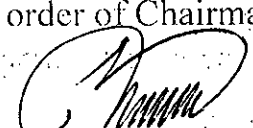


FORM OF ORDER SHEET

Court of _____

Appeal No. 532/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/04/2024	<p>The appeal of Mr. Usama Sajid presented today by Mr. Rizwan Ullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on .Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 532 /2024

1. Usama Sajid (Ex-Junior Clerk) o/o the Deputy Commissioner, Peshawar, r/o Landi Arbab Road, Muhallah Hakim Abad, Swati Gate, GPO, Peshawar.

(APPELLANT)

VERSUS

1. The Deputy Commissioner, Peshawar etc.

RESPONDENTS

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3	Copy of appointment order	Annex-A	9
4	Copy of charge sheet and statement of allegations	Annex-B	10-11
5	Copy of reply to the charge sheet	Annex-C	12
6	Copy of Inquiry Report	Annex-D	13-15
7	Copy of show cause notice	Annex-E	16-17
8	Copy of reply to the show cause notice	Annex-F	18-19
9	Copy of impugned order	Annex-G	20
10	Copy of departmental appeal	Annex-H	21-25
11	Copy of dismissal of departmental appeal	Annex-I	26-27
12	Wakalatnama	—	—


Appellant

Through

Dated: 08-04-2024


Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 532 /2024

1. Usama Sajid (Ex-Junior Clerk) o/o the Deputy Commissioner, Peshawar, r/o Landi Arbab Road, Muhallah Hakim Abad, Swati Gate, GPO, Peshawar.

(APPELLANT)

VERSUS

1. The Deputy Commissioner, Peshawar.
2. The Commissioner, Peshawar Division, Peshawar.

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE ORDER DATED 12-01-2024
PASSED BY THE DEPUTY COMMISSIONER,
PESHAWAR (RESPONDENT NO.1) WHEREBY
THE APPELLANT WAS AWARDED HARSH
AND EXTREME PENALTY OF REMOVAL
FROM SERVICE AGAINST WHICH A
DEPARTMENTAL APPEAL WAS FILED WITH
THE COMMISSIONER, PESHAWAR DIVISION,
PESHAWAR (RESPONDENT NO. 2) ON
19-01-2024. BUT THE SAME WAS DISMISSED
ON 15-03-2024 IN UTTER VIOLATION OF LAW.**

Prayer in Appeal

On acceptance of instant appeal, the impugned orders dated 12-01-2024 and 15-03-2024 may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

RESPECTFULLY SHEWETH,

Short facts giving rise to the present appeal are as under:-

FACTS

1. That the appellant was appointed as Junior Clerk (BPS-11) vide order dated 01-02-2022. He was performing his duty with the Additional Assistant Commissioner (HQ), Peshawar at the relevant time when Muhammad Farooq Additional Assistant Commissioner (AAC), Mattani asked him to perform duty with him in connection with "By-election" of Nazim, Tehsil Mathra. The appellant requested him to get the permission from his superior (AAC HQ). He then telephonically requested the later and as such, appellant was directed to perform his duty with the former during "By-election" for one day only i.e. 06-08-2023. This fact has categorically been admitted by the Additional Assistant Commissioner,(HQ) in her statement before the Inquiry Officer.

(Copy of appointment order is appended as Annex-A)

2. That on the crucial day, some people made a complaint against the disputed petroleum filling station, Mulazai, Warsak Road, Peshawar regarding excessive rates and lesser gauge of fuel. Therefore, the AAC Mattani visited the said filling station and the information of locals was found correct. Consequently, he imposed fine on the owner/manager of filling station which was collected by the appellant and handed over to said officer on the spot.
3. That after a longtime, the owner/manager made a complaint regarding the incident alleging therein that money was extorted by him in the garb of fine. Therefore, the appellant was served with a charge sheet alongwith statement of allegations. He submitted elaborate an exhaustive reply, denied the allegations and also termed it as fallacious, malicious and misconceived. He prayed that he may kindly be exonerated of the allegations leveled against him in the charge sheer.

(Copy of charge sheet alongwith statement of allegations and its reply are appended as Annex-B, & C)

4. That the above reply was not deemed satisfactory and Mr. Zahid Younas (Assistant Commissioner, Hassan Khel) was appointed as Inquiry Officer to conduct departmental inquiry in the matter. He finalized the Inquiry and found the appellant alone guilty of the allegations and recommended him for major penalty.

(Copy of inquiry report is appended as Annex-D)

5. That thereafter, the appellant was served with a final show cause notice on 13-12-2023. He duly submitted reply and denied the allegations but it met the same fate. Ultimately, he was awarded major penalty of removal from service on 12-01-2024.

(Copy of show cause notice its reply and impugned order are appended as Annex-E, F & G)

6. That the appellant felt aggrieved by the said order, filed a departmental appeal with the worthy Commissioner, Peshawar Division, Peshawar on 19-01-2024 and prayed that the impugned order may graciously be set aside and he may kindly be reinstated in service with all back wages and benefits. But the same was dismissed on 15-03-2024 in utter violation of law.

(Copy of departmental appeal and its dismissal order are appended as Annex-H & I)

7. That the appellant is jobless since his removal from service.
8. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUND

- A. That the respondents have not treated the appellant in accordance with the mandate of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973** which has unequivocally laid down that it is the inalienable right of every citizen to be treated under the law, rules and policy. Therefore, the impugned orders are not sustainable in the eye of law.
- B. That regular Inquiry was not conducted in a manner prescribed by law as neither any witness was examined in the presence of appellant nor he was provided any opportunity of cross-examination in order to impeach the credibility of the witnesses if any appeared against him. Similarly, he was also not provided any chance to produce his defence in support of his version. The above defect in inquiry proceeding is sufficient to declare entire process as unlawful and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled

to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973. Besides, there is also no iota of evidence to connect the appellant with the commission of misconduct. Therefore, the report of the Inquiry Officer is based on conjectures, surmises and suppositions. Hence, the findings recorded by Inquiry Officer against the appellant are perverse and are not supported by any legal evidence at all and as such, the same are not tenable under the law.

