP/E&AI (60)5385-87 dated 06, 2014 received along with the charge sheet based upon statement of allegations, the ~~petitioner~~ accused submits as under;

1. That the ~~petitioner~~ accused has qualified Public Service Commission Examination and recruited as Additional Public Prosecutor in the year 2004 and since- then performing the duty as Additional Public Prosecutor with great zeal and zest.

2. That the ~~petitioner~~ accused has been promoted to BPS-18 having very good and clean record considering the same selection committee during recommendation of the petitioner as evident from the service record of the undersigned.

3. That since posting as Public Prosecutor on various posts, the ~~petitioner~~ accused has discharged the duty with utmost ability, efficiency and devotion and this is why that no complaint what so ever against the petitioner by any immediate officer or high ups of the prosecution department. The said performance clearly suggests that the petitioner has performed the duty co-heartedly. Since my appointment as PP till date I have performed my duties to the best of my capacity and full devotion through out my service carrier.

4. That from the date of appointment till date the ~~petitioner~~ accused records is so much clean and clear that no bed A.C.R has been communicated to the undersigned. Even advice has not been served upon the undersigned regarding any shortcomings or regarding charge sheet based upon statement of allegations. I have earned excellent as well as good ACRs. I have unblemished service record.
With respect the allegations that I have failed to managed properly the prosecution of the cases of ATC are seemingly based on mis-conception or dis-information. I was attached with ATC court Bannu as Prosecutor for the 1st time in February 2004 and remained attached till 4th August 2009. I have reasons to believe that because of my track record I was again posted as pubic Prosecutor on 24/11/2011 and served as such till 30/4/2014. I can not think disobeying the order of competent authority. The cases forwarded to the court were under the bonafide belief u/s 173 Cr.p.c as well as U/s 19 of ATA. The cases to be forwarded through Public Prosecutor. For the second time then I was posted as PP on 24/11/11 and the said order of the competent authority was not brought to my notice by the office. I may further elaborated my above reply during personal hearing.
Unfortunately list of those 27 cases (annexure A of the charge sheet) mentioned in charge sheet has not be deliver/provided.

5. That being Law Graduate and experienced prosecutor, the ~~petitioner~~ accused know the chain of command & rule of business and I have never broken the chain of command and rule of business and always made the correspondence with the authorities through proper channels in the bounds of law & procedure and this is why that no authority has made any complaint against the petitioner and similarly has not shown any annoyance.

because of apprehending danger at the hand of terrorists. Unless and until full proof security has not been provided to the judges of Anti-Terrorism Courts and their families as well to the PWs and their families including the prosecutors, achievement of conviction is very difficult in the prevailed situations.

12. That recently a meeting of all the special judges of Anti-Terrorism Courts was held under the chairmanship of the Administrative Judge for the purpose of Anti- Terrorism Court, his lordship Mr. Justice Yahya Afridi, wherein it was directed that all cases pertaining to the Anti-Terrorism shall be directly forwarded to the courts by Public Prosecutors attached with Anti-Terrorism Courts because of the facts that Section 19(1)ATA provides that this job is exclusively conferred upon the prosecutor of the Anti Terrorism Courts just for the reason that delay in submission of challan is avoided and speedy justice is dispensed with as the act ibid provides this in the very preamble of this Act. This decision clearly supports that cases are to be forwarded to the courts by the Public Prosecutors of Anti-Terrorism Courts for the reason mentioned above.

PRAYER:

In light of the above facts and circumstances, it is requested that the charge sheet based upon statement of allegations may kindly be filed without further action. I may also be heard in person.

Thanks

Accused,

~~Yasir Shere~~,

Nawab Zarin
Public Prosecutor (BPS-18),
Lakki Marwat.

13-5-2014.

بیان برحلف نواب زرین ATC, P.P. ہوں، کراچی کی مورخہ 27/05/14

(17)

بیان دیا کہ میں عرصہ 2011 سے بطور PP اے ٹی سی ہوں کام کر رہا ہوں اور اب PP, ATC کی مدت 3/5/2014 سے تعینات ہو گیا ہوں۔

C.Q یہ درست ہے کہ میں ATC کورٹ ہوں کے ساتھ 2009 سے 2014 تک منسلک رہا ہوں اور دوبارہ میں بحیثیت PP 24/11/2011 سے 30/4/2014 تک بطور ATC PP ہوں رہ چکا ہوں۔ مجھے معلوم ہے کہ جن 26/27 کیسز کے بارے میں مجھے حلف شیٹ دیا گیا ہے مجھے ان کا بخوبی علم ہے

C.Q یہ درست ہے کہ میں نے 2011 سے 2014 تک جو کیسز ATC کورٹ ہوں میں دائر کیے تھے جن پر S.P. انویسٹی گیشن اور DPP کے ساتھ مشورہ/مشاورت نہیں کی تھی از خود کہا کہ میں وقتاً فوقتاً SP اور DPP کے ساتھ case to case basis مشورہ کرتا ہوں

Usman 27/5/14

پھر از خود کہا کہ میں Sect-198(A) کے تحت بااختیار تھا کہ میں بحیثیت PP کو متعلقہ عدالت میں دائر کر سکتا اور میں نے وہ کیسز اسی اختیار کے تحت عدالت میں دائر کیے تھے۔ پھر کہا کہ میں

نے چارٹ شیٹ میں متذکرہ افسران / ادارہ کے مطابق پوری کوشش
کی ہے کہ اسکے روح اور مقصد کیلئے پوری عملدرآمد کی کوشش کی
ہے اور میں نے کسی Stakeholder کو نظر انداز نہیں کیا۔
میں متذکرہ، لہٰذا اصل ذکر چارٹ شیٹ میں ہے کے بارے میں حصول
حوالے اور عمل درآمد کے بارے میں میرے پاس کوئی جواب نہیں ہے
از خود کہ
یہ درست ہے کہ 2013 میں فیصلہ شدہ کیس دائر کرتے
وقت میں نے کسی سے مشاورت نہیں کی۔ اس وقت وہ کیس
عدالت میں دائر کرنے کیلئے بالکل fit تھے البتہ ان کیس
جن کو عدالت نے (26) Acquitted کے آرڈر دیئے تھے
Appeal دائر کرنے کیلئے میں موزوں نہیں سمجھتا تھا۔ اس وجہ سے کیا کیونکہ دوران
شہادت contradiction اور بہت زیادہ تضادات آئے ہیں۔

Dmc
27/5/11

ج۔ یہ بھی درست ہے کہ میں نے ان Acquittals کو کامیابی سمجھتے
ہوئے انکے خلاف Appeal کرنے کیلئے میں DG Prosecution
یا DP کے ساتھ کوئی مشورہ نہیں کیا کیونکہ یہ کیس
Appeal کیلئے fit نہیں تھے۔ یہ فیصلہ میں نے خود کیا تھا

Attested

س: یہ درست ہے کہ میں نے 2013 میں Accused وسیم کے بارے میں SP انویسٹی گیشن کو کوئی الجھن میں دی کیونکہ میں نے اس بارے میں 2004 سے 2011 تک کافی خطوط SP انویسٹی گیشن کو لکھے تھے۔ یہ بھی درست ہے کہ Appeal دائر کرنے یا نہ کرنے کے لئے میں نے DPP کی رائے لینا مناسب نہیں سمجھی کیونکہ مجھے اسکا علم نہیں تھا۔ از خود کہا کہ میں نے Non-Malta reply میں دی ہے کہ میں بہت confuse تھا کیونکہ ہمارے پاس صرف 3/4 دن تھے۔

س: یہ درست ہے کہ کیس کا Accused مجرم کے حق میں weak انویسٹی گیشن / پراسیکیوشن کا نتیجہ ہے۔

س: یہ درست ہے کہ مجھے 2013 میں بھی کیس پراسیکیوٹ کرنے سے متعلق جو Performance بنا کر تقسیم کیا گیا تھا مجھے نہیں ملا تھا، از خود کہا کہ وہ Performance مجھے ابھی میری Engagement شروع ہونے کے بعد ملا ہے۔

ج: یہ درست ہے کہ میں نے کیس جیسا حوالہ حل رہا ہے
میں دیا گیا ہے کہ Appeal اسلئے عدالت میں دائر نہیں کی گئی
کہ وہ fit کیس نہیں تھا اور جس
Appeal نہ کرنے کی اطلاع نہ تو DPP کو دی اور نہ DPP کو کوئی
کیونکہ 1997 ATA کی Section-25(4) کے تحت یہ کوئی
کیس اسکا پابند نہیں تھا۔ جس نے Prosecution Act 2005
کا بغور مطالعہ کیا ہے اور اس میں 497 Section (سیکشن)
کے تحت جو اختیارات ملے وہ بغور پڑھے ہیں۔

ج: یہ درست ہے کہ میں نے 497 Section اور
Pros. Act کے تحت
انکوائری
Prosecution جو کہ DPP ہے کو نہ تو حالات
داخل کرتے وقت اور نہ ہی Acquittal کے بعد
Appeal
نہ کرنے کے بارے میں اسکو بتایا تھا۔ حالانکہ یہ کیس
Pros. Act 7 کے تحت اور سیکشن 4 کے تحت
Pros. Act کے تحت
کیس داخل کرتے وقت اور Appeal کرتے یا نہ کرنے کے وقت
DPP کے علم میں لانا چاہیے تھا۔ از خود کیا کہ 2010 میں جب
میں نے چارج نہیں لیا تھا تو ہم اس وقت ایک Appeal ہوئی تھی

