

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1236 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/08/2022	<p>The appeal of Mr. Shakeel Ahmad Kundi presented today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before to Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: _____

S#	CONTENTS	Yes	No
1.	This Appeal has been presented by <u>Shakeel Ahmad Kundi (Appellant)</u>		
2.	Whether counsel / appellant / respondent / deponent have signed the requisite document?	✓	
3.	Whether appeal is within time?		
4.	Whether appeal enactment under which the appeal is filed is mentioned?	✓	
5.	Whether 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 / annexure are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal in the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/ clear?	✓	
13.	Whether copies of appeal is delivered to AG/ DAG?	✓	
14.	Whether Power of Attorney of the counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	✓	
15.	Whether number of referred cases given are correct?		
16.	Whether appeal contains cutting / 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 are attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are completed?	✓	
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 Rule 1974 rule 11, Notice along with copy of appeal and annexure has been sent to respondents? On _____		
26.	Whether copies of comments / replay/ rejoinder submitted? On _____		
27.	Whether copies of comments / replay/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:- Javed Iqbal Gul Beha, A/c,
Signature:- [Signature]
Dated:- 20/8/2022

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A 1236 /2022

Shakeel Ahmed Kundi EX-Bailif

VERSUS

Registrar Peshawar High Court, Peshawar and others

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S#	Description of Documents	Annex	Pages
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6.	Copies of enquiry, And impugned compulsory retirement Order dated 21/03/2022 of the learned Senior Civil Judge (Admin), Peshawar	"C, C/I, C/II, C/III, C/IV, C/V, & D"	12-24.
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Dated: 20/08/2022

Through

Appellant

JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan.

Office. Add: 1-B, Al-Nimrah Centre, Govt College Chowk, Peshawar.

(1)

BEFORE THE HO'NBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

In Re S.A 1236 /2022

Shakeel Ahmed Kundi EX-Bailif District Courts Peshawar.

----- Appellant

VERSUS

1. Registrar Peshawar High Court, Peshawar.
2. District Judge, Peshawar.
3. Senior Civil Judge (Admin), Peshawar.

----- Respondents

Appeal u/s 4 of the khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned Order No.5 dated: 22/04/2022, of the learned District and Session Judge Peshawar, whereby the Departmental Appeal of the Appellant has been dismissed, against the impugned Office Order No.4 Dated: 2/03/2022 of the learned Senior Civil Judge(Admin), Peshawar, wherein the Appellant has been compulsory retired from service, in a classical, cursory and whimsical manner. Hence the Instant Service Appeal.

Respectfully Sheweth,

1. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and hails from a respectable family district Peshawar.
2. That after going through mandatorily required criteria, and after being envisaged with the ordeals and inquisition of selection process, the Appellant got inducted onto the rolls of the prestigious District judiciary, years back as a Bailaf.
3. That thereafter the Appellant took charge & with his most sincere and pragmatic way, performed his duties with full zest and devotion & never left any stone unturned in performance of his duties and have always won felicitations and appreciations of his High-up at certain junctures due to his Mantle whetted skills, punctuality and behavior.
4. That before parting with the facts of the instant case and to make and vesicate out a case for the Appellant, it would equally be important to mention here, that the Appellant has been falsely booked by one Fida Muhammad S/O Abdul rasheed R/O Bishtakhara payan, Peshawar, in a complaint addressed to Hon'ble

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Peshawar high court, Human Rights Cell, Peshawar, which was entrusted to District and Session judge, Peshawar, to hold inquiry and in-dept. probe in the matter. (copies of complaint and official letters/conversation are annexed as "A and B")

5. That thereafter, inquiry was conducted in an illegal and unlawful manner, and ultimately the Appellant has been compulsory retired in a classical, cursory and whimsical manner by the learned Senior Civil Judge (Admin), Peshawar. vide impugned order No.04, dated: 2/03/2022. (Copies of enquiry, And impugned compulsory retirement Order dated 2/03/2022 of the learned Senior Civil Judge (Admin), Peshawar, is annexed herewith as Annexure "C, D, and E").
6. That feeling aggrieved from impugned compulsory retirement from Service Order, the Appellant preferred a Departmental Appeal dated: 22/03/2022 & 24/03/2022 to the Office of District and Session Judge, Peshawar, which was turned down, vide impugned order No.05 Dated: 22/04/2022. Which is not only illegal and unlawful, but is also against the rights of the Appellant, recognized, protected and guaranteed by the law of land. (Copies of Departmental Appeal dated: 22/03/2022 & 24/03/2022 and impugned Office Order no.5 dated: 22/04/2022 of the learned District & Session Judge, Peshawar, are annexed herewith as Annexure "F & G", respectively).
7. That feeling aggrieved from the impugned compulsory retirement Order no.4 dated 2/03/2022 and impugned Appellate Order no.5 dated 22/04/2022, the Appellant approaches this Hon'ble Tribunal for his reinstatement into service with all back benefits upon the following grounds, inter-alia:

GROUND:

- A. That the impugned dismissal order is wrong, illegal, unlawful and void ab-initio, Hence the same is liable to be set aside.
- B. That the act of the respondents in so called circumstances is purely baseless, unlawful, void ab-initio, coram non iudice and is not warranted by the law.
- C. That the inquiry in question was conducted in an illegal and unlawful manner therefore the impugned orders are against the Law, Rules and Regulation. Therefore liable to be turned down.

D. That no charge sheet or statement of allegation was served upon the appellant. Hence the impugned orders are beyond the jurisdiction of the learned Senior Civil Judge (Admin), Peshawar, and District & Session Judge Peshawar. Therefore the impugned orders are liable to be set aside.

E. That no show cause noticed has been served upon the appellant, and it is too strange that without serving show caused notice, the final show cause notice has been served upon the appellant, which has been properly replied by the appellant wherein the appellant negated all the allegation leveled against him being fake, fabricated, concocted and having no locus-standi. But even then the respondent passed the impugned orders against the appellant, which are not only against the law but is also against the fundamental rights of the appellant recognized, protected and guaranteed by the law of the land.