- C. That the complainant Asghar Khan (Manager Petroleum Filling Station Mulazai, Warsak Road, Peshawar) has categorically admitted in his statement before the Inquiry Officer that the AAC, Mattani visited his filling station on 08th June, 2023, demanded a sum of rupees 100,000/- and threatened him imprisonment of three months in case of failure to pay said amount notwithstanding the fact that no violation of law had been committed by him. That since the AAC, Mattani was adamant to his previous demand, therefore, he paid rupees 17000/- which was received by appellant. It would be advantageous to reproduce herein the relevant portion of the said statement for facility of reference:

1. on June 8, 2023, the additional Assistant Commissioner, Mattani, Peshawar visited our filling station namely "My Petroleum filling station, Mulazai, Warsak Road, Peshawar" and demanded an amount of Rs. 100,000/- and warned that in case of failure, you will be imprisoned for a period of three months.

2. We were scared and asked for any violation. They insisted for money. Since, at that the amount in question was not available in the filling station, however, bargaining was made with P.A (Usama Sajid) and an amount of Rs. 17000/- was paid without any receipt.

It is abundantly clear from the above admission of the complainant that responsibility of the incident is squarely laid upon the shoulders of Muhammad Farooq (AAC, Mattani) alone. Nevertheless, the Inquiry Officer completely neglected this integral piece of evidence without attributing it due evidentiary value. Hence, the findings of the Inquiry Officer are termed as farce and mockery in the eye of law.

D.

That it was not only shocking but also ironic that the appellant alone was made a scapegoat by initiating disciplinary action and then awarded major penalty of removal from service while, the skin of the principal accused officer AAC, Mattani was saved being their colleague without any legal justification. This is a disparity and anomaly and is also violation of **Article 25 of the Constitution of Islamic Republic of Pakistan, 1973** which has unequivocally laid down that all citizens placed in similar circumstances are entitled to equal treatment and protection of law. The Hon'ble Supreme Court of Pakistan through various judgments has maintained that equal treatment is the fundamental right of every citizen. Reliance can be placed on **2002-SCMR-71, 2007-SCMR-410(d) & 2011-PLC-CS-7(b)**. The relevant citations are as under:

2002-SCMR-71

(citation-c)

---Art. 25---Equality of citizens---Two groups of persons similarly placed could not be treated differently---Dictates of law, justice and equity required exercise of power by all concerned to advance the cause of justice and not to thwart it.

2007-SCMR-410(d)

(citation-d)

---Art. 25---Equal protection of law---Principles---Concept of equal protection of law envisages that a person or class of persons should not be denied the rights, which are enjoyed by other persons in the same situation.

2011-PLC-CS-7

(citation-b)

----Art. 25--Equality before law--Principles---Equality before law, was the basic concept of Islam and that concept had been borrowed by English, American and European Constitutions from Islam---Two similarly placed persons could not be treated differently---Principle of equality before law and prohibition of discrimination between the similarly placed persons, was the essence of rule of law---Even selective, discriminatory

and distinctive treatment by the Government was also prohibited---Two similarly and equally placed persons, could not be treated differently.

Hence, the impugned orders are not tenable under the law.

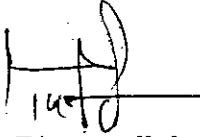
- E.** That the Competent Authority was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law besides to see whether the regular inquiry was conducted in consonance with law and that the allegations thereof were proved against him without any shadow of doubt or otherwise. However, he has completely overlooked this important aspect of the case without any cogent and valid reasons and awarded him major penalty of removal from service. Thus, the impugned orders are liable to be set aside on this count alone.
- F.** That the Competent Authority was also required to look for the mens-rea on the part of appellant that too in juxtaposition to the manifest implications mentioned in his written replies but he did not give any weight whatsoever to the same and totally ignored it without any legal justification. Hence, the impugned orders are against the spirit of administration of justice because no one can be penalized in absence of mens-rea as per various judgments of superior courts.
- G.** That the appellate Authority was under statutory obligation to have applied his independent mind to the merit of the case by taking notice about the illegality and lapses committed by the inquiry officer as well as by the Competent Authority as enumerated in earlier paras. Nevertheless, he failed to do so and dismissed the departmental appeal unlawfully. Therefore, the impugned orders are not tenable under the law.
- H.** That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not warranted by the law.
- I.** That the respondents have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, the impugned orders are bad in law.
- J.** That the impugned orders are based on conjectures, surmises and suppositions. Hence, the same are against the legal norms of justice.
- K.** That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

PRAYER

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders dated 12-01-2024 & 15-03-2024 may very graciously be set aside and the appellant may kindly be reinstated in service with all back wages and benefits.


Appellant

Through


Rizwanullah
M.A. LL.B

Dated: 08-04-2024

Advocate High Court, Peshawar
Email ID: advocaterizwanullah@gmail.com
Mobile No. 0300-596-5843

BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2024

1. Usama Sajid (Ex-Junior Clerk) o/o the Deputy Commissioner, Peshawar, r/o Landi Arbab Road, Muhallah Hakim Abad, Swati Gate, GPO, Peshawar.

(APPELLANT)

VERSUS

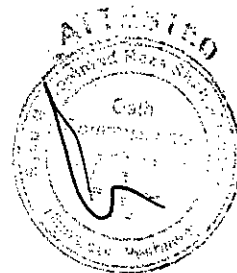
1. The Deputy Commissioner, Peshawar etc.

