

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

Appeal No 1476 of 2024

Muhammad Shafqat son of Dost Muhammad, Ex Senior Scale Stenographer, Deputy Commissioner Office, Abbottabad.....

.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR), Peshawar and others

..... Respondents

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..... Respondents

(7)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**  
**CAMP AT ABBOTTABAD**

Service Appeal No. 1476/2024

Muhammad Shafqat son of Dost Muhammad, (Ex senior scale stenographer BPS-16 Deputy Commissioner Office Abbottabad) resident of Ghomawan, Post Office Nawanshehr, Tehsil & District Abbottabad.

... APPELLANT

**VERSUS**

1. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
2. Commissioner Hazara Division Abbottabad.
3. Deputy Commission Abbottabad.

...RESPONDENTS

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**APPEAL**

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**PARA-WISE COMMENTS/REPLY ON BEHALF OF THE RESPONDENTS No 1,2& 3**

**RESPECTFULLY SHEWETH:-**

1. Para No. 01 pertains to record.
2. Para No. 02 pertains to record.
3. Para No. 03 pertains to record.
4. Para No. 04 is correct to the extent that on 08-05-2024 in the absence of DC Abbottabad in his office one Preetum Giani submitted an application to the appellant for opening Gay Club Abbottabad for the purpose of sex and other Un-Islamic, immoral and unlawful activities who without considering the gravity of the application marked it to the ADC Abbottabad for further process. It is pertinent to mention here that the appellant (Muhammad Shafqat) in his appeal submitted to the Commissioner Hazara Division at para No. 4 of his appeal mentioned that on the verbal explanation of Preetum Giani that he desires NOC for opening of a club in district Abbottabad and he didn't use the word Gay Club but from the perusal of the subject of application of Preetum Giani it appears that the applicant Preetum Giani had specifically mentioned the word Gay Club. This clearly shows that the appellant while forwarding the application to the ADC Abbottabad has not considered the sensitivity of such immoral issue and unlawful centre/den which was subsequently highlighted in the social media as well as prints/electronic media and badly damaged the position of this office.
5. Para No. 05 is the confession of the act done by the appellant through his above mentioned conduct.
6. Para No. 06 is incorrect. Stance be connect with specific meaning.
7. Para No. 07 is correct.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 17543

Dated 01-11-24

8. Para No. 08 is correct.
9. Para No. 09 is correct to the extent that as per order issued by the Board of Revenue the appellant was promoted from Senior Scale Stenographer BPS-16 to Private Secretary BPS-17 and the same order was received in this office after issuance of the impugned order dated 05-06-2024.
10. Para No. 10 is incorrect. The order of promotion was received in the office of DC Abbottabad on 10-06-2024 and how he assumed the charge before receiving the order of promotion.
11. Para No. 11 is correct to the extent that after receiving enquiry report from Assistant Commissioner Abbottabad, a show cause notice was served upon the appellant and he was also provided an opportunity for personal hearing. However, he failed to convince and to prove his innocence, resulting in imposition of major penalty through the impugned order.
12. Para No. 12 Departmental appeal be denied, on admitted regarding submission. **(Duty and register be also attached)**
13. Para No. 13 no comments.

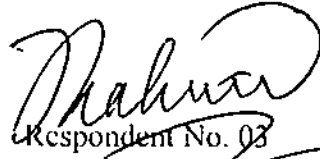
**GROUNDS:-**

- a) Para "A" is incorrect, hence, denied.
- b) Para "B" is incorrect, hence, denied. The proper procedure as per KP Government Servant's E&D rules 2011 (rule-07) was adopted before passing the impugned order. The appellant was served with show cause notice and an opportunity of personal hearing before passing the final order was provided to him and the charges were proved against him. The major penalty of removal from service was awarded to him as per prescribed rules.
- c) Para "C" is incorrect, hence, denied.
- d) Para "D" is incorrect, hence, denied.
- e) Para "E" is totally incorrect. The proper show cause notice was served upon him and personal hearing was also afforded.
- f) Para "F" is totally incorrect. Proper procedure was adopted before passing the impugned order, as already mentioned in para-b.
- g) Para "G" is also incorrect. Proper inquiry was conducted by the DC Abbottabad and thereafter show cause notice was served upon him and opportunity of personal hearing was also afforded.
- h) In reply to Para "H" it is not correct. The order of promotion was received in this office on 10-06-2024 after passing the impugned order dated 05-06-2024.
- i) Para "I" is incorrect. The details of proceedings have already been mentioned in Para-b above.
- j) Para "J" is totally incorrect. The details have already been given in preceding Paras.
- k) Para "K" is incorrect.
- l) Para "L" is incorrect, hence, denied.
- m) Para "M" is totally incorrect. The DC Abbottabad, being the competent authority has acted as per rules-7 of the KP Government Servant's E&D Rules-2011.
- n) Para "N" no comments.