F. That neither statement of witnesses was recorded nor it was recorded in presence of appellant as well as nor opportunity of cross examination has been given to appellant. Therefore the impugned orders are against the law rules and regulation on the subject. Hence the impugned orders are liable to be turn down.

G. That neither the Appellant has been given chance of personal hearing nor he was allowed to defend himself against the baseless, fake and concocted allegation, And thus the appellant has thoroughly been condemned unheard which under the law is not allowed.

H. That the impugned compulsory retirement order & impugned Appellate Authority order is unlawful, illegal and liable to be cancelled, because the Respondents, utterly violated the service Law, Rules, Regulations and Policy of the Government for Civil servants while passing the impugned orders.

I. That under the mandate of Article 4 of the Constitution, no one should be treated otherwise than in an accordance with law, wherein Article 25 postulates that alike are to be treated alike, but

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here a different discriminative approach has been used to treat the Appellant.

J. That the law and law courts of the land have always preferred and encouraged that Rules and Policies are to be followed and have always discouraged, deplored, and depreciated any variation from the rules or policies.

K. That from every angle the impugned compulsory retirement Order & impugned Appellate Authority Order is null and void and not sustainable hence is liable to be set aside.


L. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant Service Appeal, impugned Office Order No.4 Dated 2/03/2022 of the learned Senior Civil Judge(Admin), Peshawar, whereby the Appellant was compulsory retired from service, and the impugned Departmental Appellate order No.5 dated: 22/04/2022, whereby the Departmental Appeal of the appellant has been dismissed by learned District and Session Judge Peshawar, may very graciously be set aside and by doing so the Appellant may very graciously be re-instated into service with all back benefits.


Any other relief not specifically asked for may also graciously be extended in favor of the Appellant in the circumstances of the case.

Dated: 20/08/2022

Through


Appellant

Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan


Saghir Iqbal Gulbela
Advocate High Court Peshawar.

NOTE:-

No such like appeal has earlier been filed by me before this Hon'ble Tribunal, prior to this one.


Advocate

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A _____/2022


Shakeel Ahmed Kundi EX-Bailif

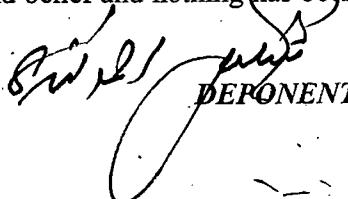
VERSUS

Registrar Peshawar High Court, Peshawar and others

AFFIDAVIT

I, Shakeel Ahmed Kundi EX-Bailif District Courts Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.


**IDENTIFIED BY:
JAVED IQBAL GULBELA
ASC.**


DEPONENT



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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A _____/2022

Shakeel Ahmed Kundi EX-Bailif

VERSUS

Registrar Peshawar High Court, Peshawar and others

ADDRESSES OF PARTIES

APPELLANT.

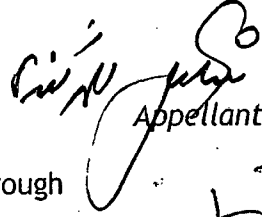
Shakeel Ahmed Kundi EX-Bailif District Courts Peshawar.

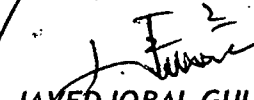
RESPONDENTS:

1. Registrar Peshawar High Court, Peshawar.
2. District Judge, Peshawar.
3. Senior Civil Judge (Admin), Peshawar.

Dated: 20/08/2022

Through


Appellant


JAVED IQBAL GULBELA
Advocate Supreme Court of
Pakistan

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BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR

In Re S.A _____/2022

Shakeel Ahmed Kundi EX-Bailif

VERSUS

Registrar Peshawar High Court, Peshawar and others

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

1. That the Appellant/Applicant is filling the accompanying petition, the contents of which may graciously be considered as integral part of the instant petition.
2. That the Appellant/Applicant has got a good prima facie case, besides having balance of convenience in his favor and in case of the dismissed of the instant application shall, envisage irreparable loss.
3. That the Appellant/Applicant was in mental shock and mental agony, due to the above baseless, fabricated and false allegation, coupled with tireless illegal and unlawful inquires, therefore he became serious ill, due to which neither copies of the impugned orders was handed over to the Appellant in time, nor he could file service appeal before this Hon'ble Tribunal, in time.
4. That the attested copies of the impugned orders has been provided to the applicant on 18-08-2022, thereafter he file the instant appeal.
5. That delay in filing of the instant case was not deliberate, but due to the above reason beyond control of the Appellant/Applicant.
6. That the delay comes due to the above mention reasons, which is beyond the control of Appellant/Applicants.
7. That law favors adjudication on merits. And technicalities are always avoided.

It is, therefore most humbly prayed that on acceptance of the instant application the delay may kindly be condoned and the case may kindly be decided on merits.

Dated: 20/08/2022

Through


Appellant/Applicant

JAVED IQBAL GULBELA
ASC.

7-A

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL
PESHAWAR**

In Re S.A _____/2022

Shakeel Ahmed Kundi EX-Bailif

VERSUS

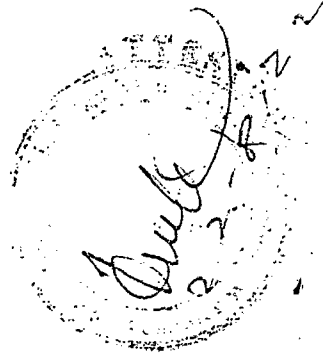
Registrar Peshawar High Court, Peshawar and others

AFFIDAVIT

I, Shakeel Ahmed Kundi EX-Bailif District Courts Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Court.

Javed
IDENTIFIED BY:
JAVED IQBAL GULBELA
ASC.

