

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 7030/2021

Date of Institution ... 12.07.2021

Date of Decision ... 05.01.2022

Mst. Kashifa Bibi d/o Siraj Ahmad, R/o Waliabad Chowk, Uchusht, Chitral Lower.
... (Appellant)

VERSUS

Hon'ble The District & Session Judge/Competent Authority, Lower Chitral and
three others. ... (Respondents)

Sadiq Ali Mohmand,
Advocate

... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the case are

that the appellant while serving as Moharar in District Judiciary, was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 03-03-2021, against which the appellant filed departmental appeal dated 18-03-2021, which was not responded within statutory period, hence the instant service appeal with prayers that the impugned order dated 03-03-2021 as well as the inquiry report dated 15-02-2021 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the entire proceedings undertaken against the appellant up to her dismissal from service smacks malafide intents, malice and ulterior motives; are arbitrary, biased,

unreasonable and are liable to be set aside; that the findings rendered by the respondent No. 2 in his inquiry report and agreed to by the respondent No 1 are not in accordance with law, as such the said orders are liable to be set aside; that findings of both the respondents No 1 and 2 are replete with misreading and non-reading of evidence, as such, material irregularity and illegality exist on the face of the impugned order; that without prejudice to the above and in addition thereto, the learned respondents No. 2 in his inquiry report and respondent No 1 in order dated 03-03-2021 have travelled beyond the scope in statement of allegations and charge sheet by accusing the appellant of serious moral turpitude thereby putting a grave stigma on her person and on this score alone, the impugned order as well as the inquiry report is liable to be set aside; that the entire proceedings have been carried out in complete disregard to the law dealing with the subject; that the chronology of events mentioned therein above, commencing from sanctioning of leave to the appellant, cancelling her leave at her back, humiliating her person in public, filing complaint in 02-12-2020, seeking explanations vide letter dated 09-12-2020 and letter dated 11-12-2020 directing the appellant to mend her ways and ending up on the service of charge sheet/statement of allegations dated 16-12-2020 culminating into dismissal of the appellant from service vide order dated 03-03-2021 clearly suggests that the entire exercise undertaken against the appellant had been pre-meditated; that it is a well settled principle of law, enshrined in plethora of judgments of our constitutional courts and beyond, the ratio of which states that where major penalty of dismissal from service is proposed, the charges leveled shall be proved beyond reasonable doubt; that the charges so leveled against the appellant are too vague and general and no tangible evidence was brought on record to prove such charges against the appellant; that the impugned order coupled with the inquiry report have casted a stigma on the person of the appellant and the findings rendered by both the respondents No 1 and 2 are based on surmises and conjectures and are extremely against the available record, which not only

prejudiced career of the appellant but her character as well; that the appellant was awarded major punishment on only one day absence and that too was verbally allowed by the competent authority, which does not commensurate with gravity of the guilt and which shows malafide on part of the respondents.

03. Learned Deputy District Attorney for the respondents has contended that the appellant submitted application for two days casual leave for 27-11-2020 and 28-11-2020, which was marked to clerk of court for report, whereas the clerk reported that the balance of leave of the applicant has already been exhausted, therefore request for casual leave was regretted and the clerk was directed to inform the appellant regarding refusal of casual leave; that on the same day, one of the staff member informed the respondent No3 that the appellant is performing duty with ETEA staff at football stadium, hence she was caught red handed performing duty with ETEA staff without permission of the competent authority; that inquiry proceedings were conducted strictly in accordance with law and during the course of inquiry, the departmental representative produced four witnesses, who were thoroughly cross-examined by the appellant and in rebuttal thereof, the appellant also produced witnesses in her support and after closure of evidence, both the parties were heard; that service record of the appellant shows that on so many occasions she remained absent from her duty without any permission and several warning/explanations were called from her; that the appellant has been dismissed from service on the strength of sufficient evidence, moreover her general reputation was also not good during her service.

04. We have heard learned counsel for the parties and have perused the record.


05. Record reveals that the appellant was verbally permitted by respondent No. 3 for two days casual leave before closing hours of the court, with direction to submit application for such leave. The appellant submitted application before leaving the office. The next day, it was found that she had already exhausted her


leave balance of casual leave, hence such leave was refused. The same day, the appellant was also found present in ETEA test at football ground, which was noticed by a co-employee, who reported the matter to respondent No 3. Based on allegation of her presence in ETEA test and assisting the staff without permission of the competent authority coupled with one day absence, the appellant was proceeded against, which culminated into her dismissal. In the first place, the allegations so leveled does not constitute gross misconduct, as absence for one day and that too on medical grounds and with verbal permission of respondent No. 3 cannot be termed as misconduct. Even otherwise absence on medical grounds without permission of the competent authority does not constitute gross misconduct entailing major penalty of dismissal from service. Reliance is placed on 2008 SCMR 214. The second allegation of her presence in ETEA test and assisting the staff was categorically denied by the appellant, it otherwise was not a crime on part of the appellant who was found in football stadium, where a test for police recruitment was in progress and making an issue out of it was surely based on malafide on part of the respondents. Inquiry report placed on record would show that in order to justify their stance, the respondents had projected the appellant with a tainted past with the objectives that the existing allegations were not enough for penalizing the appellant, whereas on the strength of PLJ 2005 Tr.C (Services) 107 and PLJ 2016 Tr.C. (Services) 324, it cannot be made a ground for awarding penalty to a government servant. Purpose of deterrent punishment is not only to maintain balance with the gravity of wrong done by a person but also to make an example for others as a preventive measure for reformation of society. Concept of minor penalty in law was to make an attempt to reform the individual wrong doer. In service matter, extreme penalty for minor act depriving a person from right of earning would defeat the reformatory concept of punishment in administration of justice. Reliance is placed on 2006 SCMR 60.

06. We are of the considered opinion that the appellant has not been treated in accordance with law, as she had illegally been dismissed from service without proper application of law and without any cogent reason. In a situation, the instant appeal is accepted. The impugned order dated 03-03-2021 is set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

05.01.2022


(AHMAD SULTAN TAREEQ)
CHAIRMAN


(ATTIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

05.01.2022

Appellant with counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned order dated 03-03-2021 is set aside and the appellant is re-instated in service with all back benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

05.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

17.12.2021

Appellant in person present. Mr. Muhammad Adeel Butt,
Addl: AG alongwith Mr. Asif Kamal, Senior Civil Judge for
respondents present.

Written reply/comments on behalf of the respondents
submitted which is placed on file. A copy of the same is handed
over to the appellant. Adjourned. To come up for arguments on
15.02.2022 before D.B.



(MIAN MUHAMMAD)
MEMBER (E)

Stipulated period passed reply not submitted.

15.09.2021

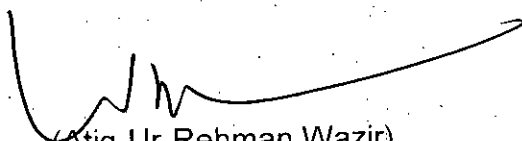
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

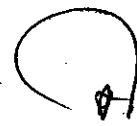

Chairman

12.10.2021

Appellant present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith representative of respondent No.1 present and made a request for time to submit reply/comments. Last opportunity is granted with direction to furnish the same within 10 days in office. To come up for arguments on 07.12.2021 before D.B.

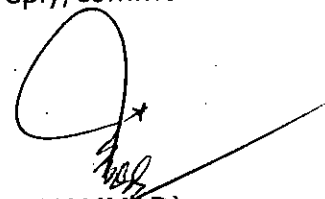

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

07.12.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Written reply/comments not submitted. Learned AAG requested for time to submit written reply/comments on the next date. Adjourned. To come up for written reply/comments on 17.12.2021 before S.B.

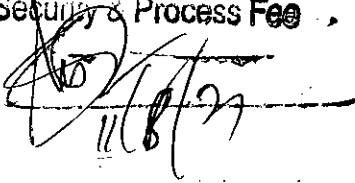

(MIAN MUHAMMAD)
MEMBER (E)

04.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that proceedings undertaken against the appellant throughout and ultimately resulting into her dismissal are tainted with malafide and malice and entire enquiry proceedings has been carried in complete disregard to the law on the subject. Points raised at the bar are arguable during full hearing of appeal. The appeal is admitted for hearing subject to all legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Respondents No. 2, 3 and 4 are not necessary parties for the purpose of appeal at hand, therefore, are deleted from the panel of respondents. Office is directed to make necessary entry accordingly. Thereafter, notices be issued to the remaining respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 12.10.2021 before the D.B.

Appellant Deposited
Security & Process Fee

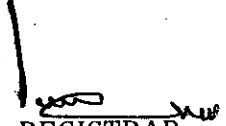




Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 7030 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/07/2021	<p>The appeal of Mst. Kashifa Bibi resubmitted today by Mr. Sadiq Ali Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>04/08/2021</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE KHYBER PKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: Kashifa Bibi vs District & Session Judge Lower
Cherat

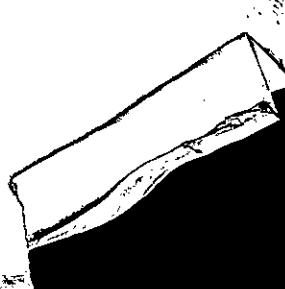
S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Saddiq Ali Momand</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?		
5.	Whether the enactment under which the appeal is filed is correct?		
6.	Whether affidavit is appended?		✓
7.	Whether affidavit is duly attested by competent oath commissioner?		✓
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?		
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?		
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?		✓
15.	Whether numbers of referred cases given are correct?		
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?		
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?		
20.	Whether complete spare copy is filed in separate file cover?		
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
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/documentation as required in the above table have been fulfilled.

Name: KASHIFA BIBI

Signature: [Handwritten Signature]

Dated: 12-7-2021




appeal of Mst. Kashifa Bibi d/o Siraj Ahmad r/o Waliabad Chowk Unchusht Chitral Lower received today i.e. on 12.07.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- ✓ 1- Memorandum of appeal may be got signed by the appellants.
- ✓ 2- Page no. 81 to 97 of the appeal are unattested which may be got attested.
- 3- Check list is not attached. ✓
- ✓ 4- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1211 /S.T,

Dt. 12/07 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sadiq Ali Mohmand Adv. Pesh.

*Respected Sir
Necessary completion made
So put for further processing
Dil*

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2021

Mst. Kashifa Bibi
VERSUS
District & Sessions Judge, Lower Chitral & Others

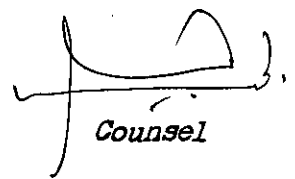
INDEX

S. No.	Documents	Annexure	Page
1.	Memo of Service Appeal	--	1-6
2.	Memo of Parties	--	7
3.	Copy of Complaint Dated 02-12-2020	A	8-9
4.	Copy of Letter Seeking Explanation Dated 09-12-2020	B	10
5.	Copy of Counseling Letter Dated 11-12-2020	C	11
6.	Copy of Reply Dated 15-12-2020 to Explanation Letter & Reply of Respondent No. 3 Dated 16-12-2020	D-D1	12-14
7.	Copy of Office Order Dated 16-12-2020 Initiating Inquiry	E-E1	15-16
8.	Copy of Statement of Allegations & Charge-Sheet Dated 16-12-2020	F-F1	17-20
9.	Copy of Inquiry Report Dated 15-02-2021; Copy of Letter For Personal Hearing & Copy of Final Show-Cause Notice Dated 17-02-2021; Copy of Order Dated 25-02-2021	G-G1-G3	21-29
10.	Copy of Order Dated 03-03-2021 & Office Order of Even Date Dismissing The Appellant From Service	H-H1	30-37
11.	List of Witnesses	I	38-39
12.	Evidence of APW-1	J	40-49
13.	Evidence of APW-2	J1	50-52
14.	Evidence of APW-3	J2	53-57
15.	Evidence of APW-4	J3	58-67
16.	Evidence of RW-1	K	68
17.	Evidence of RW-2	L	69-71
18.	Misc.	--	72-74

19.	Written Arguments of Accused	M	75-82
20.	Order-Sheets	N	83-93
21.	Departmental Representation Dated 18-03-2021	O	94-96
22.	Appreciation Certificate	P	97
8.	Wakalatnama	--	--

Through

Appellant



Counsel

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR, PAKHTUNKHWA
Service Tribunal

Service Appeal No: 7030 / 2021

Diary No. 7181

Mst. Kashifa Bibi d/o Siraj Ahmad,
R/o Waliabad Chowk, Uchusht, Chitral Lower.

Dated 12-7-2021

.....(APPELLANT)

Versus

- ✓ 1. Hon'ble The District & Sessions Judge/ Competent Authority,
Lower Chitral.
- 2. Inquiry Officer (Hon'ble The Senior Civil Judge (Judicial)),
Lower Chitral.
- 3. Hon'ble The Senior Civil Judge (Administration),
Lower Chitral.
- 4. Administrative Judge /Hon'ble The Senior Puisne Judge, Peshawar High
Court, Peshawar
Thr.
Registrar Peshawar High Court, Peshawar.

.....(RESPONDENTS)

Deleted
order dated
24/08/2021

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER DATED 03-03-2021, BEARING NO: 492-96
DSJ/ZQ/CTL, ISSUED BY RESPONDENT NO. 1, WHEREBY AGREEING
WITH THE RECOMMENDATIONS ADVANCED BY RESPONDENT NO. 2 IN
HIS INQUIRY REPORT DATED 15-02-2021, MAJOR PENALTY OF
DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT
UNDER RULE 4(1)(B)(IV) OF THE GOVERNMENT OF KHYBER
PAKHTUNKHWA CIVIL SERVANTS (EFFICIENCY & DISCIPLINE)
RULES, 2011.

Filed to-day
Registrar

12/7/2021

Prayer: On acceptance of this service appeal, this hon'ble Tribunal may be
pleased to quash and set-aside the impugned office order No. 492-96
DSJ/ZQ/CTL, dated 03/03/2021 and the inquiry report dated 15-02-
2021; declare the impugned orders supra and the entire exercise
undertaken by the respondents being not in accordance with law;
against the available record; illegal; apparently a result of
malice and mala fide intent; based on surmises and conjectures;
uncalled for; unreasonable; and harsh; and that the appellant may
graciously be exonerated of all charges; and that the respondents
may be directed to reinstate the appellant with all back benefits
in order to save the ends of justice.

Re-submitted to -day
and filed.

Registrar
13/7/2021

Respectfully Sheweth!

- I. That the appellant has the privilege of being a citizen of Pakistan; a
bona fide resident of Khyber Pakhtunkhwa province; and domiciled at
district Chitral. Prior to her dismissal from service by virtue of office

order dated 03-03-2021—impugned herein—she had the honor of being in the service of District Judiciary Chitral, rendering her services as *Moharir* in the Court of learned Senior Civil Judge (Admin), Chitral Lower. The appellant also boasts of receiving 'Appreciation Certificate' from hon'ble the Chief Justice of Pakistan and hon'ble the Chief Justice of Peshawar High Court, Peshawar in appreciation of her performance rendered as *Moharir* Model Trial Magistrate Court, District Chitral.

II. Without prejudice to the above and in addition thereto, please note that the appellant had made her departmental representation against the impugned order hereinabove to the departmental authority on the 18th of March, 2021. No order whatsoever has yet been communicated to the present appellant as to its acceptance or rejection, hence the present appeal which is well within the prescribed period of limitation.

III. That for the sake of convenience, brief but important facts which led to filing the present service appeal are chronologically laid down herein as follows;

1. On the 26-11-2020, the appellant, feeling unwell due pain in her chest and arm, went to the chambers of respondent No. 3 just before the closing hours of Court, and requested the latter that since she was not feeling very well, therefore, she may be granted leave. Respondent No. 3 was gracious enough to verbally sanction her two days leave, i.e. 27-11-2020 & 28-11-2020. Please note that the appellant was verbally allowed to proceed on leave and was directed to move her application as such, for fulfilling codal formalities.
2. The appellant under the impression that her leave had been sanctioned by respondent No. 3, proceeded to draft an application as well on the directions of respondent No. 3 to fulfill codal formalities. By then, since the Court's working hours were over, therefore, she felt it appropriate to leave the said application on her office desk and asked one Khair Uddin, *Naib Qasid*, to place it before respondent No. 3 the next working day, i.e. 27-11-2020.
3. In the morning of 27-11-2020, the appellant called Khair Uddin, reminding him to place the said application before respondent No. 3, which he accordingly did. Please note that the appellant was never communicated anything with regard to the rejection of her application, which fact can be gathered from record as well. So the appellant was under *bona fide* impression that she was on sanctioned leave.
4. On the 27-11-2020, given the norms and mores of *Chitrali* culture in entertaining guests, the appellant's paternal aunt requested her to attend to their family friend, who is an official of ETEA and had come supervise a recruitment test. Accordingly, she went to the test centre to invite the guest to her home. To her astonishment, whilst she was waiting at the centre for this guest to wrap up his official work, respondent No. 3 along with other officials of the

Court barged in and inquired the appellant as to what she was doing at the centre; why she was unauthorizedly performing duty with ETEA staff; and that why she was absent from her duty at the Court. The appellant although shocked, kept her composure, despite the fact that the very demeanor of the officials of the Court tantamount to harassing the former. She accordingly answered the queries of the learned respondent No. 3.

- 5. On the 02-12-2020, the learned respondent No.3 filed a complaint against the appellant before the learned respondent No. 1. This was followed by letter dated 09-12-2020 from respondent No. 1 seeking explanation from the appellant which was accordingly replied to vide letter dated 15-12-2020. Please note that in the meanwhile, the learned respondent No. 3 issued another letter dated 11-12-2020 to the appellant intimating her to mend her attitude.
- 6. Consequently, being not satisfied with the explanation of the appellant, the learned respondent No. 1 was pleased to initiate disciplinary proceedings against the appellant by virtue of office order dated 16-12-2020. Accordingly, statement of allegations coupled with charge sheet of even date was served upon her.
- 7. After conclusion of the said inquiry, the learned respondent No. 2 submitted his report dated 15-02-2021. The worthy respondent No. 1 concurring with the recommendations of the inquiry officer, imposed major penalty of dismissal from service upon the appellant by virtue of office order dated 03-03-2021.
- 8. Being aggrieved of the said order, and having been left with no other alternate and equally efficacious remedy, the appellant seeks indulgence of this august Tribunal in its appellate jurisdiction on grounds, *inter alia*, as under;

GROUNDS:

- A. That with all due respect, the entire proceedings undertaken against the appellant up to his dismissal from service smack of *mala fide* intent, malice and ulterior motives; are arbitrary; biased; unreasonable; against the facts on record; against the norms of justice and fairplay and as such, are liable to be set-aside.
- B. That the findings rendered by the worthy respondent No. 2 in his inquiry report and agreed^{to} by hon'ble respondent No. 1 are not in accordance with law; unlawful; illegal; against the available record in shape of evidence of parties; bereft of cogent reasons; and as such are liable to be set-aside.

- C. That the findings of both the learned respondents No. 1 & 2 are replete with misreading and non-readings of evidence. As such, material irregularity and illegality exist on the face of the impugned orders.
- D. Without prejudice to the above and in addition thereto, the learned respondent No. 2 in his inquiry report and the worthy respondent No. 1 in order dated 03-03-2021 have travelled beyond the scope statement of allegations and charge-sheet by accusing the appellant of serious moral turpitude thereby putting a grave stigma on her person. On this score alone, the impugned order dated 03-03-2021 coupled with inquiry report dated 15-02-2021 may be set-aside.
- E. Without prejudice to the above and in addition thereto, the entire proceedings have been carried out in complete disregard to the law dealing with the subject.
- F. That the chronology of events mentioned herein above, commencing from sanctioning verbal leave to the appellant; cancelling her leave at her back; humiliating her person in public; filing complaint on 02-12-2020; seeking explanation *vide* letter dated 09-12-2020; letter dated 11-12-2020 directing the appellant to mend her attitude; and ending up on the service of charge-sheet / statement of allegations dated 16-12-2020, culminating into the dismissal of the undersigned appellant from service *vide* order dated 03-03-2021, clearly suggests that the entire exercise undertaken against the appellant had been premeditated. The appellant as such, has been framed for charges having no nexus with her whatsoever. This merits that the impugned order dated 03-03-2020 coupled with inquiry report dated 15-02-2021 may be set-aside on this score alone.
- G. Without prejudice to the above and in addition thereto, with utmost respect, the *mala fide* intent is apparent from the fact that after forwarding a complaint to the learned respondent No. 1, respondent No. 3 also issued warning / counseling letter dated 11-12-2020 directing the appellant to mend her attitude.
- H. Without prejudice to the above and in addition thereto, it is by now a well settled principle of law, anchored by a plethora of judgments of our Constitutional Courts and beyond, the *ratio* of which states that where major penalty of dismissal from service is proposed, the charge/s leveled shall have to be proved beyond reasonable doubt. That is to say that the threshold of proving a charge is on the same footing as in a criminal trial. In case of the petitioner, the charges so leveled for one, are too vague and general. Secondly, no tangible evidence was brought on record so as to prove these charges as against her. Thirdly, the evidence as against the appellant is full of contradictions. This all the more requires that the impugned order dated 03-03-2021 coupled with inquiry report dated 15-02-2021 may be set-aside on this score alone.
- I. Without prejudice to the above and in addition thereto, the impugned order dated 03-03-2021 coupled with inquiry report dated 15-02-2021 have casted a stigma on the person of the appellant. The findings rendered by both the respondents No. 1 & 2 are purely based on surmises and

conjectures, and are expressly against the available record. They not only have prejudiced the career of the appellant but her character as well, meriting that they be set-aside to save the appellant from grave hardships.

