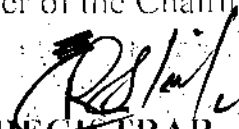


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 2162/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/10/2024	<p>The appeal of Mr. Shahbaz Ahmad received today by registered post through Sardar Muhammad Azeem Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 27.11.2024. Counsel for the appellant has been informed telephonically.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR  
CHECK LIST**

Case Title: Shahbaz Ahmed v/s Secretary to government of KPK  
Home & Tribal Affairs Department Peshawar & others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by <u>Sardar Muhammad Azeem</u>		<u>Advocate</u>
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	<u>yes</u>	
3	Whether appeal is within time?	<u>"</u>	
4	Whether the enactment under which the appeal is filed mentioned?	<u>"</u>	
5	Whether the enactment under which the appeal is filed is correct?	<u>"</u>	
6	Whether affidavit is appended?	<u>"</u>	
7	Whether affidavit is duly attested by competent oath commissioner?	<u>"</u>	
8	Whether Appeal / Annexures are properly paged?	<u>"</u>	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?		<u>"</u>
10	Whether annexures are legible?	<u>"</u>	
11	Whether annexures are attested?	<u>"</u>	
12	Whether copies of annexures are readable/ clear?	<u>"</u>	
13	Whether copy of appeal is delivered to AG/ DAG?	<u>"</u>	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	<u>"</u>	
15	Whether number of referred cases given are correct?		
16	Whether appeal contains cutting / overwriting?		<u>"</u>
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this Court?	<u>"</u>	
19	Whether requisite number of spare copies are attached?	<u>"</u>	
20	Whether complete spare copy is filed in separate file cover?	<u>"</u>	
21	Whether addresses of parties given are complete?	<u>"</u>	
22	Whether index filed?	<u>"</u>	
23	Whether index is correct?	<u>"</u>	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities / documentations as required in the above table, have been fulfilled.

Name:- Sardar Muhammad Azeem

Signature: - [Signature]

Dated: - 24/10/24

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 2162 2024

Shahbaz Ahmed Naib Qasid District Prosecution Office Abbottabad, R/O  
Appellant Talkandi, Post Office Talkandi, Tehsil and District Abbottabad.

...APPELLANT

**V E R S U S**

Secretary to Government of KPK Home & Tribal Affairs Department  
Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 9	
2.	Copy of the complaint	-10-	"A"
3.	Copy of suspension order, charge sheet and statement of allegation	11 to 13	"B" "C" & "D"
4.	Copy of order Dated 26.04.2024 and 30.01.2024	14 to 15	"E" & "F"
5.	Copies of application dated 29.01.2024 and 6.02.2024	16 to 17	"G" & "H"
6.	Copy of reply	18 to 19	"I"
7.	Copy of inquiry report	20	"J"
8.	Copies of final show cause notice and order dated 26.04.2024	21 to 22	"K" & "L"
9.	Copy of reply of show cause notice	23 to 24	"M"
10.	Copy of order	-25-	"N"
11.	Copy of departmental appeal	26 to 28	"O"
12.	Copy of impugned order dated 24.09.2024	29	"P"
13.	Wakalatnama	30	

*Shahbaz*  
...APPELLANT

Through

Dated: 24-10 /2024

*Muhammad Azcem*  
(Sardar Muhammad Azcem)  
Advocate High Court, Abbottabad

03129832024



**GOVERNMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 2162 2024

Shahbaz Ahmed Naib Qasid District Prosecution Office Abbottabad, R/O  
Appellant Talkandi, Post Office Talkandi, Tehsil and District Abbottabad.  
...APPELLANT

**V E R S U S**

1. Secretary to Government of KPK Home & Tribal Affairs Department Peshawar.
2. Director General Prosecution KPK Peshawar.
3. Regional Director Prosecution Hazara Division Abbottabad.
4. District Public Prosecutor Abbottabad.

...RESPONDENTS

**SERVICE APPEAL** U/S 4 OF THE KPK SERVICE  
TRIBUNAL ACT 1974 AGAINST ORDER  
NO.SO(PROSECUTION) HD/1-9/2023 . DATED  
24.09.2024 IN WHICH THE RESPONDENTS NO.1  
ON THE DEPARTMENTAL APPEAL OF THE  
APPELLANT ORDER FOR WITHHOLDING OF  
THREE INCREMENTS FOR THREE YEARS WAS  
PASSED, WHICH WAS COMMUNICATED TO THE  
APPELLANT ON 30.09.2024 AND NON-PAYMENT  
OF SALARIES FROM 24.06.2024 TO 24.09.2024.

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2

**PRAYER:** ON ACCEPTANCE OF THE APPEAL ORDER NO. SO(PROSECUTION)HD/1-9/2023 DATED 24.09.2024 ISSUED BY THE RESPONDENT NO.1 ONLY TO THE EXTENT OF WITHHOLDING OF THREE INCREMENTS FOR THREE YEARS OF THE APPELLANT SHOULD BE MODIFIED AND INCREMENTS OF THE APPELLANT MAY KINDLY RESTORE WITH ALL BACK BENEFITS AND RESPONDENTS MAY KINDLY BE FURTHER DIRECTED FOR PAYMENT OF SALARIES TO APPELLANTS W.E.F 24.06.2024 TO 24.09.2024 IN THE INTEREST OF JUSTICE.