(RESPONDENTS)

AFFIDAVIT

I, Usama Sajid (Ex-Junior Clerk) o/o the Deputy Commissioner, Peshawar, r/o Landi Arbab Road, Muhallah Hakim Abad, Swati Gate, GPO, Peshawar do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


DEPONENT



Annex - A (9)



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. C-1370 DC(P)/EA

Dated: 01-02-2022

ORDER:

Mr. Usama Sajid S/o Sajid Khan (late) r/o Landi Arbab Road, Muhallah Hakim Abad, Swati Gate, G.P.O. Peshawar is hereby appointed as Junior Clerk in BPS-11 plus usual allowances as admissible under the rules, under deceased employees sons quota against the vacant post of Junior Clerk in this office on the recommendation of Departmental Selection Committee in its meeting held on 31/01/2022, with the following terms & conditions:-

1. He will get pay at minimum of BPS-11(12570-880-38970) plus usual allowances as admissible under the rules will be entitled to annual increment as per existing policy.
2. He will provide Medical fitness/age certificate from Medical Superintendent Services Hospital Peshawar.
3. He will be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there-under.
4. He will, for all intents and purposes, be Civil Servant as per existing policy/service rules.
5. His employment in this office is purely temporary and for probation period of one year and his services are liable to be terminated without assigning any reason at one(1) month notice or on the payment of one(1) month salary in lieu of the notice period. In case he wishes to resign at anytime One (1) month notice will be necessary or in lieu thereof one(1) month pay will be forfeited or deposited by him.
6. If the above terms and conditions are acceptable to him he should report to this office on or before 15/02/2022 failing to which the offer of appointment shall stand null and void.
7. His services are transferable anywhere in the District/Khyber Pakhtunkhwa.

(CAPT.(R) KHALID MEHMOOD)
DEPUTY COMMISSIONER

Endst: No. and Date Even:

- (i). Commissioner Peshawar Division, Peshawar.
- (ii). Accountant General, Khyber Pakhtunkhwa, Peshawar.
- (iii). Accounts Officer, DC Office Peshawar for further necessary action.
- (iv). Mr. Usama Sajid S/o Sajid Khan (late) r/o Landi Arbab Road, Muhallah Hakim Abad, Swati Gate, G.P.O. Peshawar.

Attested

Appointing

DEPUTY COMMISSIONER

Annex-B (10)

CHARGE SHEET

I, Aafaq Wazir, Deputy Commissioner Peshawar as competent authority, hereby charge you, Mr. Usama Sajid, Junior Clerk (under suspension) of this office, as follows:-

That you were posted as Junior Clerk with Additional Assistant Commissioner (HQ) committed the following irregularities:

- (a) That in an inquiry conducted by Additional Deputy Commissioner (G) Peshawar you were found assisting Mr. Muhammad Farooq Additional Assistant Commissioner Mattani, visiting different petrol pumps despite the fact that you have been posted with Additional Assistant Commissioner (HQ) Peshawar.
- (b) Reportedly you were also found extorting money with Additional Assistant Commissioner Mattani Peshawar from petrol pumps staff illegally which is evident from video clips.
- (c) The Inquiry officer/Additional Deputy Commissioner (G) has recommended your suspension and further Inquiry into the matter for the above mentioned charges.
- (d) That your this action is against the official discipline and tantamount towards abuse of official powers.

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

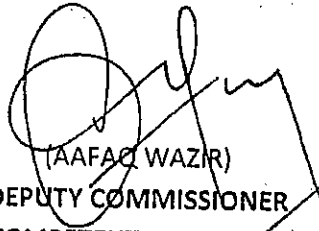
3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer.

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

5. A Statement of allegations is enclosed.

Attested

Appellant


(AFAAQ WAZIR)
DEPUTY COMMISSIONER
(COMPETENT AUTHORITY)
24/10

(11)

DISCIPLINARY ACTION

I, Aafaq Wazir, Deputy Commissioner Peshawar, as competent authority, am of the opinion that Mr. Usama Sajid, Junior Clerk (under suspension) of this office has rendered liable to be proceeded against, as he committed the following acts/omissions within the meaning of rule-3 of the Khyber Pakhtunkhwa Govt. Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

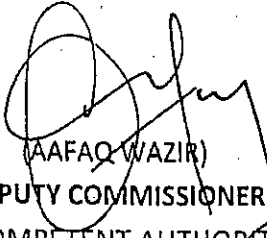
- (a) That in an inquiry conducted by Additional Deputy Commissioner (G) Peshawar you were found assisting Mr. Muhammad Farooq Additional Assistant Commissioner Mattani, visiting different petrol pumps despite the fact that you have been posted with Additional Assistant Commissioner (HQ) Peshawar.
- (b) Reportedly you were also found extorting money with Additional Assistant Commissioner Mattani Peshawar from petrol pumps staff illegally which is evident from video clips.
- (c) The Inquiry officer/Additional Deputy Commissioner (G) has recommended your suspension and further Inquiry into the matter for the above mentioned charges.
- (d) That your this action is against the official discipline and tantamount towards abuse of official powers.

2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Zahid Younas, Assistant Commissioner Hassan Khel Peshawar is hereby appointed as Inquiry Officer under rule 14(6) of the ibid rules.

3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within a week's time 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.

Attested
Appellant


(AAFAQ WAZIR)
DEPUTY COMMISSIONER
(COMPETENT AUTHORITY)
27/10

رپورٹ (ساحہ ساہو جوینڈ کلرک ڈسٹریکشن کمشنر آفس لٹاؤر -
رپورٹ مابت خارج سٹنڈ بمبئی 1899 (H18) AC/41-939
موضوع 23/10/24 (از اسٹنڈ کمشنر حسن غیل -

جناب عالی؟

آپ جناب نے بزراجم خارج سٹنڈ مذکورہ جواب طلبی کی ہے جسکی
بابت سائل درج ذیل عرفین ریاں ہیں۔