Shakeel Ahmed Kundi
DEPONENT



To,

Honorable Chief Justice
Peshawar High Court,
Peshawar

Annexure - A

Subject:- REQUEST FOR REMOVAL OF CORRUPT PERSONS / BLACK SHEEPS FROM JUDICIAL SYSTEM

Sir,

1. That I take the opportunity to state that I am 71 years old and a retired employee of Pakistan Air Force. I have been pursuing legal proceeding since 2011 for establishment of legal right regarding inheritance and thereby dispossessing a tenant who is illegally occupying my inherited land situated near Pishtakhara Chowk, Peshawar.
2. That upon ascertainment of my legal and natural right by the court of rent controller Peshawar, Distt Judge Peshawar and ultimately the Honourable Peshawar High Court I was entrusted with the decree to disposes the illegal occupant of my land. (Consequently, I filed execution petition in the court of rent controller, Peshawar. On 15/03/2021 the said court directed P.S Sarband SHO and concerned court bailiff to execute evacuation of illegal tenant and submit report on 26/03/2021.)
3. That I want to state that on 18/03/2021 I along with court bailiff namely Shakeel Kundi submitted court order in P.S Sarband. It is to be mentioned here that after that I could not establish contact with said bailiff nor he showed any interest in executing court order. However, on 24/03/2021 i.e second last

day in executing court order, I met said bailiff who assured me evacuation on 25/03/2021.

4. That it is significant to mention here that on 25/03/2021 at about 09 a.m I contacted said bailiff, who told me to wait till 11 a.m. However, I was waiting for him all day long but he never contacted me again, which is clear manifestation of ignoring court order on his part. This also means he intentionally and willfully refused to honour court order.
5. That due to this denial of court order by said bailiff my opponent approached Distt Judge Mr Tayyab Jan for staying execution order, who had fixed stay application for 07/04/2021 even then he heard said application on 25/03/2021 and granted stay injunction to my opponent on the very last date of execution.
6. That I want to state that receipt of declared / decreed legal right has been delayed due to the miss conduct / negligence of court bailiff. I also want to mention that said bailiff himself admitted that he is under inquiry for miss-conduct / dishonouring courts orders. Here a valid question arises that how a Govt servant, who is under inquiry is performing his official duties, why he is not suspended. In fact, a person under inquiry and accused for corruption is allowed to carry on his job as he is not only causing / bringing bad name to Judicial process / system but also allowed to carry on with corrupt practices.
7. That I have been made to suffer by dis-obedient court bailiff and do not know how many other legally entitled persons have been denied / obstructed to receive the benefit / fruit of courts orders, I therefore, request you to personally interfere in the

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matter for Public Interest and evacuate corrupt persons / black sheeps who deare to obstruct the court orders and bring bad name to Judicial System. Apart from this one can expect from such person to affiliate with opponents to refrain the legally entitled persons from their rights and benefitting himself from unfair means, which amounts to corruption.

8. Foregone, in view of the above, I therefore requested that in the best of Public Interest bailiff Shakeel Kundi, who is already under inquiry, may be dismissed from service without benefits as his conduct clearly demonstrates that he is habitual in denying / violating the court orders and bringing bad names to respectable judges and courts.

I expect a positive response to the request in hand and pray that may Allah Almighty guide us to the right way and way of success. (Ameen)

Fida Muhammad

(FIDA MUHAMMAD)

S/O

Abdul Rashid

Pishtakhara Payan,

Peshawar

0345-9091052

Dated: 29 March, 2021

CC:-

The Worthy,
Distt & Sessions Judge
Peshawar

For information and with a request to
remove such black sheeps from
Judicial System / offices.



(11)
Annexure - B
The
PESHAWAR HIGH COURT
Peshawar

All communications should be addressed to the Registrar Peshawar High Court, Peshawar and not to any official by name.

Exch: 9210149-58
Off: 9210135
Fax: 9210170

www.peshawarhighcourt.gov.pk
info@peshawarhighcourt.gov.pk
phcphs@gmail.com

No. 2380 /MRC

Dated Peshawar, the 9-10-21

To

The District & Sessions Judge,
Peshawar.

Subject: COMPLAINT/APPLICATION (#22782)

Respected Sir,

I am directed to refer to your office letter No. 4652 dated: 30-07-2021 and to forward herewith the subject complaint with the direction of his Lordship Hon'ble the Chief Justice "District & Sessions Judge Peshawar to hold an in-depth probe in the matter keeping in view the past record of the concerned official"; for compliance, please.

Director,
Human Rights Cell
Ph: No. 091-9213023
Fax No: 091-9210728

Encl. No 2387 /MRC

Dated Peshawar, the 9-10-21

Copy forwarded for information to:

Mr. Fida Muhammad S/O Abdul Rashid R/O Pishtakhara Payan, Peshawar.

Director
Human Rights Cell

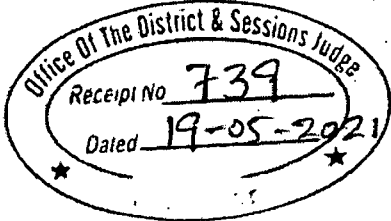
12

Avenue - C

IN THE COURT OF MUHAMMAD TAHIR AURANGZEB
AD&SJ-IX, PESHAWAR

Inquiry File No: 84/4
Inquiry Vs Shakeel Kundi

INQUIRY REPORT



With reference to departmental inquiry referred to undersigned by learned District & Sessions Judge, Peshawar on the directions of Hon'ble Peshawar High Court Peshawar through letter No.1084/HRC dated 03.05.2021, undersigned was directed to conduct Departmental Inquiry against **Shakeel Kundi**, Bailiff.

Both the parties i.e. the complainant and the respondent were summoned. They appeared and got recorded their statements. Thereafter the case file from the Court of learned Rent Controller was requisitioned.