Mansi
27/5

(21)

جب میں آیا تو نومبر 2011 تک AT بنوں کے بری شدہ مقدمات
میں مجھ سے پہلے PP صاحب نے کوئی اپیل نہیں کی تھی پھر ایک
اپیل میں نے کر دی پھر 2012 میں مزید Appeals میں نے کر دی
اب 2013 میں میں نے 10 Appeals کر دی ہیں چونکہ
نسبتاً دیگر سالوں سے کافی زیادہ ہیں کیونکہ
مقدمات سال 2010 میں 77 مقدمات میں Acquittal ہو چکی ہے، 2011 میں 61 مقدمات میں Acquittal
ہو چکی ہے، 2012 میں 73 مقدمات میں Acquittal ہو چکی ہے
جبکہ سال 2013 میں 66/67 مقدمات کے فیصلے ہوئے ہیں
جن میں 37 میں Acquittal ہو چکی ہے۔
تفصیل PW-1/1 پر ہے۔

Signature

Signature

Recd

27/5/14

نواب زرین
PP بنوں

حال ہی تعینات

27/05/14 صفحہ 1 (22) 46

26/12/2012 بیان دیا کہ میں 7/5/2014 تک DPP ہوں تعینات رہا

یہ درست ہے کہ میں بحیثیت DPP ہوں اس بات کا پابند تھا کہ

اپنے ماتحت PP وغیرہ کے نگرانی کروں موجودہ

کیس میں جو حالات مجھے یہ لگا ہے اسکے بارے میں

میں نے مورخہ 13/5/14 کو اپنا Additional Statement داخل کیا ہے

البتہ اگر مزید سوالات کیلئے PO اور مجھے بلایا جائے تو میں تیار ہوں۔

C.Q

یہ درست ہے کہ میں نے KPK Prosi. Act 2005 کا بغور مطالعہ

کیا ہے اور Section-497 کے حوالے سے جو ذمہ داریاں DPP

کی ہیں ان سے بخوبی واقف ہوں یہ درست ہے کہ 67/66

فیصلہ 2013 میں ہوا جس میں Acquittal (36/37)

وہ نہ تو دائر کرتے وقت اور نہ

ہی Acquittal کے بعد اپیل نہ کرنے کے بارے میں مجھ سے

رائے لی گئی حالانکہ Section 497 کے تحت میں بحیثیت

DPP ضلع کے Prosecution کا انچارج تھا۔

ATTESTED

(23)

(19) کیسز میں جس میں سے باقی (17) کیسز
قتل کی سے متعلق تھے۔ جس میں سے (8) کیسز میں
کیسز میں داخل کرنے سے پہلے عدالت میں کیے گئے تھے جبکہ (11) کیسز
میری مشاورت کے بغیر دائر کیے گئے تھے۔ جس کی جواز
section 19(1) of ATA, 1997 نے ATC, PP
کے تحت داخل کرنے کا جواز تھا۔ میں نے اس مسئلے پر انکو
کوئی تحریری جواب طلب نہیں کیا تھا البتہ زبانی کہا تھا
کہ اس بارے میں مجھ سے مشورہ لیا کریں

صحیح

یہ درست ہے کہ ATC کے (11) کیسز کے علاوہ باقی
تمام کیسز میری اجازت اور دستخط کے تحت
متعلقہ عدالتوں میں بعد از scrutiny دائر
کیے جاتے ہیں۔ یہ درست ہے کہ PP ATC کی مشاورت
نہ کرنے پر کوئی شکایت / مراسلہ D.G. پراسیکیوشن
سے نہیں کی تھی۔ یہ درست نہیں کہ (11) کیسز
acquittal ہوا ہے البتہ ان میں (11)

متعلق میں میرے پاس نہیں بھیجے تھے اور نہ ہی میں نے PP سے جواب طلبی کی تھی۔

سوال: یہ درست ہے کہ وہ کیسز جن کی اپیل دائر ہونے جا رہی تھی وہ مجھے مشاورت کیلئے بھیجے گئے تھے البتہ یہ درست ہے کہ کل (28) کیسز میں صرف ایک کی conviction ہوئی ہے۔ یہ بھی درست ہے کہ (18) Acquittal کیسز میں سے صرف (4) کیسز میں ضلعی Appeal دائر کی تھی۔ جبکہ میں نے ضلعی کی تمام (6) اپیلیں دائر کی ہیں جو کہ میری ذمہ داری نہیں تھی اور ضلعی جوڈیشل نے تمام کیسز میں Appeal کا وقت گزر جانے کی وجہ سے دائر نہیں کر سکا۔ چونکہ مجھے متعلقہ PP نے ان (4) کیسز کے علاوہ کوئی کیس دیا نہیں تھا اسلئے Appeal دائر نہیں کی اور نہ ہی میں نے Appeal دائر کرنے کیلئے PP سے کہا کیونکہ مجھے عدالت کے فیصلہ کی کاپی نہیں دی گئی تھی۔

سوال: یہ درست ہے کہ ATA 1997 کے تحت PP کو مکمل اختیارات کے تحت کی confusion کی وجہ سے PP، PPs کے ماتحت اپنے آپکو تصور ہی نہیں کرتے اور میں نے کام کی زیادتی کی وجہ سے اس طرف کوئی زیادہ توجہ نہیں دے سکا۔ اور نہ ہی [illegible] کیسز کی [illegible]

(25)

از خود کہا کہ PP اپنے آپکو DPP کے ماتحت تصور نہیں کرتے
اور نہ ہی میں نے اس بابت DPP صاحب کو کوئی شکایت نہیں کی
تھی۔ یہ درست ہے کہ مجھے علم نہیں تھا کہ میرے ضلع میں (18)
کیسز ATC میں Acquitted ہو چکے ہیں۔

ج۔ یہ درست ہے کہ ATC کیسز سے متعلق دوسرے جائز
کارروائی کی وجہ سے میں ان کیسز پر زیادہ توجہ نہیں
دے سکا اور اپنی ذمہ داریاں کما حقہ پوری نہیں کر سکا۔
از خود کہا کہ آرڈر مبارخہ 20/Pros/HD/Kohat/2011 مورخہ 11/3/2011 میری نقل سے نہیں گزرا
از خود کہا کہ ضلع کوہاٹ میں میرے پاس
Parole کے متعلق جو Petition تھا وہ موجود تھا اور اس پر عمل درآمد
بھی ہو رہا تھا۔

ج۔ یہ درست ہے کہ بحیثیت DPP انچارج/نگران متعلقہ اضلاع
DPP کو خود کرنی چاہیے اور صرف PPs کو نہیں دیکھنا چاہیے۔

27/05/14

گل دارت خان DPP بنوں

(26)

Annexure E

INDEX

S. No.	Description of Documents	Annexure
1.	Certificate	A-1
2.	Enquiry Report	Page 1- 09
3.	Appointment order of Departmental Representative made by the Director General, Prosecution	A
4.	Statement of the accused Mr. Gul Waris Khan, DPP, Bannu	B
5.	Statement of the accused Mr. Nawab Zarin, APP, ATC, Bannu	C
6.	Detail of Acquittals during the year 2013	D

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HIGHER EDUCATION, ARCHIVES & LIBRARIES DEPARTMENT

CERTIFICATE

Certified that the Enquiry Report consists upon Nine (09) pages and every page is duly signed by me. The enquiry report is also supported by relevant Annexures (some of which contain several pages).

(Abdul Ghafoor Baig)
Special Secretary, Higher Education,
Khyber Pakhtunkhwa, Peshawar /
(Enquiry Officer) 9/6/14

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Combined Enquiry Report of District Public Prosecutor & Public Prosecutor ATC, Bannu.

The Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa ***(hereinafter referred to as "the Department")*** had initiated disciplinary proceedings against M/S. Gul Waris Khan, District Public Prosecutor and Nawab Zarin, Public Prosecutor, Bannu ***(hereinafter referred to as "both the accused")***. Charge sheet and Statement of Allegations were issued to both the accused under the signature of Chief Minister, Khyber Pakhtunkhwa ***(The Competent Authority)***. The Competent Authority appointed Mr. Abdul Ghafoor Baig, Special Secretary (PCS EG BS-20), Government of Khyber Pakhtunkhwa, Higher Education Archives & Libraries Department, Peshawar as Enquiry Officer. The Department issued formal order, in this regard, vide No. SO (Com/Enq)/HD/1-31/2014/KC dated 11/02/2014.

