

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 310/2024

Ghar Farooq S/o Tahir Farooq Sabir, R/o Ghundi Kala, Chokara,
Tehsil & District Kara, Junior Clerk, (BPS-11), Probation Office,
Karak.

***** VERSUS *****

Govt. of Khyber Pakhtunkhwa and others

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Dated: 01/08/2024

Applicant / Respondent No. 2
Through
Syed Muhammad Afsar Shah
Senior Probation Officer,
Peshawar.

01-08-24
S.B
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

(10)

Service Appeal No. 310/2024.

Gohar Farooq S/O Tahir Farooq Sabir , R/O Ghundi Kala, Chokara
Tehsil and District Karak, Junior Clerk (BPS-11) at Probation office
Karak.....Appellant.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14636

Dated 01/08/2024

VERSUS

1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary, Home and Tribal Affairs, Civil Secretariat Peshawar.
2. Director Reclamation & Probation Benevolent Fund Building Room No. 126-128 Peshawar Cantt:

.....
(Respondents)

Joint Para wise comments on behalf of respondents No. 1 & 2.

Respectfully Sheweth:-

1. No Comments.
2. Incorrect, he was not charge sheeted directly but an opportunity has been given to explain his position vide directorate No. 1817/DR&P dated 8-5-2023. His reply was found unsatisfactory (F/A).
3. Incorrect. After fulfilment of all codal formalities he was charge sheeted and formal inquiry was conducted against him. On the basis of inquiry report a show cause notice was issued to him, an opportunity of personal hearing has been given, but he failed to defend himself. (F/B).
4. Incorrect, before rejection of his appeal all codal formalities has been fulfilled and personally heard by the authority / Respondent No.1. (F/C).
5. No comments.

GROUNDS.

2

- a. Incorrect, after completion of all codal formalities and requirement of natural justice, the punishment awarded accordingly.
- b. Incorrect, inspite of proofs and keeping in view the Inquiry Officer findings yet minimum punishment awarded.
- c. Incorrect, the Senior Probation Officer is in-charge of his respective office / staff. the authority assigned him look after charge of District Karak.
- d. As per para-a above.
- e. Incorrect, the inquiry report and material on record thoroughly examined, opportunity of personal hearing has been given by both the respondents.
- f. No comments.
- g. Incorrect, all the evidence and supporting documents are thoroughly observed.
- h. Incorrect, show cause notice served upon him through Probation Officer Karak vide No.3091 /D.R&P dated 09-08-2023 and copy of inquiry report enclosed with the show cause notice, the same was acknowledge by the appellant on 16-08-2023 (F/D).
- i. Incorrect, as per para-e above.
- j. In correct, as per Khyber Pakhtunkhwa Government servants (Efficiency & Discipline) Rules 2011 all codal formalities have been observed.
- k. Incorrect, as per Para-e above.
- l. Incorrect.

Pray:-

It is prayed that in view of the foregoing assertion and material on record, the case has already been decided on merit, therefore, the instant appeal may graciously be dismissed in to-to-, with cost.

MUHAMMAD ABID MAJEED

Names

ADDITIONAL CHIEF SECRETARY
HOME & T.AS DEPARTMENT PESHAWAR.
(RESPONDENT NO. 1)
Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.

MUALIM JAN ARAMZAI

Name

DIRECTOR
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR
(RESPONDENT NO. 2)

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

Service Appeal No. 310 / 2024.

Gohar Farooq S/O Tahir Farooq Sabir , R/O Ghundi Kala, Chokara
Tehsil and District Karak, Junior Clerk (BPS-11) at Probation office
Karak.....Appellant

VERSUS

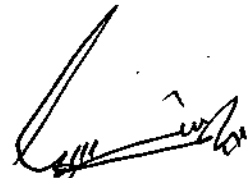
1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary ,Home and Tribal Affairs, Civil Secretariat Peshawar.
2. Director Reclamation & Probation Benevolent Fund Building RoomNo. 126-128 Peshawar Cantt:..... (Respondents)

AFFIDAVIT.

I, Mualim Jan Aramzai, Director Reclamation & Probation Khyber Pakhtunkhwa Peshawar (Respondent No.2) do hereby solemnly affirm and declare on oath that the contents of the accompanying Para wise Comment on behalf of Respondents No. 01 & 02 are true and correct to the best of my knowledge and belief and nothing has been

concealed from this Hon'ble Tribunal. *it is further stated on oath that the answering respondents have neither been place em-paste nor their defense struck off/cost.*

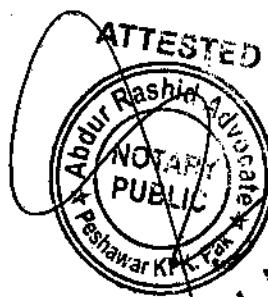
Deponent



(MUALIM JAN ARAMZAI)

CNIC No. 15302-0896202-1

Cell No. 0300-5956212



01 AUG 2024

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

Service Appeal No. 310 / 2024.