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Respectfully Sheweth.

1. That the staff of office of the respondents No.4, Naib Qasid, Sweeper and other staff, complained in written to the respondent No. 4 that they should not get their personal duty from the staff such as washing clothes shoes polishing and Massage. **(Copy of the complaint is annexed as Annexure "A").**
2. That on the basis of written complaint mentioned in Para No.2 of the appeal, respondents No.2 without any evidence issued. Charge sheet and

③

statement of allegation, along with order of suspension from services, and appellant was order to report his duty in the office of respondents No.2 at Peshawar, which is against the law, rules and interest of justice, because during suspension period place of posting cannot be changed. **(Copy of suspension order, charge sheet and statement of allegation are annexed as Annexure "B" "C" & "D").**

3. That the appellant time and again requested to respondent not to change present place of posting of the appellant during inquiry, but the respondent through order dated 26.01.2024 and 30.01.2024 legal request of the appellant was refuse. **(Copy of order Dated 26.04.2024 and 31.01.2024 annexed as Annexure "E" & "F").**

4. That the appellant through written request dated 29.01.2024 and 6.02.2024 requested the respondents NO.1 and 2 for appointment of impartial inquiry officer but request of the appellant was not acted upon. **(Copies of application dated 29.01.2024 and 6.02.2024 are annexed as Annexure "G" & "H").**

5. That the appellant detailed reply of charge sheet was submitted before inquiry officer in which appellant completely denied. The so called and concocted allegation of the respondents. But the inquiry officer. Due to malafide intention not considered. **(Copy of reply is annexed as Annexure "I")**.
6. That the inquiry officer did not give the full opportunity to defend the appellant by not conducting inquiry in accordance with the law, which is clearly evident from the report of inquiry officer , despite this, no allegation against the appellant was proved in the inquiry. **(Copy of inquiry report is annexed as Annexure "J")**.
7. That the respondent No.2 issued final show cause notice to appellant on 19.03.2024 and appellant through written application requested the respondents to providing of complete inquiry report with annexure to the appellant , so that the appellant could respond to the final show cause notice, but by order dated 26.04.2024 the respondents refuse to give complete record to appellant. **(Copies of final show cause notice and**

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order dated 26.04.2024 are annexed as Annexure "K" & "L").

8. That the appellant submitted reply of Final Show causes Notice along with application for providing of complete record which was received by the respondents through diary no.1003 on 17.06.2024. **(Copy of reply of show cause notice is annexed as Annexure "M")**.
9. That the respondents against the law and natural justice, without providing of chance of personal hearing, without proved of allegation and without any evidence against the appellant. Passed the order No. 5560 dated 24.06.2024 in which the penalty of removal from service was passed against the appellant. **(Copy of order is annexed as Annexure "N")**.
10. That the appellant received order No. 5560/55 on 26.06.2024 and filed departmental appeal before respondent No. 1 on 24.06.2024. **(Copy of departmental appeal ~~is~~ annexed as Annexure "O")**.



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11. That the respondents due to malafide intention submitted a fake statement on behalf of appellant regarding apology before appellate authority, and in which the signature of the appellant is also fake, the respondents No. 1/ appellate authority through order dated 24.09.2024 on the departmental appeal of the appellant, punishment of removal from service was converted to withholding of three increments for three years, which is against the principle of natural justice. **(Copy of impugned order dated 24.09.2024 is annexed as Annexure "P")**.

12. That feeling aggrieved from the impugned order dated 24.09.2024, the appellant has now come to this Honourable Tribunal through the instant appeal in hand for modifying the same, inter-alia the following grounds.

**GROUND:-**

a. That the allegation against the appellant was not proved, therefore, penalty of withholding of increments is not justified.

and against the principle of natural justice,  
Hence not sustainable under the law.

- b. That the respondent has withheld the salaries of the appellant from 14.06.2024 to 24.09.2024 without any law full reason, thus, the act and action of the respondents is illegal against the law and not sustainable.
- c. That the respondents made allegation against the appellant due to personal grudge with the malafide intention but such allegation was also not proved against the appellant.
- d. That no any proper inquiry was conducted by the respondent against the appellant in accordance with the mandatory provision of law. Thus, the punishment awarded to appellant is totally illegal. Against the law and in not sustainable.
- e. That due to non-providing of complete inquiry report along with annexures by the respondents to appellant order of

punishment against the appellant is not sustainable.


- f. That the instant service appeal is well within time.
- g. That the other point should be argued at the time of arguments.

It is therefore respectfully prayed that on acceptance of this appeal Order No.SO(Prosecution) HD/1-9 dated 24.09.2024 issued by the respondent No.1 only to the extent of withholding of three increments for three years of the appellant should be modified and increments of the appellant may kindly be restored with all back benefits, further directed to respondent for payment of salary to appellant w.e.f 24.06.2024 to 24.09.2024 in the interest of Justice and other relief which thus Honorable Tribunal. Deem fit and proper may also be granted.