The complainant Fida Muhammad instituted ejectment petition against his tenant on 13.10.2012 which was decided on 15.01.2013 by the learned Rent Controller. The complainant moved an execution petition on 01.2.2017 before the learned Rent Controller. It was the complaint of the complainant that warrant of possession was issued by learned Executing Court in his favour on 12.3.2021 and provided the time till 26.3.2021 but the respondent has deliberately delayed the execution of warrant of possession and prolong it in connivance with the judgment debtors and provided them opportunity to obtain suspension of the said order from Appellate forum.

Order sheet of learned Executing Court dated 12.3.2021 shows that the petition of judgment debtor was dismissed due to non-prosecution and warrant of possession was issued for 26.3.2021. Order sheet dated

M. L. i

ATTESTED

(Examiner)
District Court Peshawar

13

26.3.2021 shows that the order of possession cannot be executed due to suspension order of learned Additional District Judge-V, Peshawar.

The statement of complainant was recorded and during Court appearance the tone of statement was different from the complaint and the complainant has extended concession for delay in execution of warrant of possession to the respondent and stated that the respondent met him however, the police was reluctant due to non-availability of approval to join the bailiff for spot visit and it is also admitted by the complainant that the police has arranged the squad to accompany bailiff on 25.3.2021 however, on the said date the warrant of possession was suspended by the appellate Court. Infact the basic grievance of the complainant was noticed a prolong litigation for obtaining the possession of his own shop due to several reasons and procedural hurdles however, the conduct of negotiation of respondent in such a scenario with the complainant was not pleasant so, he shifted the entire burden of seven years litigations on the said bailiff. The allegations leveled by the complainant in the instant complaint may be noticed for reformations of execution process however, leave no penal consequences against the respondent. So the report is submitted.

The file of learned Trial Court be returned while instant inquiry be transmitted to Hon'ble District & Sessions Judge, Peshawar for its onwards transmission.

ATTESTED

(Examined)
District Court Peshawar

M. T. Aurangzeb
Additional Sessions Judge-IX
Peshawar

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Ann - "C/I"

Statement of Fida Muhammad son of Abdur Rasheed r/o Pishtakhara Payan Peshawar.

In case titled Fida Muhammad vs Tariq Mahmood fixed in the court of learned Rent Controller Khurram Shehzad was in execution proceedings and on 13.03.2021 the learned court issued warrant of possession in my favour. I came to the office of Civil Nazir where the concerned Bailiff Shakeel Kundi was on leave and I was not provided with the second Bailiff. They provided me number of Shakeel Kundi. On 15.03.2021 I was in contact with Shakeel Kundi who told me that I am on the way and he also informed that he has received the documents. I informed him that I am sitting in Pishtakhara chowk and waiting for him. I was sitting from morning till noon. Shakeel made call at 2.00 p.m. that he was in Hayatabad and now coming toward us. The concerned Bailiff came at 4.00 p.m. We went to spot with said Bailiff where he asked to Judgment Debtors to arrange water etc for him and took my son at some distance from the place of execution. He directed my son to stay there and he is coming back. After some time he came back and asked my son that he has not taken the food on which he obtained Rs. 500 from my son. Thereafter he told that it is too late and he cannot move to police station for assistance of police on that day.

Thereafter on 16 & 17 date he could not be contacted and again he came on 18th date. On 18.03.2021 he informed that he is sitting at Hyper Mall, We went there but he could not be traced. After some time we were waiting for him on road side then he came on a motorcar. We went to police station as the Bailiff was not going with us to PS where the police informed that they will get approval from their high ups. They have not obtained approval for two or three days. It was the job of Bailiff to inform

11-30/14

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TESTED

(Examiner)
District Court Peshawar

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police and not my personal job. But I was dragged therein. On 24.03.2021 I alongwith my son went to police station and then SP office where complained the matter. On the next day i.e. 25.03.2021 I received call at 08.30 a.m from police station who told me to come with Bailiff for execution of warrant. I made call to Shakeel who informed that he will come at 11.00 a.m. Thereafter the opposite party obtained stay from the court of ADJ Tayyab Jan. I went to the court of learned Additional District Judge where I informed that the appeal of respondent was already dismissed previously. I have not personal grudge against the bailiff however his negligence strengthened my opposite party and provided an opportunity to get status quo.

ATTESTED

18 AUG 2022

(Examiner)
District Court Peshawar

Statement of Shakeel Kundi, Bailiff.

On date of receipt of notice I went to the spot where son, of Fida Muhamamd was already present. I thought that it was a simple possession proceedings so I went to the spot without assistance of the police. However, the altercation started between son of the decree holder and Judgment debtor at the spot. So I returned on that day. On the next day I was near Hyper Mall in connection with a spot visit where I received call of Fida Muhammad and informed him to wait there. Wherefrom we went to police station and requested the police for accompanying to the spot. They received notice and in routine they after receipt of notice informed about the timings to the decree holder and decree holder informed the bailiff. In the instant case the police, due to their busy schedule was not available and decree holder has not informed him regarding their availability and I

11-1
30/4

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(2)

was informed on 24.03.2021 that the police has provided time but on that day, the hon'ble court has suspended the warrant. However I was not aware about the suspension order and I went to PS where the police strength was not available. I have also submitted true facts in my written reply.

R.O & A.C.

30.04.2021

Muhammad Tahir Aurangzeb
Additional Sessions Judge-IX,
Peshawar.