Gohar Farooq S/O Tahir Farooq Sabir , R/O Ghundi Kala, Chokara
Tehsil and District Karak, Junior Clerk (BPS-11) at Probation office
Karak.....Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Additional Chief Secretary Home and Tribal Affairs, Civil Secretariat Peshawar.
2. Director Reclamation & Probation Benevolent Fund Building Room No. 126-128 Peshawar Cantt:.....
(Respondents).

Authority letter.

Syed Muhammad Afsar Shah Senior Probation Officer, Directorate of Reclamation & Probation Khyber Pakhtunkhwa Peshawar, is hereby authorized to attend the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar & file Para-wise comments on behalf of Respondent No. 01 & 02 (**S.A NO. 310 / 2024** VS Gohar Farooq S/O Tahir Farooq Sabir , R/O Ghundi Kala, Chokara Tehsil and District Karak, Junior Clerk (BPS-11) at Probation office Karak VS Government of Khyber Pakhtunkhwa through Additional Chief Secretary, Home Department, Peshawar & Others)


(MUALIM JAN ARAMZAI)
DIRECTOR
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR.
Respondent No. 02



**DIRECTORATE OF RECLAMATION AND PROBATION,
KHYBER PAKHTUNKHWA, PESHAWAR**

Benevolent Fund Building, R. No. 126-127-128 & 120-121
P.No. 9213309, 9211207 Fax: 9210720

No. 1817 D.R&P (PIF)

Dated Peshawar, the 8/5/2023

To

Mr. Gohar Farooq,
Junior Clerk, office of Probation Officer,
District Courts, Karak.


Subject: REPORT ON IRRESPONSIBLE ATTITUDE OF
GOHAR FAROOQ JUNIOR CLERK KARAK.

Memo:

I am directed to refer to the subject noted above and to enclose herewith a copy of Senior Probation Officer, Khyber letter No.85 dated 13-04-2023 alongwith report on the subject noted above which is self- explanatory.

I am further directed to ask you to explain your position within a week time positively.

Encl:


DEPUTY DIRECTOR (ADMN)
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR

Attest

Attest


Deputy Director
Reclamation & Probation
K.P.K Peshawar

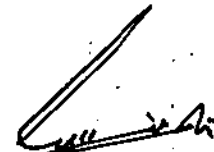
67

DISCIPLINARY ACTION

I, Mualim Jan Aramzai, Director, Reclamation & Probation Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule, 2011.

STATEMENT OF ALLEGATIONS


1. The Senior Probation Officer, District Khyber/ Karak has reported about irresponsible attitude of Mr. Gohar Farooq, Junior Clerk, Office of the Probation Officer, District Courts, District Karak vide his letter No.85/S.P.O dated 13-04-2023.
2. An explanation was called from him vide this Office letter No.1817/D.R&P(P/F) dated 08-05-2023, his reply was found unsatisfactory and just a novel story.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Riaz Ali Senior Parole Officer, District Peshawar is hereby appointed as Inquiry Officer under rule-10 (I) (a) of the rules ibid.
3. The Inquiry Officer/Inquiry Committee shall, in accordance with the provision of rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make recommendations within 60 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

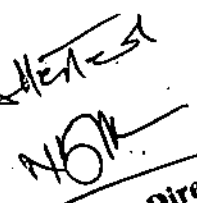

(MUALIM JAN ARAMZAI)
DIRECTOR
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR

No. 1323-25 /D.R&P(PF) Dated Peshawar the 13/06 2023.

Copy of the above is forwarded to:-

1. Mr. Riaz Ali Senior Parole Officer, District Peshawar for initiating proceeding against the accused official under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline Rules, 2011). A copy of Charge Sheet alongwith its enclosures is enclosed herewith.
2. The Senior Probation Officer District Courts, Khyber for similar necessary action please.
3. Mr. Gohar Farooq Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak with the directions to appear before the Inquiry Officer/Inquiry Committee on the date, time and place fixed by the Inquiry Officer/Inquiry Committee for the purpose of inquiry proceedings. Charge Sheet in duplicate is sent herewith, one copy of the same duly signed and dated by you may be returned to this office as token of its receipt.


DEPUTY DIRECTOR (ADMN)
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR

Attest
16/6/23

Deputy Director
Reclamation & Probation
K.P.K Peshawar

Charge Sheet

7
floor

I, Mualim Jan Aramzai, Director Reclamation & Probation Khyber Pakhunkhwa Peshawar, as Competent Authority, hereby charge you, Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak as follow:-

- a) The Senior Probation Officer, District Khyber / Karak reported about your irresponsible attitude vide letter No.85/S.P.O dated 13-04-2023.
- b) An Explanation was called from you vide this Office No.1817/ D.R&P (P/F) dated 08-05-2023 and your reply was found unsatisfactory and just a Novel Story.

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


3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Officer/Committee, as the case may be.