  
..APPELLANT

Through;

Dated; 24/10 /2024

  
(Sardar Muhammad Azeem)  
Advocate High Court, Abbottabad

(9)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. \_\_\_\_\_ 2024

Shahbaz Ahmed Naib Qasid District Prosecution Office Abbottabad, R/O  
Appellant Talkandi, Post Office Talkandi, Tehsil and District Abbottabad.  
...APPELLANT

**V E R S U S**

Secretary to Government of KPK Home & Tribal Affairs Department  
Peshawar & others.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Shahbaz Ahmed Naib Qasid District Prosecution Office Abbottabad,  
R/O Appellant Talkandi, Post Office Talkandi, Tehsil and District  
Abbottabad, do hereby solemnly affirm and declare that the contents of  
foregoing appeal are true and correct to the best of my knowledge and belief  
and nothing has been concealed therein from this Honourable Court.



*Shahbaz*  
DEPONENT

Muhammad Azeem Adil

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07-01-2024

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6-1-2024

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Sardar Muhammad  
 Asstt. Adv. Gen.  
 High Court Peshawar

*A. T. Khan*  
*Amir Khan*

I am directed to refer to the subject and to enclose herewith, a self-explanatory suspension order bearing No. DP/ E&A/ (60)24/ 621-25 dated 19-01-2021, along with Charge Sheet and Statement of Allegation duly signed by the Director General Prosecution (in original) in respect of Mr. Shahbaz Ahmad Naib Qasbi (DPS-03), office District Public Prosecutor, Abbottabad for information and further necessary action, with the request to serve the same upon the said official and acknowledgment receipt thereof may please be forwarded to this Directorate within three (03) days positively, please.

Respected Sir,  
 Subject: SUSPENSION ORDER OF MR. SHAHBAZ AHMAD, NAIB QASBI (DPS-03) OFFICE OF DISTRICT PUBLIC PROSECUTOR ABBOTTABAD.

The District Public Prosecutor,  
 Abbottabad.  
 (By Fax)

1. Regional Director Prosecution, Hazara Division, Abbottabad for information and further necessary action.  
 2. PA to Director (General Prosecution, Khyber Pakhtunkhwa.  
 3. Official concerned.

Assistant Director Administration  
 Assistant Director Administration

Gardar Muhammad  
Advocate  
Court, Abbottabad

*Handwritten signature*

(Mian Muhammad)  
Director General Prosecution  
Khyber Pakhtunkhwa

The accused and well conversant representative of the Department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee. The Inquiry Officer/Inquiry Committee shall, in accordance with the provisions of the Rules, provide reasonable opportunity of hearing to the accused, record its findings and make such recommendations as to punishment or other appropriate action against the accused.

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-3(b) of the Rules.

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-3(b) of the Rules.

STATEMENT OF ALLEGATIONS

That along with Muhammad Ali Shah, Office Assistant (BPS-16), District Public Prosecutor, Abbottabad jointly signed a letter dated: 06-01-2024, containing threats and warnings to his superior officer (District Public Prosecutor, Abbottabad), which was also shared on social media/WhatsApp Groups of the lawyers in order to embarrass District Public Prosecutor Abbottabad and thereby caused harassment to entire Prosecution Services, and this act amounts to misconduct and is liable to be proceeded under Rule-3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

DISCIPLINARY ACTION

13, 13



Sardar Muhammad  
Azam Advocate  
High Court Abbottabad

Attorney  
General

(Mian Muhammad)  
Director General Prosecution  
Khyber Pakhtunkhwa

7. A statement of allegations is enclosed.

8. Inform whether you desire to be heard in person.

9. 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, an ex-parte action shall be taken against you.

10. You are therefore, required to submit your written defence within reasonable time which shall not be less than 14 days & more than 14 days of the receipt of this charge sheet to the Inquiry Officer/ Inquiry Committee, as the case may be.

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

(Efficiency & Discipline) Rules, 2011

That you, along with Muhammad Ali Shah, Office Assistant (BPS-16), District Public Prosecutor, Abbottabad, jointly signed a letter dated: 06-01-2024, containing threats and warnings to your superior officer (District Public Prosecutor, Abbottabad), which was also shared on social media/WhatsApp Groups of the lawyers in order to blackmail District Public Prosecutor, Abbottabad and thereby caused embarrassment to entire Prosecution Services, and your this act amounts to misconduct and is liable to be proceeded under Rule-3 (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

Mian Muhammad, Director General Prosecution, Government of Khyber Pakhtunkhwa, do hereby charge you, Mr. Shahbaz Ahmad, Office Assistant (BPS-03), District Public Prosecutor office, Abbottabad as follows:-

CHARGE SHEET

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The (E)  
Office of Regional Director Prosecution  
Hazara Division, Abbottabad

No: 153-56/2024/RD/HD/ATD

Dated Abbottabad January 26<sup>th</sup>, 2024

Phone & Fax # 0992-405736

Email: [ad4500rdhazara@gmail.com](mailto:ad4500rdhazara@gmail.com)

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To

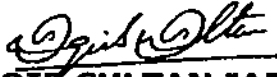
1. Muhammad Ali Shah (Assistant).
- ✓ 2. Shahbaz Ahmed (Naib Qasid).

**Subject: ATTENDANCE AT DISTRICT PUBLIC PROSECUTOR OFFICE ABBOTTABAD.**

**Memo;**

With reference to your joint application dated 26/01/2024 on the subject cited above and to state that since both of you have been suspended and charge sheeted by the competent authority with the directions to forthwith report to the Directorate of Prosecution vide order No. DP/E&A/1(60) 24/615-20 dated 19/01/2024 & No. DP/E&A/1(60) 24/621-25 dated 19/01/2024 (copies enclosed).

