

ESTABLISHMENT DEPARTMENT
No.SOR.II (E&AD) 5(29)/2001/Vol-IV
Dated Peshawar the 9th September.

Subject: WITHDRAWAL/BACKING OUT BY COMPLAINANTS.

I am directed to refer to the subject cited above and to state that it has come to the notice of Governor's Secretarial NWFP that in certain cases complainants either back out of their complaints against Governors Secretarial or refuse to press for the same. This results in rendering futile the whole exercise of initiation of disciplinary proceedings/equerries etc. already underway against the accused leading to wastage of Government, Resources, energy and time.

The Government of NWFP has issued detailed instructions in this regard vide circular letter No.SOR.II(S&GAD)5(29)/97.Vol.II, dated 22-7-1998 (Copy enclosed). However these instructions are not strictly adhered to by the Administrative Departments while dealing with such cases of Government Servants.

It this connection attention of the Administrative Department is invited to the provisions of Section -177 (Chapters 10 and 11) of PPC (extract enclosed) which are relevant in respect information, false evidence before the courts and the Public servants. The other remedy available under section 182 of PPC is suing the complainants for the information with intent to cause public servant to use his lawful power subject to enquiry if the contents of the complaints are proved false /baseless. Moreover, rule 31 of the NWFP Government Servants Conduct Rules 1978 provides that Government can grant sections to a Government servants to have recourse to court or to the press for the vindication of his public acts or character from defamatory court or to the press for the vindication for this public acts or character from defamatory attacks as the public servant concerned can sue the complainant at this own level also under section 499-500 of the PPC

I am therefore directed to once against bring to notice of all the notice of all concerned the above provisions of laws /rules /instructions for strict adherence in future.