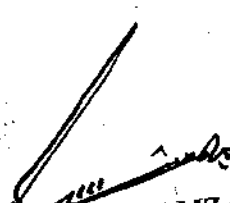
4. Your written defense, if any, should reach to the Inquiry Officer/Committee within in specified period, failing which it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

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

6. A Statement of Allegations is enclosed herewith.

Attested


Deputy Director
Reclamation & Probation
K.P.K Peshawar


(MUALIM JAN ARAMZAI)
DIRECTOR
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR

8.12
SENIOR PAROLE OFFICER
DISTRICT COURTS PESHAWAR
Office at KP Bar Council Building 3rd floor
Ph: No.091-9211786

NO. 28 / S.P.O

DATED: 11 / 07 / 2023

To

The Director,
Reclamation & Probation,
Khyber Pakhtunkhwa, Peshawar.

Directorate of (R. & P.)

No. 4321

Date 13/7/23

File 1/P

Subject:

SUBMISSION OF INQUIRY REPORT IN RESPECT OF MR. GOHAR FAROOQ J/C OF THE OFFICE OF PROBATION OFFICER, DISTRICT COURTS KARAK

R/Sir,

- P82/c
Kindly refer to your office letter no. 2323-25 D.R&P dated 13/6/2023, enclosed find herewith the inquiry report in respect of Mr. Gohar Farooq J/C of the office of the Probation Officer, District Courts Karak for further necessary action please.

Encl:A.A

attested
NSR
Deputy Director
Reclamation & Probation
K.P.K Peshawar

SENIOR PAROLE OFFICER
DISTRICT COURTS
PESHAWAR

ED (Adm)

12/7/23

1

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INQUIRY REPORT IN RESPECT OF MR. GOHAR
FAROOQ (JUNIOR CLERK BPS-11).



GOVERNMENT OF KHYBER PAKHTUNKHWA

Submitted to: Director Reclamation and Probation Khyber
Pakhtunkhwa, Peshawar.

Submitted by: Inquiry officer
Riaz Ali, Senior Parole Officer, District
Courts, Peshawar.

Attested

NBM

Deputy Director
Reclamation & Probation
K.P.K. Peshawar

DIRECTORATE OF RECLAMATION AND PROBATION

KHYBER PAKHTUNKHWA, PESHAWAR

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Attended

NBK

**Deputy Director
Reclamation & Probation
K.P.K. Peshawar**

INTRODUCTION

BACKGROUND

The Honourable Director Reclamation and Probation assigned the additional charge of the vacant post of the Probation officer Karak to Mr. Zahid Akram SPO Khyber till the appointment of new Officer. The Senior Probation Officer Khyber was contacted by the reader of ADJ Banda Daud Shah on dated 18-03-2023 and informed him to ensure his visit on dated 20-03-2023 to the court for probation cases. The SPO Khyber contacted and directed the junior clerk to bring Form "A" register etc. for registration of new cases. On the next day SPO Khyber again called him at evening time i.e., 07:11 pm for reminder of the court's date/visit. On dated 20-3-2023 SPO Khyber visited the court accordingly and contacted Junior Clerk in a response he stated that he don't know about the Tehsil of Banda Daud Shah. SPO Khyber contacted P/A to Director R&P regarding the situation. After receiving call from P/A to Director the junior clerk reached to Banda Daud Shah within 30 minutes along with Form-"A" Register etc. The junior clerk was allowed by the SPO Khyber on his request for his evening paper/ exam. The SPO Khyber managed and shared the concerned list of 20 Probation cases with junior clerk with the direction to receive all the judgment copies and other forms from the court but the J/C remained silent and did not ask about the cases.

The J/C was contacted by SPO Khyber on dated 03-04-2023 to share monthly reports and other letters for correspondence and he assured the SPO Khyber that he will share the reports etc., by tomorrow positively but as usual he failed to do so.

On dated 4-03-2023 the SPO Khyber inquired from the reader of ADJ B.D. Shah regarding the pending 20 Probation cases but the cases were still pending. The SPO strictly directed the J/C to do the needful but the result remained the same

On dated 5-04-2023 the SPO Khyber observed that neither the J/C pursued the Pending cases nor shared monthly report of District Karak with Directorate. The SPO tried several times to contact J/C but during duty hours his mobile number was switched off as usual. He was contacted by the SPO at 7:18 pm with a direction to submit reports today but he added that he will

M. A. Khan
N. K. Khan
 Deputy Director
 Reclamation & Probation
 K.P.K Peshawar

share the reports tomorrow till 11:30 am and disobeyed the direction of the SPO again.

On dated 6-04-2023 The Deputy Director R& P Muhammad Niaz and SPO Khyber have tried several times to contact J/C on his mobile for the purpose to submit monthly progress report till 12:00 pm but his number was out of reach.

The orders/ directions from high ups were not obeyed by the said J/C. Upon which the SPO Khyber forwarded a comprehensive report vide letter No.85/SPO dated 13-4-2023 regarding the misconduct and nor serious attitude towards the officials matters.

The Director Reclamation and Probation ordered to inquire the matter. The undersigned was appointed as inquiry officer vide letter No.2323-25D.R & P (P/F) dated 13-06-2023. (Enclosed as Annex -A)

ALLEGATIONS LEVELLED AGAINST MR. GOHAR FAROOQ

Mr.ZahidAkram SPO Khyber submitted a report to the Directorate regarding the non- compliance of the orders as well as the irresponsible attitude of the said J/C.(Copy of report enclosed as Annex-B).