1۔ تم کہ جناب قمر فاروق صاحب (ایڈیشنل اسٹنڈ کمشنر ممبئی) نے فون کال کی کہ
آپ سے ساتھ صفحہ انگلشن ناظم معقرہ کی ڈیوٹی کئے جائینگے۔
حسن پر جناب قمر فاروق صاحب (ایڈیشنل کمشنر ممبئی) کو میں نے بتلا کر میں تو
مقرہ (ایڈیشنل اسٹنڈ کمشنر (H18) کسبائے ڈیوٹی میں ہوں۔ لہذا آپ ان سے
اجازت طلب کریں۔

حسن پر جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر ممبئی) نے فون پر مقرہ (ایڈیشنل
اسٹنڈ کمشنر (H18) سے رابطہ کیا۔
مقررہ (ایڈیشنل اسٹنڈ کمشنر (H18) صاحب نے حکم دیا کہ آپ صفحہ انگلشن
ناظم کھن معقرہ کی ڈیوٹی چھوڑ کر جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر ممبئی)
سے انجام دیں۔

2۔ تم کہ میں جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر ممبئی) کے چھوڑ (انگلشن) مذکورہ
کی ڈیوٹی میں تھا۔ اور اس دوران جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر ممبئی) کو
عوام نے بیڑوں میں کی شکایت کی۔ حسن پر جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر
ممبئی) نے بیڑوں میں کافوائٹنگ / چیکنگ کی۔
مذکورہ بیڑوں میں معاشقہ / چیکنگ بیڑوں کا رتبہ زیادہ اور گیم کم ہر آدمی
پر جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر ممبئی) بیڑوں میں ہرمانہ عائد کیا۔
حسن کے بعد حسب (فلم) جناب (ایڈیشنل اسٹنڈ کمشنر ممبئی) قمر فاروق مذکورہ
میں سے ہرمانہ کی رقم وصول کی اور جناب قمر فاروق (ایڈیشنل اسٹنڈ کمشنر ممبئی)
کو سوال کیا۔

(اسی بابت بیڑوں میں چیکنگ کی تصادم موقع ہر ثبوت (رپورٹ بنا ہے)
کثرت کلرک سے اس ڈیوٹی تنگ صفحہ اور امانداری سے سرانجام دینا ہوں۔
اور میرے ساتھ بیڑوں والے گزشتہ حالات / واقعات کو تنگ کی نگاہ سے دیکھا گیا۔
جبکہ اس بابت میرا ہمہم صاف ہے۔

علامہ ازلی سائل اس صفحہ میں ناکردہ گناہ کئے پھر بھی معافی کا طلبگار
ہے اور آئندہ کئے ڈیوٹی میں (حفاظت سے کام لینگا
لہذا رپورٹ بنا بہرہ فائدہ حکم پیش کیجئے۔

رپورٹ میں ہے۔
(ساحہ ساہو جوینڈ کلرک ڈسٹریکشن کمشنر آفس لٹاؤر)

26/10/2023

Attested

Appellant

Annex-D

13

THE ASSISTANT COMMISSIONER, HASSAN KHEL,
PESHAWAR

Tel: 091-9211899, Fax: 091-9212303, DC Peshawar

No: 1009/AC(HK)/189

Dated Pesh the: 22/Nov, 2023

To:

The Deputy Commissioner,
Peshawar.

Deputy Commissioner
Peshawar

Diary No. 17811

Date 22/11/23

Subject: INQUIRY REPORT:

Respected Sir,

Reference your office order No. 0305/DC(P), dated. 23-10-2023.

Background:

Brief facts of the case are that Usama Sajid (J/Clerk, under-suspension) was suspended on the charges of extortion of illegal money from Filling Station in connivance with Additional Assistant Commissioner, Mattani Peshawar. The suspended Junior Clerk namely Usama Sajid was posted as Junior Clerk in the office Addl; Assistant Commissioner (HQ), Peshawar

He was found involved with Additional Assistant Commissioner (Mattani), Peshawar, by assisting him without any permission / order from the competent authority and was reportedly extorting money from Filling Stations illegally, without awarding any receipt.

The undersigned was appointed as Inquiry Officer to probe into the matter and submit inquiry report with respect to under suspension, Junior Clerk namely Usama Sajid.

Proceedings:

Case file along with office order was received on 24-10-2023, as per requirement of Rule-10(2), of KP Govt; Servants (Efficiency & Discipline) Rules-2011.

In pursuance of Rule-12(a) of KP Govt; Servants (Efficiency & Discipline) Rules-2011, summon was issued to Usama Sajid (J/Clerk, Under-suspension) on 24-10-2023 vide No. 939-41/AC(HK)/189 (Annex-A), to attend office of undersigned on 25-10-2023, at 1000 Hrs along with written statement. Charge Sheet / statement of allegations were served upon Usama Sajid (J/Clerk, Under-suspension) and his signature was obtained on attendance sheet as well as charge sheet / statement of allegations on 25-10-2023 (Annex-B).

On 10-11-2023, vide No. 1003-05/AC(HK)/189, Mr. Falak Sher r/o Lakarai Mulazai, was summoned to the office of Undersigned, however, due to some domestic issues, he did not attend this office. Another summon was issued vide No. 1009-11, dated. 10-11-2023, for attending this office on 13-11-2023. On 13-11-2023, he attended and requested that he is land owner and not Petroleum dealer. He provided the name and contact number of Filling Station's Manager.

On 14-11-2023, summon / notice, vide No. 1016-18/AC(HK)/189, was issued to Mr. Asghar Khan, Manager My Petroleum Filling Station, Mulazai Warsak Road, Peshawar, under Rule-12(b), of KP Govt; Servants (Efficiency & Discipline) Rules-2011, to appear before undersigned for personnel hearing and submission of written statement on 15-11-2023, at 1100 Hrs. He attended this office on 15-11-2023, and submitted his written statement.

On 10-11-2023, summon / notice, vide No. 1006-08/AC(HK)/189, was issued to Addl; Assistant Commissioner (HQ), Peshawar, under Rule-12(b), of KP Govt; Servants (Efficiency & Discipline) Rules-2011, for submission of her written statement in the instant case (Annex-C).