J. Without prejudice to the above and in addition thereto, the charges so leveled against the petitioner; the events leading to service of charge-sheet and statement of allegations; the entire exercise carried out in this regard; and culminating into his dismissal from service tantamount to defeating the ends of justice; a travesty of rule of law; blatant violation of fair trial and due process, which may kindly be declared as such.

K. Without prejudice to the above and in addition thereto, it is also a settled principle of law and equity that the punishment being imposed has to be commensurate with the offence committed, if any. In case of the appellant, if for the sake of argument it is assumed that she has been guilty of all the charges leveled against her, then too major penalty of dismissal from service is way too harsh and not commensurate with the charges so leveled. This all the more requires that in order to meet the ends of justice, the penalty so imposed may graciously be set-aside. The appellant being a divorcee and a woman has done nothing injurious in her capacity which could harm or tarnish her reputation, or damage the image of the department, or which could be termed as *inefficiency* or *misconduct* within the meaning of Rule 2 (1) (i) & (1) of the E & D Rules, 2011.

L. Any other ground which may also be raised with prior permission of this august Tribunal at the time of hearing of this appeal.

It is, therefore, most humbly prayed that this appeal may graciously be allowed as prayed in the prayer clause hereinabove.

Any other relief may also be granted if deemed just and expedient in the given circumstances of the case.

Kasbi
Appellant

Through

OMM
Sadiq Ali Momand,
Advocate High Court, Peshawar.

&

[Signature]
Umair Iqbal
Advocate High Court, Peshawar.

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2021

Mst. Kashifa Bibi
VERSUS
District & Sessions Judge, Lower Chitral & Others

Verification / Affidavit

As stated

Verified on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this worthy Tribunal.

Deponent

ATTESTED

Zakaria
9-7-21
Zakaria Khan Khalil
Advocate
High Court/Oath Commissioner

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No: _____ / 2021

Mst. Kashifa Bibi
VERSUS
District & Sessions Judge, Lower Chitral & Others

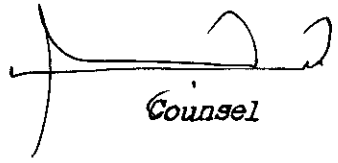
Memo of Parties

APPELLANT:

Mst. Kashifa Bibi d/o Siraj Ahmad,
R/o Waliabad Chowk, Uchusht, Chitral Lower.

RESPONDENTS:

1. Hon'ble The District & Sessions Judge/ Competent Authority,
Lower Chitral.
2. Inquiry Officer (Hon'ble The Senior Civil Judge (Judicial)),
Lower Chitral.
3. Hon'ble The Senior Civil Judge (Administration),
Lower Chitral.
4. Administrative Judge /Hon'ble The Senior Puisne Judge, Peshawar High
Court, Peshawar
Thr.
Registrar Peshawar High Court, Peshawar.

Through Appellant

Counsel



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA, CHITRAL

OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN), CHITRAL LOWER

PH# 0943- 413812

Email: scjchitral@gmail.com

Fax# 0943- 413498

No. 365 /SCJ/Admin/Chitral

Dated: 02/12/2020

ANNEX-A (8)

Ex Appw 4/
scj, Chitral
02/12/2020

To:

The learned District & Sessions Judge/Zilla Qazi,
Chitral Lower.

COMPLAINT AGAINST KASHIFA BIBI JUNIOR CLERK.

Respected Sir,

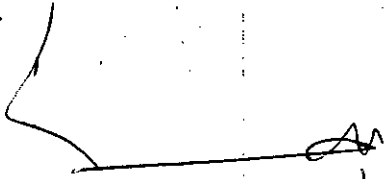
1. That on 26.11.2020 Kashifa Bibi Junior Clerk submitted 02 days casual leave application for 27.11.2020 & 28.11.2020 but as per report of the Clerk of Court (COC) her leave balance has already been exhausted, therefore, request for casual leave was regretted and COC was directed to inform her regarding refusal of casual leave. (Leave application and copy of the relevant page of balance register is attached).
2. That on 27.11.2020 she remained absent from her duty, resultantly she was marked absent in the attendance register. (Copy of relevant page of attendance register is attached).
3. That on 27.11.2020 at about 12:30 PM one of the staff member namely Faiz-ur-Rahman Bailiff of the court informed the undersigned that the official named above (Kashifa Bibi) is performing duty with the ETEA Staff at Football Stadium near Shahi Mosque for recruitment of police constables.

Attested
Copy Clerk
Session Court / ZC
Chitral

03-07-2021

- (a)
4. That the undersigned in official vehicle along with Nabi Gul (driver) and Abdul Haq (Computer Operator) rushed to the spot for the verification of information as such like allegation and inquiry already pending against the official named above. (Copy of complaint and her comments attached).
 5. That the undersigned found the official named above while performing duty with the ETEA officials for recruitment of police constables in the Football Stadium near Shahi Mosque. The Computer Operator namely Abdul Haq made video recording and snap shots of the scene for proof. (Snap shots and video recording in separate USB attached).
 6. The undersigned recorded the written statement of the Deputy Director ETEA on the spot, wherein, he stated that the official named above is performing duty with them on the recommendation of Director of the ETEA on daily wages. (Statement attached).
 7. That the official named above remained absent from her duty on 27.11.2020 and unauthorized and illegally performed duty with ETEA staff for recruitment of police constables without any permission. Such act of the official named above amounts to misconduct and unfit to remain in service.

The complaint is hereby submitted against the official named above Kashifa Bibi Junior Clerk (attached as Muharrir with the court of undersigned) for further necessary action on your part, please.


(Muhammad Irfan) 2/12/2020
Senior Civil Judge (Admin),
Chitral Lower

Attested
Copy Clerk
Session Court / ZO
Chitral

03-07-2021



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge/Zilla Qazi Lower Chitral

Ph # 0943-412533 Fax # 0943-412380 E-Mail: dsjctl@gmail.com

No. 2935 DSJ/ZQ/CTL Dated. 09/12/2020

ANNEX-B
10

To,

Miss Kashifa Bibi,
Junior Clerk (Muharrir),
Court of Senior Civil Judge (Admn),
Lower Chitral

Subject: EXPLANATION.

Reference to a complaint/report submitted by the learned Senior Civil Judge (Admn) Lower Chitral vide letter No. 365/SCJ/Admn dated 02.12.2020, to the undersigned, you were found absent from your duty on 27.11.2020, without prior permission of the competent authority and was found performing duty with the ETEA Staff for recruitment of police constables at Football Stadium near Shahi Mosque. Although, you were intimated regarding your non availability of casual leave by the Officer concerned, therefore, you are directed to submit your explanation for the willful absence as well as performing duties other than your official duties with ETEA staff and that to without any approval or sanction of the competent authority within seven days after the receipt of this notice, failing which you will be proceeded under KPK Government Servant (Efficiency & Disciplinary Rules), 2011.

(JAVAJD-UR-REHMAN)

District & Sessions Judge/Zilla Qazi,
Lower Chitral.

No. 2936 DSJ/ZQ/CTL

Copy Forwarded for information to:

The Senior Civil Judge (Admn), Chitral

Dated Chitral the 09/12/2017.

Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021

(JAVAJD-UR-REHMAN)

District & Sessions Judge/Zilla Qazi,
Lower Chitral.



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA, CHITRAL

OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN), CHITRAL LOWER

PH# 0943- 413812

Email: scjchitral@gmail.com

Fax# 0943- 413498

No. 579 /SCJ/Admin/Chitral

Dated: 11 / 12 /2020

ANNEX C
11
11
11

From

Muhammad Irfan
Senior Civil Judge (Admin),
Chitral Lower.

To

Kashifa Bibi,
Junior Clerk/Muharrir,
Court of Senior Civil Judge (Admin), Chitral Lower.

Exc Apw 4/4
SES/10, Chitral
09/10/2021

COUNSELLING.

Memo,

Complaints are regularly received against you on the following grounds:-

1. Late comer.
2. Early leaving from the duty.
3. Not present on seat and used to sit with general public/advocates/ male staff members during office timings.
4. Fond of casual leave on flimsy grounds.
5. Having contacts with persons other than your close relatives.

You are, therefore, hereby directed to be careful in future and mend your attitude, otherwise, strict action under the E&D Rules shall be initiated you. The counselling letter is hereby sent to you to mend your attitude.

(~~Muhammad Irfan~~)

Senior Civil Judge (Admin),
Chitral Lower

11.12.20

No. 580 /SCJ/Admin/Chitral

Dated: 11 / 12 /2020

Copy forwarded to:

1. The Hon'ble District & Sessions Judge, Chitral Lower.
2. Office copy.

Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021

(~~Muhammad Irfan~~)

Senior Civil Judge (Admin),
Chitral Lower

Sen
A

12-12-20

ANNEX-D
12

To:

Hon'ble District & Sessions Judge/ZQ,
Lower Chitral.

Subject: EXPLANATION.

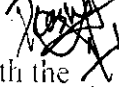
Dear Sir,

With due respect it is submitted that reference to your honor's letter No.2935/DSJ/ZQ/CTL Dated 09.12.2020, that on 26.11.2020 the learned Senior Civil Judge (Admin), Lower Chitral, orally asked me to take leave due to arm pain for two days. Furthermore on 27.11.2020 telephonically asked my colleague namely Khair Uddin (Naib Qasid) to submit casual leave application for the mentioned date due to arm pain. Moreover, no one has informed me about the acceptance or rejection of my casual leave application, hence, I considered my application as accepted.

As far as performing duty with ETEA Staff for recruitment is concerned, it is baseless allegation against me as neither have any order by the concerned Authority nor I have attended that recruitment process. My presence at Football Ground was due to my concerned person, who was hailing from down district; was performing duty and I went there to invite him to my home.

It is therefore humbly requested in your honor that, kindly withdraw the explanation on humanity ground.

Dated: 15.12.2020

(KASHIFA BIBI) 
Junior Clerk, Attached with the
Court of SCJ (Admin)
Lower Chitral.

*Scm
let a reply be also provided
by learned SCJ Admin in
file along with my downing record*

*dsj 15.12.20
02.20 PM*



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA, CHITRAL

OFFICE OF THE SENIOR CIVIL JUDGE (ADMIN), CHITRAL LOWER

PH# 0943- 413812

Email: scjchitral@gmail.com

Fax# 0943- 413498

No 594 /SCJ/Admin/Chitral Dated: 16/12/2020

ANNEX-D1
13

To:

The learned District & Sessions Judge/Zilla Qazi,
Chitral Lower.

**REPLY IN RESPECT OF EXPLANATION SUBMITTED BY
KASHIFA BIBI JUNIOR CLERK REGARDING A
COMPLAINT AGAINST HER.**

Respected Sir,

My reply to the explanation submitted by above named official is
as under:-

1. A complaint was submitted by the undersigned against the Kashifa Bibi Junior Clerk on 02.12.2020. On 09.12.2020 your good self has asked for submission of explanation. On 15.12.2020 the said official submitted her explanation, wherein, she has taken the ground that the undersigned had orally asked her to take leave due to arm pain for two days. Such statement is wrong, illegal and against facts. In this respect it is submitted that on 26.11.2020 the said official during courts hours verbally submitted that due to arm pain she may be granted two days leaves, the undersigned asked her to submit casual leave application. On the same day her leave application was presented to the undersigned by the concerned

Attested

Copy Clerk

Session Court / ZQ
Chitral

03-09-2021

16-12-20

(14)

staff along with the balance register. As per the report of Clerk of Court (COC), her leave balance was already exhausted, resultantly, her request for casual leave was regretted and COC was directed to inform her regarding refusal of casual leave. Furthermore, the official under report is not my personal servant to grant her leave orally and there is rule and procedure for obtaining/granting of casual leaves etc to government officials.

Moreover, in the said explanation the delinquent official has taken contradictory stance as she has stated that "on 27.11.2020 telephonically asked my colleague namely Khair-ud-Din (Naib Qasid) to submit casual leave application for the mentioned date due to arm pain". Perusal of her leave application reveals that she has submitted the said application on 26.11.2020 by signing the said application herself and the same was also turned down/regretted on the same date i.e. 26.11.2020. (Her leave application already been annexed with the original complaint).

2. The other ground taken in the said explanation that she has not performed any duty with the ETEA staff for recruitment is concerned, in this respect my complaint against her is self-explanatory.

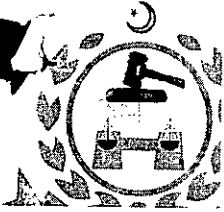
My reply is hereby submitted as desired, please.

(Muhammad Irfan)
Senior Civil Judge (Admin), 16/12/2020
Chitral Lower

Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021

16.12.20



15 ANNEX-E

(A) (B)

Ex AP 4/12
09/12/2020

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,
Office of the District & Sessions Judge/Zilla Qazi Lower Chitral
Phone # 0943-412533, Fax # 0943-412380, E-Mail: dsjctl@gmail.com
No. 3065-3066 DSJ/ZQ/CTL Dated: 16 / 12 / 2020.

OFFICE ORDER

Written complaint/report was submitted by the learned Senior Civil Judge (Admn), Lower Chitral vide his letter No. 365/SCJ/Admn/Chitral dated 02.12.2020 against accused/official namely Mst: Kashifa Bibi Junior Clerk BPS-11 presently Muharrir attached to the court of learned Senior Civil Judge (Admn)/MTMC, Chitral. This office by virtue of office order bearing No. 2935/District & Sessions Judge/ZQ/CTL dated 09.12.2020 issued explanation/show cause notice to the accused/official. As per the written reply of the accused/official and clarification of learned Senior Civil Judge (Admn) vide his letter No. 594/SCJ/Admn/Chitral dated 16.12.2020, coupled with the main complaint, the reply so filed by the accused/official was not found satisfactory, therefore, the undersigned being Competent Authority under section 5(b) read with section 11 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 direct an inquiry to be conducted into the charges against the accused/official by appointing Mr. Asif Kamal Senior Civil Judge (Judicial), Lower Chitral as an Inquiry Officer as per charge sheet and statement of allegations prepared by the Competent Authority under the provided procedure for conduct of inquiry, at the earliest while observing all the formalities. The relevant record be sent to the Inquiry Officer forthwith and the accused/official be also informed.

Encl:

24-pages and one CD

(JAVAD-UR-REHMAN)
District & Sessions Judge/ZQ,
Lower Chitral.

Copy forwarded for information and compliance to:

1. The learned Senior Civil Judge (Judicial) Mr. Asif Kamal
2. The accused/official concerned.

(JAVAD-UR-REHMAN)
District & Sessions Judge/ZQ,
Lower Chitral

Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA.

Office of the District & Sessions Judge/Zilla Qazi Lower Chitral

Ph # 0943-412533 Fax # 0943-412380 E-Mail: dsjctl@gmail.com

No. _____ DSJ/ZQ/CTL Dated: _____/2020

ANNEX-BI
16

Ex AP...
No. Chief...
09/02/2021

OFFICE ORDER:

In continuation of this office order vide bearing No. 3065-64 DSJ/ZQ/CTL dated 16 / 12 /2020 Mr. Sajjad Ahmad Junior Clerk (BPS-11) of this Establishment is hereby appointed as departmental representative with the direction to defend the inquiry on behalf of this office and to provide relevant records pertaining to the inquiry to the accused/official forthwith. The departmental representative shall also provide all the necessary documents including list of witnesses to the inquiry officer.

(JAVAIID-UR-REHMAN)
District & Sessions Judge/Zilla Qazi,
Lower, Chitral.

No. 3069-72 /DSJ/ZQ/CTL

Dated 16 / 12 /2020

Copy forwarded for information to:

1. The Senior Civil Judge(Judl), Lower Chitral.
2. The accused official concerned.
3. The departmental representative

(JAVAIID-UR-REHMAN)
District & Sessions Judge/Zilla Qazi,
Lower, Chitral.

Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,
Office of the District & Sessions Judge/Zilla Qazi Lower Chitral

Phone # 0943-412533, Fax # 0943-412380, E-Mail: dsjctl@gmail.com

No. 3067 DSJ/ZQ/CTL

Dated: 16 / 12 /2020.

ANNEX-F
17

To, Mrs. Kashifa Bibi Junior Clerk BPS-11,
Presently Muharrir attached to the court of
Senior Civil Judge (Admn)/MTMC Lower Chitral

Subject: **STATEMENT OF ALLEGATION**


1. That you accused/official on 26.11.2020 submitted 02 days casual leave application for 27.11.2020 & 28.11.2020 but as per report of the Clerk of Court (COC) your leave balance was already been exhausted, therefore, your request for grant of casual leave was regretted by the learned Senior Civil Judge (Admn) and you were also been informed regarding refusal of casual leave.
2. That despite of refusal of your leave you remained absent from your duty on 27.11.2020 and you were marked absent in the attendance register.
3. That on 27.11.2020 at about 12:30 PM one of the staff member namely Faiz-ur-Rahman Bailiff of the court informed the learned Senior Civil Judge (Admn) that you were performing duty with the ETEA Staff at Football Stadium near Shahi Mosque for recruitment of police constables.
4. That the learned Senior Civil Judge (Admn) in official vehicle along with Nabi Gul (driver) and Abdul Haq (Computer Operator) rushed to the spot for the verification of information as such like allegation/complaint had already been submitted by unknown person previously and you accused/official had already submitted reply to the said complaint.

Attested
Copy Clerk
Session Court / ZQ
Chitral
03-07-2021

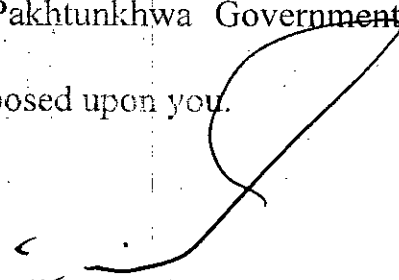
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5. That the learned Senior Civil Judge (Admn) found you while performing duty with the ETEA officials for recruitment of police constables in the Football Stadium near Shahi Mosque. The Computer Operator namely Abdul Haq made video recording and snap shots of the scene for proof.
6. The learned Senior Civil Judge (Admn) also recorded the written statement of the Deputy Director ETEA on the spot, wherein, he stated that you accused/official was performing duty with them on the recommendation of Director of the ETEA on daily wages.
7. That you accused/official remained absent from your duty on 27.11.2020 and unauthorized and illegally performed duty with ETEA staff for recruitment of police constables without any permission.
8. That the reason assigned by you accused/official in your reply with regard to absence from your duty and performing duty with ETEA staff is not found satisfactory.
9. That you accused/official has been accused of misconduct as defined in section 2(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

You are therefore, required to explain your position that why not penalties provided under section 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, be imposed upon you.


Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021


(Javid-ur-Rehman)
District & Sessions Judge/ZQ,
Lower Chitral
(Competent Authority)



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge/Zilla Qazi Lower Chitral

Phone # 0943-412533, Fax # 0943-412380, E-Mail: dsjctl@gmail.com

No. 3068 DSJ/ZQ/CTL

Dated: 16 / 12 / 2020.


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To, Mrs. Kashifa Bibi Junior Clerk BPS-11,
Presently Muharrir attached to the court of
Senior Civil Judge (Admn)/MTMC Lower Chitral

Subject: **CHARGE SHEET**

Memo,

1. That you accused/official on 26.11.2020 submitted 02 days casual leave application for 27.11.2020 & 28.11.2020 but as per report of the Clerk of Court (COC) your leave balance was already been exhausted, therefore, your request for grant of casual leave was regretted by the learned Senior Civil Judge (Admn) and you were also been informed regarding refusal of casual leave.
2. That despite of refusal of your leave you remained absent from your duty on 27.11.2020 and you were marked absent in the attendance register.
3. That on 27.11.2020 at about 12:30 PM one of the staff member namely Faiz-ur-Rahman Bailiff of the court informed the learned Senior Civil Judge (Admn) that you were performing duty with the ETEA Staff at Football Stadium near Shahi Mosque for recruitment of police constables.
4. That the learned Senior Civil Judge (Admn) in official vehicle along with Nabi Gul (driver) and Abdul Haq (Computer Operator) rushed to the spot for the verification of information as such like allegation/complaint had already been submitted by unknown person previously and you accused/official had already submitted reply to the said complaint.
5. That the learned Senior Civil Judge (Admn) found you while performing duty with the ETEA officials for recruitment of police constables in the


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Chitral

03-07-2021

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Football Stadium near Shahi Mosque. The Computer Operator namely Abdul Haq made video recording and snap shots of the scene for proof.