Background of the case

Mr. Gul Waris Khan was posted as District Public Prosecutor in District Bannu ***(hereinafter referred to as "the accused DPP, Mr. Gul Waris Khan")*** and Mr. Nawab Zarin was posted as Public Prosecutor Anti-Terrorism Court, Bannu ***(hereinafter referred to as "the accused PP, ATC, Bannu Mr. Nawab Zarin")***. During period of both the accused as many as 37 acquittals & only one conviction out of 67 high profile cases remained under trial in the Anti-Terrorism Court, Bannu ***(hereinafter referred to as "the ATC, Bannu")*** was reported to the Directorate of Prosecution. Out of these 37 cases appeals were preferred in ten (10) cases only. The Directorate of Prosecution took serious notice of such a high ratio acquittals in the ATC, Bannu, therefore, conducted facts finding enquiry into the matter through Dy; Director, Legal and Dy; Director, Monitoring. The Departmental Enquiry Committee visited the office of both the accused, ascertained the matter and submitted report wherein certain deficiencies with regard to submission of the cases into the Court as well as administrative loopholes were pointed out. The Department, on the basis of the said report, charge sheeted both the accused. Mr. Liaquat Ali, Dy; Director (Administration/Finance) was nominated as Departmental Representative by the Director Prosecution vide order dated 08/05/2014 **(Annexure-A).**

Proceedings

The Departmental Representative, on the directions of the Enquiry Officer, made all necessary record available. The Enquiry Officer, in light of the available record, summoned both the accused. Both the accused submitted written reply to the charge sheet. The Enquiry officer, besides their written reply, also examined both the accused thoroughly, and their statements were recorded on oath. Gist of written reply as well as statements recorded on oath of both the accused is reproduced hereunder for convenience:-

1. ***Statement on oath in respect of the accused Mr. Gul Waris Khan, District Public Prosecutor***

The accused officer stated on oath that;

"I have been posted as District Public Prosecutor ***(hereinafter referred to as "the accused DPP, Bannu")*** from 26/12/2012 to 07/05/2014. I am fully aware of my job description as well as powers entrusted to me under Section4 & 7 of Khyber Pakhtunkhwa Prosecution Act, 2005. I was incharge of the prosecution of District Bannu & responsible for supervision and monitoring of performance of my subordinate staff with regard to their official duties / submission of cases and preferring appeals in Courts. As far as the acquittal of the 36/37 cases is concerned, the Public Prosecutor Mr. Nawab Zarin ***(hereinafter referred to as "the PP ATC, Bannu")*** neither consulted me nor routed the cases through my office. On my verbal query, he referred Section 19(1) of Anti-Terrorism Court, 1997 under which he was competent to file cases in the court. Besides this, the PP under Section 19 (1) of Anti-Terrorism Act, 1997 do not consider sub-ordination of DPP, however I could not pay attention to the matter due to rush of work. It is fact that I was remained unaware about the acquittal of 18 cases by the ATC, Bannu that is why I could not fulfill my official responsibilities. Prior to the initiation of this enquiry, I have not seen/perused the order No.SO(Pros) HD/1-2/2010-Vol-1 dated 11/10/2011 mentioned in the Charge Sheet."

Statement of the accused officer is enclosed in original at ***(Annexure-B).***

2. ***Statement on oath in respect of the accused Mr.Nawab Zarin Public Prosecutor, ATC, Bannu***

The accused officer stated on oath that;

"I have been posted as Public Prosecutor ATC, Bannu from 24/11/2011 to 03/05/2014. I have complied with the order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11/10/2011, in letter and spirit, however, I could say nothing about receipt and implementation of the said order. It is correct that since 2011 to 2014 all the cases I had filed in the ATC, Bannu under the powers conferred upon me in Section-1980 (A) and the DPP, SP Investigation and IO were not consulted. It is correct that the 26 cases in which the Hon'able Court has issued acquittal orders were neither fit for filing nor I had consulted the stakeholders. It is also correct that I had not informed the SP Investigation regarding acquittal of the cases during the year, 2013 because he had not paid any attention to my previous correspondence made with him in similar cases from 2004 to 2011. However, It is correct that under section-4 & 7 of the Anti-Terrorism Act, 1997 I was abide by taking opinion of the DPP but I didn't consult him under Section-25 (4) of the Act ibid. My predecessor in office had also not filed any appeal against the acquittal orders of the ATC, Bannu till my taking over charge (i.e. November, 2011). During the year 2013, I have filed as many as 10 appeals against the total 66/67 acquittals."

Statement is enclosed in original at ***(Annexure-C).***

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Issues

The charges levelled against both the accused in the charge sheet and statements of allegations seem identical, therefore, the matter is looked into jointly. The following two charges are levelled against the accused DPP, Bannu, Mr. Gul Waris Khan in the charge sheet & statement of allegations:-

A) **Charges Levelled in the Charge Sheet against Mr.Gul Waris Khan, DPP, Bannu**

a) ***That he has failed in observing supervision / vigilance over his subordinates especially Public Prosecutor of Anti-Terrorism Court, Bannu by not ensuring liaison with them.***

b) ***That he has failed to supervise the process of investigation of the cases registered under Anti-Terrorism Act, 1997 and proper implementation of order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011 of the Competent Authority. Resultantly, neither proper scrutiny of the high profile cases could be made nor twenty seven (27) appeals were preferred against acquittal.***

After going through the above mentioned two allegations levelled against the accused DPP, Mr. Gul Waris Khan in the charge sheet, the following issues are, therefore, derived from these charges:-

The accused DPP, Mr. Gul Waris Khan failed to;

i) Observe supervision / vigilance over PP, ATC Bannu,
ii) Ensure liaison with PP, ATC Bannu,
iii) Supervise process of investigation of cases registered under ATA, 1997 &
iv) Implementation of order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011.

Analysis

In light of the available record, I found that the accused DPP, Bannu Mr. Gul Waris Khan had been performing his duty at District Bannu in the capacity of District Head of Prosecution with effect from 26/12/2012 to 07/05/2014. During the year 2013 (i.e. tenure of the accused DPP, Bannu), total number of 67 cases were decided by the Anti-Terrorism Court, Bannu **(hereinafter referred to as ATC, Bannu)** out of which the acquittals were in 37 cases with only one conviction **(Annexure-D)** wherein appeals against 10 cases into the Competent Courts out of 37 acquittals were preferred.

It was found that the Directorate of Prosecution, Khyber Pakhtunkhwa has issued the following orders / circulars, from time to time, to the District Public Prosecutors / Public Prosecutors for the purpose of smooth transaction/function of the public prosecution process:-

1) Circular No. DP/E&A/ 4031-62 dated 30/06/2010

Excerpts of the circular is given hereunder for convenience:-

"The District Public Prosecutor being District Head of the Prosecution are legally authorized to supervise and guide all Investigation Officer(s) in all criminal cases i9ncluding cases registered under Anti-Terrorism Act, 1997 during investigation process till the submission of challan inter-alia to add or delete Section(s) of Law wherever it is necessary in the light of facts and circumstances of each cases".

2) Circular No. DP/E&A/ 9032-57 dated 02/07/2012

Extract of the circular is given hereunder for convenience:-

"to distribute the scrutiny work of the case files amongst the subordinate prosecutors keeping in view their capabilities and specific role to be played by the District Public Prosecutors in order to ensure the timely of case file before the courts in accordance with Section-173 Cr. PC."

3) Circular No. DP/E&A/ 1 (16) /1531-55 dated 27/07/2012
4) Circular No. DP/E&A/ 1 (4) /11237-62 dated 11/09/2012
5) Circular No. DP/E&A/ 1 (88) /14558-83 dated 19/09/2012
6) Circular No. DP/E&A/1 (4) 12/.17802-29 dated 18/10/2012
7) Circular No. DP/E&A/ (110)/ 2708-40 dated 13/03//2013

Besides the above mentioned circulars / guidelines, the Department has also notified a proper mechanism for institutions of cases into the Competent Courts vide order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011 for proper submission of cases to the Anti-Terrorism Courts as well as proper procedure alongwith different proformae for the purpose of effective public prosecution.

Excerption of the order is given hereunder for convenience:-

"b) Decisions in Anti-Terrorism cases whether to prosecute or not to prosecute will be taken by the District Public Prosecutor, Head of Investigation in the District, a Senior Prosecutor and the Investigation Officer and all will have to sign and stamp the specified Proforma-B.

(32)

c) **Decisions regarding submission of appeals against acquittal or not will be taken by District Public Prosecutor and Prosecutor who conducted the trial and both will have to sign and stamp the specified Proforma-C."**

In light of the foregoing factual position, the accused DPP, Mr. Gul Waris Khan, being District Head of Prosecution is responsible for supervision and monitoring the performance of his entire subordinate staff regarding their official duties, especially the duty of the accused PP, ATC, Bannu Mr. Nawab Zarin. But it was found that the accused PP, ATC, Bannu Mr. Nawab Zarin had neither submitted nor routed the cases through his office and processed them on his own under the powers conferred upon him in Section 19 (1) of Anti-Terrorism Court, 1997 as is evident from his own statement, too.

By reason of the above, **the accused DPP, Mr. Gul Waris Khan be held responsible directly for the Issues No. (i) & (iii) derived from the Charges** levelled against him in the charge sheet. However, being District Head of Prosecution, he not had only to abide by the orders issued by the Provincial Government from time to time but to keep informed his subordinates also. He neither called any meeting with the Prosecutors of the District or sought briefing regarding his cases pendency, Investigation and Acquittals/Convictions etc nor explanation of the accused PP, ATC, Bannu, Mr. Nawab Zarin or others for not routing the cases through his office as clearly mentioned in the Home Department order issued vide No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011 nor informed the competent authorities about his deviation from that order.

Findings in respect of the accused DPP, Bannu Mr. Gul Waris Khan.