ATTESTED

18 AUG 2022

(Examiner)
DISTRICT JUDGE Peshawar

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(17)

Ann - C/II

DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534
eMail: scjpeshawar@gmail.com
Web: www.SessionsCourtPeshawar.gov.pk

No. 13/SCJ (Admn)
Dated Peshawar 09-02-2022

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), PESHAWAR

FINAL SHOWCAUSE NOTICE

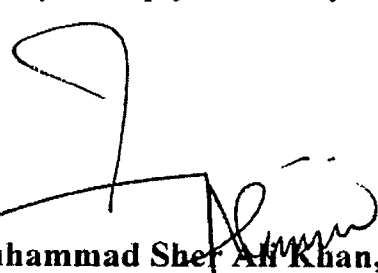
You, **Shakeel Kundi, Bailiff**, do not enjoy good reputation as host of inquires have been conducted against you in some of which minor of penalties of Censures and withholding of increments for one year with non-accumulative effect have been imposed upon you. Similarly, you have also been issued warnings in it. Your overall performance indicate that you are not serious in the performance of your official duties, repeated complaints against you cast a shadow on your honesty and integrity, failed to mend your ways in the aftermath of censures and warnings and bringing a bad name and reputation to the Judiciary, therefore, the inquiry proceedings are dispensed with under Rule 7 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, and you are served with a Final Notice to Show Cause why one or more of the penalties as mentioned in Rule 4 of the E&D Rules 2011 not be imposed upon you. (Details of the inquiries/E&D proceedings are annexed).

You are, therefore, required to furnish reply to this notice within seven days failing which it shall be presumed that you have nothing with you in your defense and in that case, ex-parte proceedings/action shall be taken against you. You are also asked to state in your reply whether you desire to be heard in person.

ATTESTED

8 AUG 2022

(Examiner)
District Court Peshawar


Muhammad Sher Ali Khan,
Senior Civil Judge (Admn),
Peshawar.
Senior Civil Judge (Admn)
Peshawar.

Handwritten text in Urdu script, appearing to be a list or series of entries. The text is written in a cursive style and includes various words and phrases, some of which are partially obscured or difficult to decipher due to the handwriting. The text is arranged in approximately 10 horizontal lines.

Handwritten text in Urdu script, continuing the list or series of entries. This section includes several lines of text, some of which are crossed out or circled. At the bottom of the page, there is a circled number '18' and the word 'Hun' written in a stylized font. There are also some small symbols and marks scattered throughout this section.

عالیٰ جاہ استدرجائے کہ من بیلغ عدالت طائفہ
 جوہر لیم وقت حکم عدالت ہی کاروائی کیلئے تیار
 ہوئے ہیں۔ (۱) لہذا لہذا اس سے زیادہ وہ من بیلغ
 کو ذہنی ازیں سے دوچار کرنا خلاف قانون و انصاف

عالیٰ جاہ - التیارہ کہ سائل کو ڈیڑھ گھنٹے
 انٹرویو میں اس سے تسلط بیان / حقوق کی بات سے
 میں ڈیڑھ گھنٹے میں سائل کو توجہ دیا جائے گا
 28 ویں ایڈیشن کے مکمل کیے گئے ہیں من گھڑت
 انٹرویو سے بری ہو کر کسی بھی چیز پر جاننا چاہو تو تمام تادیب
 سے کام لیا جائے گا۔

عدالتی احکام سے ڈیڑھ گھنٹے / تجاوز کا ہو چکا ہے وہ
 سائل نے ممکن نہیں کیونکہ اتفاقاً عین مطالبہ
 کاروائی کو میں سائل نے فریضہ سے سمجھا ہے۔
 ہر ایک عدالتی سائل کو اعتراضات ڈیڑھ گھنٹے میں ہی
 میں سائل سے لے کر دیکھا۔

(بیلغ عدالت
 20/4/2021)



20

Aim - "C/O"

DISTRICT JUDICIARY, KHYBER PAKHTUNKHWA, PESHAWAR

Phone: 091-9213534
eMail: scjpeshawar@gmail.com
Web: www.SessionsCourtPeshawar.gov.pk

No. _____
Dated Peshawar _____

OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), PESHAWAR

To:

**Shakeel Kundi,
Bailiff**

Subject: - **EXPLANATION**

Mr. Khuram Shahzad, Complainant, has filed an application/complaint to the Hon'ble District & Sessions Judge Peshawar wherein he accuses you of accepting gratification of eight thousand rupees (8,000/-) and demanding provision of Charass from him in the execution petition titled "Saba Bibi Vs Shoaib" which has been marked to the undersigned for appropriate action in accordance with law.

As you have allegations against you of accepting gratification of eight thousand rupees and demanding Charass from him which acts amount to mis-conduct, therefore, you are called upon to explain as to why disciplinary proceedings under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, not be initiated against you.

Your explanation should reach this Office within seven days from receipt of this notice.

Seen.

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MUHAMMAD SHER ALI KHAN
Senior Civil Judge (Admin),
Peshawar

District & Sessions Judge,
Peshawar

No. 871 Peshawar Dated 4/6/2021.

COPY FORWARDED TO:

- ✓ 1. The Hon'ble District & Sessions Judge, Peshawar for favour of information please.
- 2. Office Copy.

Senior Civil Judge (Admin),
Peshawar
03/06/2021

ATTESTED

11 AUG 2021
(Examiner)
District Court Peshawar

MUHAMMAD SHER ALI KHAN
Senior Civil Judge, (ADMIN)
Peshawar

ATTACHED

Handwritten text in Urdu script, appearing to be a letter or document. The text is dense and covers most of the page. At the bottom, there is a signature and a date stamp that reads "21" inside a circle, with "2022" written below it. There are also some circular marks and scribbles at the bottom left.

Handwritten text at the top left, possibly a name or title.

Handwritten signature or name at the top right.

Handwritten text, possibly a name, written vertically in the center.

Handwritten signature or name at the bottom left.

Main body of handwritten text, appearing to be a list or series of entries, possibly in Urdu or Arabic script. Includes a circled number '22' at the bottom center.

23

Annexure - D

Or...04.
02.03.2022

Accused/official, Shakeel Kundi, Bailiff, present and he was heard in person.