PRAYER:-

(3)

It is, therefore, humbly prayed that the appeal of the appellant may graciously be dismissed.



Respondent No. 03

Deputy Commissioner, Abbottabad

Khalid Iqbal



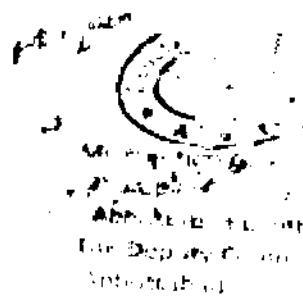
COMMISSIONER  
HAZARA DIVISION, ABBOTTABAD

Syed Zaheer Ul-Islam



Senior Member Board of Revenue  
Khyber Pakhtunkhwa Peshawar

Syed Imtiaz Shah



Hatib Bani  
please send  
it to Branch  
and file  
it.

Amir  
08/05/12

3  
A  
4  
AHAD

**Subject:** Application for an NOC (no objection certificate) in connection with setting up a gay club in Abbottabad.

Dear Sir,

1. For a considerable time now, I have wished to set up, here in Abbottabad, a gay club open to both members and non-members, with, naturally, more facilities available to members. This would constitute a great practical convenience and resource for many homosexual, bisexual, and even some heterosexual people residing in Abbottabad in particular, and in other parts of the country in general.

2. The envisaged gay club, tentatively to be called Lorenzo Gay Club, would basically be just a venue where gay people could freely meet, converse with, and share light refreshments with other gay people; it **WOULD NOT** be a place to engage in gay (or non-gay) sex (other than kissing). A clearly visible notice on the wall would warn: **NO SEX ON PREMISES**. This would mean that no legal constraints (even obsolete ones like PPC section 377) would be flouted on the premises. What visitors to the club might or might not do after leaving the premises would be up to them, and would **NOT** incriminate the club or club proprietor (me).

3. This is clearly a matter of the basic human right of free association, enshrined in the country's constitution. If a snooker club can be set up for (the fairly few) people interested in playing snooker, why on earth can't a gay club be set up for (the far more numerous) people interested in gay sex? Let's all of us try to be just, equitable, tolerant, modern people, instead of prejudiced, backward, superannuated savages.

4. In light of the above, it is requested that a no-objection certificate (NOC) be granted, enabling me to set up the Lorenzo Gay Club (on rented premises) here in Abbottabad. Subsequently, you would be welcome to visit the club at any time, and observe for yourself the activities going on there.

5. Kindly respond (hopefully positively) to my instant application at your earliest convenience. Thanking you in advance.

Yours,

P. Giani  
[PREETUM GIANI]

AHAD

**NOTIFICATION.**

No. Estt: II/DPC/12915-50 On the recommendations of Departmental Promotion Committee meeting dated 27-02-2024 and with the approval of the Competent Authority the following Private Secretary (ACB BS-17) and Senior Scale Stenographers (BS-16) offices of the Peshawar, Mardan, Malakand, Hazara and Bannu Divisions are hereby promoted to the post mentioned against each:-