METHODOLOGY

Open ended questionnaire was used by the undersigned for all the concerned parties i.e., Mr.Muhammad Niaz Deputy Director, (As annexure-C), Mr.ZahidAkram SPO Khyber (annexed as-D), Mr.Gohar Farooq (Junior Clerk annexed as -E).

WRITTEN DEFENCE

The undersigned received written statements of the concerned i.e., Mr. Zahid Akram SPO Khyber, & Mr.GoharFarooq(Junior Clerk). (Annexed as F & G).

INQUIRY PROCEEDINGS

The undersigned informed all the relevant Officers/ official telephonically about the date of the inquiry i.e. 10-07-2023. All the concerned officer / Official were present.

Attested
NIM
Deputy Director
Reclamation & Probation
K.P.K Peshawar

The undersigned asked from Mr. Zahid Akram SPO regarding the allegations submitted by him against Mr. GoharFarooq Junior Clerk. He not only acknowledged but submitted the details as under;

1. Mr. Zahid Akram added that he called on 18-3-2023 on 9:19 am and was connected for 9 minutes 45 seconds.
 2. He called to the Junior clerk for reminder on dated 19-3-2023 at 7:11 pm and was connected for 2 minutes 12 seconds.
 3. On 20-3-2023 he tried 5 times to contact the said Junior clerk at 10:17 am but he did not pick the call. Then he contacted P/A to director and after that he received message from P/A to Director that he informed him and he will catch you soon.
 4. He contacted on 3-4-2023 at 9:43 am and talked up to 20 minutes 24 seconds regarding submission of monthly reports. Furthermore again he was contacted at 10-05 am and talked up to 2 minutes 19 seconds to submit report but in vain.
 5. The junior clerk was again contacted by SPO Khyber again on dated 4-4-2023 at 11:48 am and talked for 11 minutes 24 seconds to submit report but result was zero.
 6. Again SPO Khyber tried 4 times on 5-4-2023 to contact him at 11:50 am regarding submission of monthly report but he did not receive the call. The SPO received call on the same day at 12:00 pm from Directorate regarding the non- submission of monthly report. The SPO again contacted the said junior clerk at 7:18 pm and talked up to 8 minutes 45 seconds with a strict direction to submit monthly report positively.
 7. On dated 6-4-2023 Mr. Muhammad Niaz Deputy Director R & P called him on 10:51 am and talked for 6 minutes 25 seconds. The SPO Khyber added that he is trying to contact the said clerk for submission of monthly reports but his number was switched off. Then at 11:28 am the SPO Khyber informed the Deputy Director telephonically and informed him that the clerk number is switched off.
- The SPO Khyber not only acknowledged the allegations but also submitted complete mobile screen shots dates wise relevant to the case.
(Screenshots are enclosed- As Annex-H)

When the undersigned inquired about the matter and dates he submitted the details as under;

Attest
Niaz
Deputy Director
Reclamation & Probation
K.P.K Peshawar

1. He confessed that the SPO informed him regarding the cases time and again. He further added that he was unaware about the location of B.D Shah Tehsil but as he received call from Directorate he traced the location by asking from others. He further accepted that SPO Khyber time and again informed him regarding submission of Monthly reports. He further added that due to load shedding and absence of signals in his office his mobile remained off. He further added that he submitted the monthly reports on 4-4-2023 to Directorate. He further stated that due to Ramadan and his exam he was in tension that is why he failed to submit the reports on time. When asked about that why he informed Deputy Director Despite of SPO Khyber regarding his exam he added that, the post was vacant but in fact SPO Khyber had the look after charge of that office. When he was asked about the Para No.3 of his written statement in which he mentioned that all the pending probation case work was completed but in Para No.5 he repeated that he contacted the reader of B.D Shah regarding the pending 20 Probation cases, he said that both statements are correct.

FINDINGS OF THE INQUIRY

The record relating to the subject matter was examined thoroughly. All the allegations levelled against Mr. Gohar Farooq are proved. As per rules he was bond to discuss his leave and other official matters with SPO Khyber but he by passed the hierarchy and discussed his leave and other official matters with Deputy Directors of the Directorate which is a clear violation of the rules. From the record it has been cleared that he violated several times the directions of his Officer and disobeyed the orders.

CONCLUSION

On the basis of above facts explored by the undersigned during inquiry charges levelled against Mr. Gohar Farooq were proved. It is concluded that in the entire matter Mr. Zahid Akram SPO Khyber was in a liaison with the said junior clerk and informed time to time regarding the officials and courts matters but the said Junior Clerk failed to obey his orders.

Attested

NBR
Deputy Director
Reclamation & Probation
K.P.K Peshawar


DIS

Recommendation

It is recommended by the undersigned that under rule 4 (1) (a) (ii) of the Efficiency and Discipline rules (2011) may be applied and withhold of increment for 2 years is recommended as a minor penalty.