6. The learned Senior Civil Judge (Admn) also recorded the written statement of the Deputy Director ETEA on the spot, wherein, he stated that you accused/official was performing duty with them on the recommendation of Director of the ETEA on daily wages.
7. That you accused/official remained absent from your duty on 27.11.2020 and unauthorized and illegally performed duty with ETEA staff for recruitment of police constables without any permission.
8. That the reason assigned by you accused/official in your reply with regard to absence from your duty and performing duty with ETEA staff is not found satisfactory.
9. That you accused/official remained willful absent from your duties on 27.11.2020 and performed duty with the ETEA officials for recruitment of police constables in the Football Stadium near Shahi Mosque is amounts to misconduct and willful disobedience, hence, you accused/official has been accused of misconduct as defined in section 2(1) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

You are therefore, required to explain your position that why not penalties provided under section 4 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, be imposed upon you.

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Chitral
03-07-2021

(Javaid-ur-Rehman)
District & Sessions Judge/ZQ,
Lower Chitral
(Competent Authority)

(21)
ANNEX-6

BEFORE
ASIF KAMAL SENIOR CIVIL JUDGE/JUDICIAL MAGISTRATE,
LOWER CHITRAL
(INQUIRY OFFICER)

INQUIRY REPORT:-

Vide office order bearing No.3065-3066/DSJ/ZQ/CTL the instant inquiry was initiated against accused/official Mst. Kashifa Bibi Junior Clerk BPS-11, presently Muharir attached to the court of Senior Civil Judge (Admin) Lower Chitral. The accused/official was charge sheeted and statement of allegation given by Hon'ble District Judge, Lower Chitral. The inquiry was marked to the undersigned to proceed with the inquiry as Inquiry Officer vide order dated 16.12.2020 by Hon'ble District Judge, Lower Chitral. The undersigned conducted inquiry proceedings by observing all the formalities.

As per charge sheet there are two allegations against the accused/official:

- i. The accused/official remained absent from her official duty despite the fact that her application was rejected.
- ii. The accused/official performed ETEA duties without departmental permission.

The undersigned conducted inquiry proceeding and after personal attendance of parties i.e. departmental representative (Mr. Sajjad Ahmad) and accused official (Mst. Kashifa Bibi), produced their list of witnesses. After submission of list of witnesses parties produced their documentary as well as oral evidence.

Complainant/Muhammad Irfan/Senior Civil Judge (Admin) Lower Chitral recorded his statement as APW-1 and stated that on 26.11.2020 the accused/official submitted 02 days casual leave application, but as per report of the COC her leave balance was expired/exhausted. That the accused/official remained absent on 27.11.2020, therefore, she was marked absent in the attendance register.

Inquiry report

15/02/2021

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Chitral
03-07-2021

That on even date at 12:30 PM one of staff members namely Faiz ur Rehman bailiff informed him that the accused/official was performing duty with the ETEA staff in the football ground. That Senior Civil Judge (Admin) along with Gul Nabi Driver, Abdul Haq/Computer Operator rushed to the spot for verification of allegations. It was found that the accused/official while performing duty with the ETEA staff for recruitment of police constables at football stadium near Shahi Mosque Lower Chitral. Abdul Haq recorded video and took snap shots of the scene for proof and Senior Civil Judge (Admin) recorded statement of Deputy Director ETEA on the spot, wherein he verified that the accused/official was performing ETEA duty with them on daily wages. The APW-1 exhibited leave application as Ex.APW-1/1, balance register as Ex.APW-1/2, page of attendance register as Ex.APW-1/3, complaint and comments as Ex.APW-1/4 & Ex.APW-1/5, video recording and snap shots in DVD as Ex.APW-1/6 and original statement of Deputy Director of ETEA as Ex.APW-1/7.

Abdul Haq/computer operator recorded his statement as APW-2 and verified the fact that on direction of Senior Civil Judge (Admin) he went to football Stadium and recorded video and snapshot of the accused official who was performing duty with the ETEA staff.

Faiz ur Rehman Bailiff of the court recorded his statement as APW-3 and stated that on 27.11.2020 when he was going to offer Jummah Prayer in Jamia Mosque he saw the accused/official performing duty with the ETEA staff in the parade/football ground and reported the matter to Senior Civil Judge (Admin) Lower, Chitral.

Departmental Representative Sajjad Ahmad recorded his statement as APW-4 and stated that the service record of the accused/official is not good and produced exhibited written complaint against the accused/official as Ex.APW-4/1, order of District Judge dated 16.12.2020 as Ex.APW-4/2, his authority letter as Ex.APW-4/3, warning to accused/official as Ex.APW-4/4, order of District Judge dated 07.07.2018 as Ex.APW-4/5 vide which the accused/official was

Inquiry report

15/02/2021.

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Chitral

03-07-2021

penalized and her two annual increments were withdrawn. Warning/counselling order to the accused/official dated 26.01.2021 as Ex.APW-4/6 and another counselling letter to accused/official as Ex.APW-4/7.

In defense, accused/official produced Khair ud Din/Naib Qasid as RW-1 who stated on oath that on 26.11.2020 Kashifa Bibi (accused/official) told her that she had taken oral permission from Hon'ble Senior Civil Judge (Admin) to go on leave and asked him to submit her application for sanctioning of casual leave before Senior Civil Judge, (Admin). That on 27.11.2020, Kashifa Bibi again called me to submit her application, so, I submitted her application to Senior Civil Judge, (Admin) in his chamber.

Accused/official recorded her statement as RW-2 and stated that on 26.11.2020 she was sick, therefore, she went to the chamber of Senior Civil Judge (Admin) and orally requested for casual leave. The Hon'ble Judge orally permitted her and asked to submit casual leave application. She wrote application and after signing it I told Naib Qasid Khair ud Din to submit the same to Hon'ble Senior Civil Judge, (Admin) and went home. That on 27.11.2020 her aunt called her that one of her relative is performing ETEA duty at Chitral and asked her to invite him. She went to the football ground to invite the guest.

Accused/official written arguments while departmental representative relied upon his already submitted documents. My findings in respect of Charge Sheet are as under:-

Findings:-

The original casual leave application moved by accused/official is available on file as Ex.APW-1/1; wherein it has been clearly reported by the Clerk of Court that the leave balance of accused/official (Mst. Kashifa Bibi) has already expired/exhausted. Moreover, Senior Civil Judge, Admin has regretted the said leave application on the basis of COC report and has directed to inform the concerned official.

Inquiry report

15/02/2021

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Chitral
03-07-2021

Moreover, copy of concerned page of attendance is available on file as Ex.APW-1/2, wherein the accused/official has been shown as Absent.

As for as the second allegation is concerned in this respect statement of Faiz ur Rehman Bailiff on oath is available on file, wherein he has stated that the accused/official was performing duty with the ETEA staff in the football ground on 27.11.2020. The recorded video in DVD (Ex.APW-1/6) which is part of instant inquiry file also supports the version of complainant and clearly confirms the presence of accused/official in the football ground during ETEA test where only the ETEA staff and candidates were present and no other person was allowed to enter in the football ground. The accused/official also admitted that she was present at football ground during ETEA test but she is of the view that she was there only to invite her guest who was performing ETEA duty. This is only verbal claim of accused/official that she was there only to invite her guest but record speaks against her. Moreover, statement of Deputy Director ETEA Mr. Riaz Akbar having CNIC No.17101-1215161-1 is part of record as Ex.APW-1/7, wherein he has admitted the fact that accused/official Mst. Kashifa Bibi was performing ETEA duty with them on 27.11.2020 at the time of recruitment of police constables.

Conclusion:-

Apart from above cited circumstances the overall performance of accused/official is not satisfactory. During her service many times she remained absent from her duty, resultantly so many explanations were called and warning/counselling have been issued to her. The accused official has been penalized once as a result of departmental inquiry.

Vide letter/counselling No.579 dated 11.02.2020 (Ex.APW-4/1), learned Senior Civil Judge (Admin) directed the accused/official to be careful in future for the following reasons:

- i. Late comer.
- ii. Early leaving from the duty.

Inquiry report

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Chitral

03-07-2021

15/02/2021

(Signature)

24




- iii. Not present on seat and used to sit with general public/advocates/male staff members during office timings.
- iv. Fond of casual leave on flimsy grounds.
- v. Having contacts with persons other than your close relatives.

Vide warning letter No.1172 dated 04.06.2020 (Ex.APW-4/4) the accused/official had been warned for the reason of absence from duty without sanctioned leave from competent authority by the Hon'ble District & Sessions Judge, Lower Chitral.

Another warning/counselling letter dated 06.01.2021 (Ex.APW-4/6) issued to the accused/official from Hon'ble District & Sessions Judge, Lower Chitral for non-observing of office timings and non-serious attitude towards her duties.

Most importantly, vide office order bearing endorsement No.2337-2341 dated 07.07.2018 (Ex.APW-4/5), as a result of inquiry the accused official was penalized withholding of two annual increments with the recovery of salary paid for the period of eleven days, by the then Hon'ble District & Sessions Judge, Lower Chitral. Despite of entire above mentioned warnings and penalty the accused/official did not mend her ways, thus the instant inquiry.


RECOMMENDATION:-

In view of my findings mentioned above, it is concluded that the charges leveled against the accused/delinquent official stands proved, which is grave misconduct, inefficiency and violation of discipline, therefore, suggested that the accused/official may be penalized with major penalty.

Inquiry Report is submitted to your honor for your kind perusal and further proper order.

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Session Court / ZQ
Chitral

03-07-2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge/Zilla Qazi Lower Chitral
Ph # 0943-412533 Fax # 0943-412380 E-Mail: dsjctl@gmail.com

No. 386 DSJ/ZQ/CTL

Dated: 17/2/2021

ANNEX-61

26

To,

Miss Kashifa Bibi,
Junior Clerk (BPS-11),
Posted as Muharrir, Court of Senior Civil Judge (Admn),
Lower Chitral

Subject: **PERSONAL HEARING**

Whereas, the Inquiry Officer has submitted his inquiry report on 15.02.2021. According to inquiry report allegations leveled against you accused/official has been proved, copy of inquiry report is also handed over to you accused/official, hence, you accused/official is hereby directed to appear before competent authority for personal hearing on 25/02/2021 at 09:00 AM, as provided by section 15 of KPK Government Servants, (Efficiency & Discipline) Rules, 2011.

(JAVOID-UR-REHMAN)

District & Sessions Judge/Zilla Qazi,
Lower Chitral/Competent Authority

No. 387 DSJ/ZQ/CTL

Dated Chitral the 17/2/2021.

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The Departmental Representative to appear before the competent authority along with relevant records.

(JAVOID-UR-REHMAN)

District & Sessions Judge/Zilla Qazi,
Lower Chitral Competent Authority

Letter No:- 386-88/DSJ/ZQ
Dated:- 17-02-2021. In original
along with inquiry report
Recd
Kashifa



(27) ANNEX-G2

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge/Zilla Qazi Lower Chitral
Ph # 0943-412533 Fax # 0943-412380 E-Mail: dsjctl@gmail.com

No. 388 DSJ/ZQ/CTL

Dated: 17/2/2021

To,

Miss Kashifa Bibi,
Junior Clerk (BPS-11)
Posted as Muharrir, Court of Senior Civil Judge (Admn),
Lower Chitral

Subject: **SHOW CAUSE NOTICE**

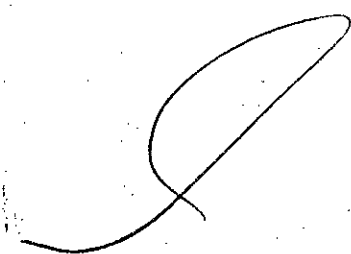
I, Javaid-Ur-Rehman District & Sessions Judge/Zilla Qazi, Lower Chitral as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you Miss Kashifa Bibi Junior Clerk BPS-11 as follow:

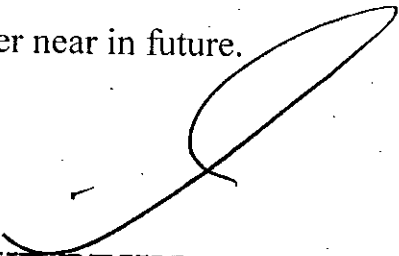
1. That on receipt of report from Inquiry Officer Mr. Asif Kamal Senior Civil Judge/AIQ, (Judl), Lower Chitral, I have examined the report and relevant case material and is of the opinion that the Inquiry has been conducted in accordance with the provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. That vide this office order No. 3067/DSJ/ZQ/CTL and 3068/DSJ/ZQ/CTL dated 16.12.2020, statement of allegation and charge sheet were provided to you accused official.
3. The Inquiry report submitted by the Inquiry Officer dated 15.02.2021 shows that the charges against you have been proved.
4. I, being the competent authority is satisfied that you accused official has committed the following acts/omissions as provided and specified in Rules 3(a)(b)&(d) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
 - (a) Inefficient;
 - (b) Guilty of misconduct;


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28

- (d) Guilty of habitually absenting herself from duty without prior approval of leave.
5. As a result, thereof, I being competent authority has tentatively decided to impose upon you accused/official the below major penalty as provided/specified in 4 of the stated Rules i.e 4(b)(iv), dismissal from service.
 6. You are therefore required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desired to be heard in person.
 7. If no reply to this show cause notice is received within 8 days of this delivery of show cause notice it shall be presumed that you have no defense to offer and in that case an ex-parte legal action shall be taken against you..
 8. You accused official may also be at liberty to submit additional defense in writing if any within the specified period of 8 days. As separate notice of personal hearing bearing endst: No. 386-87/DSJ/20 dated/17...../02/2021, has also been issued to you accused/official alongwith copy of inquiry report.
 9. The departmental representative is also directed to appear before the competent authority with all relevant record on 25/02/2021.


(JAVAID-UR-REHMAN)
District & Sessions Judge/Zilla Qazi,
Lower Chitral/Competent Authority

S. NO. OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
1	2	3
<p><u>Order No.15</u></p>	<p>25.02.2021</p>	<p>Present: Accused/Official Kashifa Bibi and Departmental Representative Mr. Sajjad Ahmad.</p> <p>Upon the delinquent Official show cause notice was served under the relevant Rules of Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules 2011, vide letter No. 388/DSJ/ZQ/CTL Dated 17.02.2021, and she was also directed to submit additional defense in writing if any, with in the specified period of 8 days. Moreover notice for personal hearing as required under rule 15 of ibid Rules, office letter No. 386-87/DSJ/ZQ/CTL Dated 17.02.2021, was also served. The delinquent official did not submit any reply to show cause notice nor any defense in writing. During personal hearing she denied the allegations leveled against her and placed reliance upon her already submitted reply, her statement and her cross examination on the witnesses produced by the departmental representative during the course of inquiry.</p> <p>File to come up for order near in future.</p> <p style="text-align: right;">  (JAVOID-UR-REHMAN) District & Sessions Judge/Zilla Qazi, Lower Chitral (Competent Authority) </p>


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 Session Court / ZQ
 Chitral
 03-07-2021

ANNEX H

30

1/2

Serial No. of order or Proceedings	Date of order or Proceedings	Order or other proceedings with signature of Judge or Magistrate and that of Parties or counsel where necessary
<p>ORDER 03.3.21</p> <p>Attested Copy Clerk Session Court/ZQ Chitral 03-07-2021</p>	<p>3.3.21</p>	<p>Present:</p> <p>Accused/Official Kashifa Bibi and departmental representative Sajjad Ahmad.</p> <p>Background of the case is that Senior Civil Judge (Admin), Lower Chitral submitted a complaint against the accused/official, who is currently posted as Muharrir to the court of Senior Civil Judge (Admin)/MTMC, Chitral Lower with following allegations:-</p> <ul style="list-style-type: none">(i) The accused/official remained absent from her official duty despite the fact that her application was rejected.(ii) The accused/official performed duty with ETEA staff for recruitment of police constables at football stadium near Shahi Mosque Chitral without departmental permission. <p>After receiving the complaint, vide office order bearing No. 2935/DSJ/ZQ/CTL dated 09.12.2020 explanation was called from the accused/official who submitted her reply, which was not found satisfactory. Hence, vide Office Order bearing No. 3065-3066/DSJ/ZQ/CTL dated 16.12.2020 an inquiry was initiated against her and Mr. Asif Kamal Senior Civil Judge (Judicial), Chitral was appointed as Inquiry Officer. The accused/official was charge-sheeted and statement of allegation was also given to her. During inquiry proceeding the departmental representative produced witnesses/ evidence in support of the complaint and in rebuttal the accused/official also</p>

Ord. Cont.

produced evidence. After recording evidence and hearing both sides the learned Inquiry Officer submitted his inquiry report before the undersigned with the following recommendations:-

"In view of my findings mentioned above, it is concluded that the charges levelled against accused/ delinquent official stands proved, which is grave misconduct, inefficiency and violation of discipline, therefore, suggested that the accused/ official may be penalized with major penalty."

After receiving the inquiry report show cause notice was served under the relevant rules of Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules, 2011 and accused/official was also directed to produce additional defense in writing, if any, within 08 days. Notice for personal hearing as required under Rule 15 of the ibid rules was also served upon the accused/official. The accused/official did not submit any reply to the final show cause notice nor additional defense in writing. During personal hearing she denied the allegations levelled against her and placed reliance upon already submitted reply, her statement and her cross-examination on the witnesses produced by the departmental representative during the course of inquiry.

Entire record pertaining to the inquiry proceedings gone through which reveals that the casual leave application submitted by the accused/official for two days i.e. 27 & 28 November, 2020 was regretted by the Senior Civil Judge (Admin) on 26.11.2020 on the basis of COC report that her leave balance has already been exhausted which is evident from the

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03-07-2021
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Ord. Cont.

record available in the inquiry file. For the sake of arguments if the stance of the accused/official is considered for a while that on 26.11.2020 she had taken oral permission from the Senior Civil Judge (Admin) to go on leave and asked her to submit application for sanctioning of casual leave, then why she has not submitted the said application on the same date i.e. 26.11.2020. Furthermore, the accused/official had taken the stance that no one has informed her regarding her refusal of casual leave for two days i.e. 27.11.2020 & 28.11.2020 then why she was present on her duty on 28.11.2020. She herself admitted in her statement as RW-2 that her leave balance has already been exhausted.

The second allegation against the accused/official was performing duty with ETEA staff in the football ground near Shahi Mosque for the recruitment of police constables on 27.11.2020. The video recording in DVD exhibited in the course of inquiry coupled with the statement of the Deputy Director ETEA Mr. Riaz Akbar confirms the presence of accused/official in the football ground and performing duty with ETEA staff without any departmental permission. The stance of the accused/official that she just went there to invite her guest for dinner, in this regard, she failed to produce any corroborative evidence as the available record and video recording speaks against her. Moreover, if she was sick and having pain in her hand and was unable to perform duty on 27.11.2020 then why she bothered to go to the football ground for inviting her guest. She could have invite her guest for dinner on phone call. When

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03-07-2021

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Ord. Cont.

the same query was asked during personal hearing, she admitted that she called her guest on the same very date at about 10/11 AM for inviting him for dinner but she could not gave any plausible reason/explanation that why she went to football stadium when she had already invited her guest on phone call.

The service record of the accused/official shows that on so many occasions she remained absent from her duty without any permission and several warnings/explanations were called from her. Vide warning letter No. 1172 dated 04.06.2020 the accused/official had been warned for reason of absence from her duty without sanctioned leave from the competent authority.

Warning/counseling letter dated 06.01.2021 was also issued to the accused/official for none observing the office timing and none serious attitude towards her duty. Most importantly vide office order bearing endorsement No. 2337-2341 dated 07.07.2018 as a result of inquiry the accused /official was penalized withholding of two annual increments with the recovery of salary paid for the period of 11 days, by the then learned District & Sessions Judge Chitral. Vide office order No. 579/SCJ/Admn/Chitral dated 11.12.2020 counselling letter was also issued to the accused/official to mend her attitude.

Furthermore, the general reputation of the said accused/official is also not good as several letters were received to the undersigned and some were pasted on the main gate of the court premises, wherein, serious moral allegations were levelled against her. In the counselling letter dated 11.12.2020 one of the


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Chitral

03-07-2021

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Ord. Cont.

complaint against the accused/official was that "not present on seat and used to sit with the general public/advocates/male staff members during office timing and having contacts with person other than close relative." There are other female staff in the District Judiciary Chitral, even a single complaint has not yet been received against any of the other female staff.