The background of instant proceedings is that a Complaint was filed by Fida Muhammad before the Honourable Chief Justice of the august Peshawar High Court Peshawar against Shakeel Kundi, Bailiff, which was sent vide letter No. 865/HRC dated 01-04-2021 to the learned District & Sessions Judge Peshawar for fact finding inquiry.

Mr. Muhammad Tahir Aurangzeb, learned Additional District & Sessions Judge-IX Peshawar was appointed as fact finding inquiry officer who conducted inquiry proceedings and submitted his report to the Hon'ble District & Sessions Judge Peshawar which was placed before the august Peshawar High Court Peshawar.

In compliance with directions vide letter No. 2380/HRC dated 09-10-2021 of the august Peshawar High Court Peshawar, in-depth probe was conducted by Muhammad Ayaz Khan, learned Additional District & Sessions Judge-XII Peshawar and in his report, he has referred to/quoted a good number of departmental proceedings against the accused. He sums up his report as follow:

"In such circumstance, keeping the said official in the district judiciary, Peshawar, would bring bad reputation to the institution."

Consequent upon the in-depth inquiry report of learned Additional District & Sessions Judge-XII Peshawar, Muhammad Ayaz Khan, his Lordship Hon'ble the Chief Justice Peshawar High Court Peshawar was pleased to direct disciplinary proceedings against the official/accused, hence, final show cause notice was issued to him as further inquiry proceedings were dispensed with. He submitted reply and was also personally heard.

ATTESTED

18 AUG 2022

(Examiner)
District Court Peshawar

02/03/2022
Senior Civil Judge (Admn)
Peshawar.

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(Handwritten mark)

In reply to show cause notice and personal hearing, the accused/official, Shakeel Kundi, Bailiff, could not show sufficient cause and give satisfactory explanation against imposing upon him one or more of the penalties as mentioned in rule 4 of the E&D Rules 2011.

As the trail record of the official, Shakeel Kundi, Bailiff, reflect that he is not enjoying persistent good and fair reputation, having shaky honesty and integrity, failed to mend his ways in the aftermath of awarding censures and withholding of increments and bringing a bad name to the Judiciary, therefore, he is guilty of misconduct and unfit to be kept in the Judicial service, hence, major penalty of compulsory retirement under rule 4 (b)(ii) of the Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, is awarded to him with immediate effect.

COC is directed to do needful in this regard. Mr. Shoukat, Muharrir, is directed to keep the record in safe custody.

ANNOUNCED
02-03-2022.

MUHAMMAD SHER ALI
Senior Civil Judge (Admn)
Peshawar

Senior Civil Judge (Admn)
Peshawar.

No.	42632
Date	18/8/22
Name	Shakeel Kundi
Vol.	P-32
Page	
Str.	
Date	18/8/22
Dated of	18/8/22

ATTESTED

18 AUG 2022

(Examiner)
District Court Peshawar

Handwritten text in Urdu script, including a signature and a date stamp: 20.3.2022.

Examiner
District Court Peshawar

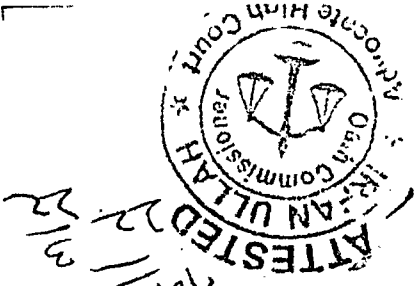
ATTESTED

Handwritten text in Urdu script, including a signature and a date stamp: 24/03/2022.

Office of the District & Sessions Judge
Peshawar
Receipt No. 432
Dated 24/03/2022

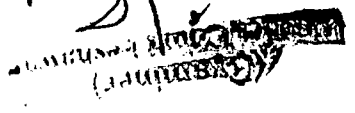
Annexure - F

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Handwritten text in Hindi, including a signature and the date '18/03/2022'.

Handwritten text in Hindi, including the words 'Representation' and 'पुनर्विचार'.



ATTESTED

Large block of handwritten text in Hindi, containing a signature and the date '2-03-2022'.



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Annexure "E/I"

BEFORE THE HON'BLE DISTRICT AND SESSION JUDGE PESHAWAR

Snakeel Ahmad Kundi S/O Bashir Ahmad Kundi R/O Amir Ayub Colony
Charsadda Road, Peshawar (ex Bailiff)

Appellant ..

VERSUS

Learned Senior Civil Judge (Administration), Peshawar

Respondent

APPEAL AGAINST THE IMPUGNED TERMINATION ORDER NO. 04 DATED
02/03/2022 PASSED BY THE LEARNED SENIOR CIVIL JUDGE (ADMINISTRATION)
PESHAWAR WHEREBY THE APPELLANT HAS BEEN COMPULSORY RETIRED
FROM SERVICE

Prayer in Appeal

On the acceptance of instant departmental appeal, the impugned termination order dated 02/03/2022 passed by the learned Senior Civil Judge (Administration) Peshawar may kindly be set aside and the appellant may kind be re-instated into service with all back benefit for the interest of justice and fair play. Any other remedy as deems justified by the Hon'ble Court may also be passed in favour of the appellant.

Respectfully Submitted

The appellant humbly submits as under -

1. That the appellant was serving as Bailiff in the District Judiciary, Peshawar.
2. That the appellant has been performing his duties satisfactorily since long and the appellant has tried his utmost to perform his duties in most benefitting manner.
3. That an inquiry was initiated against the appellant which was entrusted to the learned Additional District and Session Judge-XII, Peshawar.
4. That the inquiry has been concluded by the learned Additional District and Sessions Judge-XII, Peshawar vide 10/01/2022.
5. That on the basis of said report, the appellant has been compulsory terminated from service by the learned Senior Civil Judge (Administration), Peshawar vide the impugned order dated 02/03/2022.
6. That feeling aggrieved the appellant file instant appeal for setting aside the impugned order on the following grounds

GROUNDS

1. That the impugned termination order is unlawful and void ab-initio.
2. That the impugned termination order is based on malafide intention having no solid footing.