(The report consists of 1653- words/ 7 pages, exclusive of annexure)

INQUIRY OFFICER



RIAZ ALI

SENIOR PAROLE OFFICER DISTRICT COURTS PESHAWAR.

MAJESTER

NOBIL

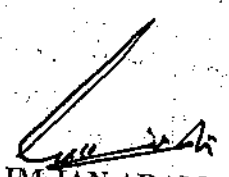
**Deputy Director
Reclamation & Probation
K.P.K Peshawar**

DISCIPLINARY ACTION

I, Mualim Jan Aramzai, Director, Reclamation & Probation Khyber Pakhtunkhwa, Peshawar, as competent authority, am of the opinion that Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rule, 2011.

STATEMENT OF ALLEGATIONS



1. The Senior Probation Officer, District Khyber/ Karak has reported about irresponsible attitude of Mr. Gohar Farooq, Junior Clerk, Office of the Probation Officer, District Courts, District Karak vide his letter No.85/S.P.O dated 13-04-2023.
2. An explanation was called from him vide this Office letter No.1817/D.R&P(P/F) dated 08-05-2023, his reply was found unsatisfactory and just a novel story.
2. For the purpose of inquiry against the said accused with reference to the above allegations, Mr. Riaz Ali Senior Parole Officer, District Peshawar is hereby appointed as Inquiry Officer under rule-10 (I) (a) of the rules ibid.
3. The Inquiry Officer/Inquiry Committee shall, in accordance with the provision of rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make recommendations within 60 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.


 (MUALIM JAN ARAMZAI)
 DIRECTOR
 RECLAMATION & PROBATION
 KHYBER PAKHTUNKHWA
 PESHAWAR

No. 1323-25/D.R&P(PF) Dated Peshawar the 13/06/2023.

Copy of the above is forwarded to:-

1. Mr. Riaz Ali Senior Parole Officer, District Peshawar for initiating proceeding against the accused official under the Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline Rules, 2011). A copy of Charge Sheet alongwith its enclosures is enclosed herewith.
2. The Senior Probation Officer District Courts, Khyber for similar necessary action please.
3. Mr. Gohar Farooq Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak with the directions to appear before the Inquiry Officer/Inquiry Committee on the date, time and place fixed by the Inquiry Officer/Inquiry Committee for the purpose of inquiry proceedings. Charge Sheet in duplicate is sent herewith, one copy of the same duly signed and dated by you may be returned to this office as token of its receipt.



 Deputy Director
 Reclamation & Probation
 K.P.K Peshawar


 DEPUTY DIRECTOR (ADMN)
 RECLAMATION & PROBATION
 KHYBER PAKHTUNKHWA

REPORT

IRRESPONSIBLE ATTITUDE OF GOHAR FAROOQ JUNIOR CLERK KARAK

Background

The Honorable Director Reclamation and Probation KPK directed the Senior Probation Officer Khyber to receive the pending probation cases from the court of Adj Banda Daud Shah tehsil Karak and also to look after the vacant post of the Probation Officer Karak until the arrival of the newly appointed officer. During this course, the SPO Khyber assigned different official tasks to Junior Clerk Mr. Gohar Farooq for the smooth running of the office, but he failed to comply.

The details of the discrepancies on the part of the J/C Karak are: -

1. On 18-03-2023 the SPO Khyber was contacted on his mobile phone and informed by the Reader of Adj B.D.Shah to visit this court on 20-03-2023 for probation cases. The SPO Khyber on the same date informed the J/C Karak to ensure his presence and bring Form-A register for disposal of cases.
2. On 19-03-2023 again SPO Khyber contacted J/C Karak at 07:11 pm and reminds him.
3. On 20-03-2023 after the arrival of SPO Khyber to the court of Adj B.D.Shah the J/C Karak was contacted, upon which he stated that he doesn't know where B.D.Shah tehsil is located. The SPO Khyber informed the P/A to the director R&P about the situation. Consequently, the J/C Karak arrived to the court of adj B.D.Shah within 30 minutes along with Form-A register after receiving a sudden call from the directorate of R&P. Later on, the J/C Karak was allowed on his request for paper/exam in the evening. The SPO Khyber disposed of 20 probation cases and shared its list with the direction to J/C Karak to receive the judgment copies and other forms of said cases from the court concerned, as the SPO Khyber directed Naib Court of Adj B.D.Shah to send all the documents to the office of Probation Officer Karak after completion, but the J/C Karak didn't bother to ask about these cases.
4. On 03-04-2023 the J/C Karak was contacted and asked to share the monthly progress reports along with the other official letters for further correspondence. The J/C Karak ensured to share all of these by tomorrow, but he didn't.