To sum up, keeping in view the findings and recommendation of the Inquiry Officer and after affording personal hearing to the accused/official and considering the facts of the case and defense offered by the accused/official, I fully agreed with the recommendation of the learned Inquiry Officer, that the accused/official is guilty of:

- (a) Inefficiency.
- (b) Guilty of misconduct
- (c) Guilty of habitually absenting herself from duty without prior approval of leave as provided in Rules 3(a)(b)&(d) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Therefore, being the Competent Authority, I hereby imposed major penalty upon the accused/official as provided/ specified in Rule 4 (b)(iv) Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, i.e. **dismissal from service**. Separate Office Order in this respect is issued.

File be closed.

Announced:

3.5.21

(Javid-ur-Rehman)
District & Sessions Judge/ZQ,
Chitral Lower
(Competent Authority)

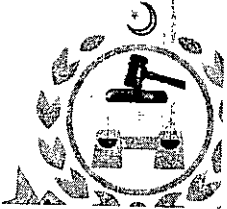
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03-07-2021

ANNEX-H1

36

A



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,
Office of the District & Sessions Judge/Zilla Qazi Lower Chitral
Phone # 0943-412533, Fax # 0943-412380, E-Mail: dsjct@gmail.com

OFFICE ORDER

WHEREAS, as per inquiry report of the learned Senior Civil Judge (Judicial) Chitral Lower/Inquiry Officer dated 16.12.2020, who was appointed as Inquiry Officer vide office order No. 3065-3066/DSJ/ZQ/CTL dated 16.12.2020, regarding inquiry against accused/official Mst: Kashifa Bibi, Junior Clerk BPS-11, posted as Muharrir to the court of learned Senior Civil Judge (Admin) Lower Chitral.

AND WHEREAS, upon inquiry report dated 15.02.2021 wherein, the Inquiry Officer has held the above named accused/ official guilty of grave misconduct, inefficient and violation of discipline and recommended that the accused/official may be penalized with major penalty. The delinquent official was served with final show-cause notice under Rule 14 (4) of Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules, 2011 vide this office letter No. 388/DSJ/ZQ/CTL dated 17.02.2021 coupled with notice of personal hearing vide letter No. 386/DSJ/ZQ/CTL dated 17.02.2021 as required under Rule 15 of the ibid Rules. The delinquent official failed to submit reply to the final show-cause notice nor produced any additional defense in writing. The Delinquent official was also given opportunity of personal hearing.

NOW, THEREFORE, in view of the inquiry report, the findings and recommendation of the Inquiry Officer, after affording personal hearing to the accused/official and considering the facts of the case and defense offered by the accused/official as well as her previous conduct, I being the

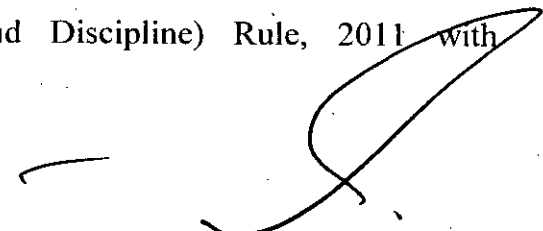
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Session Court / ZO
Chitral

03-07-2021

(37)

(P)

Competent Authority, hold that the allegations of inefficiency, misconduct, violation of discipline, habitual absenting herself from duty without prior approval of leave is proved against her. **THEREFORE**, as per the recommendation of the Inquiry Officer and while agreeing with the recommendation of Inquiry Officer, I, being Competent Authority, hereby imposed major penalty upon the accused/official i.e. **DISMISSAL FROM SERVICE**, as provided/specified in Rule 4(b)(iv) of Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rule, 2011 with immediate effect.

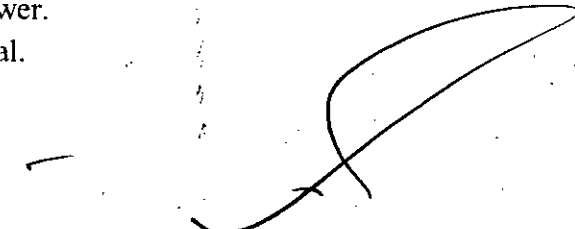

(JAVAID-UR-REHMAN)
District & Sessions Judge/ZQ,
Lower Chitral
(Competent Authority)

No. 492-96 DSJ/ZQ/CTL

Dated: 03/3/2021.

Copy forwarded for information to:

1. Senior Civil Judge (Admin), Lower Chitral.
2. Senior Civil Judge (Judicial/Inquiry Officer), Lower Chitral.
3. District Accounts Officer, Chitral Lower.
4. Superintendent Sessions Court, Chitral.
5. The Official concerned.
6. Office Copy.


(JAVAID-UR-REHMAN)
District & Sessions Judge/ZQ,
Lower Chitral
(Competent Authority)


Attestor
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Session Court / ZQ
Chitral

03-07-2021

ANNEX-D

(38)

BEFORE THE HON;BLE (INQUIRY OFFICER) MR. ASIF KAMAL
SENIOR CIVIL JUDGE/AIQ (JUDL), LOWER CHITRAL.

(H)

List of witnesses

S. No.	Name	Designation
1	Mr. Muhammad Irfan	Senior Civil Judge (Admn) Lower Chitral
2	Mr. Bashir Ahmad	C.O.C Senior Civil Judge(Admn) Lower Chitral/ with record
3	Mr. Abdul Haq	Computer Operator ¹²
4	Mr. Sajjad Ahmad	Junior Clerk/Departmental Representative
5	Mr. Faiz Ur Rahman	Bailiff
6	Mr. Nabi Gul	Driver

0-04
01/02/2021
A



Sajjad Ahmad

Junior Clerk/Departmental Representative

Sessions Court Chitral

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Chitral

03-07-2021

39

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LIST OF WITNESSES

- ① Ms. Kashifa Bibi
- ② Khair-Uddin
- ③ Say-Ul-Islam

06
 03/07/2021

~~2~~
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 Chitral
 03-07-2021

MS KASHIFA BIBI

~~Signature~~

APW-1
(03.02.2021)

ANNEX-J
60

Statement of Muhammad Irfan Senior Civil Judge (Admin), Lower Chitral on oath.

That on 26.11.2020 Kashifa Bibi Junior Clerk submitted 02 days casual leave application for 27.11.2020 & 28.11.2020 but as per report of the Clerk of Court (COC) her leave balance has already been exhausted, therefore, request for casual leave was regretted and COC was directed to inform her regarding refusal of casual leave. Leave application and copy of the relevant page of balance register are exhibited as Ex.APW1/1 and Ex.APW1/2 respectively. Furthermore, on 27.11.2020 she remained absent from her duty, resultantly she was marked absent in the attendance register. Copy of relevant page of attendance register is Ex.APW1/3. That on 27.11.2020 at about 12:30 PM one of the staff member namely Faiz-ur-Rahman Bailiff of the court informed the undersigned that the official named above (Kashifa Bibi) is performing duty with the ETEA Staff at Football Stadium near Shahi Mosque for recruitment of police constables. The undersigned in official vehicle along with Nabi Gul (driver) and Abdul Haq (Computer Operator) rushed to the spot for the verification of information as such like allegation and inquiry already pending against the official named above. Copy of complaint and her comments are exhibited as Ex.APW1/4 and Ex.APW1/5 respectively. The undersigned found her while performing duty with the ETEA officials for recruitment of police constables in the Football Stadium near Shahi Mosque. The Computer Operator namely

03/02/2021

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Session Court / ZQ
Chitral
03/02/2021

APW-1
(03.02.2021)


Abdul Haq made video recording and snap shots of the scene for proof. Snap shots and video recording in separate USB are Ex.APW1/6. Furthermore, the undersigned recorded the written statement of the Deputy Director ETEA on the spot, wherein, he stated that the official named above is performing duty with them on the recommendation of Director of the ETEA on daily wages. His original statement is Ex.APW1/7. Mst: Kashifa Bibi remained absent from her duty on 27.11.2020 and unauthorized and illegally performed duty with ETEA staff for recruitment of police constables without any permission. Such act of the official named above amounts to misconduct and unfit to remain in service. In this regard a written complaint was submitted before the learned District & Sessions Judge, Chitral, whereof, the instant inquiry was initiated against the accused/official.

Cross:

Cross reserved.

R.O & A.C
03.02.2021

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Chitral
03-02-2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

APW-1

06.02.2021

Cross examination on statement recorded on 03.02.2021.

Usually the presiding officer do not follow the employee/official who proceeds on leave. It is correct that the accused/delinquent official has requested orally for granting of casual leave, but she was told/directed to submit application under prescribed proforma for leave. I received the application of delinquent official on 26.11.2020, duly signed by the accused/delinquent official. It is incorrect to suggest that the said application was submitted to me on 27.11.2020. The leave application was submitted to me on 26.11.2020 at closing of duty hours. I do not remember that who had submitted the application to me. When I came to my chamber on 26.11.2020 the application was on my table along with the leave balance register. Nobody informed me orally from the office of the COC regarding the exhaustion of balance of leave of the delinquent official however, perusal of the register/report of the COC on the application disclosed that the leave balance of the delinquent official was exhausted. I endorsed the order of the refusal/rejection of the leave application on the application for casual leave with direction to the COC to inform the delinquent official accordingly. I endorsed order of the rejection of the leave on 26.11.2020 at the time when the leave balance register was submitted to me and usually the COC used to take back the said register from my office after 10-15 minutes. The staff attached with the court inside the court room never goes out without the permission of the presiding officer, while the field staff including process servers and bailiff being not under the control of presiding officer can go out. For marking their presence class-iv staff mark only "P" in the attendance register while the other staff put their initial for marking their presence in the attendance register. Mark "L" stands for casual leave whereas mark "A" stands for absentee official. It is correct that on 27.11.2020 the delinquent/accused official was marked on leave in the attendance register and after perusal of the said register I told/directed the concerned official that her leave application has already been regretted, therefore, mark the delinquent official as absent by changing the mark "L" with mark "A". It is correct that I have not obtained the attendance sheet/register of the officials who were on duty with EATA staff on 27.11.2020, however, I have recorded the statement of deputy directed EATA Riaz Akbar who told me that Mst. Kashifa Bibi is performing duty with them. I recorded the statement of Riaz Akbar Deputy Directed EATA on the

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27-2021

06/02/2021

spot/playground i.e. football stadium. I do not know the duration of EATA Test. I do not know when the EATA Test was started and closed on 27.11.2020. I was informed on 12:30 PM by Faiz ur Rehman bailiff himself. The earlier complaint Ex.APW-1/4 against the delinquent official regarding performance of duties in EATA Test was anonymous. When I reached the football stadium the delinquent official was standing in middle of the ground performing duty with EATA staff.

Q. How did you assumed that I was performing duty in the Football ground?


Ans. Nobody was allowed to enter in the middle of the ground/premises of EATA Test except members of the EATA staff and candidates.

It is incorrect to suggest that I orally directed the COC regarding the refusal of the leave application of the delinquent official. It is correct that Faiz ur Rehman Bailiff was present in the chamber when I asked the delinquent official to submit application for the leave. Faiz ur Rehman bailiff is member of my staff. I inquired Faiz ur Rehman bailiff that what he was doing there at Football stadium, he replied that he was going to offer Juma Prayer where he saw the accused/delinquent official in the ground with EATA staff. I did not obtained nor produce any contract/agreement between the accused official and EATA regarding performance of duty. Self stated that I have only recorded the statement of Deputy Directed EATA Riaz Akbar. I recorded the video of the delinquent official on the spot for evidence. It is correct that on the spot I only recorded statement of Deputy Director. Riaz Akbar and I did not record the statement of accused official. I do not know that as to whether the delinquent official had any oral altercation twice or thrice in the court premises with Faiz ur Rehman bailiff and have strain relationship with him. It is incorrect to suggest that I have performed any duty with EATA rather my presence there was only to invite some of my relative for lunch/dinner. It is incorrect to suggest that the delinquent official was at impression that her leave application was accepted as nobody informed her regarding refusal of the said application. It is incorrect to suggest that it was a pre-planned conspiracy against the delinquent official to tarnish/damage her good reputation.

RO & A
06.02.2021


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Chitral

03-07-2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

DISTRICT COURTS, CHITRAL LOWER

FORM "D"

(Application for Casual Leave for Officials)

Ex-APW
50/10/2020
03/02/2021

Name of Official

Kashfa Bibi

Designation with name of court

Muharrir to Senior Civil Judge Admin

Leave sought for *

Casual Leave

Days for which Leaves required
(For casual leave only)

No. of days

From

To

02

27.11.2020

28.11.2020

Purpose

Due fracture and pain on arm I cannot come to office.

Signature of the Official

Kashfa
28-11-20

Leave Account

Previous Balance	This Leave	Remaining Balance

ذاتاً بلکہ! سہ ماہیہ کا بیانیہ ختم ہو چکا ہے۔ دیورہ عزیز

CLERK OF COURTS, CHITRAL

Order of the Leave
Sanctioning Authority

As per report of C.O.C leave account
Balance is NIL. Hence Application
is Regretted. concerned official is
informed.

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Signature of Sanctioning Authority

26/11/2020

03-07-2021


(B)

(5)

(B)

KASHIFA BIBI (Flecker)

Total Leave	FROM	TO	NO. of Days	Remaining Balance	Signature
25	03-2-2020	to 4-02-2020	02	23	[Signature]
23	6-2-2020	to 7-02-2020	02	21	[Signature]
21	11-02-2020	11-02-2020	01	20	[Signature]
20	12-02-2020	12-02-2020	01	19	[Signature]
19	14-02-2020	-	01	18	[Signature]
18	15-02-2020	-	01	17	[Signature]
17	17-2-2020	to 20-2-2020	04	13	[Signature]
13	04-03-2020	-	01	12	[Signature]
12	14-03-2020	-	01	11	[Signature]
11	23-06-2020	-	01	10	[Signature]
10	06-08-2020	-	01	09	[Signature]
09	08-08-2020	-	01	08	[Signature]
08	12-08-2020	-	01	07	[Signature]
07	13-8-20-15-8-20	Two Times short leave	01	06	[Signature]
06	18-08-2020	One short leave	05	06	[Signature]
06	20-08-2020	one " "	05	05	[Signature]
05	24-8-2020	-	01	04	[Signature]
04	25-9-2020	-	01	03	[Signature]
03	03-9-2020	-	01	02	[Signature]
02	31-10-2020	-	01	01	[Signature]
01	20-11-2020	-	01	NIL	[Signature]


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 03-07-2021

Ex APW-1/2
 505/110. Chitral
 03/02/2021

93

Serial No.	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks
1.	Bashir Ahmad	COC																																	
2.	Muhammad Sardar Khan	C.N																																	
3.	Fazal Rahim	CO																																	
4.	Hassan uddin	"																																	
5.	Salah uddin	"																																	
6.	Sinje Ahmad	"																																	
7.	Fazal Mehbob	"																																	
8.	Fazal Rasbi	Steno																																	
9.	Muhammad Yaq	Steno																																	
10.	Fazal AHUB	N.N																																	
11.	Shakirullah	Reader																																	
12.	Shamsul Gader	"																																	
13.	Khaidir ur Rehman	Muhari																																	
14.	Navid Akbar	"																																	
15.	Muhammad Zakaria	"																																	
16.	Kashifa Rasbi	"																																	
17.	Sabit Muhammad	Bailiff																																	
18.	Inayat ur Rehman	"																																	
19.	Faizan Rehman	"																																	
20.	Sardar wali Shah	P/S																																	
21.	Islamuddin	"																																	
22.	Younas Khan	"																																	
23.	Majid Ahmad	"																																	
24.	Safiqullah	"																																	
25.	Faridul Haq	"																																	
26.	Abdul Halim	"																																	
27.	Ehsanullah	"																																	
28.	Abdur Rauf	"																																	
29.	Amirullah	"																																	
30.	Azizul Haq	"																																	
31.	Muhammad Yaq	"																																	

For Approval
 District
 03/07/2021
 Attested Copy Clerk
 Session Court / 20
 Chitral

(47)

بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب ضلع چترال

جناب عالی!

مودبانہ گزارش ہے کہ سائل ایک ذمہ دار شہری ہونے کے ناطے آپ کی توجہ ایک مسئلے کی طرف دلانا چاہتا ہوں۔ جناب عالی! آپ کے دفتر میں مسماۃ کاشفہ بی بی دختر سراج سکندہ اوچوست ضلع چترال بطور جونیئر کلرک کام کرتی ہے۔ مذکورہ ایک فحش اور اوباش قسم کی خاتون ہے۔ کیونکہ اسکا کردار سروس میں آنے سے پہلے ہی بہت بدنام تھا اور موجودہ وقت میں بھی اس کا کردار ٹھیک نہیں جسکی چھان بین انتہائی ضروری ہے کیونکہ یہ چترال کے لوگوں اور ثقافت کو بھی داغدار کر رہی ہے۔ جیسا کہ سناری ڈنیا کو پتہ ہے کہ چترال کے لوگ اتنے فحش اور اوباش نہیں ہیں جتنا کہ اس خاتون نے کیا ہوا ہے۔ جناب عالی! اس خاتون کے بارے میں بہت سارے قصے مشہور ہیں لیکن آپکی توجہ ایک انتہائی نازک مسئلہ کی طرف مبذول کرانا چاہتا ہوں۔ وہ یہ کہ مورخہ 19.09.2020 کو ضلع پولیس کے پولیس کیلئے جونیئر کلرک کی خالی نشستوں پر ETEA کی طرف سے ٹیسٹ بمقام گورنمنٹ ہائی سکول (مردانہ) چترال سٹی لیا گیا تھا جس میں مذکورہ (کاشفہ بی بی) کو بطور انویجیلیٹر لیا گیا تھا۔ جناب عالی! یہ سلسلہ صرف اس سال کا نہیں ہے بلکہ یہ پچھلے 3/4 سالوں سے یہ سلسلہ چلا آرہا ہے کہ مذکورہ کی ڈیوٹی لگائی جاتی ہے کیونکہ ETEA پشاور میں اسکی عورت کا کوئی ربانی نام کا شخص ہے جو اسکی اس طرح کی مدد کرتا ہے۔ جناب عالی! عہدائیں قوم کا ایک بااعتماد ادارہ ہے لیکن اس قسم کی عورتیں نہ صرف معاشرے کا بلکہ جوڈیشری کی بدنامی کا بھی باعث بن رہی ہے۔

جناب عالی! اس پورے واقعہ کی تحقیقات کرائی جائے کہ اسکو کون سے قانون کے تحت بطور انویجیلیٹر لگایا گیا تھا۔ نہ ہی آپ صاحب کو اسکے متعلق مطلع کیا گیا اور نہ ہی سرکاری طور پر کوئی خط و کتابت ہوئی تو پھر اسکو کس قانون کے تحت ڈیوٹی پر لگایا گیا اسکی اس ڈیوٹی کے متعلق نہ تو آپ لوگوں کو خبر تھی اور نہ کسی اور کو۔ مورخہ 19.09.2020 بوقت 1000 بجے، یہ دفتر سے نکلی اور ETEA ٹیسٹ پر ڈیوٹی دینے لگی اور باوثوق ذرا لگنے کے مطابق اس نے وہاں پر اپنے کسی جاننے والے دو لڑکوں کی مدد بھی کی تھی اور انکو پاس بھی کرایا تھا۔ اس سے اگر یہ تحقیقات کرائی جائے تو انکے متعلق یہ خود آپ صاحب کو بول دے گی۔ اسکے علاوہ جناب عالی یہ ہر روز 9 سے 10 بجے دن میں دفتر سے نکلتی ہے اور غیر مردوں کے ساتھ گھومتی پھرتی ہے۔ جس سے سارے چترال کا مذاق اڑایا جاتا ہے۔ کیونکہ اس قسم کی عورتیں معاشرے میں ذلت کا سبب بنتی ہیں۔ اس سے معاشرہ مزید خراب ہوگا۔

آپ صاحب سے گزارش ہے کہ اس پورے واقعہ اور اسکے کروتوتوں کے متعلق تحقیقات کرائی جائیں اور ضلع چترال کے اعلیٰ پولیس افسران کو بھی بلا یا جائے اور پوچھا جائے کہ اسکیوں اور کیسے ETEA ٹیسٹ پر ڈیوٹی کیلئے لگایا گیا تھا۔ یا تو اس میں پولیس افسران بھی شامل ہیں یا پھر کوئی اور وجہ ہوگی جسکی تحقیقات انتہائی ضروری ہے۔

والسلام

کاپی برائے:-

1. MIT پشاور ہائی کورٹ پشاور۔
2. سینئر سول جج ایڈمن چترال۔

RECEIVED CHITRAL

Receipt No. 241

Dated: 08/10/2020

File No. 16/Admn/DS-1/CR

Signature: [Signature]

Let comments be performed
12.10.20

Attested
Copy Clerk
Session Court / 20
Chitral

03-07-2021

[Signature]
12/10/20

بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب لوئر چترال

وضاحت (Comments)

مضمون:

جناب عالی!