Therefore, you both are directed to forthwith report to the Directorate of Prosecution in compliance with the orders under reference.

  
(SAQIB SULTAN JADOON)  
Regional Director Prosecution,  
Hazara Division Abbottabad

**Endst: No & Date Even.**

**Copy forwarded to:**

1. The Worthy Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
2. District Public Prosecutor, Abbottabad.
3. Office copy.

  
Regional Director Prosecution,  
Hazara Division Abbottabad



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**DIRECTORATE OF PROSECUTION  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT**

(F)

No. DDC/ Inquiry / 1921-22

Dated Peshawar the 30/01/2024

Office Landline#091-9212559

[prosecution@kp.gov.pk](mailto:prosecution@kp.gov.pk)

<https://prosecution.kp.gov.pk/>

<https://www.facebook.com/kpprosecution>

<https://twitter.com/kpprosecution>

To

**Muhammad Ali Shah,**  
Office Assistant,  
District Public Prosecutor Office Abbottabad.

Attention: **Shehbaz Ahmad,**  
Naib Qasid (BPS-03),  
District Public Prosecutor Office Abbottabad.

Subject: **REQUEST FOR EXEMPTION FROM ATTENDANCE AT  
DIRECTORATE OF PROSECUTION.**

I am directed to refer to your letter No. Nil dated 26-01-2024, on the subject and to state that the Competent Authority has regretted your request, hence you both are directed to report immediately at Directorate of Prosecution.

(Deputy Director Complaints)

**Copy forwarded for information to:**

- District Public Prosecutor Abbottabad.
- PA to Director General Prosecution Khyber Pakhtunkhwa.

(Deputy Director Complaints)



Seen

X 12/6/23

G 16

To,

Director General,  
Prosecution, Khyber Pakhtunkhwa,  
Peshawar

Subject: APPLICATION FOR APPOINTMENT OF IMPARTIAL  
INQUIRY OFFICER TO CONDUCT INQUIRY  
PROCEEDINGS UNDER EFFICIENCY AND DISCIPLINARY  
RULES 2011.

Dear Sir,

I have the honour to submit that I have been suspended <sup>and</sup> charge sheeted vide orders bearing NOs.DP/E&A/H(60)24/621-25 dated 19/01/2024 & DP/E&A/1(60) 193-95 dated 19/01/2024. Likewise, Mr. Mian Aziz, Director Legal has been appointed as Inquiry Officer in pursuance to orders ibid.

It is further submitted that Mr. Zafar Abbas Mirza DPP Abbottabad (complainant) has been Director Monitoring in Directorate of Prosecution KPK for sufficient long time and the prosecutors posted in Directorate including Mian Aziz Director Legal, Ateeq ur Rehman Director Monitoring and Muhammad Sikandar Deputy Director Monitoring have been under his subordination, therefore, appointment of inquiry officer among prosecutors either presently posted or ever served in Directorate of Prosecution may prejudice impartial inquiry proceedings leading to grave injustice.

It is therefore, requested to kindly look into the matter and inquiry officer may be substituted with some other officer preferably from Home & Tribal Affairs Department to avoid any undue influence on inquiry officer and to ensure impartial inquiry proceedings to meet the ends of justice.

Dated: 29/01/2024

.....APPLICANT

*Shahbaz*  
SHAHBAZ AHMED

Naib Qasid  
District Public Prosecutor Office,  
Abbottabad

COPY TO:-

Mr. Mian Aziz, Director Legal (Inquiry Officer) Directorate of Prosecution KPK, Peshawar, for information please.

*Azeem*  
Azeem Advocate  
High Court Abbottabad

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For Insu RGL124043657  
Stamps affixed except in case of  
uninsured letters of not more than  
the initial weight prescribed in the  
Post Office Guide or on which no  
acknowledgement is due:

a registered  
to

Date Stamp

Write here "letter"  
Kilo

Receiving Officer with the Weight Grams  
used for Rs. (in words) 1/-

Ps. (in words) 1/-

60

The Secretary To Government of Khyber

Peshawar Home Affairs Department, Peshawar

Subject: Application for change / substitution of

Inquiry officer Mr. Moin Aziz, Director

Legal, Directorate of Prosecutions, Khyber

Pakistan/Law, Peshawar, Appointed vide

order No: DP/E3/A/1(60)24/621-25

Through Proper Channel

Dear Sir,

I have the honor to submit that complete proceedings against me are

Authority has ordered disciplinary proceedings against me on

Appointed Mr. Moin Aziz, Director legal, Directorate of Prosecutions

Peshawar as inquiry officer vide order No: DP/E3/A/1(60)24/621-25

(copy is annexed). It is further submitted that I have moved an

application dated: 29-01-2024 to every Director General, Director

of Prosecution (PPR), Peshawar requested for the reasons of mistrust on

Inquiry officer and requested for the reasons of mistrust on

request in order to ensure impartial inquiry proceedings, but my own

norms of justice but also against the article 10-A of the constitution

of Islamic Republic of Pakistan and thus, order of the Director

to be reviewed. (copy of Application and order of the Director

General, Prosecution are annexed).