S#	Name and Designation	Name of office	Promoted
1.	Muhammad Wisal, Private Secretary (ACB BS-17)	Deputy Commissioner office Charsadda	Promoted as Private Secretary (BS-17) on regular basis.
2.	Mr. Ziaullah Khan, Private Secretary (ACB BS-17)	Deputy Commissioner office Nowshera	Promoted as Private Secretary (BS-17) on regular basis.
3.	Mr. Said Mukhtiar, Private Secretary (ACB BS-17)	Deputy Commissioner, office Buner	Promoted as Private Secretary (BS-17) on regular basis.
4.	Mr. Fazlud Din, Private Secretary (ACB BS-17)	Deputy Commissioner, office Chitral	Promoted as Private Secretary (BS-17) on regular basis.
5.	Mr. Fazal Ahad, Private Secretary (ACB BS-17)	Deputy Commissioner, office Shangla	Promoted as Private Secretary (BS-17) on regular basis.
6.	Mr. Jameel Ahmad, Private Secretary (ACB BS-17)	Deputy Commissioner, office Malakand	Promoted as Private Secretary (BS-17) on regular basis.
7.	Mr. Mukhtiar Hussain, Private Secretary (ACB BS-17)	Deputy Commissioner, office Battagram	Promoted as Private Secretary (BS-17) on regular basis.
8.	Mr. Pervez Khan, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Peshawar	Promoted as Private Secretary (BS-17) on regular basis.
9.	Mr. Ihsan Ullah, Senior Scale Stenographer (BS-16)	Commissioner office Mardan	Promoted as Private Secretary (BS-17) on regular basis.
10.	Muhammad Shafiq, Senior Scale Stenographer (BS-16)	Deputy Commissioner, office Abbottabad	Promoted as Private Secretary (BS-17) on regular basis.
11.	Mr. Mumtaz Hussain, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Upper Chitral	Appointed as Private Secretary (BS-17) on acting charge basis
12.	Mr. Nawshad Khan, Senior Scale Stenographer (BS-16)	Deputy Commissioner, office Dir Lower	Appointed as Private Secretary (BS-17) on acting charge basis
13.	Mr. Abdul Qayyum, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Kohistan Upper	Appointed as Private Secretary (BS-17) on acting charge basis
14.	Muhammad Iqbal, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Torghar	Appointed as Private Secretary (BS-17) on acting charge basis
15.	Muhammad Sajjad, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Lakki Marwat	Appointed as Private Secretary (BS-17) on acting charge basis

2. On promotion, the officials at S. No. 1 to 10 will be on probation for a period of one year in term of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989), and extendable for another year with the specific order of appointing authority within two months of the expiry of first year of probation period as provided in rule-15(2) of rules ibid.

3. Consequent upon their promotion, the said officials are hereby posted against the following positions:-

S#	Name & Office	From	To
1.	Muhammad Wisal, Private Secretary (I S-17)	Private Secretary to DC Charsadda	Retained on the same post

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2.	Mr. Ziaullah Khan, Private Secretary (BS-17)	Private Secretary to DC Nowshera	Retained on the same post
3.	Mr. Said Mukhtiar, Private Secretary (BS-17)	Private Secretary to DC Buner	Retained on the same post
4.	Mr. Fazlud Din, Private Secretary (BS-17)	Private Secretary to DC Lower Chitral	Retained on the same post
5.	Mr. Fazal Ahad, Private Secretary (BS-17)	Private Secretary to DC Sangla	Retained on the same post
6.	Mr. Jameel Ahmad, Private Secretary (BS-17)	Private Secretary to DC Malakand	Retained on the same post
7.	Mr. Mukhtiar Hussain, Private Secretary (BS-17)	Private Secretary to DC Fatahgram	Retained on the same post
8.	Mr. Pervez Khan, Private Secretary (BS-17)	On promotion as Private Secretary (BS-17) office of the DC Peshawar	PS to Commissioner, Peshawar Division.
9.	Mr. Ihsan Ullah, Private Secretary (BS-17)	On promotion as Private Secretary (BS-17) office of the Commissioner Mardan	PS to DC Swabi against the vacant post.
10.	Muhammad Shafqat Private Secretary (BS-17)	On promotion as Private Secretary (BS-17) office of the DC Abbottabad.	PS to DC Abbottabad against the vacant post
11.	Muhammad Sajjad Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Lakki Marwat	PS to DC Bannu against the vacant post.
12.	Mr. Mumtaz Hussain, Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Upper Chitral	PS to DC Upper Chitral against the vacant post.
13.	Mr. Nawshad Khan, Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Dir Lower	PS to DC Dir Lower against the vacant post
14.	Mr. Abdul Qayyum Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Kohistan Upper	He will actualize his promotion against the vacant post of Private Secretary to DC Kolai Palas for one day and thereafter he will report to Deputy Commissioner, Kohistan Upper for further posting
15.	Muhammad Iqbal, Senior Scale Stenographer (BS-16)	On appointment as Private Secretary (ACB BS-17) office of the DC Torghar	PS to DC Kohistan Lower against the vacant post

With the approval of  
Competent Authority

**ATTESTED**

No. & Date Even.

Copy forwarded to the:-

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. SPS to Senior Member, Board of Revenue.
5. PS to Member-III, Board of Revenue.
6. PA to Secretary-I, Board of Revenue.
7. Officers concerned.
8. Office order file.