- 3 That no law or rule has been followed while taking this extreme action against the appellant
- 4 That the impugned order is against the law, facts and circumstances of the case
- 5 That no section of law or rule is even quoted in the termination order which governs disciplinary issues.
- 6 That the penalty is imposed without due process of laws and rule in vogue
- 7 That the appellant has not been provided proper opportunity of defending himself while taking this harsh impugned order which is liable to be set aside.
- 8 That on the basis of inquiry the impugned order has been passed but no such facts mentioned in the impugned inquiry by the inquiry officer whereby nothing incriminating against the case for which inquiry was constituted, has been mentioned in the impugned inquiry and the same is liable to be set aside
- 9 That no fair trial opportunity has been provided to the appellant hence the impugned termination order is liable to be set aside.
- 10 That it is the rule of natural justice that the facts upon which the impugned action has been taken against the appellant has not been discussed in the impugned inquiry hence the same could not be termed as proper inquiry
- 11 That other grounds will be agitated at the time of personal hearing for the kind assistance of the Hon'ble Court

On the acceptance of instant departmental appeal, the impugned termination order dated 02/03/2022 passed by the learned Senior Civil Judge (Administration) Peshawar may kindly be set aside and the appellant may kind be re-instated into service with all back benefit for the interest of justice and fair play. Any other remedy as deems justified by the Hon'ble Court may also be passed in favour of the appellant

ATTESTED

Appellant 

Shakeel Anwar Kurdi (ex Bailiff)
District Court Peshawar

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OFFICE OF THE SENIOR CIVIL JUDGE (ADMN), PESHAWAR.

No. 315 SCJ/Admin, Dated Peshawar 24/3 /2022.

Forwarded to Hon'ble District & Sessions Judge, Peshawar for further appropriate order, please.

Senior Civil Judge Peshawar
Peshawar
24/3/22

ATTESTED

18/3/22

(Examiner)
District Court Peshawar

No. 07
06-04-2022

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Annex - E / II

BEFORE HON'BLE DISTRICT & SESSIONS JUDGE, PESHAWAR

**Comments in the Departmental Appeal filed by
Shakeel Ahmad Kundi, Bailiff.**

Respected Sir,

Office Of The District & Sessions Judge
Receipt No. 530
Dated 06/04/22 Kundi
Peshawar.

Para-wise comments in departmental appeal of Shakeel Ahmad Kundi, Bailiff, in the establishment of the undersigned are as under:

1. Para No. 1. Needs no comments.
2. Para No. 2. Needs no comments.
3. Para No. 3 and 4. It is submitted that Complaint was filed by Fida Muhammad before the Honourable Chief Justice of the august Peshawar High Court Peshawar against Shakeel Kundi, Bailiff, which was sent vide letter No. 865/HRC dated 01-04-2021 to the learned District & Sessions Judge Peshawar for fact finding inquiry. Mr. Muhammad Tahir Aurangzeb, learned Additional District & Sessions Judge-IX Peshawar was appointed as fact finding inquiry officer who conducted inquiry proceedings and submitted his report on 19-05-2021 to the Hon'ble District & Sessions Judge Peshawar which was placed before the august Peshawar High Court Peshawar.
In compliance with directions vide letter No. 2380/HRC dated 09-10-2021 of the august Peshawar High Court Peshawar, in-depth probe was conducted by Muhammad Ayaz Khan, learned Additional District & Sessions Judge-XII Peshawar and submitted his report on 10-01-2022 to the Hon'ble District & Sessions Judge Peshawar which was placed before the august Peshawar High Court Peshawar.
4. Para No. 5. It is submitted that consequent upon the in-depth inquiry report of learned Additional District & Sessions Judge-XII Peshawar, Muhammad Ayaz Khan, vide letter No. 229/HRC dated 28-01-2022, his Lordship Hon'ble the Chief Justice Peshawar High Court Peshawar was pleased to direct disciplinary proceedings against the official/accused, hence, final show cause notice was issued to him as further inquiry proceedings were dispensed with. He submitted reply and was also personally heard.

ATTESTED

(Examiner)
District Court Peshawar

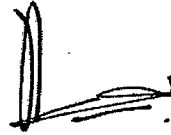
In reply to show cause notice and personal hearing, the accused/official, Shakeel Kundi, Bailiff, could not show sufficient cause and give satisfactory explanation against imposing upon him one or more of the penalties as mentioned in

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rule 4 of the E&D Rules 2011, therefore, major penalty of compulsory retirement under rule 4 (b)(ii) of the Govt. of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011, was awarded to him with immediate effect vide order dated 02-03-2022.

5. Para No. 6. Needs no comments.
6. Grounds 1 to 11. Needs no comments.

Comments are submitted for your kind consideration and further appropriate orders, please.



MOHIB UR REHMAN,
Senior Civil Judge (Admn),
Peshawar.

ATTESTED




(Examiner)
District Court Peshawar

ORDER - 05
22/04/2022

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Ann - F

Appellant/official present in person.

This Departmental Service Appeal is directed against the order dated 02/03/2022, through which the Senior Civil Judge (Admn), Peshawar, in the capacity of the competent authority, has awarded major penalty of **Compulsory Retirement** to the delinquent official under Rule 4(b)(ii) of the Government of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011. 

A perusal of record reveals that a complaint, submitted by one Fida Muhammad against Shakeel Kundi Bailiff, was forwarded by the august Peshawar High Court Peshawar, via letter No. 865/HRC dated 01/04/2021, for conducting a Fact-Finding Inquiry. Mr. Muhammad Tahir Aurangzeb, learned Additional District & Sessions Judge-IX, Peshawar, was shouldered with the task, who submitted his report on 19/05/2021, which was forwarded to the august High Court for further directions.