9/1/24

Recd  
06/1/24

Date: 06-02-2024

Shahbaz Ahmed  
Nash Cressid & Prosecution  
Directorate of Prosecution

It is therefore, requested that on acceptance of instant application

inquiry officer may graciously be ordered to be changed and substituted

with impartial inquiry officers preferably from Home Affairs department

in order to ensure impartial inquiry proceedings to meet the ends of justice



*Handwritten signature*

03/02/2024

Under Suspension

(Under Suspension)

*Handwritten signature*

03/02/2024

Inquiry Proceedings / (Exonerated)

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

Statement of Allegation

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POST SUSPENSION CONDUCT:

It would not be out of place to mention the post suspension conduct of the accused officials as reported by the DPP and Superintendent, DPP office, Abbottabad, as highly inappropriate. The accused official were reported to have forcibly entered the office of DPP Abbottabad and made recordings with their cell phones. More so, it was also reported that they were directed by Competent Authority to report to the Directorate of Prosecution, which they did not comply.

ALLEGATIONS CONTAINED IN CHARGE SHEETS/ FINDINGS:

The charge sheets against both accused officials contains the following similar points for determination:

1. The accused officials wrote/ signed the LUR.
  - i. The same is established from the evidence and accepted by both accused officials, hence proved.
2. The LUR was shared on some social media platforms/ Whatsapp groups to blackmail DPP and embarrassment was caused to prosecution service.

The allegations and evidence suggest that the LUR was shared on two social Media platforms by Accused Official Muhammad Ali Shah i.e.

1. Whatsapp group of DPP Abbottabad.
2. Whatsapp group of Bar members/ Lawyers.

Evidence suggests that the LUR was shared on Whatsapp group by Accused Official Muhammad Ali shah, he also admitted it.

Evidence could not prove that any of the Accused Officials personally shared the LUR on Whatsapp groups of Bar members/ Lawyers however, Accused Official Muhammad Ali Shah admitted that he shared the LUR with some lawyers who shared the same in their Whatsapp groups, hence,

- a) Proved against Accused Official Muhammad Ali shah.
- b) Not proved against accused Official Mr. Shehbaz.

Furthermore, the act of Accused officials comes within the ambit of misconduct as provided under Rule-3(b) of E&D Rules, 2011. The same is found grave in nature on the following grounds,

1. The language used in LUR is highly inappropriate, objectionable and contains threats, blackmailing and to scandalize the District Prosecution Office, Abbottabad.
2. The obstinacy of Accused officials to admit and own it.
3. No repents / regrets on the Act.
4. Their intention to repeat the same in future.
5. It's ultimate sharing on social media platforms which embarrassed the Prosecution service before the Lawyers community and general public.
6. The acts amount to grave misconduct, conduct prejudice to good order and service discipline, the conduct unbecoming of government servant and a gentleman.

Recommendations:

As charges against both accused officials are proved, it is recommended that the major penalty under Rule-4(b)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, i.e. Removal From Service, may be imposed on both accused officials.

*attested*  
*Aziz*  
Sardar Muhammad  
Azeem Advocate  
High Court Abbottabad

*[Signature]*  
Mian Aziz Ahmad 18/3/24  
Inquiry Officer / Director Legal Prosecution



(K) (21)

SHOW CAUSE NOTICE

I, Mian Muhammad, Director General Prosecution, Khyber Pakhtunkhwa, as Competent Authority, under the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011, do hereby serve Show Cause Notice to you, Muhammad Ali Shah Assistant (BPS-16) District Public Prosecutor, Abbottabad, as follows: -

- i. That you extended threats to your superior officer (District Public Prosecutor, Abbottabad) through a letter dated: 06-01-2024 with a subject of "Warning" and instigated other staff members of the office of District Public Prosecutor, Abbottabad, to sign the letter.
- ii. That you also posted/ shared the said letter on social media/ Whats App Groups of the lawyers in order to blackmail District Public Prosecutor Abbottabad and thereby caused embarrassment to entire Prosecution Service and your this act tantamounts to misconduct and is liable to be proceeded under Rule-3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

After careful consideration I am satisfied that you have committed the following acts/omission specified in Rule 3(b) of the said rules:

(a) Misconduct.

2. As a result, thereof, I as Competent Authority, have tentatively decided to impose upon you the penalty of removal from service under Rule 4 of the said rules.
3. You are, therefore, required to show cause as to why the proposed 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 finding of the inquiry officer/inquiry committee is enclosed.

Attested  
[Signature]

[Signature]  
Mian Muhammad,  
Director General Prosecution,  
Khyber Pakhtunkhwa  
Competent Authority



DIRECTORATE OF PROSECUTION  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. DDC/ 3720

Dated Peshawar the 26/4/2024

Office Landline#091-9212559

[dp.prosecution@kp.gov.pk](mailto:dp.prosecution@kp.gov.pk)

<https://prosecution.kp.gov.pk/>

<https://www.facebook.com/dp.prosecution>

<https://twitter.com/dp.prosecution>

6, (22)

To

The Regional Director,  
Hazara Division.

Attention:

Muhammad Ali Shah,  
Office Assistant,  
District Public Prosecutor Office Abbottabad.

Subject:

DISCIPLINARY PROCEEDINGS AGAINST THE ACCUSED OFFICIALS i.e. MUHAMMAD ALI SHAH ASSISTANT (BPS-16) AND MR. SHAEBAZ AHMAD NAIB QASID (BPS-03), DISTRICT PUBLIC PROSECUTOR OFFICE, ABBOTTABAD.