(NOOR KHAN)  
Assistant Secretary (Estt.)  
Board of Revenue



OFFICE OF THE  
ASSISTANT COMMISSIONER  
ABBOTTABAD

No. 566 /ACA

Dated Abbottabad the 14/05/2024

Tel: (0992) 9310203 Fax: (0992) 9310202

To:

The Deputy-Commissioner  
Abbottabad

Subject: INQUIRY ON APPLICATION SUBMITTED BY PRETAM GIANI

Kindly refer to your good office Notification No. 3054-53/2/3-EB dated 09/05/2024 on the subject cited above. The detailed inquiry report is appended below:-

PROCEEDINGS:-

A detailed inquiry was conducted in the office of undersigned wherein officials involved in the matter were summoned in the office of undersigned for personal hearing. Moreover the branches through which the NOC application of Preetum Giani was routed were also visited and record was inspected. The detail inquiry report is appended below:-

STATEMENT OF MUHAMMAD SHAFQAT SENIOR SCALE STENOGRAPHER

Mr. Muhammad Shafqat Senior Scale Stenographer currently working as PS to Deputy Commissioner Abbottabad was summoned in the office of undersigned to record his statement. He submitted that:-

1. Number of routine simple applications are received in Deputy Commissioner Office Abbottabad from general-public on daily basis, which are marked to the concerned officers / branches for further process as per law. The applications submitted by the applicants by hand are marked by the PS while applications received by post are placed before the Deputy Commissioner for passing directions to the sub-ordinate offices/branches.
2. On 08.05.2024 Preetum Giani visited the office and submitted an application and verbally explained that he wants NOC for opening of club in Abbottabad and did not use the word Gay Club, therefore on his verbal explanation the application was marked to ADC(G) being relevant officer to deal with NOCs of clubs /restaurants etc.
3. Due to heavy work load and rush of general public he was unable to go through the contents of the application in detail and only relied on the verbal explanation and marked the same to concerned branch. Moreover the marking never guarantee's / means the approval / issuance of NOC or permission without going through a specific legal process.
4. He also submitted on oath that there was no mala fide intention behind marking the said application. He requested that he may be exonerated from the charges in the matter please. (Copy of statement available at Flag-A)

ATTESTED

STATEMENT OF MR. HABIB UR REHMAN INCHARGE GENERAL BRANCH

Mr. Habib Ur Rehman Incharge General Branch Deputy Commissioner Office Abbottabad was summoned in the office of undersigned to record his statement. He submitted that:-



1. The applicant Preetam Giani brought the application by hand after marking from ADC (G) and handed over to him. 10  
D 8
2. Without showing to any person he locked it in his drawer. Even diary No. of the application was avoided by him because he was fully aware that it was sensitive and confidential issue. (Copy of statement available at Flag-B)

### VISIT TO DIARY BRANCH AND GENERAL BRANCH

The inquiry committee also visited the Diary Branch and General Branch of Deputy Commissioner Office. The JCs of Diary Branch submitted that they were unaware of contents and sensitivity of the matter/application. Moreover, the incharge General Branch as submitted in his written statement briefed the committee during the visit that application was handed over to him by Preetam Giani and he without showing the application to anyone locked the same in the drawer.

### RECOMMENDATIONS

1. The incident occurred as the application was marked both in the Deputy Commissioner Office and Additional Deputy Commissioner Office by hand and handed over to the applicant. By hand marking of the applications may be avoided especially in such like matters. In routine the applications are marked by hand to the applicants no malafide intentions of staff marking were found.
2. Computerized record of the applications marked to branches may be maintained in the diary branch of Deputy Commissioner Office. At least first page of every document containing subject etc. of the letter may also be scanned.
3. An official well versed with office routine matters may be deputed as in-charge diary Branch as a cross check to avoid such like incidents in future.
4. As on the application available on different social media sites, the remarks of ADC(G) are present, hence it can be ascertained that application got leaked after the marking of ADC(G), however as the application was marked by hand and handed over to the applicant (Preetam Giani) hence responsibility on any official of ADC(G) Office or General Branch cannot be fixed.

Report is submitted please.

*Amjad Nouzees*  
14-May-2024  
ASSISTANT COMMISSIONER  
ABBOTTABAD

ATTESTED



OFFICE OF THE  
DEPUTY COMMISSIONER  
ABBOTTABAD

No. 3165 /2/3-EB  
Dated: 16/05/2023

16

"E" 9

SHOW CAUSE NOTICE.

I, Khalid Iqbal, Deputy Commissioner, Abbottabad as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 do hereby serve you, Mr. Muhammad Shafqat, Personal Secretary, Deputy Commissioner Abbottabad as follows.

I am satisfied that you have committed the following act/omissions specified in Rule-5 of the specified rules.