[Handwritten signature]

[Handwritten signature]
Deputy Director
Reclamation & Probation
K.P.K Peshawar

- 18
5. On 04-03-2023 SPO Khyber, himself contacted again to the reader of Adj B.D.Shah regarding the documentation of the received 20 probation cases as it was noticed that those cases were still pending due to negligence of the J/C Karak. The SPO Khyber also contacted the J/C Karak to pursue this matter seriously, but he didn't comply.
 6. On 05-04-2023 SPO Khyber noticed that the J/C Karak is non-serious towards his duty as he still didn't pursue receiving the 20 new probation cases from the court of Adj B.D.Shah and he didn't share the monthly progress reports of Karak to communicate with the directorate of R&P. Moreover, it is very astonishing that the mobile number of J/C Karak is usually switched off or doesn't receive the call of SPO Khyber during the official time. once again SPO Khyber contacted him at 07:18 pm and strictly directed him to share the monthly progress reports. The J/C karak ensured that till 11:30 am, he will communicate all the progress reports by tomorrow, but he disobeyed the direction.
 7. On 06-04-2023 the Deputy Director R&P Muhammad Niaz and SPO Khyber both repeatedly tried to contact J/C Karak to share monthly progress till 12:00 pm, but his contact number was off. As if he was not on his duty because he didn't bother to contact his high-ups for an unknown reason.

After all, his irresponsible attitude shows that he doesn't take interest in official business on one hand while on the other he pays no attention / weightage to the calls / directions of high-ups.

M. Niaz
NAI
Deputy Director
Reclamation & Probation
K.P.K Peshawar

Jamil
SENIOR PROBATION OFFICER
DISTRICT COURTS
KHYBER

QUESTIONNAIRE FOR MUHAMMAD NIAZ (Deputy Annex-C
Director) .

1. Did you contacted Mr. Gohar Farooq J/C on dated 6-4-2023 regarding submission of monthly reports?

Questionnaire for ZAHID AKRAM SPO Khyber

Annex-D

1. Did you acknowledge all the allegations submitted by you through your report against the said Junior Clerk?
2. Do you have any record or information related to the case?

[Handwritten signature]

[Handwritten signature]

Deputy Director
Reclamation & Probation
K.P.K Pesbawar

QUESTIONARE**1. QUESTIONARE FOR GOHAR FAROOQ**

1. Have you been contacted by the SPO Khyber on dated 18-03-2023 to bring Form "A" register and ensure your presence on dated 20-3-2023 at Banda Daud Shah Tehsil for Probation Cases?
2. Did the SPO Khyber reminded you on dated 19-03-2023 on 7:11 pm via call about the planned visit to B.D shah for probation cases on 20-3-2023?
3. When SPO Khyber contacted you on dated 20-3-2023 you said that you don't know about the B.D Shah location but after receiving the call of P/A to Director you were reached there with in 30 minutes. How did you find B.D Shah ?
4. When was your paper and did you receive any direction from the SPO Khyber regarding follow up the probation cases/ judgment copies ?
5. Did SPO Khyber contacted you on date 03-04-2023 regarding sharing monthly reports and what was your reply?
6. Did SPO Khyber directed you via call on dated 04-04-2023 to pursue the pending probation cases and what was your output upon that direction?
7. Are you committed with your job? (Y/N), if yes then why you have not obeyed the direction of your Officer?
8. Why you did not submit the monthly report on time despite of the several reminders given by your officer?
9. Why you keep your mobile switch off during the official time and switched on after duty hours?
10. Were you contacted by the SPO on dated 5-04-2023 on 07:18 pm with a strict direction to submit monthly reports?
11. How you assured the SPO about the submission of the monthly reports?
10. Do you know about the due date of submission of monthly reports?

NSM
Deputy Director
Reclamation & Probation
K.P.K Peshawar

21/11/23

6/11

11. Despite of the strict direction received by you regarding submission of monthly report on dated 6-04-2023 from your seniors why you have failed to submit that on time?

12. As per Para No.3 of your written statement you have contacted Deputy Director (Admin) regarding your exam despite of informing SPO Khyber why?

13. As per Para No.3 of your written statement the probation case work was completed but in Para No.5 you added that you have contacted reader of B.D Shah for 20 pending probation cases. Which statement is correct?

Attested

W.B.M.

Deputy Director
Reclamation & Probation
K.P.K Peshawar

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WRITTEN STATEMENT OF MR.ZAHID AKRAM SPO KHYBER

I Mr. Zahid Akram SPO Khyber acknowledged all the allegations submitted against Mr. Gohar Farooq Junior Clerk. Furthermore, I have submitted mobile Screen Shots relevant to the case to the inquiry officer on dated 10-7-2023.

Zahid
10/07/2023

Attest
K.P.K
Deputy Director
Reclamation & Probation
K.P.K Peshawar

23

Statement of Mr. Cohar Farooq

3 بیان / بیان / بیان
3
اور در سے

Dated, 10/07/23

[Signature]
Cohar Farooq J/c

[Signature]

[Signature]

Deputy Director
Reclamation & Probation
K.P.K Peshawar

24

Phone



4 April

- ☎ Wahaj Akram 9:23 pm [1]
- ☎ Nasir Amin Azeemi 2:44 pm [1]
- ☎ Taha Azeemi 2:16 pm [1]
- ☎ Nasir Amin Azeemi (3) 2:15 pm [1]
- ☎ Gohar J/C Pshw (2) 11:48 am [1]