Sir,

I am directed to refer to your letter No. 393-94/2024/RD/HD dated 19-04-2024 on the subject and to state that inquiry report is provided to accused official which is detailed and self-sufficient for his reply in respect of final Show Cause Notice. Moreover, no specific annexure is mentioned required for reply.

In view of above, the Competent Authority is pleased to regret the request and issue directions to the accused officials to submit their replies to the Show Cause Notices otherwise ex-parte proceedings will be initiated against them, please.

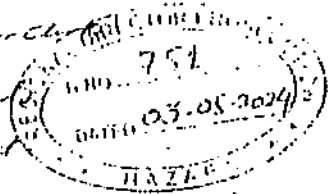
Yours Sincerely,

*(Signature)*  
(Deputy Director Complaints)

Copy forwarded for information to:

- PA to Director General Prosecution Khyber Pakhtunkhwa.

*Mr. Shahzad Saifur Chowdhury*  
*to inform the Officer*  
*concerned and report*  
*within 02 days.*



*(Signature)*  
(Deputy Director Complaints)

*6.5.24*  
*Received*

*attested*  
*(Signature)*  
03/5/2024/RD  
Sardar Muhammad  
Azeem Advocate  
High Court Abbottabad

خدمت محترمہ ڈائریکٹر جنرل پراسیکیوشن صاحبہ، خیبر پختونخواہ پشاور

عنوان: جواب بابت فائل شوکار نوٹس

جناب عالیہ!

گزارش ہے کہ جو کاغذات (Annexures) ہاری انکوائری رپورٹ کے ساتھ لفت تھے وہ اس کا لازمی حصہ تھے لیکن ہماری تحریری درخواست بابت فراہمی مذکورہ کاغذات (Annexures) نامعلوم وجوہ سے منظور نہیں کی گئی اور تاحال ہمیں وہ کاغذات (Annexures) فراہم نہیں کیے گئے جن کو سامنے رکھ کر ہم اپنا فائل شوکار نوٹس جمع کروا سکتے۔  
علاوہ ازیں! دوران انکوائری پیش کیے گئے تمام گواہان جھوٹے ثابت ہوئے اور ان کے لگائے گئے الزامات بھی بے بنیاد قرار دیے گئے۔

لہذا بذریعہ درخواست استدعا کی جاتی ہے ہمیں وہ مطلوبہ کاغذات (Annexures) فراہم کئے جائیں تاکہ ہم اپنے فائل شوکار نوٹس کا جواب جمع کروا سکیں۔

آپ کا تابعدار

attested  
Amir

شہباز احمد  
12-06-24

(نائب قاصد)

دفتر ڈی پی پی، ایبٹ آباد

کاپی برائے اطلاع:

- (1) میاں عزیز صاحب، انکوائری انسپکشن
- (2) ریجنل ڈائریکٹر پراسیکیوشن، ہزارہ ڈویژن ایبٹ آباد۔
- (3) ڈسٹرکٹ پبلک پراسیکیوٹر، ایبٹ آباد۔



Scan  
CMA

24

To,

Regional Director Prosecution  
Hazara Division, Abbottabad.

**SUBJECT: INCOMPLETE INQUIRY REPORT**

Respected Sir,

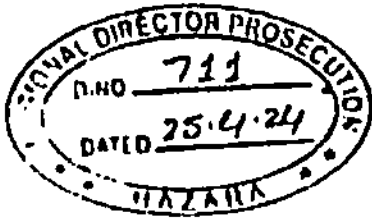
It is submitted that Incomplete Inquiry report has been provided to me i.e. without annexures.

It is therefore requested that annexure may also be provided to submit my reply to Final Show cause notice.

Moreover, no ex-parte decision be taken before providing me with the annexures.

I shall be grateful.

Dated: 22.04.2024



Your sincerely

*Shahbaz*

SHAHBAZ AHMED

Naib Qasid BPS-03

District Public Prosecutor

Office Abbottabad

Seen

*Spide*  
25/4/2024 AD

*attested*

*Azeem*

Sardar Muhammad  
Azeem Advocate  
High Court Abbottabad



**DIRECTORATE OF PROSECUTION  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT**

6/N,

No. DP/

Dated Peshawar the 24/6/2024

Office Landline#091-9212559

25

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<https://www.facebook.com/kp.prosecution>

<https://www.facebook.com/kp.prosecution>

<https://www.facebook.com/kp.prosecution>

**ORDER**

No. DP/E&A/ 5560-65; WHEREAS, Mr. Shahbaz Ahmad, Naib Qasid (BPS-03), posted at the office of District Public Prosecutor, Abbottabad, was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

AND WHEREAS, Mian Aziz Ahmad, Director Legal, Directorate of Prosecution, conducted a formal inquiry and found the accused official guilty of the charges leveled against him.

AND WHEREAS, in light of inquiry report, a Show Cause Notice containing a tentative major penalty of "Removal from Service" was served upon the accused official on 20-03-2024, to which he failed to submit a reply, despite several opportunities were provided to him.

AND WHEREAS, the accused official did not attend the office of the Director General Prosecution, Khyber Pakhtunkhwa, for a personal hearing in his defense, despite being given several opportunities.

NOW, THEREFORE, the Competent Authority (Director General Prosecution), in exercise of powers conferred under the aforementioned Rules, has considered the charges, evidence on record, and the explanation of the accused official and found Mr. Shahbaz Ahmad Naib Qasid (BPS-03) guilty of "Misconduct".