Attested

Appellat

14

2

**THE ASSISTANT COMMISSIONER, HASSAN KHEL
PESHAWAR**

Tel: 091-9211899, Fax: 091-9212303, DC Peshawar

1. Statement of Usama Sajid (J/Clerk, Under suspension).

Usama Sajid (J/Clerk, Under-suspension), submitted his written statement on 26-10-2023 (Annex-D). He submitted in his written statement that: -

1. I received a telephonic message from Muhammad Farooq (AAC), Mattani, Peshawar, to join him for by-election duty at Tehsil Mathra. I requested that I am posted with the Additional Assistant Commissioner (HQ), Peshawar and she may be please contacted. The AAC Mattani, Peshawar, asked the Additional Assistant Commissioner (HQ), Peshawar, on which, Additional Assistant Commissioner (HQ), Peshawar, directed me to perform by-election duty with AAC Mattani, Peshawar, in Tehsil Mathra.
2. During visit of Tehsil Mathra, a complainant pointed that "My Petroleum Filling Station, Mulazai Warsak Road, Peshawar", is charging high rates of Petrol and also have gauge issues. The AAC Mattani, Peshawar, inspected the Filling Station. It was observed that Manager / staff of Filling Station are charging high rates of petrol and have low gauge of petrol. In violation of low gauge and extra charges of petrol, the AAC Mattani, Peshawar, imposed fine amounting to Rs. 17,000/- and directed me to collect fine from the manager. On his direction, I collected the fine amount and handed over to the Additional Assistant Commissioner (Mattani), Peshawar. Upon asking for provision of receipt the AAC Mattani, directed that receipt will provided by him later.

2. Questionnaire Statement of Usama Sajid (J/Clerk, Under suspension) (Annex-E).

Q 1: When were you appointed?

Ans: I was appointed on 1st, Feb 2022 as a Junior Clerk in DC office, Peshawar.

Q 2: When were you posted on the current post?

Ans: February 2022.

Q3: On whom orders you perform duty with Additional Assistant Commissioner Mattani?

Ans: On the orders of Additional Assistant Commissioner (HQ).

Q4: Where did the inspection take place?

Ans: The inspection took place in the area of Mulazai, Tehsil Mathra.

Q5: Do you have the name and address of the complainant?

Ans: No, Sir, as the complainant directly approached Additional Assistant Commissioner Mattani, Peshawar, so I don't have name and any contact number of the complainant.

Q6: Were all legal formalities fulfilled on proving low gauge and over pricing?

Ans: The inspection was carried out by Additional Assistant Commissioner, Mattani, himself.

Q7: Was the receipt of the collected fine provided to the concerned pump manager?

Ans: The detail can be obtained from the Additional Assistant Commissioner Mattani.

Q8: Whether the collected amount was deposited in the government treasury? And how much?

Ans: The received amount was handed over to Additional Assistant Commissioner Mattani, Peshawar, amounting to Rs.17000/-

Q9: Have you remained as reader before current posting?

Ans: No, sir I have not remained as a reader during my entire service.

Q10: Have you been suspended or asked for an explanation before present suspension?

Ans: No, Sir.

Q11: Have you performed duty with Additional Assistant Commissioner Mattani, Peshawar, before?

Ans: No, I have not performed duty with him, before and after this.

Attested
Appellant

28/11

15

3

THE ASSISTANT COMMISSIONER, HASSAN KHEL
PESHAWAR

Tel: 091-9211899, Fax: 091-9212303, DC Peshawar

3. Statement of Mr. Asghar Khan (Manager at My Petroleum Filling Station, Mulazai Warsak Road, Peshawar).

Mr. Asghar Khan s/o Inam Gul r/o Nizam Pur, District Nowshera (Manager at My Petroleum Filling Station, Mulazai Warsak Road, Peshawar), attended this office and submitted his written statement on 15-11-2023 (Annex-F).

1. On June 8, 2023, the Addl: Assistant Commissioner Mattani, Peshawar, visited our Filling Station, namely "My Petroleum Filling Station, Mulazai Warsak Road, Peshawar" and demanded an amount of Rs. 100,000/- and warned that in case of failure, you will be imprisoned for a period of three months.
2. We were scared and asked for any violation. They insisted for money. Since, at that the amount in question was not available in Filling Station, however, bargaining was made with P.A (Usama Sajid) and an amount of Rs. 17,000/- was paid without obtaining any receipt.

4. Statement of the Additional Assistant Commissioner (HQ), Peshawar.

The Additional Assistant Commissioner (HQ) Peshawar, submitted her written statement on 15-11-2023 (Annex-G).

She in her written statement submitted that the AAC Mattani, Peshawar, telephonically requested to provide an alternate reader for by-election duty in Tehsil Mathra. At that time no reader was available. Therefore, on request of AAC Mattani, Peshawar, Usama Sajid (J/Clerk) was asked to perform duty on temporary basis for by-election at Tehsil Mathra on 06-08-2023.

FINDINGS:

The written statement of Usama Sajid (J/Clerk, Under-suspension) and statements of witnesses Mr. Asghar Khan s/o Inam Gul r/o Nizam Pur, District Nowshera (Manager at My Petroleum Filling Station, Mulazai Warsak Road, Peshawar) and Additional Assistant Commissioner (HQ) Peshawar and the available video / pictorial evidence were thoroughly examined / perused.

In the video recording shared by Manager of Filling Station, Usama Sajid (J/Clerk under-suspension) can be seen very clearly receiving money from the Filling Station Manager. It can be seen that no fine receipt has been given to the manager against the fine received. Mr. Asghar Khan s/o Inam Gul (Manager at My Petroleum Filling Station) in his statement has clearly charged Usama Sajid (J/Clerk, Under suspension) of extorting money from him.