By reason of the above slackness on the part of the accused DPP, Mr. Gul Waris Khan **held him responsible for the Issue No. (ii) & (iv) derived from the Charges** levelled against him in the charge sheet. The accused DPP, Mr. Gul Waris Khan has proved himself ***"inefficient"*** and ***"negligent"*** within the meaning of ***Rule-3 (a) of Khyber Pakhtunkhwa Efficiency & Discipline Rules, 1973.*** Charges leveled again the accused DPP, Mr. Gul Waris Khan stand proved.

B) Charges Levelled in the Charge Sheet against Mr. Nawab Zarin, PP, ATC, Bannu

a) ***That you have failed to manage properly the prosecution of the cases in the Anti-Terrorism Court, Bannu and ignoring order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011 issued the Competent Authority and forwarded the cases at your own to the Anti-Terrorism Court by passing the Head of Investigation and District Public Prosecutor, resulting into acquittals.***

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b) ***The you failed to file appeals against acquittals in the competent Court in twenty seven (27) high profile cases without any justification.***

Issues

After going through the above mentioned two allegations levelled against the accused PP, ATC, Bannu Mr. Nawab Zarin in the charge sheet, the following issues are, therefore, derived from these charges:-

The accused PP, ATC, Bannu Mr. Nawab Zarin failed to;

i. *Manage properly the prosecution of cases in the ATC Bannu,*
ii. *Ignoring the order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011.*
iii. *By passing the DPP, Bannu &*
iv. *To file appeals against acquittals in 27 high profile cases.*

Analysis

In light of the available record it was found that the accused PP, ATC, Bannu Mr. Nawab Zarin had been performing his duty as Public Prosecutor in the Anti-Terrorism Court, of District Bannu & Lakki Marwat **(hereinafter referred to as ATC, Bannu)** with effect from 24/11/2011 to 03/05/2014. The ATC, Bannu, during the year 2013 decided 67 cases out of which 37 were acquittals and only one was conviction (Annexure-D). The accused PP, ATC, Bannu Mr. Nawab Zarin did not prefer appeals in 27 cases into the Competent Courts.

It was further found that the Directorate of Prosecution, Khyber Pakhtunkhwa, from time to time, has issued several orders to the District Public Prosecutors / Public Prosecutors, ATC for adopting proper mechanism regarding institution of cases into the ATCs and in case of acquittals preferring of appeals in the competent courts. During the course of enquiry proceedings, the following orders/ circulars of the Directorate as well the Department, issued to the DPPs and PPs ATC in this regard, was taken into consideration:-

1. **Circular No. DP/E&A/ 1 (16) /1531-55 dated 27/07/2012**

In this circular direction has been given to all Public Prosecutors for assistance in scrutiny work. Extract of the circular is given hereunder for convenience:-
"You are directed to assist him (i.e. the DPP) in the scrutiny work, filling of proformas and any other ancillary work assigned to you by the DPP concerned."

2. **Circular No. DP/E&A/ 1 (4) /11237-62 dated 11/09/2012**

Extract of the circular is given hereunder for convenience:-

(34)

"on certain occasions the court issue directions for completion of file which speaks of inefficiency on the part of concerned prosecutors on two scores:- (i) that the case file was not scrutinized properly; and (b) that the prosecutors concerned are least interested in the performance of duties assigned to them and have not even gone through the relevant record."

3. Circular No. DP/E&A/1 (4) 12/ 17802-29 dated 18/10/2012
4. Circular No. DP/E&A/ (110)/ 2708-40 dated 13/03//2013

Extract of the circular is given hereunder for convenience:-

"All Prosecutors functioning the Anti-Terrorism Courts are under the administrative control of District Public Prosecutor. Though the Prosecutors attached with the Anti-Terrorism Courts are notified under Section-18 of Anti-Terrorism Act, 199. However, the DPP being Administrative Head of the District is empowered to assign any work to the Prosecutors attached with the Anti-Terrorism Courts in addition to their own duties. Thus the Prosecutors are required to comply with all lawful orders of the District Public Prosecutor."

5. **Order No. SO (Pros) HD/1-2/2010-Vol-1 dated 11-10-2011.**

Excerption of the order is given hereunder for convenience:-

"b) Decisions in Anti-Terrorism cases whether to prosecute or not to prosecute will be taken by the District Public Prosecutor, Head of Investigation in the District, a Senior Prosecutor and the Investigation Officer and all will have to sign and stamp the specified Proforma-B.

c) Decisions regarding submission of appeals against acquittal or not will be taken by District Public Prosecutor and Prosecutor who conducted the trial and both will have to sign and stamp the specified Proforma-C."

During the course of enquiry proceedings it was found that jurisdiction of the accused PP, ATC, Bannu, Mr Nawab Zarin was extended in two Districts (i.e. District Bannu and Lakki) and as many as 19 cases out 37 acquittals pertain to District Bannu while 18 cases pertain to Lakki. The accused PP, ATC, Bannu Mr. Nawab Zarin, for attachment with the Anti-Terrorism Court, is paid monthly honorarium @ Rs. 20,000/- as an incentive / risk allowance in addition to his due salary package. The accused PP, ATC, Bannu Mr. Nawab Zarin was required to comply with the orders / instructions of the Government issued from time to time. But despite the clear orders / instructions, mentioned in the above-circulars, especially the order dated 11/10/2011t he accused PP, ATC, Bannu Mr. Nawab Zarin

forwarded all the cases directly to ATC, Bannu without consulting the committee constituted therein. In his statement on oath (annexed herewith as Annexure-C) the accused PP, ATC Bannu Mr. Nawab Zarin stated that he neither routed the cases to the ATC, Bannu through the DPP, Bannu Mr. Gul Waris Khan nor other stakeholders of the committee mentioned in the order dated 11/10/2011. The accused PP, ATC, Bannu, in his defence, referred Section-19 (1) of Anti-Terrorism Act but ignored the instructions of the Government issued to him from time to time, being a civil servant. Had the accused PP, ATC, Bannu was in ambiguity of compliance with the clear instructions of the Government contained in letter dated 11/10/2011 read with Section-19 (1) of the Act *ibid* he should have to seek advice of the Department.

Findings in respect of the accused PP, ATC, Bannu Mr. Nawab Zarin.

In view of the foregoing account, the accused PP, ATC, Mr. Nawab Zarin, in the capacity of civil servant, has by-passed his immediate boss (i.e. District Public Prosecutor, Bannu) and instituted the cases directly in the ATC, Bannu and thereafter preferred few appeals in the Competent Courts. He neither filed appeals against 26 acquittals on his own nor did inform the higher authorities inspite of clear instructions issued in this regard. The accused PP, ATC, Bannu, Mr. Nawab Zarinthus has, thus, committed misconduct in utter disregard of the clear instructions of the Government contained in order dated 11/10/2011. The accused PP, ATC, Bannu Mr. Nawab Zarin has proved himself "***guilty of misconduct***" within the meaning of ***Rule-3 (b) of Khyber Pakhtunkhwa Efficiency & Discipline Rules, 1973.***

Recommendations

1. (a) On the basis of findings, the accused DPP, Bannu, Mr. Gul Waris Khan has rendered himself liable for major penalty to be imposed upon him within the meaning ***of Rule- 4 (1) (b) (i) of Khyber Pakhtunkhwa Efficiency & Discipline Rules, 1973*** *(Reduction to lower grade).*

   (b) On the basis of findings, the accused PP, ATC, Bannu, Mr. Nawab Zarin has rendered himself for major penalty to be imposed upon him within the meaning ***of Rule-4 (1). (b) (i) of Rules ibid*** *(Reduction to lower grade) and recovery of incentive allowance @ Rs. 20,000/- PM drawn for the whole year 2013 by the accused PP.*

2. The ***modus operandi*** regarding powers of the DPP and PP, ATC may be brought in conformity with the **Proviso of Anti-Terrorism Act, 1997, PK Prosecution Service (Constitution, Functions and Powers) Act, 2005** and **decisions** taken by the **Administrative Judge of Anti-Terrorism Court, Khyber Pakhtunkhwa in the**

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meeting held on 25/04/2014. Clear instructions regarding distribution of work as well as role of District Public Prosecutors and the Public Prosecutors may be notified for all concerned.

3. The District Public Prosecutors and the Public Prosecutors attached with the Anti-Terrorism Courts may be provided with fool proof security and attractive salary packages like Police Personnel, in order to, check such a large scale of acquittals. The DPPs may also be made entitled for the monthly incentive / risk allowance @ Rs. 20,000/- as drawn by the Public Prosecutors attached with the Anti-Terrorism Courts.

4. The Director General, Prosecution may arrange quarterly meetings with all Districts to review the performance of all District Formations.

9/6/14

(Abdul Ghafoor Baig)
Special Secretary, Higher Education,
Khyber Pakhtunkhwa, Peshawar /
(Enquiry Officer)

(37) Annex: F

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SHOW CAUSE NOTICE

I, Pervez Khattak, Chief Minister, Khyber Pakhtunkhwa, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, **Nawab Zarin**, Public Prosecutor (BPS-18), ATC Bannu, as follows:-

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing by the Inquiry officer on 27-05-2014; and.

   (ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defence before the inquiry officer;-

   I am satisfied that you have committed the following acts /omissions specified in rule 3 of the said rules.