Mobile +92 306 8088524
Outgoing call, 11 mins 24 secs



- ☎ Bilal Khan J/C Khyber 10:49 am [1]
- ☎ Husain Reader B. D. Shah Karak (2) 9:44 am [1]

3 April

- ☎ Abid Akram (2) 7:07 pm [1]
- ☎ Taha Azeemi (1) [1]

Keypad

Recents

Contacts

Attaf
NB
Deputy Director
Reclamation & Probation
K.P.K Peshawar



Phone



5 April



Asif Azeemi

9:14 pm



Arif Advocate

8:08 pm



Bilal Khan J/C Khyber

7:39 pm



Gohar J/C Pshw

7:18 pm

Mobile: 0306 8088524
Incoming call, 8 mins 48 secs



Director Office R&P

12:05 pm



Gohar J/C Pshw (4)

11:50 am



N/Q ASJ 1 Khyber

9:32 am

4 April



Wahaj Akram

9:23 pm



Nasir Amin Azeemi

2:44 pm

Keypad

Recents

Contacts



Affected
NBWA
Deputy Director
Reclamation & Probation
K.P.K Peshawar

Phone



6 April

Arif Advocate 12:17 pm

Husain Reader B. D. Shah Karak 12:07 pm

Niaz D. Dir R&P 11:28 am

Mobile 0311 9686871
Outgoing call, 1 min 39 secs



Gohar J/C Pshw (5) 11:28 am

Niaz D. Dir R&P 10:51 am

D. D Office Pesh. Female 10:50 am

Niaz D. Dir R&P (2) 10:50 am

D. D Office Pesh. Female 10:48 am

Said Ullah Clerk 10:41 am

Attest
NSK
Deputy Director
Reclamation & Probation
K.P.K. Peshawar

Keypad

Recents

Contacts



Phone

6 April

Arif Advocate

12:17 pm

Husain Reader B. D. Shah Karak

12:07 pm

Niaz D. Dir R&P

11:28 am

Gohar J/C Pshw (5)

11:28 am

Niaz D. Dir R&P

10:51 am

Moblle 0311 9686871
Outgoing call, 6 mins 29 secs



D. D Office Pesh. Female

10:50 am

Niaz D. Dir R&P (2)

10:50 am

D. D Office Pesh. Female

10:48 am

Said Ullah Clerk

10:41 am

Niaz D. Dir R&P

10:24 am

Keypad

Recents

Contacts

Deputy Director
Reclamation & Pr
K.P.K Peshawar

Phone



6 April

Arif Advocate 12:17 pm

Husain Reader B. D. Shah Karak 12:07 pm

Mobile 0311 9634046
Outgoing call, 1 min 14 secs



Niaz D. Dir R&P 11:28 am

Gohar J/C Pshw (5) 11:28 am

Niaz D. Dir R&P 10:51 am

D. D Office Pesh. Female 10:50 am

Niaz D. Dir R&P (2) 10:50 am

D. D Office Pesh. Female 10:48 am

Said Ullah Clerk 10:41 am

Niaz D. Dir R&P 10:24 am

Keypad

Recents

Contacts



Arif Advocate
NSM
Deputy Director
Reclamation & Prob
K.P.K Peshawar



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**DIRECTORATE OF RECLAMATION AND PROBATION,
KHYBER PAKHTUNKHWA, PESHAWAR**

Benevolent Fund Building, R. No. 126-127-128 & 120-121
P.No. 9213309, 9211207 Fax: 9210720

No. 3091 D.R&P (PIF)

Dated Peshawar, the 09-08-2023


To

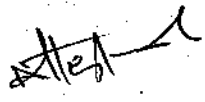
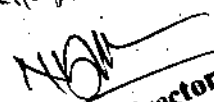
The Probation Officer,
District Courts, Karrak.

Subject: **SHOW CAUSE NOTICE.**

Memo:

I am directed to enclose herewith Show Cause Notice (In Duplicate) to be served upon Mr. Gohar Farooq, Junior Clerk of your office with the directions that one copy of the same be returned to this Directorate duly signed & dated by him as token of its receipt for record please.


DEPUTY DIRECTOR (ADMN)
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR



Deputy Director
Reclamation & Probation
K.P.K Peshawar

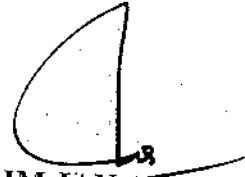
30

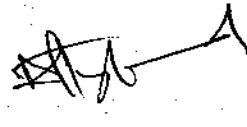

SHOW CAUSE NOTICE

I, Mualim Jan Aramzai, Director Reclamation & Probation Khyber Pakhtunkhwa, Peshawar as Competent Authority, Under Khyber Pakhtunkhwa Civil Servants Efficiency & Disciplinary Rules 2011, do hereby serve you **Mr. Gohar Farooq, Junior Clerk (BPS-11)** of the office of Probation Officer, District Courts, Karak as follow:-

That consequent upon the completion of inquiry conducted against you by the Inquiry Officer and going through the findings and recommendations of the Inquiry Officer the material on record and other connected papers, I am satisfied that the charges leveled against you in the charge sheet have been proved.