The major penalty of "Removal From Service" is hereby imposed upon him, with immediate effect.

*(Robin Haider Bukhari)*  
(Robin Haider Bukhari)  
Director General Prosecution  
Khyber Pakhtunkhwa

Enclst : of even No. dated:

Copy forwarded for information to the:

1. Regional Director Prosecution, Hazara Division, Abbottabad.
2. District Public Prosecutor office, Abbottabad.
3. District Account office, Abbottabad.
4. Assistant Director (I.I), Directorate of Prosecution.
5. PA to Director General Prosecution, Khyber Pakhtunkhwa.
6. Official concerned.
7. Establishment Section of this Directorate

*Attested*  
*(Signature)*  
Muhammad  
Azam  
High Court Abbottabad

*(Signature)*

بخدمت جناب سیکرٹری ہوم اینڈ ٹرانسپورٹ اینڈ ایئر زڈیہ پارٹمنٹ خیبر پختونخواہ، پشاور

عنوان: درخواست برخلاف سروس سے نکالے جانے (Removal From Service)۔

جناب عالی! درخواست ذیل عرض ہے۔

1- یہ کہ سائل نے اس وقت کے DPP کے نام خط مورخہ 06/01/2024 پر دستخط کیا تھا جس کی وجہ سے سائل پر بلیک میل کرنے اور دھمکیاں دینے کے الزامات لگا کر سپینڈ کر دیا گیا۔ اور یہ کہہ کر نوکری سے نکال دیا (Removal from Service) گیا ہے کہ سائل نے فائل شوکا زکا جواب نہیں دیا ہے۔ (خط کی نقل لف ہے)۔

2- یہ کہ ہماری Suspension کے آرڈر کے ساتھ اُس وقت کے DG صاحب (میاں محمد) نے یہ غیر قانونی آرڈر بھی دیا کہ ڈائریکٹوریٹ آف پرائسکوشن میں فوراً رپورٹ کیا جائے حالانکہ Suspend شدہ ملازم کو اپنا ڈیوٹی سٹیشن چھوڑ کر کسی اور جگہ نہیں بھیجا جاسکتا۔ (نقل لف ہے)۔

3- یہ کہ Suspension آرڈر کی نظر ثانی کے لیے DG صاحب کو درخواست پیش کی گئی جس میں یہ بتایا گیا کہ ہمیں سے بغیر ہماری Suspension کے آرڈر کرنا نہ صرف بنیادی حقوق کی خلاف ورزی ہے۔ بلکہ "Audi Altrum Paltrum" کی بھی خلاف ورزی ہے۔ مزید یہ کہ DG صاحب کو یہ بھی بتایا گیا کہ معطل شدہ ملازم کو کسی دوسرے سٹیشن رپورٹ کرنا قانون اور روڈز کے برخلاف ہے۔ مگر DG صاحب نے ہماری درخواست نظر ثانی کو رد کر دیا۔ (نقل لف ہے)۔

4- یہ کہ ریجنل ڈائریکٹر ہزارہ ریجن کو بھی مورخہ 26/01/2024 کو درخواست دی گئی کہ ہمیں DPP آفس ایبٹ آباد میں حاضری کی اجازت دی جائے مگر یہ درخواست بھی بذریعہ خط نمبر 153-56/2024/RD/HD/ATD رد کر دی گئی۔ (نقل لف ہے)۔

Attested  
Daud Khan  
Advocate  
High Court Abbottabad

D. No - 909

Received  
24/7/24

5- یہ کہ سائل نے چارج شیٹ کے جواب کے لیے ریجنل ڈائریکٹر ہزارہ ڈویژن سے (1)۔ زیر چوکیدار، (2)۔ فہم سیف اللہ نائب قاصد، (3)۔ چوہدری خاور رشید خاکروب، (4)۔ ریاست ولی نائب قاصد، کے بیانات اور ریجنل ڈائریکٹر کا خط جو کہ ڈائریکٹوریٹ آف پرائیگیشن کے نام تھا اور Right to Information Act, 2010 کے تحت مانگا گیا تھا کو بھی یہ کہہ کر دینے سے انکار کر دیا گیا کہ آپ Through Proper Channel آئیں۔

6- یہ کہ سائل کی ڈائریکٹوریٹ میں حاضری سے استثناء کی درخواست کو خط نمبر DDC/Inquiry/1921-22 مورخہ 30/01/2024 کے ذریعے رد کر دیا گیا۔ (نقل لف ہے)۔

7- یہ کہ غیر جانبدار انکوائری آفیسر کی تعیناتی کیلئے بھی اُس وقت کے DG صاحب کو درخواست مورخہ 29/01/2024 کو دی جو کہ بذریعہ خط نمبر DDC/1068 مورخہ 02/02/2024 کو رد کر دی گئی۔ (نقل لف ہے)۔

8- یہ کہ سائل نے چارج شیٹ اینڈ سٹیٹمنٹ آف الیکشن کا جواب انکوائری آفیسر صاحب کو مورخہ 03/02/2024 کو دیا۔ (نقل لف ہے)۔

9- یہ کہ اس آرڈر کے خلاف اُس وقت کے ایڈیشنل چیف سیکرٹری ہوم اینڈ ٹرائبل ڈیپارٹمنٹ کو بھی درخواست مورخہ 06/02/2024 کو دی گئی۔ (نقل لف ہے)۔