   (b) Inefficiency / Negligence.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of (i) Dismissal from service. (ii) Recovery of incentive allowance @ Rs.20000/- per month for whole month of 2013. under rule 4 of the said rules.

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 seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of findings of the inquiry officer/inquiry committee is enclosed.

(PERVEZ KHATTAK)
CHIEF MINISTER,
KHYBER PAKHTUNKHWA.
08.09.2014

Attest

(38) ANNEX:-G

To

The Hon'ble Chief Minister,
Khyber Pakhtunkhwa,
Chief Minister's Secretariat, Peshawar.

THROUGH PROPER CHANNEL.

Subject: **REPLY TO SHOW CAUSE NOTICE DATED 08.09.2014 ISSUED TO UNDERSIGNED UNDER KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 2011**

Respected Sir,

1. That I initially appointed as Additional Public Prosecutor (BPS-17) vide dated 19.02.2004 on the recommendations of Khyber Pakhtunkhwa, Public Service Commission, Peshawar and posted at District Bannu thereafter detailed me in the court of Anti-Terrorism Bannu. I was promoted to the post of Public Prosecutor (BPS-18) in view of my excellent service record having more than 10 years service at my credit. During this period I worked at different stations and always earned good appreciation from my boss.

2. That all of a sudden, a charge sheet with statement of allegations was served upon me by your honour vide dated 23.04.2014 containing the following charges:

   (i) *That you have failed to manage properly the prosecution of the cases in the Anti-Terrorism Court, Bannu and ignoring order No.SO (Pros)HD/1-2/2010-Vol-1 dated 11.10.2011 issued by the Competent Authority and forwarded the cases at your own to the Anti-Terrorism Court by passing the Head of investigation and District Public Prosecutor, resulting into acquittals.*

   (ii) *That you failed to file appeals against acquittals in the competent Court in twenty seven (27) high profile cases without any justification.*

3. That I am totally innocent and unlawfully held me responsible for ignoring the directions laid down in the above referred letter for the following two reasons:

(38)

(i) *The copy of above mentioned letter has never communicated to our office or ever intimated such instructions by the then District Public Prosecutor Bannu (Mr. Imtiaz ud Din Mansoor) to me and this fact is also candidly conceded by the District Public Prosecutor Bannu namely Gul Waras Khan in his statement recorded during inquiry proceedings that he had never sighted the said letter.*

(ii) *The letter bearing such instructions was issued on 11.10.2011 and at that time I was working in the Anti-Corruption Court Southern Region Bannu as Public Prosecutor from September, 2009 to 24.11.2011 and during this period my predecessor in office Mr. Kamran Khan Wazir was working in Anti-Terrorism Court Bannu as Public Prosecutor and he also acted under the ordinary procedure as done by me.*

Therefore, I was wrongly held responsible for non compliance the instructions mentioned in the above letters and blamed me for no fault on my part what I have done honestly, efficiently and according to law and rules on subject.

4. That all the cases of Anti-Terrorism Court Bannu, of my period were efficiently processed and filed within time under Section 173 of CrPC read with Section 19 of Anti-Terrorism Act, 1997 which were conducted by me vigilantly and devotedly.

5. That the acquittal cases of my stay period were carefully scrutinized by me and those found fit for appeals so filed appeals under Section 25 of the Anti-Terrorism Court Act, 1997 in the Hon'ble Peshawar High Court Peshawar within prescribed limit of time. Thus this charge is also baseless and not sustainable against me.

6. That the inquiry officer has not carried out the inquiry in the prescribed manner and the findings/recommendations for imposing penalty upon me is based on such defective inquiry are not warranted by law and rules and liable

(40)

to be set aside.

7. That the case in question does not fall in the purview of misconduct and the inquiry officer has unlawfully held me guilty of misconduct on the basis of defective inquiry and unfairly proposed major penalty which is illegal, harsh and untenable.

8. That the instructions contained in letter dated 11.10.2011 was never brought in my notice, the copy of the same was addressed to the then District Public Prosecutor Bannu who himself stated that the same was never sighted. Therefore, I am totally innocent and unlawfully initiated the disciplinary proceedings against me for the non compliance of the letter which was never communicated to me directly or indirectly so what I have done, did in good faith and in accordance with law on subject.

9. That the inquiry officer was under legal obligation to find out whether the instructions contained in letter dated 11.10.2011 was deliberately and malafidely violated and ignored by me or due to lack of knowledge but he did not touch this important aspect of the matter and conducted inquiry in arbitrary and slipshod manner which is unfair and unjust and of no legal effect.

10. **I also request for personal hearing.**

It is, therefore, humbly prayed that on acceptance of my this reply, the inquiry proceedings may kindly be set aside being conducted in violation of the provisions of rules and unlawfully held me guilty of misconduct and I may kindly be exonerated of the charges leveled against me.

Yours faithfully,

Dated: 01/ 10 /2014

NAWAB ZAREEN
Public Prosecutor (BPS-18)
District Lakki Marwat.

(41) ANNEX: H

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GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

ORDER

SO(Com/Enq)/HD/1-31PP/DPP/2014 **WHEREAS**, The following officers of the Directorate of Prosecution, Khyber Pakhtunkhwa, were proceeded against under rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in the show cause notices dated 08/09/2014, served upon them individually.

AND WHEREAS, the competent authority i.e the Chief Minister, Government of Khyber Pakhtunkhwa, granted them an opportunity of personal hearing as provided for under Rules ibid.

NOW THEREFORE, the competent authority (The Chief Minister, Khyber Pakhtunkhwa) after having considered the charges, evidences on record, the explanation of the accused officers and affording an opportunity of personal hearing to the accused, findings of the enquiry report and exercising his power under rule-3 read with Rule-14 (5) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 has been pleased to pass the following orders noted against the name of each officers with immediate effect;

S.No	Name & Designation	Orders
1.	**Mr. Gul Waris Khan** (BPS-19), District Public Prosecutor Bannu.	**Reduction to lower post.**
2.	**Mr. Nawab Zarin** (BPS-18), Public Prosecutor ATC Bannu.	**Dismissal from service and recovery of incentive allowance @ Rs.20,000/month for the year 2013.**

Received on 11-2-2015 at 01:35 PM. 11-2-15

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA HOME DEPARTMENT

Endst. No. SO(Com/Enq)/HD/1-31/PP/DPP/2014,Dated **Peshawar** the 29/01/2015

Copy of the above is forwarded to the: -

1. Director General of Prosecution, Khyber Pakhtunkhwa Peshawar w/r to his letter No. DP/E&A1(60)/9632 dated 23/10/2015 for information and further necessary action please.
2. PS to Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
3. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
4. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
5. Officers concerned.

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29/1/15

SECTION OFFICER (Com/Enq)

(42) ANNEX: I

DIRECTORATE OF PROSECU
KHYBER PAKHTUNKHWA

No. DP/ E&A(60) 1412-13
Dated Peshawar 4th February, 2015

Office Phone # 091-9212559/ 091-9212542
Fax # 091-9212559
E-mail: kpprosecution@yahoo.com

To

1. Mr. Gul Waris Khan,
District Public Prosecutor,
Bannu.

2. Mr. Nawab Zarin
Public Prosecutor ATC,
Bannu.

Subject: - **ORDER.**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of order bearing No. SO(Com/Enq)/HD/1-31PP/DPP/2014 dated 29/01/2015 issued by the Secretary to Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, which is self-explanatory.

Encl: (as above)

Your's faithfully,

(MUHAMMAD MUZAFAR)
Assistant Director Admin/ Finance

Received on
11.2.2015
at 01:35 PM
11/2/15

Annex:- J

(43)

BEFORE THE HONORABLE CHIEF MINISTER KHYBER PAKHTUNKHWA PESHAWAR.

Office of the DCM
D. No. 315
Date 16/8/15

Subject: **APPEAL/REVIEW PETITION, FOR SETTING-ASIDE THE ORDER OF DISMISSAL OF THE PETITIONER DATED 29-01-2015 AND RE-INSTATEMENT OF THE PETITIONER AS PUBLIC PROSECUTOR IN BPS-18 ALONG WITH ALL BACK BENEFITS.**

Respected sir,

That the petitioner/appellant respectfully submits as under:-

1. That the petitioner/appellant was initially appointed as Additional Public Prosecutor (BPS-17) vide order dated 19-02-2004 on the recommendations of Khyber Pukhtunkhwa, Public Service Commission, Peshawar and posted at District Bannu and detailed in the court of Anti Terrorism. The petitioner was then promoted to the post of Public Prosecutor (BPS-18) in view of his excellent performance. During this period the petitioner worked at different stations and always earned good appreciation from his bosses. I have been performing my duties to the best of my capability and ability giving devotion to my duties throughout my service and obtained good ACRS having un-blemished service record.