- 2- As a result therefore, I, as Competent Authority, have tentatively decided to impose upon you a minor penalty of withholding two annual increments without cumulative effect as defined under section 4 read with section 3 of the Rules ibid.
- 3- You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4- If no reply to this notice is received within (7) days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defence to put forward and in that case ex-parte action shall be taken against you.
- 5- Copy of the findings of the Inquiry officer is enclosed.


(MUALIM JAN ARAMZAI)
DIRECTOR
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR



Deputy Director
Reclamation & Probation
K.P.K Peshawar



**DIRECTORATE OF RECLAMATION AND PROBATION,
KHYBER PAKHTUNKHWA, PESHAWAR**

Benevolent Fund Building, R. No. 126-127-128 & 120-121
P.No. 9213309, 9211207 Fax: 9210720

No. 3369-71 D.R&P (P/F)

Dated Peshawar, the 22/08/2023.

To


Mr. Gohar Farooq,
Junior Clerk,
District Courts, Karak.

Subject: PERSONAL HEARING / INQUIRY.

Memo:

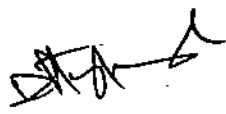
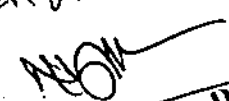
I am directed to inform you that the Competent Authority has been pleased to fix date i.e. 04-09-2023 at 10:00 AM for personal hearing in the subject matter.


Therefore, you are directed to appear before the Director Reclamation & Probation Khyber Pakhtunkhwa (Competent Authority) for the purpose on the date and time fixed for the purpose please.


DEPUTY DIRECTOR (ADMN)
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR

Endst: No. & Date Even.

Copy of above is forwarded to PA to Director Reclamation & Probation Khyber Pakhtunkhwa for information please.



Deputy Director
Reclamation & Probation
K.P.K Peshawar


DEPUTY DIRECTOR (ADMN)
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR



Government of Khyber Pakhtunkhwa
Home & Tribal Affairs Department

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No:SO (Prison-II)/HD/1-17(R&P)/2024
Dated Peshawar the 11th January, 2024

To

The Director,
Reclamation & Probation,
Khyber Pakhtunkhwa

SUBJECT: APPEAL AGAINST THE ORDER NO. 3662-66 DATED 11.09.2023 OF DIRECTOR RECLAMATION & PROBATION KHYBER PAKHTUNKHWA.

Sir,

I am directed to refer to your letter no. 4179D.R&P(PIF) dated 4.10.2023 on the subject noted above and to inform that the Additional Chief Secretary Home, Khyber Pakhtunkhwa has empowered Special Secretary-I Home Department to give personal hearing to accused Mr. Gohar Farooq, Junior Clerk office of the Probation Officer, District Courts of Karak, on his behalf the instant hearing has been fixed on **16.01.2024 at 11:00 AM** in the office of Special Secretary-I Home Department.

I am, therefore, directed to request that the accused may be informed to attend the office of Special Secretary-I, Home Department on the date, time & venue mentioned above and also nominate an officer of your department well versant to the case to attend the personal hearing with complete record of the case.

Yours faithfully,

[Signature]
Section Officer (Prison-II)

Endst: No. & date as above.

Copy forwarded for information to the:

1. PS to Special Secretary-I, Home & TAs Department, Peshawar
2. PS to Additional Chief Secretary, Home & TAs Department, Peshawar.
3. Master file.

[Signature]
Deputy Director
Reclamation & Probation
K.P.K Peshawar

DDL (Admin)

12/1/24
Supt-I

[Signature]
Section Officer (Prison-II)

12/1/2024

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SHOW CAUSE NOTICE

I, Mualim Jan Aramzai, Director Reclamation & Probation Khyber Pakhtunkhwa, Peshawar as Competent Authority, Under Khyber Pakhtunkhwa Civil Servants Efficiency & Disciplinary Rules 2011, do hereby serve you Mr. Gohar Farooq, Junior Clerk (BPS-11) of the office of Probation Officer, District Courts, Karak as follow:-

That consequent upon the completion of inquiry conducted against you by the Inquiry Officer and going through the findings and recommendations of the Inquiry Officer the material on record and other connected papers, I am satisfied that the charges leveled against you in the charge sheet have been proved.

- 2- As a result therefore, I, as Competent Authority, have tentatively decided to impose upon you a minor penalty of withholding two annual increments without cumulative effect as defined under section 4 read with section 3 of the Rules ibid.
- 3- You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4- If no reply to this notice is received within (7) days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defence to put forward and in that case ex-parte action shall be taken against you.
- 5- Copy of the findings of the Inquiry officer is enclosed.

Gohar Farooq
Dated: 16/08/23
[Signature]

[Signature]
Deputy Director
Reclamation & Probation
K.P.K Peshawar

[Signature]
(MUALIM JAN ARAMZAI)
DIRECTOR
RECLAMATION & PROBATION
KHYBER PAKHTUNKHWA
PESHAWAR