مودبانہ گزارش ہے کہ فدویہ کے خلاف ایک گناہ خط آنجناب کے نام آنے پر آنجناب نے فدویہ سے وضاحت

(Comments) طلب کی ہے۔ اس خط میں فدویہ پر مختلف قسم کی بے بنیاد الزامات لگائے گئے ہیں۔ ان الزامات کی بے بنیاد ہونے کی سب سے واضح

ثبوت یہ ہے کہ مورخہ 19.09.2020 کو ایٹاٹسٹ میں بحیثیت انویجیلٹر ڈیوٹی کرنے کا الزام ہے اس تاریخ کو فدویہ اپنی دفتر میں ڈیوٹی پر حاضر تھی

(نقل حاضری رجسٹر برائے ملاحظہ لف ہے)۔

مزید یہ کہ اس خط میں شکایت کنندہ اپنا نام ظاہر نہیں کیا ہے اور اگر شکایت کنندہ اپنا نام ظاہر کرتا تو میں دوسرے

الزامات کے بارے میں بھی وضاحت کرتی۔ استدعا ہے کہ میرے خلاف اس بے بنیاد خط کو بلا مزید کارروائی منسوخ فرما کر اس سلسلے میں قانونی چارہ جوئی

کیلئے میری رہنمائی فرمائی جائے۔

المرقوم: 17.10.2020

آپکا تابعدار ملازم

کاشف بی بی

جو نیئر کلرک، ڈسٹرکٹ کورٹس چترال

Ex. APV 1/5/
SCJ/10, Chitral.
03/10/2021

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Chitral
03-07-2021

(A)

(۱۹)

(B)

محکمہ ریگسٹریشن ڈپٹی سیشن جج چترال سٹر آف ۱۱/۱۱/۲۰۲۰

کو منسلک شدہ پریگسٹریشن چترال میں منعقد ہوا تھا جس میں ایک

سٹامپ کی فاشنہ کی ڈیوٹی ملی تھی اس کو اس میں ایک ڈائریکٹر

Reconsideration پر لکھی گئی۔ امروز آف ۱۱/۱۱/۲۰۲۰

ڈیوٹی سرافتم دی ہے

[Signature]

ڈپٹی سیشن جج چترال

27/11/2020

Ex-APW 1/7
SES/10, Chitral

03/02/2021

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Chitral
03-07-2021

APW-2
(06.02.2020)


ANNEX-31
(50) (31)

Statement of Abdul Haq Computer Operator, IT Section District Courts
Lower Chitral

That on the day of occurrence I was verbally directed by honorable Senior Civil Judge/Admin, Chitral to pick my official camera, I complied with the directions. I did not know what honorable Senior Civil Judge was up to. A few minutes later SCJ appeared from his office and approached his official car and directed me to accompany him. I boarded car with him. We went to parade/football ground. When we reached there the honorable SCJ directed me to shoot/record video of the delinquent official. On the direction of the honorable SCJ I shot the pictures of the delinquent official and recorded her video. On our return from the ground I recorded/transferred the data on CD Disk which is already exhibited. I personally saw the delinquent official in the said ground and performing duty in the EATA Test. When I was recording the video the delinquent official in desperation asked me what I was doing, I replied that I am complying the orders of honorable Senior Civil Judge, Admin.

Cross Reserved:


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Chitral
03-07-2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

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APW-2
09.02.2021

Cross examination on statement recorded on 06.02.2021 of Abdul Haq
Computer Operator, IT Section District Courts Lower Chitral.

I do not remember the exact time when SCJ Admin directed me to pick my camera and accompany him, however, it was somewhere in the region of 12 to 12:30 PM. Since I have recorded video of accused official in the parade ground that's why I am sure that accused official was performing duty in the EATA Test. I also recorded the video of the accused official while keeping the camera on Zoom Mode from outside of parade ground which clearly shows that accused official performing the EATA Test. I entered in the parade ground from main gate. Nobody estopped me from entering in the parade ground because I was with senior civil judge Admin and he would know that whether he sought permission for entering in the ground or not. It is correct that no explanatory statement of the accused official was recorded on the spot. I do not know whether the accused official quarreled with the Faiz ur Rehman bailiff many times in the court premises. I do not know the EATA Test duration. It is incorrect that the accused official tried to stop me from recording her video. Accused official only inquired from me that what I was doing. Me and Faiz ur Rehman are co-villagers. We are not relatives. I only recorded the video of accused official and took the snapshots. I am unaware of all the remaining facts. I do not remember the exact time when we left the court premises for parade ground. However, I do remember that when I came back to the court after keeping my camera in my office I straight away went for Jumah Prayers. I do not know whether the SCJ Admin had taken the attendance sheet of the staff from the EATA office. While transferring the video and snapshot in the DVD in my office nobody was present with me. My qualification is MSC, computer science. I am expert of computer. Any expert of computer can edit video or snapshot. I do not know that SCJ Admin had recorded statement of Director EATA, because I was busy in recording video of the accused official. It is incorrect to suggest that while recording video in a public place I violated the privacy of accused official and damaged her reputation. Again stated that the accused official was not alone there. She herself was performing duty at public place then the question of violating her privacy doesn't arise. I do not record the video of the Deputy Director, therefore, I cannot say that whether the deputy director EATA was under mental stress or not. I do not know about the starting and

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(S2)

closing time of EATA Test. I do not see Faiz ur Rehman often going to the chamber of Senior Civil Judge (Admin). I only recorded video of he accused official. I did not inquire from any staff member of EATA that whether accused official was performing duty with them. There were hundreds of people at the parade ground. It is incorrect to suggest that entire proceeding against accused official is illegal. It is incorrect to suggest that it was a pre-planned conspiracy against the delinquent official to tarnish/damage her good reputation. It is incorrect to suggest that all the correct facts are twisted in order to malign accused official. It is incorrect to suggest that due to my close relations with the Faiz ur Rehman Bailiff I am deposing against the accused official.

RO & AC

09.02.2021

(Asif Kamal)

Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

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Session Court / ZQ
Chitral

03-07-2021

APW-3
(06.02.2020)

ANNEX-J2

(S)

(53)

Statement of Faiz ur Rehman, Bailiff of the court of Senior Civil Judge,
Chitral.

That on 27.11.2020 I was going to offer Jumma Prayer in the Jamia Mosque at around 12 O clock. While going to the mosque I saw the delinquent official Kashifa Bibi in the parade/football ground. She was performing duty along with the EATA Staff. She was having pen/pencil in her hand. I also saw her sitting on the chair while table was also laying in front of her. While observing her I went inside the gate and after full satisfaction I came back to the courts and informed Senior Civil Judge Admin Mr. Muhammad Irfan that the accused official Kashifa Bibi is performing duty with the EATA Staff in the Parade ground.

Cross reserved

~~(Asif Kamal)~~

Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

~~(S)~~
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Chitral
03-07-2021

APW-3
(10.02.2021)

(Ab) (54)

Cross examination of Faiz ur Rehman, Bailiff of the court of Senior Civil Judge, Chitral.

I informed Senior Civil Judge Admin that accused official was performing duty in the EATA Test. I am bailiff and my qualification is under matric. The gates of the parade ground were closed and was not an open place for everybody to go and come out. I entered in the premises with the permission of the security official at the gate. I asked the security official that I want to see one of our official who is performing duty in the Parade ground. My job is execution of summons/warrants. In order to execute the summons/warrants we have to travel to faraway places. I execute summons/warrants in my circle which is Garamchashma, Karimabad, Arkari, Parsan. In morning usually we come to the court and after 11:00 AM we go to the field for the execution of summons/warrants. I do not remember that how many times I went to the field in the month of November for execution of summons/warrants, however, my performance register could be reacquisition from Nazir of the SCJ to check it. On 27th November 2020 I picked my summons from office of Nazir and I went out of the court premises at 11:30. The distance between district courts and parade ground is almost 5 to 10 minutes on foot. The Jumah Prayers is offered at Shahi Mosque which is adjacent to the parade ground at 12:45 PM. I went out of the court premises at 11:30 after obtaining my summons from Nazir office. I reached parade ground 05 minutes before 12 O clock. Before going to the parade

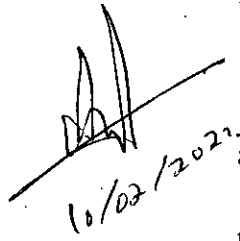
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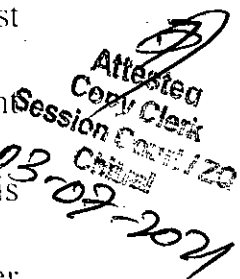
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APW-3
(10.02.2020)

55

ground I went to the photo state shop of my brother outside of the court, near gate of the court premises. I am not a contractor. It is correct that I have been transferred to Kohistan District once. No inquiry was initiated against me. I am about 60 years of age. My eyesight is not weak. The closing time of the court duty on Friday is 12:00 o'clock. On every Friday I go out of the court on 12:00 o'clock when there are no summons/warrant to execute, however, when there are summons/warrants to execute I go out of the court premises even earlier than 12 O'clock. I did not quarrel with accused official in the court premises. It is correct that in the superintendent office I asked the accused official about unknown man was present with her in Muharir office during the Zuhar Prayer Time. That person was head of some private NGO. It is incorrect to suggest that person was relative of the accused official and came to meet the accused official along with the president of the bar Niaz A Niazi at 01 O'clock. Self-stated that this occurrence of visiting of the unknown person took place after 27.11.2020. This altercation took place on 30.11.2020. It is incorrect to suggest that this altercation took place between the accused official and me before 27.11.2020. It is incorrect to suggest that I tried to quarrel with the accused official in the Superintendent office. If the accused official have any eye witnesses about this occurrence then the accused official can produce them in her evidence. There was only one FIR against me, however, I was honorably acquitted in that case. I had no personal relations with

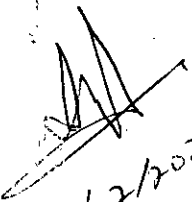

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APW-3
(10.02.2021)

(A) (56)

senior civil judge Admin, he is my boss and I come to the office as a servant. In my presence the accused official came to the chamber of the senior civil judge Admin. I also went there for some official business. In my presence no casual leave was granted/permitted to the accused official orally by Senior Civil Judge Admin. On the date of 27.11.2020 the accused official was in Abaya. The accused official had pencil in her hand and she was sitting in the chair performing duty. Police officials on duty there also told me that the accused official is performing duty. I do not remember the name of police official. The inquiry against the accused official was initiated on my report/information. I informed the SCJ Admin regarding the performance of the duty of accused official in the parade ground on 12:20 PM. It is my responsibility that whoever acts pre-judicial to his/her official duty I would report it to the high ups. Before this I never reported regarding any official because nobody acted pre-judicial to his/her judicial duties. I never quarreled with any of the staff members. It is incorrect to suggest that I have strained relation with Siddiquallah and had quarreled with him in front of the court of Additional District & Sessions Judge, Chitral. When summons are issued by the courts in my circle then I go out in the field for the service/execution of the summons/warrants otherwise I remain in the court premises. I watched/observed the accused official for 10 minutes and then reported the matter to SCJ Admin. It is incorrect to suggest that I was thinking about 20 minutes that how could I settle my score


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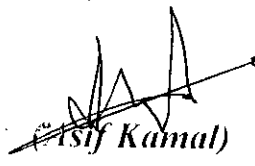

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Chitral
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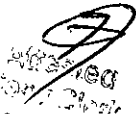
APW-3
(10.02.2021)

(A) (57)

with the accused official regarding the unpleasant episode that took place in the office of the superintendent. It is further incorrect to suggest that my report was false. It is correct that bailiffs have their uniform. It is correct that as a routine matter I wear my uniform. Today I am not in uniform because I came here for deposing in the inquiry and I am not on duty. The EATA Test started at 10 O clock and I do not know that when it ended. Self-stated that the police official told me that Kashifa Bibi is performing duty since 10 O clock. It is incorrect to suggest that I was not doing my official duty and was following the accused official in the parade ground. It is incorrect to suggest that it was a pre-planned conspiracy against the delinquent official to tarnish/damage her good reputation. It is incorrect to suggest that all the correct facts are twisted in order to malign accused official. It is incorrect to suggest that I am hiding the real facts and giving the statement keeping in view my personal interest.

RO & AC
10.02.2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)


03-07-2021

APW-4
(09.02.2020)


ANNEX-13

58


Statement of Sajad Ahmad Departmental Representative.

Stated that Senior Civil Judge Admin sent a written complaint against the accused official Kashifa Bibi bearing No.365 SCJ/Admn dated 02.12.2020 (ExAPw-4/1 consist of two pages), on the basis of this complaint Hon'ble District and Sessions Judge initiated instant inquiry vide order No.3065-3066/DSJ/ZQ Dated 16.12.2020 which is ExAPw-4/2. I am representative of department vide order No.3069-72/DSJ dated 16.12.2020 which is ExAPw-4/3. The service record of the accused official is not good. In this context I produce order/warning No.1172 dated 04.06.2020 vide this warning Hon'ble District and Sessions Judge warned the accused official to be careful in future regarding her duties. The said order/warning is ExAPw-4/4. Moreover, vide office order No 2337-2341 DSJ/CTL dated 07.07.2018 the accused official was penalized her two annual increments were withheld which is ExAPw-4/5. She was again warned/counselled vide order/letter No.19/DSJ/CTL dated 26.01.2021. which is ExAPw-4/6. Another letter for counselling No.579/SCJ dated 11.12.2020 issued to the said accused official which is EXPw-4/7. The complaint against the accused official is genuine. The department has produced all the relevant oral and documentary evidence along with the video recording to prove the complaint against the accused official. Therefore, accused official may be penalized by imposing major penalty.

Cross reserved.


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Chitral

03-07-2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,
Office of the District & Sessions Judge/Zilla Qazi Chitral
Phone # 0943-412533, Fax # 0943-412380, E-Mail: dsjct@gmail.com

No. 1172 DSJ/ZQ/CTL

Dated: 04/6/2020

To,

Miss. Káshifa Bibi, (Junior Clerk)
(Attached as Muharrir with the
Model Trial Court Chitral)

Ex APW 4/4
Ses NO. Chitral
09/02/2021

Subject: WARNING

Whereas, vide letter No. 207/SCJ/CTL dated 14.03.2020, a report regarding your absence without prior approval was received wherby you were found absent from duty on dated 07.02.2020, 10.02.2020 and 13.02.2020, without any application etc. explanation was called from you vide letter No. 83-85/SCJ/CTL dated 18.02.2020 and you were directed to submit your reply within 07 days. to which you have submitted your reply.

The reply submitted by you found unsatisfactory, whereby you claimed that you had medical issues. Medical issues does not mean that you would remain absent without sanctioned leave from competent authority. Therefore, you are hereby warned to be careful in future. In case, any negligence is again noted on your part, then strict action will be taken against you under Khyber Pakhtunkhwa Govt: Servants (Efficiency and Discipline) Rules, 2011. (Copy of this letter be placed on the personal file of accused official).

دائری کماپی جو ڈیوٹی لیس ہوا ہے
۱۵ ادراک وصول ہوا ہے
16/2020

(JAVAIID-UR-REHMAN)
District & Sessions Judge/Zilla Qazi,
Lower, Chitral.

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Chitral
03-07-2021



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(Signature)

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DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,
Office of the District & Sessions Judge/Zilla Qazi Chitral
Ph # 0943-412533 Fax # 0943-412380 E-Mail: dsjctl@gmail.com

OFFICE ORDER:

Ex AP 2/15
25/10/2018
09/07/2018
(Signature)

WHEREAS, as per inquiry report of the Civil Judge-JM-I, Chitral/ Inquiry Officer, who was appointed as Inquiry Officer vide office order No. 1751-52/DSJ/ZQ/CTL dated 07.05.2018, which report was communicated to this office on 25th June, 2018 regarding conduct of inquiry against accused/official Mst: Kashifa Bibi Junior Clerk BPS-11, Copy Branch Sessions Court Chitral.

AND WHEREAS, upon inquiry report dated 25.06.2018 wherein, the Inquiry Officer has held the above named accused/official guilty of negligent, misconduct and inefficient and liable to penalty. The delinquent official was served with final show cause notice under Rule 14(4) of Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules, 2011 vide letter No. 2260/DSJ/ZQ/CTL dated 26.06.2018 coupled with notice of personal hearing vide letter No. 2259/DSJ/ZQ/CTL dated 26.06.2018 as required under section 15 of the above stated Rules to which she submitted reply today i.e. 06.07.2018, wherein, she has admitted her guilt and placed herself at the mercy of the undersigned. The delinquent official was also given opportunity of personal hearing wherein, she stated that due to her domestic problems, she acted negligently and asked for the mercy.

(Signature)
Attested
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Session Court / ZQ
Chitral

03-07-2018

61

(Handwritten mark)

NOW, THEREFORE, in view of the inquiry report and the reply by the accused/official and the fact that she remained absent from her official duties and played a foul game for extension of her medical leave which medical leave was not availed for the given purpose and which is evident from the inquiry report as well, hence, I, as Competent Authority, hold that the reply is not satisfactory and no justified reasons have been furnished for such foul play by the accused/official and also to justify her absence from the duties. I, hereby, order to withhold two annual increments with the recovery of salary paid for the period 11.04.2018 to 21.04.2018 (Eleven Days) of the above named delinquent official under Rules 4 (1) (a) (ii) & (iii) of Khyber Pakhtunkhwa Government Servants, (Efficiency and Discipline) Rules, 2011 with immediate effect.

(Signature)
 (ASAD HAMEED KHAN)
 District & Sessions Judge/ZQ,
 Chitral:

6/7/2018

No: 2337-2341 DSJ/ZQ/CTL

Dated Chitral the 07/7/2018.

Copy forwarded for information to:

1. The Senior Civil Judge/AIQ, Chitral.
2. Civil Judge/JM-I/Inquiry Officer, Chitral.
3. District Accounts Officer, Chitral.
4. Superintendent Sessions Court Chitral.
5. The official concerned.
6. Office Copy.

(Signature)
 (ASAD HAMEED KHAN)
 District & Sessions Judge/ZQ,
 Chitral.

6/7/2018

(Signature)
 Attested
 Copy Clerk
 Session Court / ZQ
 Chitral

03-07-2018



(62)

(Signature)

DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,

Office of the District & Sessions Judge/Zilla Qazi Lower Chitral

Ph # 0943-412533

Fax # 0943-412380

E-Mail: dsjctl@gmail.com

No. 19 /DSJ/ZQ/CTL

Date: 06 / 01 /2021

From:

The District & Sessions Judge/Zilla Qazi,
Lower Chitral.

To,

Miss Kashifa Bibi,
Junior Clerk/Muharrir,
Court of Senior Civil Judge (Admn),
Lower, Chitral.

EXAPD 4/6
sent to CTL
09/01/2021

Subject: WARNING/COUNSELING

Memo,

It is with reference to the explanation called from you with report to a letter received to the undersigned, it is noted with concern that earlier similar reports were received regarding your non observing of office timing and your non serious attitude towards your duties and you were warned to be careful. If you could avoid such behavior, then no dent could be sustained by you, thus such type of letters may not be received. Since no other evidence was there and since the letter/complaint is unnamed therefore, the allegation leveled against you is not proved in these circumstances and the complaint is filled with a fresh warning to be punctual and mind your own duty.

(Signature)
Attested
Copy Clerk
Session Court / ZQ
Chitral
03-07-2021

(Signature)
(JAVAJD-UR-REHMAN)
District & Sessions Judge/Zilla Qazi,
Lower Chitral

APW-4
(10.02.2021)

[Handwritten initials]

63

Cross examination of Sajad Ahmad Departmental Representative.