2. That on 23-04-2014, a charge sheet with statement of allegations was served upon the petitioner containing the following charges:

   (i) ***"That you have failed to manage properly the prosecution of the cases in the Anti-Terrorism Court, Bannu and ignoring order No.SO (Pros)HD/1-2/2010-VOL-I dated 11-02-2011 issued by the competent authority and forwarded the cases at your own to the Anti-Terrorism Court by passing the Head of investigation and District Public Prosecutor, resulting into acquittals."***

   (ii) ***"That you failed to file appeals against acquittals in the competent court in twenty seven (27) high profile cases without any justification."***

3. That the petitioner/appellant is totally innocent and unlawfully held responsible for ignoring the directions laid down in the above referred letter for the following two reasons:

   (i) That the copy of the letter referred in the statement of allegations as well as charge sheet has never been communicated to the petitioner/appellant nor conveyed or circulated such instructions by the then District Public Prosecutor Bannu (Mr. Imtiaz ud Din Mansoor) and Directorate of Prosecution as well to me and this fact is also candidly conceded by the District Public Prosecutor Bannu namely Gul Waris Khan in his statement recorded during inquiry proceedings on 27-05-2014 before inquiry officer Mr. Abdul Ghafoor Baig Special Secretary Higher Education Khyber Pukhtunkhwa, Peshawar (photo copy of the statement of DPP Gul Waras Khan is hereby attached as **annexure 'A")** while the relevant portion is high lighted at page 99 of the main file stating therein that he(the then DPP Gul Waris Khan) had never sighted or seen the said letter.

   (ii) That the letter bearing such instructions was issued on 11-10-2011while at that time I was working in the Anti-Corruption Court southern Region Bannu as Public Prosecutor where I remained from

September, 2009 to 24-11-2011 whereas during this period my predecessor in office Mr.Kamran Khan Wazir was working as PP in the Anti-Terrorism Court Bannu as such I have been held responsible just for no fault blaming me that I have not complied with the instructions mentioned in the above referred letter which was never been conveyed to me.

Therefore, I have been wrongly held responsible for non compliance with the instruction mentioned in the above letters and blamed me for no fault on my part which I have done honestly, efficiently and according to law and rules on the subject.

4. That all the cases pertaining to Anti-Terrorism Court Bannu, were efficiently processed and instituted by me within stipulated period prescribed U/S 173 of CrPC read with Section 19 of Anti-Terrorism Act, 1997 and the prosecution was conducted by me with full devotion and vigilant.

5. That the inquiry officer has not carried out the inquiry as per the prescribed rules and the findings based for imposing major penalty upon the petitioner is defective having no legal support from record as a single iota of evidence has not been brought on record to fix responsibility upon me of the alleged charges as such the order of dismissal is harsh, illegal and not tenable at all.

6. That the case of the petitioner/appellant does not fall in the purview of misconduct and the inquiry officer has unlawfully held me guilty of misconduct on the basis of defective inquiry and thus misconceived by proposing major penalty just for no fault which is illegal, harsh and in justice.

7. That the inquiry officer was under legal obligation to find out as to whether the instructions contained in letter under reference dated 11-10-2011 was conveyed to petitioner/appellant and the instruction contained therein were deliberately and knowingly violated and ignored by the petitioner or any malafide was involved, needless to mention that the above mentioned directives were declared null and void by the learned judge **Anti-terrorism court II Peshawar while** debating upon the application of the learned PP of the said court for discharging of the accused. He did not touch this important aspect of the matter and conducted inquiry in arbitrary and slipshod manner which is unfair , unjust and of no legal effect.(**Copy of the said order is hereby annexed as "B"**).

8. That the inquiry officer did not bother to mention that I had preferred appeals against acquittal in 10 cases which were found fit while remaining cases were not fit for appeals, hence dropped to avoid futile latigation and wastage of time of the court. **(List showing detail of such cases is attached annexure C).**

9. That the directions contained in the under reference have never been violated by me, but actually as explained above this letter was not circulated and dispatched to the office of the petitioner whereas all other orders passed by my seniors have always been complied with in letter and spirit while I have been made as scape goat just for no fault.

10. That the petitioner/appellant is posted on the above mentioned post from the last 11 years but not a single complaint would have been to received to my officer showing my inefficiency, mall practice or otherwise while on the other hand my un-blemished service record is the proof of my devotion and efficiency to my duties.

(45)

In view of the above, it is therefore, humbly requested that the order of dismissal dated 29/1/2015 may kindly be reviewed being harsh and the petitioner/appellant may be re-instated in service in his own pay scale along with all other back benefits.

Thanks

Dated 18 /02/2015

Yours faithfully,

Nawab Zarin
S/O Rahem Gul R/O Bannu
The then Public Prosecutor
BPS-18 lakki Marwat.

(46)

Approved :- IC

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & T.AS DEPARTMENT.

No. SO(Pros:)HD/1-2/2010-Vol-I

Dated Peshawar, the October 11, 2011

ORDER

To streamline the operational procedures of the Prosecution Directorate and its field formations vis-a-vis prosecution of cases with a view :-

i. To enhance efficiency and effectiveness.

ii. To optimise professionalism, transparency and merit based decision making.

And

iii. To ensure effective, qualitative and quantitative Monitoring.

The following is hereby decided in the public interest for strict compliance by all concerned:-

a. **Decisions regarding whether to prosecute or not to prosecute criminal case(s) will be taken by the District Public Prosecutor and one of his subordinate prosecutor and both will have to sign and stamp the specified Proforma-A. (Annexure-I)**

b. **Decisions in Anti-Terrorism cases whether to prosecute or not to prosecute will be taken by the District Public Prosecutor, Head of Investigation in the District, a Senior Prosecutor and the Investigating Officer and all will have to sign and stamp the specified Proforma-B. (Annexure-II)**

c. **Decision regarding submission of appeals against acquittal or not will be taken by District Public Prosecutor and Prosecutor who conducted the trial and both will have to sign and stamp the specified Proforma-C. (Annexure-III)**

d. **Decision whether quantum of sentence awarded to the accused is commensurate with the gravity of offence will be taken by the District Public Prosecutor and Prosecutor who conducted the trial and both will have to sign and stamp the specified Proforma-D. (Annexure-IV)**

XI/X/XI

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & T.AS DEPARTMENT.

No. SO(Pros:)HD/1-2/2010-Vol-I

Dated Peshawar, the October 11, 2011

e. Each and every Prosecutor will have to open a Prosecution file which will at the first instance contain FIR, Investigation Report (Challan) and specified Case Master Sheet. The columns mentioned in the Case Master Sheet will be filled in by the Prosecutor concerned as and when the trial is commenced till its culmination and decisions regarding further necessary action. (Annexure-V)

f. Each and every Prosecutor will record the proceedings of the court during trial right from its commencement till its culmination. (Annexure-VI)

g. In case of difference of opinion regarding the above mentioned issues decision in cases of courts of Ordinary Jurisdiction the verdict of District Public Prosecutor will prevail and in Anti-Terrorism cases if the differences of the opinion amongst the four officers in the above mentioned issue is tied then the opinion of Director Legal, Directorate of Prosecution will prevail.

All the decision makers specified above shall be individually and collectively responsible for their decisions and if at any time it is proved that the decision was taken with ulterior motives and malafide intention, it will entail strict departmental action(s) against the delinquent officer(s).

(MUHAMMAD AZAM KHAN)
Secretary to Govt: of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Endst: of Even No. & Date:

Copy forwarded for information to:

1. The Chief Secretary, Khyber Pakhtunkhwa.
2. The Provincial Police Officer, Khyber Pakhtunkhwa.
3. The Director General Prosecution, Khyber Pakhtunkhwa.
4. The Addl: Inspector General of Police (Investigation), Khyber Pakhtunkhwa.
5. PSO to Honorable Chief Minister, Khyber Pakhtunkhwa.
6. All District Public Prosecutors in Khyber Pakhtunkhwa with the direction to circulate amongst all prosecutors in their respective District for strict compliance.
7. All Heads of Investigation in the Districts of Khyber Pakhtunkhwa.

(48)

PROFORMA-A

DECISION WHETHER TO PROSECUTE OR NOT TO PROSECUTE

State Vs _____ and others

1. FIR No:_____Date_____P/S_____Tehsil_____District _____
2. Charged U/S:_____
3. Total No. of accused and their present status regarding bail/custody _____
4. Name & Designation of Investigating Officer & Cell #_____
5. Brief particulars of the case _____
6. Evidence against the accused_____
7. Reasons to Prosecute or not to Prosecute _____
8. Whether the I.O coordinated during investigation, if not give reasons and what action was taken against him_____
9. Whether any guidelines regarding improvement in the case were issued to the Investigating Officer_____
10. Whether the guidelines were complied with by the Investigating Officer _____
11. Effect of such guidelines _____
12. Any direction / instructions regarding submission of challan of any court_____
13. Decision_____

Name, Signature & Stamp of Prosecutor

Name, Signature & Stamp of District Public Prosecutor

Date of Decision _____

B

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DECISION IN ANTI-TERRORISM CASES WHETHER TO PROSECUTE OR NOT TO PROSECUTE

State Vs _____ and others

1. FIR No:_____Date_____P/S_____Tehsil_____District _____
2. Charged U/S:_____
3. Total No. of accused and their present status regarding bail/custody _____
4. Name & Designation of Investigating Officer & Cell #_____
5. Brief particulars of the case _____
6. Whether 7-ATA is attracted to the case or not, reasons for doing so _____
7. Evidence against the accused_____
8. Reasons to Prosecute or not to Prosecute _____

14. Whether the I.O coordinated during investigation, if not give reasons and what action was taken against him_____
9. Whether any guidelines regarding improvement in the case were issued to the Investigating Officer_____
10. Whether the guidelines were complied with by the Investigating Officer _____
11. Effect of such guidelines _____
12. Any direction / instructions regarding submission of challan of any court_____
13. Decision_____