10- یہ کہ فوراً ڈائریکٹوریٹ رپورٹ کرنے کے آرڈر کے خلاف اُس وقت کے ایڈیشنل چیف سیکرٹری ہوم اینڈ ٹرائبل افیئر ڈیپارٹمنٹ کو بھی مورخہ 15/02/2024 کو اپیل کی گئی۔ (نقل لف ہے)۔

11- یہ کہ سائل کو مورخہ 09/05/2024 کو (Removal From Service) کا شوکار نوٹس موصول ہوا۔ جس کا جواب سائل نے مورخہ 12/06/2024 کو دیا اور جواب میں سائل نے محترمہ ڈائریکٹر جنرل پرائیگیشن (DG) صاحبہ خیبر پختونخواہ پشاور کو اپنے فائل شوکار کے جواب میں یہ بات بتائی کہ انکوائری رپورٹ کے ساتھ (Annexures) جن میں ہماری طرف سے گواہان سے

attested  
Shauq  
High Coll. Asst. Sub-Dir.

انکوائری پروسیڈنگز کے دوران Cross Examine میں جو سوالات پوچھے گئے اور ان کے جوابات میں گواہان جھوٹے اور جانبدار ثابت ہوئے فراہم نہیں کیئے گئے۔ جس وجہ سے سائل فائل شوکار نوٹس کا مکمل جواب دینے سے سائل قاصر تھا اور محترمہ ڈائریکٹر جنرل پراسیکیوشن (DG) صاحبہ خیبر پختونخواہ پشاور سے یہ استدعا بھی کی گئی کہ متعلقہ (Annexures) فراہم کیئے جائیں۔ مگر متعلقہ (Annexures) فراہم کرنے کے بجائے ہمیں نوکری سے نکال دیا گیا ہے جو کہ انصاف کے اصولوں کے منافی ہے۔ ان میں سے کچھ سوالات جو کہ لکھ دیئے گئے تھے اور جواب بابت فائل شوکار نوٹس بھی لف ہیں۔

لہذا استدعا ہے کہ سائل کو گزارشات بالا کی روشنی میں نہ صرف چارج شیٹ و سٹیٹمنٹ آف الیکشن سے بہرہ (Exonerated) فرمایا جائے اور ایک شفاف انکوائری کا انعقاد کر کے معاملہ کی تحقیقات کی جائے اور حقائق کو سامنے لایا جائے۔

الرقوم: 2024 / 07 - 22

شہباز احمد ولد اورنگزیب سکندہ ڈاکخانہ و گاؤں تملکنڈی تحصیل ضلع ایبٹ آباد  
رابطہ نمبر: 0310-9450161

attested  
Anwar

2024/07/22





P

29

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 24<sup>th</sup> September, 2024

ORDER

NO. SO(Prosecution)/HD/1-9/2023: WHEREAS, Mr. Shahbaz Ahmad, ex-Naib Qasid (BPS-03) office of the District Public Prosecutor, Abbottabad was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

2. AND WHEREAS, formal inquiry was conducted through Mian Aziz Ahmad, Director Legal (BS-19), Directorate of Prosecution, Khyber Pakhtunkhwa. As per inquiry report the charges levelled against the accused official were proved, therefore, the inquiry officer recommended the penalty of "removal from services".

3. AND WHEREAS, the competent authority (Director General, Prosecution) awarded the penalty of "removal from service" vide order No.DP/E&A/5554-59 dated 24.06.2024.

4. AND WHEREAS, Mr. Shahbaz Ahmad, ex-Naib Qasid, preferred departmental appeal/review petition against the order of Director General Prosecution before the appellate authority in terms of Rule 17(1) of ibid rules.

5. AND WHEREAS, the competent authority (Additional Chief Secretary, Home & Tribal Affairs Department) provided an opportunity of personal hearing to the accused official through Special Secretary-1, Home & Tribal Affairs Department. During the course of personal hearing, the accused official mortified his misconduct committed against the District Public Prosecutor, Abbottabad and requested for apology on humanitarian grounds. He has also submitted written statement/apology for reinstatement in service. The hearing officer, therefore, suggested that the major penalty of "removal from service" may be converted into minor penalty of "withholding of three increments for three years" against the accused official.

6. NOW THEREFORE, the competent authority (Additional Chief Secretary, Home & Tribal Affairs Department) in exercise of powers conferred upon him under Rule-17(2)(c) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to modify the major penalty of "removal from service" into minor penalty of "withholding of three increments for three years" against the accused official Mr. Shahbaz Ahmad, Naib Qasid, office of District Public Prosecutor, Abbottabad.

Additional Chief Secretary Home  
Khyber Pakhtunkhwa

Ends: No. & date as above.

Copy forwarded to:

1. The Director General Prosecution, Khyber Pakhtunkhwa, Peshawar.
2. The District Public Prosecutor, Abbottabad.
3. The District Comptroller of Accounts, Abbottabad.
4. PS to Additional Chief Secretary, Home & Tribal Affairs Department.
5. Official concerned.

Sardar Muhammad  
Azeem  
High Court, Abbottabad

SECTION OFFICER (PROSECUTION)

attested  
Sardar Muhammad  
Azeem  
High Court, Abbottabad

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Main body of handwritten text, appearing to be a letter or report.

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