The inquiry conducted by Additional Deputy Commissioner (G), Peshawar, also proves that Usama Sajid (J/Clerk, Under suspension) used to accompany Add: Assistant Commissioner, Mattani Peshawar, during his visits / inspections without any authorization from the Competent Authority. The video clips viral on Social Media and the one examined by the Additional Deputy Commissioner (G), Peshawar, also reflect the fact that Usama Sajid (J/Clerk, under suspension) accompanied the AAC, Mattani, Peshawar, and has collected amount from various businesses.

Recommendations:

As explained above, in the findings, the Undersigned has come to the conclusion that Usama Sajid (J/Clerk, under suspension) is found guilty of "corruption" by extorting illegal money as explained in Rule 2 sub-rule (g). He is also found guilty of "misconduct" by misuse of his official position as explained in Rule 2 sub-rule (l) of KP Government servants (Efficiency & Discipline) Rules, 2011.

Therefore, it is recommended that the officials concerned namely Usama Sajid (J/Clerk under suspension) may be proceeded against Major penalty under Section 4(b) of the KP Government Servants (Efficiency & Discipline) Rules, 2011.

This report consists of 03x pages and is submitted along Annexures, please.

[Signature]
ASSISTANT COMMISSIONER,
HASSAN KHEL, PESHAWAR.
22/11/2023

Attested
[Signature]
Appellant

Annex-E

(16)



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No. 0344 DC(P)/EA

Dated: 13-12-2023

To

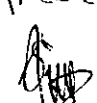
Mr. Usama Sajid,
Junior Clerk (under suspension), DC Office Peshawar.

Subject: SHOW CAUSE NOTICE

Enclosed please find herewith 2 copies of "SHOW CAUSE NOTICE" alongwith copy of inquiry report with the direction that one copy may be retained and the other copy be signed as a token of receipt and returned to this office for record immediately.

Encls:(As above)


ADDITIONAL DEPUTY COMMISSIONER (G)
PESHAWAR

Attested

Appellant

SHOW CAUSE NOTICE

I, Aafaq Wazir, Deputy Commissioner Peshawar as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011, do hereby serve you, Mr. Usama Sajid, Junior Clerk (under suspension) as follows:-

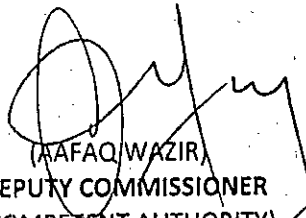
1. (i) that consequent upon the completion of Inquiry conducted against you by the Inquiry officer/Assistant Commissioner Hassan Khel vide letter No.1029/AC(HK)/189 dated 22-11-2023 for which you were given opportunity of hearing and
- (ii) On going through the findings and recommendations of the Inquiry officer, 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:

- (a) Guilty of misconduct
- (b) Guilty of corruption.

2. As a result thereof, I, as Competent authority, have tentatively decided to impose upon you the penalty of Dismissal from Service under rule 4(1)(b)(iv) of the said rules.
3. You are, thereof, 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 and 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 is enclosed.

Attested
Appellant


(AFAQ WAZIR,
DEPUTY COMMISSIONER
(COMPETENT AUTHORITY)

Annex-F (18)

To,

THE DEPUTY COMMISSIONER,
Peshawar. (Competent Authority)

Subject: **SHOW CAUSE NOTICE**

Respect Sir,

The undersigned has the honor to refer the Show Cause Notice No. 0341, Dated 13-12-2023 and to submit that the undersigned has already submitted his detailed reply to the Charge Sheet No. 939-41/AC(HK)189, dated 24-10-2023, which is reproduced below, with some requisite clarifications, please.

1. Mr. Muhammad Farooq, Additional Assistant Commissioner (AAC), Mattani had telephonically directed the undersigned to accompany him to village Mathra, Peshawar, in connection with By Elections Duty. The undersigned duly informed him to ask for permission of the Additional Assistant Commissioner AAC (HQ), as the undersigned was on duty with her (AAC HQ), and unless she permitted, the undersigned could not accompany him.
2. Accordingly, Mr. Muhammad Farooq asked the AAC (HQ), Peshawar and she directed the undersigned to perform duty with Mr. Muhammad Farooq, AAC, Mattani in connection with the By Elections, which were being conducted for the position of Nazim Mathra. Accordingly, the undersigned started performing duty with Mr. Muhammad Farooq AAC Mattani.
3. That the undersigned was on duty with the said AAC Mr. Muhammad Farooq, in connection with the By Election, when the locals complained against the Petrol Pump in question. Therefore, Mr. Muhammad Farooq, AAC, Mattani inspected the Petrol Pump and found that fuels were being sold at excessive prices and the gauge was also lesser than the standard required one. Therefore, Mr. Muhammad Farooq, AAC Mattani imposed Fine on the Petrol Pump owner, which was paid on the spot by the Petrol Pump Owner/Manager and the undersigned collected the same on the direction of Mr. Muhammad Farooq, AAC, Mattani and handed it over to him, on the spot.
4. Snap shots of the delinquencies of the Petrol Pump have already been submitted with the detailed reply to the Charge-Sheet, by the undersigned.
5. The undersigned have only performed his duty, in the subordination of Mr. Muhammad Farooq, AAC Mattani, being his subordinate and bound to have obeyed his orders.
6. Mr. Muhamunad Farooq, AAC Mattani had inspected the Petrol Pump, whether authorized by law or not.
7. Mr. Muhammad Farooq, AAC Mattani, being an officer had to see and determine the questions of jurisdictions whether he could have visited the Petrol Pump or not, whether he could imposed fine or otherwise. Whether territorial and legal jurisdiction were conferred upon him by the law or not.
8. The undersigned being subordinate could do nothing nor could have refused to obey his orders regarding collection of the Fine. The undersigned submits that level of subordination may please be realized and understood. The Gap of an AAC and a Junior Clerk may be visualized; question of disobedience does not arise.
9. Issuance of receipt that the Fine was collected too was the duty of Mr. Muhammad Farooq, AAC Mattani, under his hand and signature.