Name, Signature & Stamp of Head of Investigation In the District

Name, Signature & Stamp of District Public Prosecutor

Name, Signature & Stamp of Investigating Officer

Name, Signature & Stamp of Prosecutor

Date of Decision _____

PROFORMA-C

(50)

DECISION WHETHER TO SUBMIT APPEAL AGAINST ACQUITTAL OR NOT

State Vs _____ and others

1. FIR No:_____ Date_____ P/S_____ Tehsil_____ District _____
2. Charged U/S:_____
3. Total No. of accused and their present status regarding bail/custody _____
4. Name of presiding officer of the Court_____
5. Brief particulars of the case _____
6. Evidence against the accused_____
7. Reasons for submitting appeal or not _____
8. Decision_____

Name, Signature & Stamp of Concerned Prosecutor

Name, Signature & Stamp of District Public Prosecutor

Date of Decision _____

DECISION WHETHER THE QUANTUM OF SENTENCE AWARDED TO ACCUSED COMMENSURATE WITH THE GRAVITY OF OFFENCE

State Vs _____ and others

1. FIR No:_____Date_____P/S_____Tehsil_____District _____
2. Charged U/S:_____
3. Total No. of accused and their present status regarding bail/custody _____
4. Name of presiding officer of the Court_____
5. Whether the accused pleaded guilty or claimed trial_____
6. Brief particulars of the case _____
7. Evidence against the accused_____
8. Reasons for submitting revision for enhancement of sentence or not _____
9. Decision_____

Name, Signature & Stamp of concerned Prosecutor

Name, Signature & Stamp of District Public Prosecutor

Date of Decision _____

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CASE MASTER SHEET

State Vs _____ and others

1. FIR No:_____ Date_____ P/S_____ Tehsil_____ District _____
2. Charged U/S:_____
3. Total No. of accused_____
   a) Name(s) of accused on bail and his/their profile_____
   b) Name(s) of accused under custody and his/their profile_____
   c) Name(s) of absconding accused and his/their profile_____
4. Name(s) of Victim(s) and his/their profile_____
5. Name(s) and designation of IO / JIT:_____
6. Whether proper custody was given by Court or Not:_____
7. Whether accused was / were granted bail: _____
8. (a) Name of the Prosecutor who examined the case during investigation:_____
   (b) Copy of such comments (Annexure-A):
9. a) Date of completion of investigation:_____
   b) Details of case properties mention in challan U/S 173 Cr.P.C
   c) Name of the District Public Prosecutor/Public Prosecutor who examined the case on completion of investigation:_____
   d) Copy of such comments (Annexure-B):
10. Date of submission of Challan in Court:_____
11. Name & designation of the presiding officer of the Court in which the case is under trial: _____
12. Date of Summons/Warrants/issued against accused: _____
13. Date of framing charge:_____
14. Whether accused pleaded guilty or claimed trial_____
15. Date of commencement of evidence: _____
16. Total number of Prosecution Witnesses: _____
17. Number of witnesses examined: _____
18. (a) Names of witnesses abandoned of:_____
    (b) Reasons of abandonment (Annexure-C):
19. Comments regarding production of case property during trial:_____
20. Comments regarding forensic report(s):_____
21. Date of completion of evidence of Prosecution:_____
22. Whether accused opted to be examined on Oath as a Witness in rebuttal of charges against him if so,_____
23. Whether the prosecutor successfully crossed examined the accused and had negated his version_____
24. If no what are the reasons_____
25. Date of examination of accused U/S 342 Cr.P.C: _____
26. Defence evidence, If any;
    a. Date of commencement of evidence:_____
    b. Total number of defence witnesses:_____

c. Number of witnesses examined: _____

d. Date of completion of defence evidence: _____

27. Date of arguments: _____

28. Date of Decision **(Attach copy of Judgment / Order)**; _____

a. Type **(Acquittal or Conviction)**: _____

b. Sentence awarded: _____

c. Fine: _____

d. Whether the case property/properties is/are confiscated if so its detail _____

29. Whether the trial was delayed if so what are the reasons of such delay _____

30. Reasons for acquittal, if acquitted: _____

31. Suggestions for remedy of pitfalls in future cases **(Annexure-D)**:

32. Comments on the judgment in case of acquittal **(Annexure-E)**:

33. Comments on the statements of Prosecution Witnesses examined during trial **(Annexure-F)**:

34. Whether any material witnesses gave concession to the accused on material particulars if so whether he was declared hostile and was cross examined in order to substantiate prosecution case _____

35. In case of conviction whether the quantum of sentence is commensurate with the gravity of offence: _____

36. If accused was / were acquitted whether Prosecution processed the case for appeal, if yes give date & if not give justification: _____

37. If convicted, accused filed appeal & its grounds: _____

25.4.14

ANNEX: L

(54)

Order No.11
08.09.2014

1. Accused Hazrat Hussain (on bail) present. Arguments over the application of the learned PP for discharge of accused facing trial heard and record perused.

2. The very application of the learned PP for the discharge of the accused facing trial is based on a Performa-B which has been forwarded by the District Public Prosecutor, Peshawar and where he has opined that it is a judiciously weak case or one can say case of no evidence.

3. If the above opinion so given by the District Public Prosecutor, Peshawar is taken into juxta position with the final report of the IO dated 21.03.2014, it establishes that the opinion of the District Public Prosecutor, Peshawar is not only in conflict with the finding of the Investigating Agency but therefrom it can also be easily presumed that instead of protecting the interests of the State, he, by giving such wrong opinion at such a pre-mature stage, has favoured the accused persons in a case of terrorism for the reasons best known to him. It is also hereby added that the learned PP of this court is also not in know how that prayer for discharge of an accused person in cases of terrorism, may only be made with the prior approval of Secretary Home and Tribal Affairs Department as provided under section 7-(c) of the Prosecution Act, 2005 and not under section 4-C(ii) of the said Act. The relevant provision of Sub-section (C) of section 7 of the Act are reproduced as under:-

"(7). <u>Additional Powers of the District Public Prosecutor & Public Prosecutor:-</u> A Public Prosecutor, in discharge of his lawful duties and in respect of case lawfully assigned to him, may also exercise the following powers, in addition to the powers conferred by section 4 of this Act, namely,–

(c). A *District Public Prosecutor in case of offences carrying*

لعدالت جناب ATC II
38/ATC Pesh.
FIR 305
Dt 22/9/2013
PS Regi
326, 353, 353 A, 7 ATA, 34 PPC
8/9/2015

seven years or less imprisonment and the Director General Prosecution for all other offences may withdraw Prosecution subject to prior approval of Court.

Provided that Prosecution of an offence falling under the Anti-Terrorism Act, 1997 (XXVII of 1997), shall not be withdrawn without prior permission in writing of the Secretary to Government, Home and Tribal Affairs Department."

4. It is also hereby added that in the present case, the accused has been charged for an offence which entails punishment for more than seven years.

5. Apart from the above, the learned PP of this court has also ignored the fact that in the present case, charge against the accused facing trial has been framed, proceedings under section 512 Cr.P.C against the absconding co-accused have also been initiated and Prosecution has also examined few of their witnesses. In this state of affairs, the cause of justice demands that the aggrieved person i.e the complainant must not be condemned unheard by not extending him fair opportunity of leading evidence in support of his version, as affording of such opportunity to either party in support of proving their respective stances, has by now become a settled principle of law.

6. For what has been discussed above, the application of the learned PP of this court for discharge of the accused, one being not in accordance to law, is hereby rejected. One copy of this order sheet be communicated to the Hon'ble Secretary Home and Tribal Affairs for his knowledge and record. PWs be summoned for 13.9.2014.

Judge, ATC-II Peshawar.

8/9/014

Annexure-M

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NEW PATTERN PROVISION OF INFORMATION W.E.F JANUARY 2013 TO 31st DECEMBER 2013

Name of Court	Total Number of Trial Concluded	Convicted	Acquitted	Consigned to Record Room U/S 512 Cr:P.C	Present Pendency on 31-12-2013
1- ATC Abbottabad	10	5	4	1	11
2-ATC Abbottabad (Camp Court at Central Prison Haripur	0	0	0	0	2
3- ATC-V Buner (Camp Court)	1	0	1	0	1
4- ATC Bannu	57	1	37	19	5
5- ATC D.I.Khan	30	4	25	1	1
6- ATC-III, Dir Lower	43	3	32	8	15
7- ATC Kohat	100	5	74	21	22
8- ATC-Kohat (Camp Court Central Prison Peshawar)	0	0	0	0	4
9- ATC-Mardan	37	15	14	8	16
10- ATC -IV, Malakand at Batkhela (Camp Court)	22	3	11	8	3
11- ATC-I, Peshawar	41	6	27	8	11
12- ATC-II, Peshawar	50	21	17	12	10
13- ATC-III, Peshawar	36	1	29	6	5
14- ATC-Matta Swat	15	2	10	3	0
15- ATC-I, Swat	44	7	34	3	1
16- ATC-I, Swat (Camp Court at Central Prison Haripur)	2	2	0		6
17- ATC-II, Swat	31	0	25	6	4
18- ATC-II, Swat (Camp Court at Kanju/Kabal	5	1	4	0	2
Total	**524**	**76**	**344**	**104**	**119**
PERCENTAGE		15%	65%	20%	