- a. That you were warned times and again not to mark any application but despite of so many warnings and counseling you did not abstain from marking of the application/Dak. The same fact was admitted by you before the inquiry officer.
  - b. That you take the official responsibilities casually and do not give due attention to your official duties.
  - c. That you do not obey the instructions of your superior officer.
  - d. Your above acts tantamount to in-efficiency and mis-conduct towards official duties.
6. In terms of Rule-5(b) of Khyber Pakhtunkhwa Government Servant (efficiency and discipline) Rule, 2011, I competent authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the Rules ibid.
7. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty under Rule-4 of the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules, 2011-
8. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you. Furthermore, you are directed to appear on 21.05.2024 at 02.00PM before the undersigned for personal hearing.
9. If no reply to this notice is received within seven days of its delivery shall be presumed that you have no defense to put in and in the case and ex-parte action shall be taken against you.

ATTESTED

  
DEPUTY COMMISSIONER  
ABBOTTABAD

Endst: No & Date Even:

Mr. Muhammad Shafqat, PS to Deputy Commissioner, Abbottabad.

  
DEPUTY COMMISSIONER  
ABBOTTABAD



(12)  
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10

**OFFICE OF THE  
DEPUTY COMMISSIONER  
ABBOTTABAD**

No. 3542-48/2/3-EB  
Dated: 05.06/2024

**ORDER**

WHEREAS, disciplinary proceedings were initiated against Mr. Muhammad Shafqat, Senior Scale Stenographer, Deputy Commissioner Office Abbottabad under the provision of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, on account of charges leveled against him.

And whereas, the inquiry committee was constituted under the provisions of Rule 5(1) (b) of the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011 who conducted the inquiry and submitted report vide letter No. 566/ACA dated 14.05.2024.

And whereas, he served with show cause notice vide No. 3165/2/3-EB dated 16.05.2024 to which he responded and appear before the undersigned for personal hearing on 21.05.2024 and failed to rebut the allegations during the personal hearing.

And whereas, after considering reply/personal hearing of the accused official. The undersigned in the capacity as competent authority has decided to impose major penalty upon the accused official.

Now therefore, I, Mr. Khalid Iqbal, Deputy Commissioner, Abbottabad as competent authority in exercise of the powers conferred upon me under Rule 14(5) read with Rule-4 (1) (b-iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline Rules, 2011), impose Major penalty of "Removal from Service" upon Mr. Shafqat, Senior Scale Stenographer with immediate effect.

*Thabir*  
DEPUTY COMMISSIONER  
ABBOTTABAD

**Endst: No & Date Even:**

1. Commissioner, Hazara Division, Abbottabad.
2. Additional Deputy Commissioner (F&P) Abbottabad.
3. Assistant Commissioner Abbottabad.
4. Additional Assistant Commissioner-I, Abbottabad
5. District Account Officer, Abbottabad
6. Official concerned.

*Thabir*  
DEPUTY COMMISSIONER  
ABBOTTABAD

ATTESTED

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

11

Appeal No 1476 of 2024

Muhammad Shafiqat son of Dost Muhammad, (Ex Senior Scale Stenographer), Deputy  
Commissioner Office, Abbottabad.....

.....Appellant

**VERSUS**

Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR),  
Peshawar and others

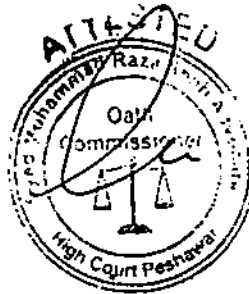
Affidavit

..... Respondents

I, Khalid Iqbal, Deputy Commissioner, Abbottabad, do hereby solemnly affirm  
and verify that the contents of foregoing comments are true and correct and nothing has been  
suppressed from this Honorable Court. It is further stated on oath that in this appeal, the  
answering respondents neither has placed ex-parte nor their defense has been struck off/cost

*Khalid Iqbal*

DEPONENT





OFFICE OF THE  
DEPUTY COMMISSIONER  
ABBOTTABAD

12

No. \_\_\_\_\_/Estb

Date:      /10/2024

**AUTHORITY LETTER**

Mr. Adeel ur Rehman, Incharge Litigation DC Office Abbottabad is here by authorized to submit reply / para wise comments / attend the Office of Khyber Pakhtunkhwa Service Tribunal Peshawar in Appeal No. 1476 of 2024 in case titled *Muhammad Shafqat s/o Dost Muhammad Ex-Senior Scale Stenographer Deputy Commissioner Office Abbottabad versus Government of Khyber Pakhtunkhwa through Senior Member Board of Revenue (SMBR) and others* on behalf of undersigned.

DEPUTY COMMISSIONER  
ABBOTTABAD