Attested
Appellant

Deputy Commissioner
Peshawar
Date: 19/12/2023
Signature: [Handwritten Signature]

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10. The Inquiry Officer too has too misdirected the proceedings, might be saving his colleague and making the undersigned a scapegoat for nothing done, on his part.
11. If, something wrong had been committed, Mr. Muhammad Farooq, AAC Mattani would have committed the same and even using the undersigned for his wrong. Therefore, he might be responsible for the consequences.
12. The undersigned has only performed his duties with Mr. Muhammad Farooq, AAC Mattani, on the permission and directive of Additional Assistant Commissioner (HQ), Peshawar. And, if accompanying him and obeying him was wrong, then the undersigned may be forgiven and may also be directed not to obey the senior/officers.
13. The undersigned reserve his right to sue and/or seek prosecution of Mr. Muhammad Farooq, AAC Mattani before the Anti-corruption Establishment for extorting gratification in the garb of Fines, if any and thereby using the undersigned, wrongly.

It is, therefore, requested that the undersigned may please be exonerated and the show cause notice may be withdrawn, by the filing the proceedings against the undersigned. I shall be highly thankful.



Usama Sajid
Junior Clerk (Under Suspension)

Attested



Appellant

Annex-67

20



THE DEPUTY COMMISSIONER, PESHAWAR

Tel: 091-9212301-02, Fax: 091-9212303, DCPeshawar

No.0397DC(P)/EA

Dated: 12-01-2024

ORDER:

WHEREAS, Mr. Usama Sajid Junior Clerk was proceeded under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 due to his involvement/assistance with Addl. Assistant Commissioner Mattani Peshawar in extorting money illegally from petrol pump owners; the official was placed under suspension vide order No.0305/DC(P) dated 23-10-2023, Assistant Commissioner Hassan Khel was appointed as Inquiry Officer and Charge Sheet and Statement of allegations were served.

AND WHEREAS, the Inquiry officer/AC Hassan Khel Peshawar submitted his inquiry report vide letter No.1029/AC(HK)/189 dated 22-11-2023 stating therein that the official was found guilty of corruption and misconduct under Khyber Pakhtunkhwa Govt. Servant rules 2(g) & 2(l) and evidences on record and on ground proved the guilt. The Inquiry officer recommended imposition of major penalty upon the accused.

AND WHEREAS, the accused official was served upon a Show Cause Notice vide No.0341/DC(P)/EA dated 13-12-2023, which was replied on 20-12-2023 accordingly wherein he simply denied the allegations by stating that he had just obeyed the orders of his superior officers and conditionally apologized if he had done something wrong.

AND WHEREAS, the accused was called for personal hearing on 08/01/2024 and was heard in person. The accused official had no valid justification to offer in his defense and excused for his ignorance due to unexperienced employee having small tenure of service.

AND WHEREAS, considering the recommendations of the Inquiry officer, reply of the accused official to the Show Cause Notice, keeping in view his statement on personal hearing and other circumstances, I, Aafaq Wazir, Deputy Commissioner, Peshawar in the capacity as Competent Authority is of the opinion that the charges leveled against the accused official stand proved.

NOW THEREFORE, in exercise of the powers conferred under Rule-14(5)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, a major penalty of **Removal from service** is hereby imposed upon Mr. Usama Sajid, Junior Clerk with immediate effect.

Attested
[Signature]
Appellate

[Signature]
(AAFAQ WAZIR)
DEPUTY COMMISSIONER

Endst: No. and Date Even:

Copy forwarded to the:

- (i) Commissioner, Peshawar Division, Peshawar.
- (ii) Addl. Deputy Commissioner (G), Peshawar.
- (iii) Accounts Officer of DC office for necessary action.
- ✓(iv) Mr. Usama Sajid, Ex-J/Clerk.

[Signature]
DEPUTY COMMISSIONER

3. FACTUAL BACKGROUND:

- (a) Mr. Muhammad Farooq, Additional Assistant Commissioner (AAC), Mattani had telephonically directed the appellant to accompany him to village Mathra, Peshawar, in connection with By Elections Duty. The undersigned duly informed him to ask for permission of the Additional Assistant Commissioner AAC (HQ), as the undersigned was on duty with her (AAC HQ), and unless she permitted, the appellant could not accompany him. Here, it is worth noting that the AAC had asked for my services for election duty.
- (b) Accordingly, Mr. Muhammad Farooq asked the AAC (HQ), Peshawar and she directed the appellant to perform duty with Mr. Muhammad Farooq, AAC, Mattani in connection with the By Elections, which were being conducted for the position of Nazim Mathra. Accordingly, the appellant started performing duty with Mr. Muhammad Farooq AAC Mattani.
- (c) That the appellant was on duty with the said AAC Mr. Muhammad Farooq, in connection with the By Election, when the locals complained against the Petrol Pump in question. Therefore, Mr. Muhammad Farooq, AAC, Mattani inspected the Petrol Pump and found that fuels were being sold at excessive prices and the gauge was also lesser than the standard required one. Therefore, Mr. Muhammad Farooq, AAC Mattani imposed Fine on the Petrol Pump owner, which was paid on the spot by the Petrol Pump Owner/Manager and the appellant collected the same on the direction of Mr. Muhammad Farooq, AAC, Mattani and handed it


Attested

[Signature]
Appellant

over to him, on the spot. Here, again one instance is worth noting that the AAC had checked the Petrol Pump, and only he might had the authority to check.

