Service Appeal No.1313/2023 titled "Huma Daniel/Murad versus The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar and others", Service Appeal No.1314/2023 titled "Sulman Khan versus The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others" and Service Appeal No.1364/2023 titled "Muhammad Imran versus The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others" declared on 06.11.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Mrs. Rashida Bano, Member Judicial, Khyber Pakhtunkhwa Service Tribunal, Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
RASHIDA BANO ... **MEMBER(Judicial)**

Service Appeal No.1313/2023

Date of presentation of Appeal.....14.06.2023
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Ms. Huma Daniel/Murad Assistant Public Prosecutor (BPS-17) District Mardan.....***(Appellant)***

Versus

1. **The Government of Khyber Pakhtunkhwa** through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. **The Secretary Home & Tribal Affairs Department,** Khyber Pakhtunkhwa, Peshawar.
3. **The Director General Prosecution Department,** Peshawar.....(***Respondents***)

Service Appeal No.1314/2023

Date of presentation of Appeal.....14.06.2023
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Mr. Sulman Khan Assistant Public Prosecutor (BPS-17) District Kohat.....***(Appellant)***

Versus

1. **The Government of Khyber Pakhtunkhwa** through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. **The Secretary Home & Tribal Affairs Department,** Khyber Pakhtunkhwa, Peshawar.
3. **The Director General Prosecution Department,** Peshawar.....(***Respondents***)

Service Appeal No.1364/2023

Date of presentation of Appeal.....14.06.2023
Date of Hearing.....06.11.2024
Date of Decision.....06.11.2024

Mr. Muhammad Imran Assistant Public Prosecutor (BPS-17) District Peshawar.....***(Appellant)***

Versus

1. **The Government of Khyber Pakhtunkhwa** through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

2. **The Secretary Home & Tribal Affairs Department,** Khyber Pakhtunkhwa, Peshawar.
3. **The Director General Prosecution Department,** Peshawar.....(***Respondents***)

Present:

Mr. Umar Farooq Mohmand, Advocate.....For the appellants
Mr. Naseer Ud Din Shah, Assistant Advocate General.....For respondents

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APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 12.01.2023 WHEREBY MINOR PENALTY OF *CENSURE* HAS BEEN IMPOSED UPON THE APPELLANTS AND AGAINST THE APPELLATE ORDER DATED 08.05.2023 COMMUNICATED ON 15.05.2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment, the above three appeals, are jointly taken up, as all are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

02. Appellants' cases in brief, as per averments of appeals, are that they were serving as Assistant Public Prosecutors (BPS-17) in different districts of the Khyber Pakhtunkhwa. They were served with show cause notices for the allegations that they have submitted concocted data to the Directorate of Prosecution. The said notices were replied by them and inquiry was ordered to be conducted. Accordingly, inquiry was conducted and vide impugned orders dated 12.01.2023, they were awarded minor punishment of censure.

03. Feeling aggrieved, they filed departmental representations, but the same were regretted vide appellate orders dated 08.05.2023, therefore, they filed the instant service appeals.

04. On receipt of the appeals and their admission to full hearing, the respondents were summoned who put appearance and contested the appeals by filing replies. The defense setup was a total denial of the claim of the appellants.

05. We have heard learned counsel for the appellants and learned Assistant Advocate General for respondents.

06. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeals while the learned Assistant Advocate General controverted the same by supporting the impugned order(s).

07. In the present cases, the appellants, who served as Assistant Public Prosecutors (BPS-17) in various districts of Khyber Pakhtunkhwa, were issued show-cause notices for allegedly submitting fabricated data to the Directorate of Prosecution. In response, they provided explanations, which led to the initiation of an inquiry. Following the inquiry, the appellants were imposed with a minor punishment of censure through orders dated 12.01.2023. Dissatisfied with this decision, the appellants submitted departmental representations, which were subsequently rejected by appellate orders on 08.05.2023. As a result, the appellants filed

the current service appeals, seeking redress for the actions taken against them.

08. The appellants were awarded minor punishments on the allegations of submitting fake data/concocted information to the Directorate of Prosecution. However, there is nothing established against them as they have not been cross-examined in this regard nor any material evidence is available before us.

09. In view of above, the impugned orders dated 12.01.2023 stand set aside and the appeals are accepted. Costs shall follow the event. Copy of this judgment be placed on file of connected case. Consign.

10. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November,2024.

KALIM ARSHAD KHAN
Chairman

RASHIDA BANO
Member (Judicial)

Mutazem Shah

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No.1313/2023

Huma Daniel/Murad versus Government of Khyber Pakhtunkhwa

S.No. of Order & Date of proceeding	**Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary**
Order-10 6th November, 2024.	**Kalim Arshad Khan, Chairman** Present: 1. Mr. Umar Farooq Mohmand, Advocate, on behalf of appellant. 2. Mr. Naseer Ud Din Shah, Assistant Advocate General, on behalf of respondents. Vide our consolidated judgment of today, the impugned order dated 12.01.2023 stands set aside and the appeal is accepted. Costs shall follow the event. Copy of the judgment be placed on file of connected cases. Consign. 2. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 6th day of November, 2024* (Rashida Bano) Member (J) (Kalim Arshad Khan) Chairman *Mutazem Shah*

MEMO OF COSTS
KHYBER PAKHTUNKHKWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.1313/2023

Date of presentation of Appeal	14.06.2023
Date of hearing	06.11.2024
Date of Decision	06.11.2024

Ms. Huma Daniel/Murad Assistant Public Prosecutor (BPS-17) District Mardan.....(Appellant)

Versus

1. **The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.**
2. **The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.**

.....(*Respondents*)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974.

PRESENT

1. Mr. Umar Farooq Mohmand, Advocate, for the Appellant
2. Mr. Naseer Ud Din Shah, Assistant Advocate General, for respondents

Appellants	Amount	Respondent	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
4. Security Fee	Rs. 100/-	4. Security Fee	Rs. Nil
5. Process Fee	Rs. Nil	5. Process Fee	Rs. Nil
6. Costs	Rs. Nil	6. Costs	Rs. Nil
Total	**Rs. 100/-**	**Total**	**Rs. Nil**

Note: Counsel Fee is not allowed as the required certificate has not been furnished.

Given under our hands and the seal of this Court, this 6th day of November, 2024.

Rashida Bano
Member (Judicial)

Kalim Arshad Khan
Chairman