I do not know whether SCJ Admin allowed casual leave to the accused official orally or not. I did not peruse the attendance register. I watched the video of the accused official while performing duty in the EATA Test. I receive calls from August High Court. Thereafter I forward the call to honorable judges if required. I also forward messages of the High Court to the honorable judges. Further stated that sometimes August PHC calls honorable judges on their personal mobile numbers. No call came from August Peshawar High Court regarding performance of the EATA duty of the accused official. I did not watch the full videos of the accused official. I think that this is not possible to temper the video of the accused official. It is correct that the accused official received a certificate of acknowledgment regarding her best performance in the year 2019. It is correct that we have not produced/exhibited the ACRs of the delinquent official in the instant inquiry. It is correct that I am not the eye witness of the occurrence. It is correct that we have not obtained any documents from EATA regarding performance of duty of the accused official. However, the statement of the Deputy Director of the EATA namely Riaz Akabar is available on file to this effect. We have not produced the said Deputy Director as a witness. It is correct that the department has not provided the copy of DVD, at the time of providing charge sheet and statement of allegation, however, the same is produced to the accused official at the initial stage of inquiry proceeding. The video recording of the performance of the accused official in the EATA Test was submitted to the office of the Superintendent office DSJ along with the complaint of the Senior Civil Judge against the accused official. The register of leaves of the officials of the establishment of Senior Civil Judge Admin is maintained by COC

[Handwritten signature]
10/02/2021

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Chitral
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APW-4
(10.02.2021)


62

64

office. The name of COC is present there in my list of witnesses. I am not producing the COC as my witness. It is incorrect to suggest that while not producing COC as witness I am hiding the real facts because he has best information regarding casual leave of accused official. It is correct that the accused official and Faiz ur Rehman bailiff exchanged hard words in the office of Superintendent but no quarrel took place in the Superintendent office. I do not know that whether the accused official was informed or not about regret of her casual leave. It is incorrect to suggest that all the correct facts are twisted in order to malign accused official.

RO & AC
10.02.2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower.
(Inquiry Officer)


Attested
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Chitral
03-07-2021

AAPW-1
(11.02.2021)

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Additional evidence

Statement of Sajad Ahmad Departmental Representative.

Stated on oath that vide explanation letter No.3153/DSJ dated 22.12.2020 was issued to accused official regarding performing duties in EATA Test. Explanation letter is ExAAPW-1/1 while complaint is ExAAPW-1/2.

Cross:-

The complaint received to the office of Hon'ble DSJ, Chitral by Ghafar ud Din cannot be termed as anonymous. It is correct that the father name, CNIC is not mentioned with the name of complainant in the complaint. It is correct the complainant did not come in person since lodging the complaint to pursue his complaint against the accused official. This complaint was received by the office of Hon'ble district and sessions judge by post. The allegations leveled in the said complaint has not been proved by the complainant yet. It is incorrect to suggest that because the father's name, resident, CNIC Number of the complaint is not mentioned in the complaint, therefore, it is anonymous letter.

RO & AC
11.02.2021

(Asif Kamal)

Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

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03-07-2021



DISTRICT JUDICIARY KHYBER PAKHTUNKHWA,
Office of the District & Sessions Judge/Zilla Qazi Lower Chitral
Phone # 0943-412533, Fax # 0943-412380, E-Mail: dsjctl@gmail.com

No. 3153 DSJ/ZQ/CTL

Dated: 22 / 12 /2020.

(Handwritten mark)

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*Encl. 1/1
SOS/103
Muzaffar*

To,

Mst: Kashifa Bibi,
Junior Clerk/Muharrir, attached to the court of
Senior Civil Judge (Admin), Lower Chitral.

Subject: **EXPLANATION**

Memo,

The undersigned received a letter by post, a copy of which is annexed herewith, sent by one Ghafar-ud-Din R/O Zargarandeh Chitral, wherein, serious allegations have been levelled against you; which needs clarification from your side. Your written reply in this behalf must reach to the undersigned within seven days positively.

(Signature)
(JAVAJD-UR-REHMAN)
District & Sessions Judge/ZQ,
Lower Chitral.

(Signature)
Attested
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Session Court / ZQ
Chitral

03-07-2021

67

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بخدمت جناب ڈسٹرکٹ اینڈ سیشن جج صاحب ضلع لوئر چترال

جناب عالی!

گزارش ہے۔ جس کا نام کاشفہ بی بی جو نیر کلرک سول جج افس چترال جو کہ ایک فحش لڑکی ہے۔ اس کا کردار سب کو پتہ ہے۔ یہ صبح 9 سے 10 تک افس آتا ہے۔ اور بجے چھٹی کرتا ہے۔ اور اپنے دوستوں کے ساتھ فحاشی پھیلاتا ہے۔ دوسرے اسٹافوں سے صحیح ڈیوٹی لیتے ہیں اس سے کوئی پوچھتے نہیں ہیں۔ لوگ انصاف مانگنے کے لئے کھدالت آتے ہیں یہ افس میں فحاشی پھیلانے کے لئے آتی ہے۔ اس غلط کام میں افسران بالا بھی شریک ہیں۔

جن لوگوں کے ساتھ ان کا ناجائز تعلقات ہے۔ ان کے کام یہ ہیں۔

1- فضل ہادی ٹھیکہ دار 2- ظفر حیات ایڈوکیٹ 3- عاصم ساکنہ جعفر

4- عمیر SDFO جنگلات افس چترال 5- فہیم انجینئر RDD

یہ 19 نومبر کو 12 بجے چھٹی کر کے چترال سے بمبوریت کبیر افریدی کے ساتھ ہوٹل میں رات گزارے اور اس کے بعد 27 نومبر کو دفتر سے چھٹی لے کر ETEA ڈیوٹی لیا ہے اس سے پہلے بھی 19/09 کو بھی ڈیوٹی کیا۔ یہ بات سب صاحبان کو پتہ ہے لہذا جناب والا کی خدمت میں درخواست ہے۔ اس اسٹاف کے خلاف قانونی کارروائی کی جائے۔ تاکہ جو ڈیوٹی کے سٹاف بدنامی سے بچ سکے۔

باقی ریکارڈ USB میں دیکھیں۔

العارض

غفار الدین زرگر اندہ چترال

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Chitral

03-07-2021

RW-1
(11.02.2021)

ANNEX-K
(68)

Statement of Khair ud Din Naib Qassid District Courts Lower
Chitral

Stated on oath that on 26.11.2020 Kashifa Bibi asked me that she had taken oral permission from the Hon'ble Senior Civil Judge, Admin to go on leave and asked me to submit her application for sanctioning of casual leave before Senior Civil Judge, Admin. On next day i.e. 27.11.2020 Kashifa Bibi again called me to submit her application, so, I submitted the application for casual leave of Kashifa Bibi to the Senior Civil Judge, Admin in his chamber. This is my statement.

Cross:-

It is correct that on 27.11.2020 I submitted application of casual leave of Kashifa Bibi in the morning. I collected the application from the table of Kashifa Bibi on 27.11.2020. Instead of submitting the application in the COC office I placed it on the table in the chamber of Hon'ble Senior Civil Judge, Admin. When I was placing the application on the table of Hon'ble Senior Civil Judge, Admin he was not present in his chamber. I submitted the application of Kashifa Bibi without the Leave Balance Register.

RO & AC
11.02.2021

(Asif Kamal)
Senior Civil Judge (Judicial)
Chitral Lower
(Inquiry Officer)

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Chitral
03-07-2021

بیان ملزمہ اہلکار مسماة کاشفہ بی بی محرم سینئر سول جج ایڈمن چترال لوئر

حلفاً بیانی ہے کہ میں ڈسٹرکٹ کورٹس چترال لوئر میں بطور جوئیر کلرک اپنے فرائض بخوبی سرانجام دے رہی ہوں۔ مورخہ 26.11.2020 میری طبیعت خراب ہونے کی وجہ سے اور میرے بازو میں شدید درد ہونے کی وجہ سے جو مسلسل کئی دنوں سے بدستور تھا میں محترم سینئر سول جج ایڈمن کے چیمبر میں جا کر زبانی طور پر درخواست کی کہ میری طبیعت خراب ہے اور میرے بازو میں شدید درد ہے اور ساتھ ہی میں نے سینئر سول جج ایڈمن صاحب کو یہ بھی بتا دیا کہ میرے کیرئول لیو کی بیلنس ختم ہو چکی ہے مجھے چھٹی عنایت فرمائی جائے۔ تو محترم سینئر سول جج ایڈمن صاحب نے کہا کہ آپ دودن کی درخواست چھوڑ دیں اور زبانی طور پر مجھے چھٹی دے دیا اور ساتھ میں یہ بھی ہدایت کی کہ آپ درخواست چھوڑ کے چلی جائیں۔ تو میں نے درخواست لکھ دیا، اس پر اپنا دستخط بھی کر دیا اور لا کر اپنے آفس کے میز پر رکھ دیا اور خیر الدین نائب قاصد کو بلا کر اس کو تاکید کی کہ سینئر سول جج صاحب ایڈمن نے مجھے زبانی طور پر چھٹی دے دیا ہے ابھی میں نے اپنا درخواست لکھ لیا ہے کل یعنی 27.11.2020 کو آپ اس کو سینئر سول جج ایڈمن صاحب کو حوالہ کر دیں۔ مورخہ 27.11.2020 کو میں صبح سویرے خیر الدین کو فون کر کے دوبارہ تاکید کی کہ میری درخواست جس پر میرا دستخط موجود ہے آج آپ سینئر سول جج صاحب ایڈمن کے حوالے کر دیں۔ اس کے بعد مجھے دفتر سے یا خیر الدین سے درخواست مسترد ہونے کی اطلاع کسی نے بھی نہیں دیا۔ اور زبانی طور پر جو جج صاحب نے مجھے چھٹی کی منظوری دی تھی میں نے اس بنیاد پر چھٹی کر لی۔ جہاں تک میرے خلاف ایٹا میں ڈیوٹی دینے کا الزام ہے اس نسبت میں نے اپنے تحریری جواب میں وضاحت کر چکی ہوں۔ مورخہ 27.11.2020 کو جب میں گھر میں چھٹی پر تھی تو مجھے فون کر کے میری پھوپھی نے بتایا کہ اس کے خاوند کے قریبی رشتہ دار چترال میں ایٹا ڈیوٹی دینے آئے ہیں، آپ ان کو گھر پر دعوت دے دیں۔ چونکہ میرے گھر میں میرے علاوہ کوئی نہیں تھا اسی لئے تقریباً 12 بجے کے بعد میں

11/02/2021

RW-2
(11.02.2021)

(S)

70

مہمانوں کو گھر پر مدعو کرنے کے لئے فٹبال گراؤنڈ چلی گئی۔ چونکہ میری طبیعت خراب تھی اور میرے بازو میں بھی درد تھا، لیکن مجبوری کی بناء پر میں وہاں ان کو کھانے پر مدعو کرنے کے لئے چلی گئی۔ میرے فٹبال گراؤنڈ میں پہنچنے کے بعد محترم سینئر سول جج صاحب ایڈمن وہاں پر آئے اور مجھ سے پوچھا کہ تم یہاں کیا کر رہی ہو۔ تو اسی وقت بھی میں نے ان کو بتا دیا کہ میں ابھی آئی ہوئی ہوں جو کہ ویڈیو ریکارڈنگ میں بھی موجود ہے۔ میرے خلاف لگائے گئے الزامات کی بابت کوئی دستاویزی ثبوت یا اس دن جن لوگوں نے ایٹا والوں کے ساتھ ڈیوٹی انجام دے رہے تھے جن کو ایٹا والوں نے باقاعدہ ادائیگی کی تھی، جہاں پر ان کے نام اور ان کے دستخط موجود ہوں گے اس بابت کوئی دستاویز یا حاضری رجسٹر پیش نہیں کیا گیا ہے۔ میرے خلاف فیض الرحمن کی رپورٹ پر انکو آڑی کی گئی ہے حالانکہ میرے اور فیض الرحمن کے تعلقات انتہائی خراب ہیں اور اس انکو آڑی سے پہلے بھی میرے اور فیض الرحمن کے درمیان زبانی تلخ کلامی ہوئی ہے۔ استدعا ہے کہ میرے خلاف انکو آڑی بلا مزید کارروائی بر بنائے عدم ثبوت داخل دفتر فرمائی جائے۔

جرح منجانب نمائندہ محکمہ:-

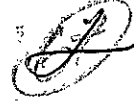
یہ درخواست چھٹی کے وقت جب سینئر سول جج صاحب نے مجھے زبانی اجازت دے دی تھی میں نے لکھ کر اس پر اپنا دستخط کر کے اپنے دفتر میں رکھ دیا اور خیر الدین کو ہدایت دی کہ جج صاحب نے مجھے زبانی طور پر اجازت دے دی ہے لہذا آپ میرا درخواست کل یعنی 27.11.2020 کو جمع کر دیں۔ میری طبیعت خراب ہونے اور میرے بازو میں موج آنے کی وجہ سے میں نے درخواست دی تھی۔ میں نے درخواست کے ساتھ کوئی میڈیکل سرٹیفیکٹ لف نہیں کی تھی۔ از خود کہا کہ میں گھریلو ادویات لے رہی تھی۔ یہ درست ہے کہ یہ میری اولین ذمہ داری تھی کہ میں اپنی موجودگی میں اپنی درخواست کی منظوری کنفرم کرتی چونکہ مجھے سینئر سول جج صاحب نے چھٹی دے رکھی تھی اسی لئے میں نے از خود درخواست جمع نہیں کی اور درخواست دستخط کر کے اپنے میز پر چھوڑ دی اور خیر الدین کو کہا کہ وہ پیش کرے۔ میں سرکاری ملازم ہوں سینئر سول جج صاحب کی ذاتی ملازم نہیں ہوں۔ یہ مجھے معلوم تھا کہ میرا کیڑنول یونیٹس ختم ہو چکا ہے اور چھٹی لیتے وقت میں نے سینئر سول جج صاحب کو یہ عذر بھی پیش کیا تھا کہ میرا چھٹیوں کا بیلیٹس ختم ہو گیا ہے اس کے باوجود انہوں نے مجھے کہا کہ آپ چھٹی پر چلے جائیں

11/02/2021

Arrested
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03-02-2021

RW-2
(11.02.2021)



75


درخواست چھوڑ جائیں۔ یہ درست ہے کہ مجھے علم ہونے کے باوجود کہ میرا چھٹیوں کا بیلنس ختم ہے چھٹی کی درخواست گزاری کیونکہ مجھے سینئر سول جج صاحب ایڈمن نے ہدایات دیں۔ میں نے صبح سویرے مورخہ 27.11.2020 کو خیر الدین نائب قاصد کو کال کی کہ میری چھٹی کی درخواست سینئر سول جج صاحب کو دے دیں اس کے بعد خیر الدین کو بلا کر اس کو کوئی ہدایت نہیں دی گئی تھی کہ چھٹی منظور یا نامنظور ہوئی ہے اور نہ ہی مجھے سی او سی آفس سے کوئی اطلاع یا کال بابت اخراجگی چھٹی کی درخواست موصول ہوئی۔ یہ درست ہے کہ میں نے دوسری مرتبہ خیر الدین کو کوئی کال نہیں کی۔ ریاض اکبر ڈپٹی ڈائریکٹر اینا میرا رشتہ دار ہے۔ پریڈ گراؤنڈ گیٹ پر سیکورٹی والوں کو میں نے یہ بتا کر اندر جانے کی اجازت لی تھی کہ اینٹسٹ کے سٹاف میں میرے رشتہ دار ہیں، میں ان کو دعوت دینے آئی ہوں۔ انہوں نے مجھے بغیر کسی روک ٹوک کے اندر جانے کی اجازت دے دی۔ جب میں پریڈ گراؤنڈ میں داخل ہوئی تب بھی میرے بازو میں درد تھا اسی لئے میں نے لمبا سا اور کورٹ پہنا تھا تاکہ سردی نہ لگے تاہم کوئی پٹی نہیں بندھی تھی۔ مزید کہا کہ میں نے قمیص کے نیچے گرم پٹی باندھی تھی۔ جب میں گراؤنڈ میں گئی تو میری پھوپھی نے مجھے کال کیا اور ساتھ ہی اس کا جو رشتہ دار ہے اس کا نمبر مجھے بھیج دیا کہ اس کو کال کریں، میں نے سر ریاض اکبر کو کال کی کہ میں ادھر آئی ہوں اور اپنی پھوپھی کا حوالہ دیا کہ اس نے کہا ہے کہ آپ لوگوں کو مدعو کروں۔ کال کے بعد ریاض اکبر میرے پاس آئے اور کہا کہ آج جمعہ ہے اور 12 بجے سے 02 بجے تک جمعہ بڑیک ہوتا ہے تو آپ ہمارا ادھر گراؤنڈ میں انتظار کریں کیونکہ ٹسٹ ختم ہو رہا ہے اور ہم سٹاف کو فارغ کر کے جائیں گے۔ ٹسٹ والے اوپر تھے اور میں گراؤنڈ میں انتظار کرنے لگی۔ یہ غلط ہے کہ موجودہ انکوائری کسی دوسرے شخص کی ایسا پرکاشنہ بی بی کے خلاف ہو رہی ہے۔ یہ بھی غلط ہے کہ پہلے بھی ان کے خلاف درخواست وغیرہ موصول ہوتے رہے ہیں اور وقتاً فوقتاً غیر حاضری کی بنیاد پر جواب طلبی اور وارننگ بھی جاری ہو چکے

ہیں۔

RO & AC
11.02.2021


(Asif Kamal)

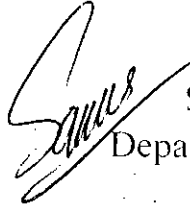
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)


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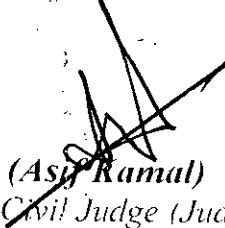
(72)

Statement of Sajad Ahmad Departmental Representative.

Stated that I have produced my entire evidence on behalf of Department and close my evidence.


 Sajad Ahmad
Departmental representative

RO & AC
10.02.2021

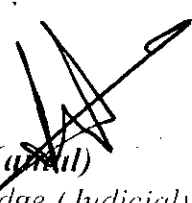

(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

Statement of Kashifa Bibi/accused official.

Since, I have submitted an application for calling COC as witness but now I want to withdraw my application.


Kashifa Bibi
Accused/delinquent official

RO & AC
10.02.2021


(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)


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Session Court / ZQ
Chitral

03-07-2021

73

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Statement of delinquent official Kashifa Bibi

Stated that I have produced my entire evidence and close my evidence.

(Handwritten signature)

Kashifa Bibi
Accused Official

RO & AC
11.02.2021

(Handwritten signature)

(Asif Kamal)
Senior Civil Judge (Judicial),
Chitral Lower
(Inquiry Officer)

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Chitral
03-07-2021

74

03
23/12/2020
76

To:

Hon'ble Senior Civil Judge (Judicial) /Inquiry Officer
Lower Chitral

Subject: EXPLANATION

Dear Sir,

With due respect it is submitted that, with reference to your verbal direction to explain my position in inquiry pending before your honor. It is requested that I am relying on my previously submitted reply against explanation tendered by Hon'ble District & Sessions Judge/ZQ Chitral dated 26.11.2020.

Hence, submitted in your honor.