- (d) Snap shots of the delinquencies of the Petrol Pump have already been submitted with the detailed reply to the Charge Sheet, by the appellant, which could be seen in the record.
- (e) The appellant has only performed his duty, in the subordination of Mr. Muhammad Farooq, AAC Mattani, being his subordinate and bound to have obeyed his orders.
- (f) Mr. Muhammad Farooq, AAC Mattani, being an officer had to see and determine the questions of jurisdictions whether he could have visited the Petrol Pump or not, whether he could have imposed fine or otherwise. Whether territorial and legal jurisdictions were conferred upon him by the law or not.
- (g) The appellant being subordinate could do nothing nor could have refused to obey his orders regarding collection of the Fine. The appellant submits that level of subordination may please be visualized and understood. The Gap of an AAC and a Junior Clerk may be considered; question of disobedience does not arise.
- (h) Issuance of receipt that the Fine was collected too was the duty of Mr. Muhammad Farooq, AAC Mattani, under his hand and signature.
- (i) The Inquiry Officer too has too misdirected the proceedings, might be making the appellant a scapegoat for nothing done, on his part.

Attested


Appellant

(j) The appellant has only performed his duties with Mr. Muhammad Farooq, AAC Mattani, with the permission and directive of Additional Assistant Commissioner (HQ), Peshawar. And, if accompanying him and obeying him was wrong, then the appellant may be forgiven and may also be directed not to obey the senior/officers.

Therefore, the order dated 12-01-2024 of the worthy Deputy Commissioner is against the law and facts on the following grounds:

GROUND:

- i. The appellant being subordinate and remaining in the company and under his authority was solely at the mercy of the AAC, upon whose order the amount of fine was received. Whether the appellant could have refused to obey?
- ii. The appellant had no power or authority to have either imposed fine or to collect the same; in the presence of the AAC named above.
- iii. The appellant had no authority to have issued receipt regarding fine imposed.
- iv. On inspections, whether, the subordinate could do any wrong under the eye and control of the inspecting officer.

Hon'ble Sir,

The appellant is a poor man, belonging to a poor family and sole bread earner for his poor family and punishment is harsh, against the facts and based on surmises and conjectures. Therefore, it is prayed that order impugned bearing No. O397DC(P)/EADA, dated 12-01-2024; whereby, the

Attested
Appellant

Worthy Deputy Commissioner has ordered removal of the appellant, may very graciously and kindly be set-aside, and the appellant may be exonerated and reinstated.

The appellant also seeks opportunity of personal hearing.

Appellant shall remain highly thankful.

Yours most obedient,

Osama Sajid

Ex. Junior Clerk, Office of AC, Peshawar.

Attested
Appellant

Annex-I (26)



**IN THE COURT OF
COMMISSIONER PESHAWAR DIVISION
PESHAWAR**

DATE OF INSTITUTION 19.01.2024.

DATE OF DISPOSAL 15.03.2024.

APPEAL NO.02/2024.

OSAMA SAJID (EX-JUNIOR CLERK) O/O DEPUTY COMMISSIONER PESHAWAR.

(Appellant)

VS

DEPUTY COMMISSIONER PESHAWAR.

(Respondent)

ORDER

This order will dispose off the departmental appeal filed by the above named appellant against the order of the Deputy Commissioner Peshawar bearing No.0397/DC(P)/EA dated 12.01.2024, whereby major penalty of removal from service was imposed upon the appellant by Deputy Commissioner Peshawar under Rule-14 (5)(ii) of Govt. of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011.

Brief facts of the case leading to institution of the instant appeal are that the appellant was placed under suspension due to his involvement / assistance with the Additional Assistant Commissioner Mattani Peshawar in extorting money illegally from petrol pumps. Assistant Commissioner Hassan Khel was appointed as Inquiry Officer. The inquiry officer submitted his report wherein the appellant was found guilty of corruption and misconduct. Deputy Commissioner Peshawar served him with a show cause notice. After considering explanation to the show cause notice, recommendation of the enquiry officer and personal hearing of the appellant, the Deputy Commissioner Peshawar awarded major penalty of removal from service to the appellant under Rule 14(5)(ii) of Govt. of Khyber Pakhtunkhwa, Efficiency & Discipline Rules, 2011.

The appellant in his written statement and verbal statement during personal hearing stated that the Additional Assistant Commissioner Mattani Peshawar inspected the filling station and due to low gauge of petrol, imposed fine amounting to Rs.17000/-. The appellant further stated that on the direction of AAC Mattani Peshawar, he collected the fine amount and handed over to the AAC Mattani Peshawar. When asked for provision of receipt, the AAC Mattani told him that receipt will be provided later. He further added that he accompanied the AAC Mattani Peshawar only once.

Attested

Appellate Officer


Appellant present and heard in person. Comments furnished by the Deputy Commissioner Peshawar also examined. From perusal of the case file / proceedings of the case, it is evident that the appellant was found involved in extorting money illegally from petrol pumps. The appellant during course of personal hearing could not produce any solid argument / evidence to prove his innocence.



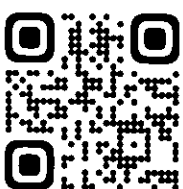
Keeping in view the above, the appeal is dismissed. The impugned order bearing No.0397/DC(P)/EA dated 12.01.2024 of Deputy Commissioner Peshawar is upheld and maintained.

File be consigned to GRR after necessary compilation.

Announced
15.03.2024


COMMISSIONER
PESHAWAR DIVISION PESHAWAR

Attested

Appellant

50 روپے	37045	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: Rignwanullah	09-0050	  
بار کونسل ایسوسی ایشن نمبر: bc-0050		
رابطہ نمبر: 03005965843		

بعدالت جناب:

Appellant Usama Sajid بنام Deputy Commissioner, Peshawar & Others	مخانب:	Service Appeal دعویٰ:
		علت نمبر:
		مورخہ:
		جرم:
		تھانہ:

بابت تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام Peshawar کے لیے Rignwanullah کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر نمائندگی و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری ٹیکسٹ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگزانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ اپنی خواہش منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جائزہ التوائے مقدمہ کے سبب سے ہوگا اپنی تازگی پیش مقام دورہ یا حد سے باہر ہو تو وکیل صاحب ہا ہند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ مذکورہ کے ساتھ سند رہے

المرقوم: 8/4/2024

المقام: Peshawar

واہ شد العبد

Affestw