Checked By:

Compiled By: Malik Taj Afridi

Zafar Abbas Mirza
Deputy Director Monitoring

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ATC DATA FOR THE YEAR, 2012

S.#	Name of Court	Total Trials Concluded	Convictions	Acquittal	Consigned to record room U/S 512 Cr.PC	Total cases pending till 31st December, 2012
1	ATC, Abbottabad	27	6	16	5	8
2	ATC-I, Peshawar	26	4	9	13	11
3	ATC-II, Peshawar	83	5	46	32	11
4	ATC-III, Peshawar	87	4	56	27	7
5	ATC, Kohat	56	3	31	22	20
6	ATC, Matta, Swat	161	3	72	86	10
7	ATC-I, Swat	68	0	64	4	44
8	ATC-II, Swat	138	0	106	32	25
9	ATC-IV, Camp court Batkhela	45	9	22	14	18
10	ATC, Buner	112	8	98	6	0
11	ATC, Bannu	78	2	32	44	39
12	ATC, D.I.Khan	27	6	16	5	2
13	ATC, Mardan	34	2	28	4	2
14	ATC-III, Dir Lower	219	5	187	27	28
	Total	1161	57	783	321	225
	Percentage		4.9	67.4	27.6	

Prepared By

Checked By

Zafar Abbas Mirza
Deputy Director Monitoring

MUHAMMAD MUZAFAR
Assistant Director (Monitoring & Evaluation)
Office of the Deputy Commissioner (Finance)
Home Department

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B

DATA OF APPEALS RECEIVED IN THE YEAR 2012, 2013

S.No	Year	Total No. of Appeals (in ordinary cases) received	Total No. of Appeals (in ordinary cases) declared unfit	Total No. of Appeals (in AT cases) received	Total No. of Appeals (in AT cases) declared unfit
1.	2012	253	157	33	16
2.	2013	412	98	65	15

(ATIQ UR REHMAN)
Deputy Director Legal

Attested
17/4

MUHAMMAD MUZAFAR AFRIDI
Assistant Director (Admin/Finance)
Directorate of Prosecution
Home Deptt, KPK

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Total Cases in which acquittal have been passed by the court of ATC Bannu and appeal were preferred.

S.#	FIR No.	Dated	U/S	Police Station	Date of decision
1.	322	08-06-13	4/5 ESA/7ATA	Lakki	11-2-13
2.	621/12	27-11-12	364-A/7ATA	Naurang	09-3-2013
3.	19	24-01-2013	365-A/457/380/7ATA	Naurang	30-04-2013
4.	196	22-04-13	302/404 /7ATA	Mandan	07-05-2013
5.	234	27-11-07	365-A/457/382/7ATA	Tajori	29-07-2013
6.	4	07-01-2013	324/353/3/4 7ATA	Ghazni Khel	12-07-2013
7.	205	25008-13	¾ ESA/7ATA	Domail	23-11-2013
8.	321	11-07-2013	365-A/34 PPC/7ATA (Juvenile)	Naurang	23-11-2013
9.	321	11-07-2013	365-A/34 PPC/7ATA	Naurang	23-11-2013
10.	19	24-01-2013	365-A/457/380 PPC/7ATA	Naurang	07-12-2013

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TOTAL CASES FOR THE YEAR 2013 OF ANTI TERRORISM COURT BANNU IN WHICH ACQUITTAL HAVE BEEN PASSED AND APPEALS HAVE NOT BEEN PREFERRED.

S#	FIR No/YEAR	U/S	PS/DSITT:	DATE OF DECISION
1	512/2012	302/404PPC/7ATA	MANDAN/BANNU	11/1/2013
2	308/2009	302/324/353 PPC/3/4ESA/7ATA	LAKKI CITY/LAKKI	23/01/2013
3	287/2012	353/324 PPC/13AO/7ATA	BASIA KHEL/ BANNU	24/01/2013
4	407/2012	302/324/353/395/34 PPC/7ATA	SADDAR/ BANNU	30/01/2013
5	477/2012	302 PCC/17(4) 7ATA	CITY/ BANNU	30/01/2013
6	83/1999	365-A PPC/7ATA	GHAZNI KHEL DISTT: LAKKI	31/01/2013
7	107/2012	5EXP/436/427PPC/7ATA	PS PEZU DISTT: LAKKI	7/2/2013
8	155/2012	3/4EXP/7ATA	LAKKI CITY/LAKKI	11/2/2013
9	512/2010	302/324/353PPC/3/4ESA/ 7ATA	LAKKI CITY/LAKKI	5/3/2013
10	36/2012	3/4EXP/324 PPC/7ATA	LAKKI CITY/LAKKI	6/3/2013
11	107/2009	365/347/353/186 PPC/7ATA	MIRYAN/BANNU	13/04/2013
12	394/2012	302/353/324 PPC/5ESA/ 7ATA	BASIA KHEL/ BANNU	13/04/2013
13	18/2010	3/4EXP/324PPC/7ATA	JANI KHEL/BANNU	25/04/2013
14	185/2009	4EXP/427PPC/7ATA	CANTT/BANNU	24/04/2013
15	702/2012	302/34PPC/7ATA	LAKKI CITY/LAKKI	30/04/2013
16	109/2013	379PPC/40ELEC: ACT/7ATA	CANTT/BANNU	4/5/2013
17	192/2004	365-A PPC/17(3)AOP/7ATA	DOMEL/BANNU	28/05/2013
18	120/2009	324/427PPC/3/4EXP/7ATA	MIRYAN/BANNU	06/05/2013
19	709/2012	3/4EXP/427PPC/7ATA	LAKKI CITY/LAKKI	8/7/2013
20	523/2012	302/404/148/149PPC/7ATA	MANDAN/BANNU	13/07/2013
21	04/2008.	302/324/427PPC/7ATA	SERAI NAURANG /LAKKI	12/9/2013
22	52/2013	302PPC/7ATA	MANDAN/BANNU	27/09/2013
23	126/2013	302/34PPC/7ATA	MANDAN/BANNU	26/09/2013
24	105/2009	3/4EXP/427PPC/7ATA	BASIA KHEL/ BANNU	12/10/2013
25	50/2013	302/324/353PPC/7ATA	MIRYAN/BANNU	8/11/2013
26	44/2013	4ESA/427PPC/7ATA	MIRYAN/BANNU	14/12/2013

OFFICE OF THE DISTRICT PUBLIC PROSECUTOR BANNU

No. 463/DPP (60) dated 24/04/14

To,

The Director General Prosecution,
Khyber Pakhtunkhwa Peshawar.

Subject: INTIMATION REGARDING ACQUITTAL IN ATA CASES FOR THE YEAR 2013 AND 2014, APPEAL PREFERRED.

ATC Bannu	Total Acquittal	Appeal Preferred	Fit –unfit
2013	37	10	Not intimated as yet by Advocate General office
2014	02	02	Not intimated as yet by Advocate General office

Public Prosecutor, ATC
Bannu.

POWER OF ATTORNEY

In the Court of Peshawar High Court Peshawar Bench

Nawab Zarin }For
}Plaintiff
}Appellant
}Petitioner
}Complainant

VERSUS

Govt of KPK etc }Defendant
}Respondent
}Accused
}

Appeal/Revision/Suit/Application/Petition/Case No._____of_____

Fixed for_____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Syed Zamin Ali Shah my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employee any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar

the_____day to_____the year_____

Executant/Executants_____

Accepted subject to the terms regarding fee_____

Accepted
Syed Zamin Ali Shah
Adv

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 &4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272154 Mobile-0333-9107225

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT

ORDER

SO(Com/Enq)/HD/1-31/DPP/2014 The Competent Authority (Chief Minister, Khyber Pakhtunkhwa) in exercising his powers under rule-2 read with Rule-17 (2) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 while disposing off review petitions of Mr. Gul Waris Khan, District Public Prosecutor (BS-19) and Mr. Nawab Zarin Public Prosecutor (BS-18) against the order dated 29.01.2015 has been pleased to regret review petition of Mr. Gul Waris Khan District Public Prosecutor (BS-19) and accepted review petition of Mr. Nawab Zarin Public Prosecutor (BS-18) to the extent that the penalty of his dismissal from service is converted into "Reduction to lower grade and recovery of incentive allowances @ Rs. 20,000/- PM drawn for the whole year 2013".

SECRETARY TO GOVERNMENT OF
KHYBER PAKHTUNKHWA HOME DEPARTMENT

Endst. No. SO(Com/Enq)/HD/1-31/DPP/2014, Dated **Peshawar** the August 10, 2015

Copy of the above is forwarded to the: -

1. Director General Prosecution, Khyber Pakhtunkhwa Peshawar.
2. PS to Chief Secretary, Khyber Pakhtunkhwa Peshawar.
3. PS to Principal Secretary to Chief Minister, Khyber Pakhtunkhwa Peshawar.
4. PS to Secretary Establishment, Khyber Pakhtunkhwa Peshawar.
5. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
6. PS to Secretary, Home and Tribal Affairs Department, Khyber Pakhtunkhwa.
7. Officers concerned.

SECTION OFFICER (Com/Enq)
Ph. No. 091-9214149

(10815)