Kashifa

KASHIFA BIBI
Junior Clerk Attached with Court of SCJ (Admin)
Lower Chitral

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Chitral
03-09-2021

کسبالت جنرل سنیئر سٹول جج / انکوائری آفیسر صاحب قرآن لور

قرری بٹ میں جانب ملزم کاشفہ بی بی
سبند انکوائری زیر کاروائی

75

13/10/2021

جناب عالی: من ملزم بعد اہتمام حسب ذیل قرری بٹ پیش فرمت کرنا چاہتی ہوں۔

1- من ملزم در پہلا التزام یہ ہے کہ میری casual leave کی قرری درخواست مورخ 26-11-2020 کو ختم سنیئر سٹول جج (ایڈمن) کو وصول ہوا۔ اور casual leave کی بیلنس ختم ہونے کی وجہ سے درخواست مندر ہوئی۔ اور درخواست مسترد ہونے کی اطلاع بذالہ C.C. ٹیج تک پہنچانے کی ہدایت ہوئی۔ یوں میری درخواست کی مسترد ہونے کی اطلاع اسی روز یعنی مورخ 26-11-2020 کو ٹیج تک پہنچائی گئی۔

اس التزام کے جواب میں میں ملزم اپنی رضاعت قرری شکل میں ابتدائی طور پر جناب ڈسٹرکٹ اینڈ سیشن جج صاحب کو پیش کیا۔ اور دوران کاروائی اپنا تفصیلی بیان لکھ کر پیش کیا۔ اور درج ذیل بیان میں اہل حقائق بیان کر دی ہے۔ مذکورہ بالا التزام غلط اور بے بنیاد ہے۔ اصل حقیقت یہ ہے کہ مورخ 26-11-2020 میری طبیعت خراب ہونے کی وجہ سے اور میرے بازو میں شدید درد ہونے کی وجہ سے جج سنیئر سٹول جج ایڈمن کے قیام میں جا کر زبانی طور پر استدعا کی کہ میری طبیعت خراب ہے۔ میرے بازو میں شدید درد ہے۔ اور ساتھ میں نے سنیئر سٹول جج صاحب ایڈمن کو یہ بھی بتا دیا کہ میری casual leave کی بیلنس ختم ہو چکی ہے۔ نتیجے میں غنایت فرمائی جائے۔ تو ختم سنیئر سٹول جج ایڈمن (P.W.1) صاحب مورخ 03-07-2021 نے کہا کہ آپ دو دن کی درخواست جمعور ڈالیں۔ اور زبانی طور پر جمعور ڈالنا غنایت فرمائی۔ اور ساتھ میں یہ بھی غنایت کی کہ آپ درخواست جمعور ڈال کر حل جائیں۔ تو میں درخواست نکل دیا۔ اس پر دینا دستخط بھی کر دیا اور لاگ اپنے انس کے میز پر رکھ دیا۔ اور فیئر الدین نائب قاضی کو بلا کر اس کو تاکید کی کہ سنیئر سٹول جج ایڈمن نے مجھے زبانی طور پر جمعور دے دیا ہے۔

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۱۰
 (26) ابھی میں نے اپنا درخواست نکلھریا ہے۔ کل یعنی فورم 25-11-2020 کو اسے اس درخواست کو
 سینئر سول جج ایڈمن صاحب کو حوالہ کر دیا۔ فورم 25-11-2020 کو میں صبح سویرے
 ضیاء الدین کو فون کر کے دوبارہ تاکید کی کہ میری درخواست جس پر میرا دستخط موجود ہے۔ آج
 سینئر سول جج ایڈمن کے حوالے کر دیا۔ اس کے بعد تجھے دفتر سے یا فیئر الدین سے درخواست
 مسترد ہونے کی اطلاع کسی نے بھی نہیں دیا۔ اور زبانی طور پر جو جج صاحب نے تجھے بھیجی تھی
 منظوری دی تھی۔ میں نے اس بنیاد پر بھیجی تھی۔

نیز میرے اس بیان کی تائید R-10-1 نائب قاضی عدالت فیئر الدین نے بھی کی ہے۔

تذکرہ الزام اور دفاع کی نسبت ذیل نکات قابل توجہ ہیں۔

1- فورم 26-11-2020 کو تحریری درخواست موصول ہونے کی نسبت مستند
 محترم سینئر سول جج کے پاس کوئی تائیدی شہادت موجود نہیں ہے۔

2- یہ درخواست 26-11-2020 کی مسترد ہونے اور - CO C کی اسی روز
 درخواست پر ایڈورٹ عرض کرنے کی نسبت اس اہم ترین گواہ کا بیان ہی نہیں لایا گیا۔ اور
 نہ CO C کے دستخط کے بغیر 26-11-2020 کی تاریخ درج شدہ ہے۔

3- یہ مذکورہ "CO C" کو بطور گواہ پیش نہ کر کے Best evidence
 کہ اس لیے withheld کیا گیا۔ کیونکہ CO C صاحب نے فورم 26-11-2020
 کو درخواست ہی وصول نہیں کیا تھا۔ اس طرح قانون شہادت کے آرٹیکل 129 (g)
 کے تحت اس اہم گواہ کی بغیر کسی معقول وجہ کے ترک کرنے سے استغاثہ کا موقف
 قابل اعتبار نہیں ٹھہرتا ہے۔

4- یہاں اس امر کی وضاحت بھی ضروری محسوس ہوتی ہے۔ قانون شہادت کے آرٹیکل
 (2) AN-1 کے تحت قانون شہادت 1989 کا اطلاق حکمانہ انکوائری / انکوائری پر بھی
 ہوتا ہے۔

5- یہ بدوران جرح مستند / سینئر سول جج ایڈمن اس حقیقت کو بھی تسلیم کر لیا ہے۔
 کہ من ملزہ کی Affidavit رجسٹر میں فورم 27-11-2020 آن کے محفوظ
 نام کے سامنے "L" تحریر شدہ تھی۔ جس کو انہوں نے بعد سے کٹ کر کے A
 لکھ ڈالنے کی ہدایت کی۔ نیز سینئر سول جج ایڈمن مزید بدوران جرح اس حقیقت کو بھی تسلیم کر لیا ہے۔

تسلیم کیا۔ کہ L سے مراد Leave ہے۔ اب سوال پیدا ہوتا ہے۔ کہ مذکورہ
 حاضری شیٹس میں پہلے L کیوں لکھا گیا تھا۔ کس وجہ سے لکھا گیا تھا۔ حالانکہ
 ماہین فریقین نے تسلیم کر لیا ہے کہ فورم 27-11-2020 کو من ملزہ حاضری عدالت
 نہیں تھی۔

6- نیز محترم سینئر سول جج یا دیگر گواہان استغاثہ کسی نے بھی تذکرہ اسٹینڈنٹ شیٹس
 میں مذکورہ رد ہدای کی معقول وضاحت بیان نہیں کی ہے۔

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- 6. منتر فہم سنیر سٹولنگ / مستغیث دوران جرح ذیل حقائق کو تسلیم کرتا ہے۔
- 2. کہ ملازم کی درخواست چھٹی گس نے اس کو پیش کی۔ اس کو یاد نہ ہے۔
- 3. اس امر کو تسلیم کرتا ہے کہ ملازم نے فہم سنیر سٹولنگ سے زبانی استدعا کی تھی۔
- 3. اس امر کو تسلیم کرتا ہے کہ ملازم کی زبانی استدعا کے وقت گواہ استخاتم یعنی ارٹھن بلیف ان کے چہرے میں موجود تھا۔

جبکہ تذکرہ صورت حال کے برعکس من ملازم اور اس کی تائیدی گواہ نائب فائد کے بیانات قابل غور ہیں۔ من ملازم اور تائیدی گواہ راجہ راجہ جرح کی گئی۔ لیکن ان کے بیانات میں کوئی تضادات استخاتم برسر لانے میں ناکام ہوا۔ بلکہ تذکرہ الزام کی نسبت کوئی suggestion بھی بابت غلط بیانی ملازم میں پر دوران جرح نہیں ہوئی۔

یہاں سے امر بھی قابل غور ہے۔ کہ ملازم کی شہادت کی تائید میں ایک نائب فائد پیش انجامب ہو کر شہادت دی ہے۔ اس حقیقت کے باوجود کہ وہ فہم سنیر سٹولنگ / مستغیث قدم کا ممانعت ملازم ہے۔ اس راجہ جرح جو میرا اس کا پہلا لائن یوں ہے۔

It is correct that on 27-11-2020 I submitted application of casual leave of Kashifa Bibi in the morning.

اس واقعہ استخاتم نے اس امر کو بلا اثر تسلیم کیا ہے۔ کہ من ملازم کی درخواست میرے موقف کے عین مطابق مورخہ 27-11-20 کو پیش سنیر سٹولنگ ایژمن ہونے لگی۔

اس واقعہ سے ثابت ہوتا ہے کہ حقیقت کی نسبت من ملازم کا بیان حقائق پر مبنی ہے۔ جبکہ استخاتم نے کا موقف شدید تضادات کا شکار ہے۔ مندرجہ بالا حالات واقعات سے ثابت ہوتا ہے۔ کہ من ملازم کا موقف درست و صحیح ہے۔ نیز اس الزام سے من ملازم کو بری ذم کرنے کی سفارش کیا جا کر دادرسی دیجاتے۔

جناب عالی:- من ملازم در یہ الزام عائد کیا گیا ہے۔ کہ میں مورخہ 27-11-20 کو فٹ بال پلے گراؤنڈ قرال نزد شاہی مسجد قرال روڈس ریکورڈنگ سٹیٹ میں ETEA حکام کے پیرہ ڈیوٹی در مامور تھا۔ اور میرا یہ فعل willfull or misconduct اور disobedience کے زمرے میں آتا ہے۔ اور سزا کا مستوجب ہوں۔ نیز میں اس سلسلے میں ایچ ادارے سے کوئی اجازت بھی نہیں لی ہے۔

استخاتم کے مذکورہ بالا الزام بھی غلط، من گھڑت اور بے بنیاد ہے۔ اس نسبت میری مکمل اور تفصیلی وضاحت جناب ڈسٹرکٹ جج صاحب قرال اور دوران انٹرویو اپنی 08-07-2021 بیان اور استخاتم کے گواہیوں راجہ سے ثابت کر چکا ہوں۔ کہ تذکرہ الزام بھی غلط اور بے بنیاد و من گھڑت ہے۔

میں پر موجود شہادتوں کے علاوہ سے حسب ذیل نکات واضح ہوتے ہیں۔ جو کہ اس الزام یا الزامات کی تردید کیے قابل ملاحظہ ہیں۔



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2۔ یہ سینیئر سٹول بیج ڈال دوران برع برین طور اقبال ہیں۔

برع کے ضمنیہ کے افزای باجم لائین میں آزار کرتا ہے۔

It is correct that I have not obtained the attendance sheet/ Register of the officials who were on duty with ENPA Staff, on 27-11-2020.

برع صفحہ نمبر ۴۔ میں محترم سینیئر سٹول بیج آراوی ہیں۔

کہ وہ نہیں جانتا کہ ایسا میٹنگ کس ٹائم شروع ہوا تھا اور کس ٹائم پر ختم ہوا تھا۔
برع صفحہ نمبر ۴ کے درمیان میں جاتا ہے۔

کہ میں نے ملزم کی ایسا کیس کی تہا پر ایگریمنٹ بابت ڈیوٹی کی کون
دست آویز نہ تھی میں یا۔ اور نہ قلم بندی شہادت کے موقع پر اجنباب کے سامنے لایا ہے۔

2۔ محترم سینیئر سٹول بیج ایڈمن میں بیان 2۔ کہ انہوں نے موقع پر ڈیوٹی ڈائریکٹر ENPA کا یہاں
قلم بند کرنے سوا دیگر کوئی کارڈنگ ملزم کی ہے۔ یہاں میں ذیل نکات قابل توجہ ہیں۔

1۔ یہ تذکرہ ڈیوٹی ڈائریکٹر کو استغاثہ برائے قلم بندی شہادت دوران استوائری پیش نہیں کیے۔
تاقون شہادت کے اصولوں اور عملی عملوں کے منبعل جات سے یہ امر اور تسلیم شدہ تاقون حقیقت
بن چکی ہے۔ کہ کئی فرق مخالف کے خلاف ایچ گروہوں کے بیانات ناقابل ادخال شہادت بن
جاتی ہیں۔ جب بیان دینے والا شخص ایچ آئی آپ کو شہادت / کراس کیلے پیش نہ ہوں۔

2۔ یہ استغاثہ کی الزام بالا کی تائید میں ان کو صرف یہی شہادت دینا بھائی۔ لیکن
یہاں بھی بغیر کئی معقول وجہ کے اس گروہ کو حاضر عدالت نہیں کیا گیا۔ یہاں بھی استغاثہ کے
تشریح گروہ مذکورہ تاقون شہادت 1984 کا دفعہ (C) 129 لاگو ہوتا ہے۔ اور استغاثہ کا
موقف تاقون کی از سے زمین ہوس پرتا ہے۔

3۔ علاوہ ازیں پلاگراؤنڈ میں سینکڑوں لوگوں کی موجودگی میں سینیئر سٹول بیج صاحب کا
ویڈیو ریکارڈنگ کرانا، فرد عدالتی حکام کیساتھ پلاگراؤنڈ انے کیوں سے تذکرہ
ڈیوٹی ڈائریکٹر شدید دباو، Embarrassment، کنفیوژن کا شکار ہونے اور ایسی گروہ
حال میں رہی گی یہاں شہادت اعتبار نہیں کیا جاسکتا۔

4۔ نیز جناب سینیئر سٹول بیج صاحب اور ڈیوٹی ڈائریکٹر مذکورہ کیساتھ گفتگو کی ریکارڈنگ
قابل مد نظر ہیں۔ جس میں صاف نظر آتا ہے۔ کہ تذکرہ ڈیوٹی ڈائریکٹر صاحب شدید تناؤ کا
شکار ہیں۔

5۔ ویڈیو ریکارڈنگ کی گفتگو اور ڈیوٹی ڈائریکٹر کی تحریری بیانات میں واضح تضادات صید

6۔ یہ محترم سینیئر سٹول بیج ایڈمن محترم نوٹوں کے مجموعے سامنے ویڈیو ریکارڈنگ کے دوران
جانتا ہے۔ کہ اس کو یہاں کورٹ سے حکم، اطلاع ملی ہے۔ کہ وہ موقع پر باکر کا مدانی کے
لیکن محترم مذکورہ استغاثہ، Complaint اور بیانات میں ان کی Information
کا Source نہیں اڑھن بائیل ہے۔

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7۔ یہ اُس روزیاتی کورٹ سے کوئی حکم یا اطلاع حصول نہ ہونے کی تصدیق گواہ اور...
Departmental Representative نے دوران 20 کی 2۔ جو کہ قابل ملاحظہ ہے۔

9۔ اس طرح ایشیائی کے دوسرے تمام گواہ اس حقیقت کو تسلیم کرتے ہیں۔ کہ ایشیا کام سے ملزہ کی ان سب سے زیادہ کی نسبت کوئی تحریری ثبوت، دستاویز، حکم، معاہدہ وغیرہ وہ پیش کرنے میں ناکام رہتے ہیں۔

جب کہ تذکرہ اہم حقائق کے برعکس میں ملزہ پر طویل جرح کی گئی۔ لیکن ایشیائی ملزہ کے بیان کردہ حقائق کی نسبت تصدیقات میں طوعاً لانا میں ناکام ہوا ہے۔ 2۔ تذکرہ بالا حقائق سے واضح ہوتا ہے۔ کہ ملزہ EATA والوں کے ساتھ ڈیوٹی سرانجام نہیں دے رہی تھی۔ بلکہ اپنے بیانات میں دیکھتے ہیں کہ حقائق کے عین مطابق پلاگراؤنڈ میں ایماژن کر رہے تھے۔ جو کہ کسی بھی کارزہ جرم یا Misconduct کے 2۔ اس سلسلے میں ملزہ کی بیان تسلی بخش اور حقائق پر مبنی ہے۔ اس طرح ایشیائی مذکورہ الزامات کی بار ثبوت میں ناکام ہوا ہے۔

علاوہ ازیں ایشیائی کے گواہوں کو ملزہ کی طرح حیرت انگیز سرگوشی ہے ان کے پلاگراؤنڈ میں ڈیوٹی ٹیم کے دوران بیان اچانک کسی بھی کارزہ سے قانونی فعل ہے۔ ان کے افعال خود شدید Misconduct کے زمرے میں آتے ہیں۔

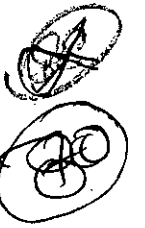
ضابطہ عالی:۔ نیز ایشیائی ایجنڈا کو ملزہ کے خلاف مفید صادر فرمانہ کے دوران انکوائری مختلف قسم کے دستاویزات، بنیاد الزامات، نامعلوم شکایات وجزہ کی انبار لگانے میں تذکرہ دستاویزات کی نسبت میں ملزہ کی دلائل نہیں ہیں۔

3۔ یہ تذکرہ دستاویزات موجودہ انکوائری کے سلسلے میں غیر متعلقہ ہیں۔
4۔ یہ قانون ثبوت کے ارٹیکل 47 کے تحت تذکرہ غیر متعلقہ دستاویزات کی کوئی شیڈیو حقیقت ہے۔

5۔ یہ تذکرہ دستاویزات موجودہ الزامات سے غیر متعلقہ ہیں۔
6۔ یہ موجودہ الزامات کے اپنے حقائق وواقعات ہیں۔ لیکن ایشیائی کو یقین تھا کہ یہ عقد برعینباد عدم ثبوت قابل افواج ہے۔ اس کے باوجود میں ملزہ کو بے لوث کر کے کی کوشش میں، دستاویزات شامل انکوائری کے لئے ہیں۔

7۔ یہ ایشیائی کا اجماع گواہ ڈیپارٹمنٹل نمائندہ تسلیم کرتا ہے۔ کہ وہ ملزہ کی 2016 کی ACR قابل تعلق ہے۔ وہ یہ بھی تسلیم کرتا ہے۔ کہ اس میں کوئی اور ان پکٹس ان کا طرف سے ملزہ کو بہترین کر کے اس سے متعلقہ حقیقت یا حقیقتیں نیز مذکورہ دستاویزات جن سے ثابت ہوتا ہے کہ ملزہ ایک آسٹریلیائی ملزہ ہے۔ جو ڈیپارٹمنٹل نمائندہ پیش کر کے جانبداری کا مظاہرہ کرتا ہے۔

2017-07-03



6- نیز بقدر حکام بالا سے اجازت لیڈ سرگام میری ڈیپٹی میری طرف سے خلاف ریکارڈ کر کے میری
شہرت کو ذبردست نقصان پہنچائے ہیں۔ جس سے یہ مداخلت ہو جاتی ہے۔ کہ میرے خلاف جرم
کا دعویٰ ڈیپٹی ریگولیشن اور complaint اور مجھ سے تعلق نہیں بدلتی یا غلط پنہمی کی بنیاد
پر سر انجام پائی ہیں۔

7- نیز میں انجناب سے مدد فراہم درخواست کرتی ہوں۔ کہ میں عورت ذات ہوں۔ انجناب
سے مدد اور تیار ہونے کی ادنیٰ میں از خود من ملنے کو انصاف فراہم کر کے میری دادری
فرمائیں۔ اور مجھ پر لگے الزامات جن کو اسٹیفان ثابت کرنے میں ناکام ہوئی ہے۔ میں
مجھے باعزت بری ذمہ قرار دے کر اپنی رپورٹ ضابطہ محکمہ ڈسٹرکٹ ایچ ڈی ایچ کے ذریعہ
کو ارسال فرمائیں۔ یا بصورت متبادل جو بھی دادری ذمہ انصاف ہو میرے حق
میں صادر فرمائی جا کر دادری دیکھا۔

العارضی

سائلہ / ملزمہ

کاشفہ بانی جو نئی کلر

Attested
by Clerk
Special Court / ZQ
Ghail
03-09-2024

Order No.01

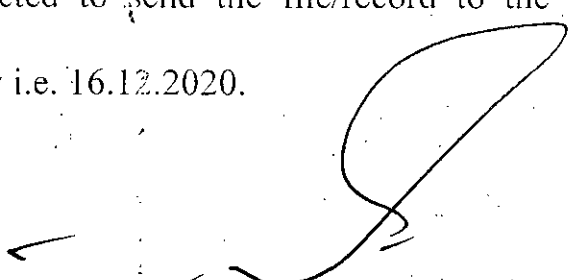
16.12.2020

④ ANNEXURE ⑧③

Vide office Order bearing No.3065-3066/DSJ/ZQ/CTL of even dated, an inquiry was initiated against accused/official Mst. Kashifa Bibi (Junior Clerk/BPS-11), presently *Muharrir* attached to the Court learned Senior Civil Judge (Admn)/MTMC, Lower Chitral. She was charge sheeted and statement of allegation given. Mr. Asif Kamal, learned Senior Civil Judge (Judicial), Lower Chitral is hereby, appointed as Inquiry Officer to proceed with inquiry as per Charge Sheet and statement of allegation, with the direction to conduct the inquiry while observing all the formalities at the earliest. The relevant record be send to the Inquiry Officer forthwith and accused/Official be also informed. Mr. Sajjad Ahmad (Junior Clerk) is also hereby appointed as Departmental Representative vide Office Order bearing No.3069-3072/DSJ/ZQ/CTL of even dated with the direction to defend the inquiry on behalf of this Office.

Office is directed to send the file/record to the Inquiry Officer today i.e. 16.12.2020.

Announced
16.12.2020


(JAVAID-UR-RAHMAN)
District Judge/ZQ, Lower Chitral
(Competent Authority)



③
Attested
Copy Clerk
Session Court / ZQ
Chitral

03-07-2021

IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL

No. _____ Date of Institution. _____ Title.

85

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	حکم نمبر / تاریخ
<p><u>Order ...02</u> 16.12.2020</p>	<p>Inquiry file received. Be registered.</p> <p>Departmental representative Mr. Sajad Ahmad present.</p> <p>Accused/delinquent official Kashifa Bibi also present, she already received copies of statement of allegations and charge sheet, therefore, she is directed to submit her written defense/reply within seven (07) days positively as provided in S.10 (B) KPK Government Servants Efficiency and Disciplinary Rules 2011.</p> <p>File to come up for written defense/reply of accused official on 23.12.2020.</p> <p style="text-align: center;"> (Asif Kamal) Senior Civil Judge/ Inquiry Officer</p> <p style="text-align: right;"> Attested Copy Clerk Session Court / ZO Chitral 03-07-2021</p>	

IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL

86

No. _____ Date of Institution. _____ Title. _____

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	حکم نمبر / تاریخ
<u>Order ...03</u> 23.12.2020	<p>Departmental representative Mr. Sajad Ahmad present. Accused/delinquent official Kashifa Bibi also present and submitted her written defense/reply, placed on file.</p> <p>Both representative and accused official are directed to submit their list of witnesses on 01.02.2021.</p> <p>(Asif Kamal) Senior Civil Judge/ Inquiry Officer</p>	
<u>OR.....04</u> 01.02.2021	<p>Departmental Representative Mr. Sajjad Ahmad present, he submitted his list of witnesses. Accused/delinquent official Kashifa Bibi absent. COC office was directed to contact the accused official telephonically and ask her to ensure her presence on next date i.e. 02.02.2021, she is also directed to submit her list of witnesses. Departmental Representative is directed to produce his entire evidence on next date.</p> <p>(Asif Kamal) Senior Civil Judge/ Inquiry Officer</p>	

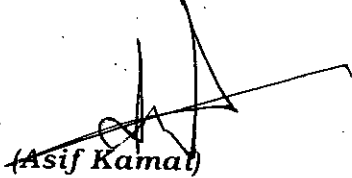
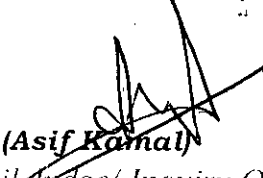

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Chitral

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87
11

**IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL**

No. _____ Date of Institution _____ Title _____

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	علم نمبر / تاریخ
<u>Order ...05</u> 02.02.2021	<p>Departmental representative Mr. Sajad Ahmad present. Accused/delinquent official Kashifa Bibi also present. She sought time for submission of list of witnesses. Opportunity granted with the direction to positively submit the same on next date.</p> <p>File to come up for submission of list of witnesses on behalf of delinquent official and complete evidence on 03.02.2021. Departmental representative is directed to ensure his evidence on date fixed.</p> <p style="text-align: center;"> (Asif Kamal) Senior Civil Judge/ Inquiry Officer</p>	
<u>OR.....06</u> 03.02.2021	<p>Departmental Representative Mr. Sajjad Ahmad present, accused/delinquent official Kashifa Bibi also present and submitted her list of witnesses. Statement of Mr. Muhammad Irfan Senior Civil Judge/Admin, Lower Chitral, recorded as APW-1, accused official sought time for preparation and cross examination, hence, cross reserved.</p> <p>To come up for cross examination of APW-1 and statement of remaining witnesses on 06.02.2021.</p> <p style="text-align: center;"> (Asif Kamal) Senior Civil Judge/ Inquiry Officer</p>	<p style="text-align: center;"> Attested Copy Clerk Session Court / ZQ Chitral 03-07-2021</p>

IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL

80
8

Date of Institution. _____ Title. _____

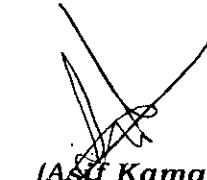

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	علم نمبر / تاریخ
<u>Order ...07</u> 06.02.2021	<p>Departmental representative Mr. Sajad Ahmad present. Accused/delinquent official Kashifa Bibi also present. Cross examination of APW-1 Mr. Muhammad Irfan recorded and placed on file. Chief Statements of Abdul Haq and Faiz ur Rehman also recorded, delinquent official sought time for cross examination.</p> <p>File to come up for cross examination of departmental witnesses and remaining evidence on 08.02.2021.</p> <p style="text-align: center;"><i>(Asif Kamal)</i> Senior Civil Judge/ Inquiry Officer</p>	
<u>OR.....08</u> 08.02.2021	<p>Departmental Representative Mr. Sajjad Ahmad, accused/delinquent official Kashifa Bibi and, departmental witness Abdul Haq, computer operator present.</p> <p>Today the date was fixed for cross examination of departmental witnesses but inquiry officer remained busy in court proceedings, therefor, proceeding in inquiry could not be conducted. Hence, adjourned. To come up on 09.02.2021.</p> <p style="text-align: center;"><i>(Asif Kamal)</i> Senior Civil Judge/ Inquiry Officer</p>	<p style="text-align: right;"><i>(S)</i> Attested Copy Clerk Session Court / ZQ Chitral 03-09-2021</p>

IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL

89

7

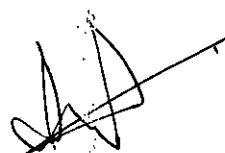

No. _____ Date of Institution. _____ Title. _____

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	عکم نمبر / تاریخ
<p><u>Order ...09</u> <u>09.02.2021</u></p>	<p>Departmental representative Mr. Sajad Ahmad and APW-2 Abdul Haq present. Accused/delinquent official Kashifa Bibi also present. Cross examination of APW-2 recorded and placed on file. Chief Statements of Sajad Ahmad departmental representative also recorded as APW-4, delinquent official sought time for cross examination. Moreover, accused official moved an application for calling COC as her witness. Departmental representative submitted written reply.</p> <p>File to come up for cross examination on departmental witnesses and arguments on application of accused official on 10.02.2021.</p> <p style="text-align: center;"> (ASJ Kamal) Senior Civil Judge Lower Chitral Inquiry Officer.</p> <p style="text-align: right;"> Attested Copy Clerk Session Court / ZQ Chitral 03-07-2021</p>	

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**IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL**

No. _____ Date of Institution. _____ Title. _____

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	حکم نمبر / تاریخ
<p><u>Order ...10</u> 10.02.2021</p>	<p>Departmental representative Mr. Sajad Ahmad and APW-3 Faiz ur Rehman present. Accused/delinquent official Kashifa Bibi also present. Cross examination of APW-3 and APW-4 recorded and placed on file. Departmental representative closed their evidence. Meanwhile, accused official orally requested for withdrawal of her application for calling COC as her witness. In this respect her statement recorded and place on file.</p> <p>Hence, application of accused official for calling COC as her witness is hereby dismissed as withdrawn. Accused official is directed to produce her entire evidence on date fixed.</p> <p>File to come up for accused official's evidence on 11.02.2021.</p> <p><u>Announced</u> 10.02.2021</p> <p style="text-align: center;"> (Asif Kamal) Senior Civil Judge Lower Chitral Inquiry Officer</p> <p style="text-align: center;"> Attested Copy Clerk Session Court / ZQ Chitral 03-07-2021</p>	

IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL

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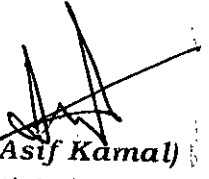

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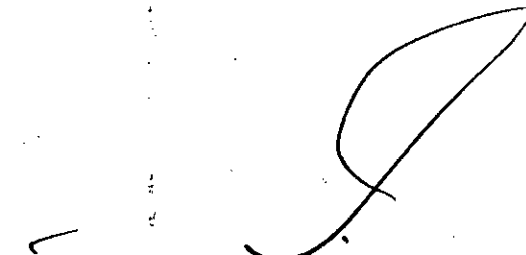
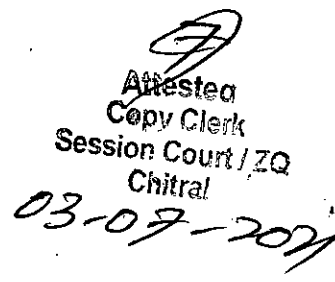
Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	حکم نمبر / تاریخ
<p><u>Order ...11</u> 11.02.2021</p>	<p>Departmental representative Mr. Sajad Ahmad and accused official Kashifa Bibi both present. Evidence of delinquent official recorded in shape of RW-1 and RW-2 and after cross examination evidence closed. Meanwhile, representative moved an application for grant of permission to record additional evidence. Accused official resisted the said application by submitting replication. Arguments heard.</p> <p>As proceeding in the instant inquiry is in progress and being inquiry officer it is my duty to collect all kind of documentary as well as oral evidence, therefore, to reach just conclusion of the matter and bring on file entire evidence, the application of petitioner/departmental representative is allowed. Additional evidence recorded as AAPW-1.</p> <p>File to come up for arguments on 13.02.2021.</p> <p><u>Announced</u> 11.02.2021</p> <p>(Asif Kamal) Senior Civil Judge Lower Chitral Inquiry Officer</p>	<p>Attested Copy Clerk Session Court, ZQ Chitral 03-07-2021</p>

IN THE COURT OF ASIF KAMAL SENIOR CIVIL
JUDGE/JUDICIAL MAGISTRATE, CHITRAL

92

No. _____ Date of Institution. _____ Title. _____

Serial No. Date Of Order	Order or Other Proceedings with Signature of Judge or Magistrate and That of Parties or Counsel Where Necessary.	حکم نمبر / تاریخ
<u>Order ...12</u> 13.02.2021	<p>Departmental representative Mr. Sajad Ahmad and accused official Kashifa Bibi both present. Accused official sought time for submission of written arguments. Granted. To come up for submission of written arguments on: 15.02.2021.</p> <p style="text-align: center;"> (Asif Kamal) Senior Civil Judge Lower Chitral Inquiry Officer</p>	
<u>Order ...13</u> 15.02.2021	<p>Departmental representative Mr. Sajad Ahmad and accused official Kashifa Bibi both present. Accused official submitted written arguments, while departmental representative relied upon his already submitted record during proceeding.</p> <p>In light of Charge sheet, evidence of parties and arguments my detailed inquiry report consists of 05 pages, available on file. Hence, be forwarded to Hon'ble District & Sessions Judge, Chitral for further proper order.</p> <p><u>Announced</u> 15.02.2021</p> <p style="text-align: center;"> (Asif Kamal) Senior Civil Judge Lower Chitral Inquiry Officer</p> <p style="text-align: center;"> Attestee Copy Clerk Session Court / ZQ Chitral 03-07-2021</p>	

S. NO. OF ORDER OR PROCEEDINGS	DATE OF ORDER OR PROCEEDINGS	ORDER OTHER PROCEEDINGS WITH SIGNATURE OF JUDGE OR MAGISTRATE AND THAT OF PARTIES OR COUNSEL WHERE NECESSARY
1	2	3
<p><u>Order No.14</u></p>	<p>16.02.2021</p>	<p>Instant Inquiry Report received back from Mr. Asif Kamal Learned Senior Civil Judge/AIQ (Judl), Lower Chitral/Inquiry Officer. As per his Inquiry Report, charges levelled against the delinquent Official has been proved, therefore, show cause notice and separate notice for personal hearing be issued to accused/official.</p> <p>File to come up for reply to show cause notice, additional evidence, if any, in writing on behalf of accused/official and personal hearing of delinquent official on 25.02.2021, with the notice to Departmental Representative for the date fixed.</p> <p><u>Announced</u> 16.02.2021</p> <p style="text-align: right;">  (JAVAID-UR-REHMAN) District & Sessions Judge/ZQ, Lower Chitral (Competent Authority) </p> <p style="text-align: center;">  Attested Copy Clerk Session Court / ZQ Chitral 03-07-2021 </p>

BEFORE THE HONBLE SENIOR PUISNE JUDGE, PESHAWAR HIGH COURT, PESHAWAR

ANNEX-0

94

Mst. Kashifa Bibi D/o Siraj Ahmad CNIC #15201-5843685-8 R/o Wallabad Chowk, Uchusht, Chitral Lower.

Versus

1. The District and Sessions Judge Lower Chitral.
2. Inquiry officer (Senior Civil Judge Admin) Lower Chitral.

Peshawar High Court Peshawar
Receipt No. 33/0
Date 18-11-2020
For action P/C
Signature

DEPARTMENTAL REPRESENTATION AGAINST THE DECISION OF THE WORTHY DISTRICT & SESSIONS JUDGE LOWER CHITRAL DATED 03-03-2021, WHEREBY UPON THE INQUIRY REPORT THE UNDERSIGNED WAS DISMISSED FROM HER SERVICES

Respectfully Sheweth:

ON FACTS:

1. That the undersigned is a law-abiding citizen and is the resident of Lower Chitral.
2. That the undersigned comes from a respected family and is highly qualified who twice appeared in the competitive exams held at the provincial level.
3. That the undersigned after availing the opportunity of appearing in the competitive exams finally opted to join the Civil Service at BPS (11) after going through the selection process.
4. That the undersigned was posted as Moharrir at the court of the worthy Senior Civil Judge (Admin) Lower Chitral where she performed her duties in accordance with law.
5. That on 26-11-2020, the undersigned felt excruciating and unbearable pain in her chest and arm, panicked, she went to the chamber of the Senior Civil Judge (Admin) and asked for emergency medical leave, the worthy Judge was kind to verbally sanction two days leave i.e. from 27-11-2020 to 28-11-2020.
6. That given the emergency, the worthy Senior Civil Judge after verbally having granted leave to the undersigned, gave the direction to forward the leave application to his office. The undersigned after writing the application asked the Naib Qasid to put the same before the worthy Senior Civil Judge (Admin).
7. That on the next date i.e. 27-11-2020, the undersigned once again called the Naib Qasid and told him that he should put the application of the undersigned to the worthy Senior Civil Judge (Admin) for Initials/Approval.

Approved
Qasid

- 9. That it is pertinent to note here that the undersigned was not informed about the leave application having been rejected while she was initially allowed the leave verbally (owing to emergency) by the worthy Senior Civil Judge.
- 10. That on 27-11-2020 the worthy Senior Civil Judge (Admin) along with Gul Nabil Akhter, Abdul Haq, computer operator came the location of the police post and accused the undersigned of performing staff duty with ETEA.
- 11. That on the accusation *ibid*, the undersigned was charge sheeted and was called for personal hearing. An inquiry was conducted by the Senior Civil Judge (Admin) on approval from the District and Sessions Judge Lower Chitral.
- 12. That on the basis of the said inquiry, which is not representative of the facts of the matter, the undersigned was awarded the major penalty of dismissal from service by the worthy District and Sessions Judge Lower Chitral, despite the fact that the inquiry was conducted in haste and there was no substantiated proof of the undersigned having conducted any staff duty with ETEA staff.
- 13. That Petitioner was called personally to answer the allegations brought forth against her. Whereby, evidence was recorded but the ETEA official whose statement had been relied for the accusation against the undersigned, was not called to record his statement nor was he cross-examined. The inquiry report *ibid* authored by the Senior Civil Judge (Admin) which was based on an unsubstantiated allegation was then sent to the District and Sessions Judge, Lower Chitral, whereby, the undersigned was given the major penalty of dismissal from service.
- 14. That a look at the attendance register of the ETEA personnel conducting the test/invigilation would transpire that all were ETEA employees and none of the persons present there was a daily wager. The accusation that the undersigned was performing duties with ETEA staff is not only incorrect but is also inconsistent with the facts and circumstances.
- 15. That feeling aggrieved from the departmental inquiry and decision of the District and Sessions Judge Lower Chitral, the undersigned was left with no other option but to Appeal the same before your Honour on the grounds inter Alia:

GROUNDS

- a. That the decision of the District and Sessions Judge is not in accordance with law on the subject and facts of the case therefore, liable to be set aside.

Amir Hussain Jaisani

- 96
- a. That in whole process of inquiry against the undersigned due process was not followed as the inquiry was done in haste without sufficient reason nor any proper substance.
 - c. That the decision of the District & Sessions Judge contains infirmities and is devoid of merits.
 - d. That the inquiry report of the worthy Senior Civil Judge (Admin) is based on mala fide as the undersigned was on leave and had gone to receive/invite her close family member to her house. Contents of para 13 above are re-iterated.
 - e. That the fact that the inquiry officer himself recommended major penalty, is contrary to the law and the said officer has therefore stepped into the shoes of the judge, jury and the executioner at the same time which is unwarranted at law and procedure.
 - f. That other allegations also do not have any documentary proof and are baseless accusations. It would not be wrong to say that the undersigned being a victim herself of wrong accusation is being wrongly accused. The undersigned is doing her job in accordance with law and doing so efficiently and efficiently.
 - g. That even otherwise, such severe punishment for the alleged accusation is an extreme step which is contrary to the norms of justice.
 - h. The undersigned being a divorcee, works to sustain her living and is saving for higher education; instead of taking her vulnerability as woman into account, she has been proceeded against, in blatant disregard of facts and her social condition.
 - i. That any other ground may also very graciously be allowed to be raised at the time of arguments before your Honour.

PRAYER

In light of the foregoing, it is humbly prayed that the decision of the District and Sessions Judge Lower Chitral on the inquiry report of the Senior Civil judge may very graciously be set aside and the undersigned may kindly be ordered to be restored in her post.

Any other relief which this Hon'ble courts deems fit and appropriate may also very graciously be granted in favor of the undersigned.

Petitioner

Kashu
Kashifa Bibi
D/o Siraj Ahmad

*Amrested
Kashu*

ANNEX-2
①

3
Sumaira
Durrani
Peshawar



APPRECIATION CERTIFICATE

E Expeditious Justice Initiative (EJI)
Model Trial Magistrate Court (MTMC)

The Honorable Chief Justice of Pakistan, Mr. Justice Asif Saeed Khan Khosa and The Honorable Chief Justice of Peshawar High Court, Peshawar are pleased to award this certificate to

MS. KASHIFA BIBI

in appreciation of performance rendered as Muharrir Model Trial Magistrate Court, District Chitral.

(JAVID-UR-RAHMAN)
District & Sessions Judge Chitral



BEFORE KPK SERVICE TRIBUNAL, PESHAWAR

In Service Appeal _____/2021
FOR Appellant

Mst. Kashifa Bibi
VERSUS
District & Sessions Judge, Lower Chitral & Others


I, Mst. Kashifa Bibi D/o Siraj Ahmad, resident of Mohallah Auchast, do hereby appoint, **Mr. SADIQ ALI MOMAND AHC; Mr. UMAIR IQBAL AHC; Mr. MUHAMMAD ARIF AHC; Mr. AMIR KHAN AHC; & Mr. ADIL SHAH** in the above captioned service appeal, to do all or any of the following acts, deeds and things:-

- 1- To appear, act and plead for me in the above captioned service appeal before this Tribunal in which the same may be tried or heard, and any other proceedings arising out of or connected therewith.
- 2- To sign and verify and file or withdraw all proceeding, petitions, appeals, affidavits and applications for compromise or withdrawal, or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at all its stages.
- 3- To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of the proceedings.

AND hereby agree:-


That the Advocates shall be entitled to withdraw from the prosecution of the said service appeal if the whole or any part of the agreed fees remained unpaid.

In witness whereof I have signed this vakalatnama hereunder, the contents of which have been read/explained to me and fully understood by me on this day of 05th July, 2021.

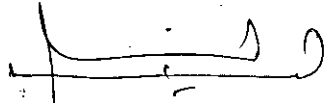


Signature of Executant

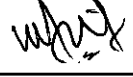
Accepted & Attested by:



Sadiq Ali Momand
Advocate High Court




Umair Iqbal
Advocate High Court



Muhammad Arif
Advocate High Court



Amir Khan
Advocate High Court



Adil Shah AHC



**THE
DISTRICT JUDICIARY
Lower Chitral**



Phone: 0943-412533
Fax: 0943-412380

<http://www.districtcourtschitral.gov.pk>
dsjctl@gmail.com

OFFICE ORDER:

In the light of Judgement Dated 05.01.2022, rendered by the Learned Khyber Pakhtunkhwa Service Tribunal in service appeal No. 7030/2021 titled as "Mst. Kashifa Bibi Vs The District & Sessions Judge/Competent Authority Lower Chitral etc", Mst. Kashifa Bibi D/O Siraj Ahmad Junior Clerk (BPS-11), is hereby reinstated with all benefits with immediate effect.

PHOOL BIBI
District & Sessions Judge,
Lower Chitral.

No. 19-24 /DSJ/ZQ/CTL

Dated 27 / 01 /2022

Copy forwarded for information to:-

1. The Registrar Peshawar High Court, Peshawar.
2. The Senior Civil Judge (Admn), Lower Chitral.
- ✓ 3. The Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
4. The District Account Officer Lower Chitral.
5. The C.O.C Court of Senior Civil Judge (Admn) Lower Chitral.
6. The Official Concerned by name.
7. Office coy.

District & Sessions Judge,
Lower Chitral.

Next date 15/2/22

BEFORE THE LEARNED JUDGE, SERVICE

TRIBUNAL, KP-

S. APPEAL NO 7030/21

Mst. Kashifa Bibi

VS.

DST, Chitral and others.



Rix in first week
of Jan, 2022
20/12/21

Part of the
court documents
attached
20/12/21

Application for early hearing
of the captioned case.

Respectfully sheweth:

1. That the captioned case is pending before this Tribunal and is fixed for 15-2-2022.
2. That the petitioner is a resident of District Chitral and is presently residing in Peshawar as the captioned case is pending adjudication here in Peshawar.
3. That the petitioner is the sole earner for her family and is presently jobless therefore is facing great financial restraints.
4. That as the case is fixed for 15th of February, it will result in causing more financial problems to the

Reader

petitioner.

5. That as the petitioner is residing in hostel in Peshawar, and the case is fixed in February 2022, it will also result in addition of more problems to the petitioner.
6. That there is no legal impediment in the way of allowing this instant application.

It is therefore humbly prayed that the captioned case may kindly be fixed for some early date.

Petitioner

through



Sadiq Ali Momand
Adv. High Court.

Dated: 20-12-2021.