Through PHC letter No. 2380/HRC dated 09/10/2021, the distinguished Peshawar High Court directed this Office for an in-depth probe keeping in view the previous record of official under complaint. Thus, Mr. Muhammad Ayaz Khan, learned Additional District & Sessions Judge-XII, Peshawar was directed to do the needful. After completing the inquiry proceedings, the learned Officer submitted his report dated 10/01/2022, which was also forwarded to the august High Court. Upon receiving further directions via PHC letter No. 229/HRC dated 28/01/2022, the matter was forwarded to learned Senior Civil Judge (Admn), Peshawar, being competent authority, for further proceedings against the official concerned, under the relevant disciplinary rules. The

ATTESTED

(Examiner)
District Court Peshawar

District & Sessions Judge
Peshawar

Contd...
ORDER - 05
22/04/2022

learned Senior Civil Judge (Admn), Peshawar, after fulfilling the codal formalities, awarded a major penalty of **Compulsory Retirement** to the delinquent official under Rule 4(b)(ii) of the Government of Khyber Pakhtunkhwa Civil Servants (Efficiency & Discipline) Rules, 2011; hence, this appeal.

I've gone over every detail of the inquiry and found nothing to suggest that the Inquiry Officers or the Competent Authority committed any wrongdoing. Complete record of the inquiry proceedings has been perused, and no illegality or irregularity on the part of the Inquiry Officers or Competent Authority has been found. The appellant official has a reputation of being corrupt, and the history of inquiry proceedings of corruption and official misconduct against him proves this fact. Having a person like this in the judiciary, especially as a Bailiff who represents the courts in the public eye, would disgrace the institution.

ATTESTED
(Examiner)
District Court Peshawar

Despite the fact that all of the procedural requirements were met and the appellant official was given every opportunity to present his side of the story, he could not refute the allegations made against him. He even during a personal hearing and appeal, could not assert his innocence.

For what has gone above, the departmental appeal in hand being devoid of merit is hereby dismissed.

Ashfaq TAJ
[ASHFAQUE TAJ]
District & Sessions Judge,
Peshawar.

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انڈکس

Ann - G

بعدالت جناب محمد شیر علی خان سنیر سول جج صاحب (ایڈمن)، پشاور

قطعہ	تاریخ فیصلہ	رجوعہ	اصل رجوعہ	انکوائری نمبر
65	02.03.2022.	09.02.2022	05.04.2021	03/6

انکوائری بر خلاف تکلیف کنڈی (بیلف)

نمبر شمار	تعداد	قطعہ	نوعیت کاغذات
1	1/7	07	انڈکس ہذا / آرڈر شیٹ عدالت ہذا / قائل شوکار نوٹس / جواب بابت شوکار نوٹس
2	8/9	02	فیصلہ عدالت ہذا
3	10/10	01	لیٹر کا پی / HRC/229 مورخہ 28-01-2022 بابت حسب ضابطہ کاروائی شروع کرنے۔
4	11/12	02	کا پی لیٹر نمبر 235 مورخہ 12-01-2022 / لیٹر نمبر HRC/2380 مورخہ 09-10-2021
5	13/20	08	انڈکس عدالت محمد آریاز خان ASJ-XII / جملہ آرڈر شیٹ ہائے وانکوائری رپورٹ مورخہ 10.01.2022
6	21/23	03	بیان یوسف خان نائب ناظر / بیان تکلیف کنڈی (بیلف)
7	24/30	07	لیٹر نمبر HRC/865 مورخہ 01-04-2021 / کیسٹ نمبر 22782 بر خلاف تکلیف کنڈی (بیلف) منجانب فدا محمد (کیسٹ نمبر)
8	31/33	03	جملہ آرڈر شیٹ ہائے وانکوائری رپورٹ مورخہ 19-05-2021 عدالت محمد طاہر اور نگریب ASJ-IX
9	34/35	02	جواب منجانب تکلیف کنڈی (بیلف)
10	36/38	03	بیان فدا محمد مدعی مورخہ 30-04-2021
11	39/41	03	لیٹر کا پی 3694 و تفصیل سابقہ ریکارڈ وانکوائری و دیگر کاغذات ہائے۔
12	42/65	24	چھٹی یادداشتی نوٹس ہائے / انڈکس عدالت دسترکٹ اینڈ سیشن جج صاحب، پشاور

ATTESTED

18 AUG 2022

کل (65) عدد قطعہ دفتر شہر (Examiner)
District Court Peshawar

محمد شیر علی خان سنیر سول جج صاحب (ایڈمن) پشاور

محمد شیر سول جج (ایڈمن)

Senior Civil Judge (Admn)
Peshawar.

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Or....01
09.02.2022.

Inquiry file/record received from the court of Hon'ble District & Sessions Judge, Peshawar in which the undersigned has been directed to proceed against Shakeel Kundi, Bailiff, according to law. Be entered in the relevant registered.

Final Show Cause notice be issued to official, Shakeel Kundi, Bailiff. File to come up for reply to final show cause notice on 16-02-2022.

MUHAMMAD SHER ALI KHAN,
Senior Civil Judge (Admn)
Peshawar. 02/2022

Or....02
16.02.2022.

Accused/official, Shakeel Kundi, Bailiff, is absent.

Notice be issued to accused/official, Shakeel Kundi, Bailiff for 21/02/2022. File to come up for reply to final show cause notice on the date fixed.

MUHAMMAD SHER ALI KHAN,
Senior Civil Judge (Admn)
Peshawar.

Or....03
21.02.2022.

Accused/official, Shakeel Kundi, Bailiff, is present and submitted reply to the show cause notice, placed on file. He sought time for personal hearing, granted.

File to come up for personal hearing on 02-03-2022.

MUHAMMAD SHER ALI KHAN,
Senior Civil Judge (Admn)
Peshawar.

ATTENDED
16 AUG 2022

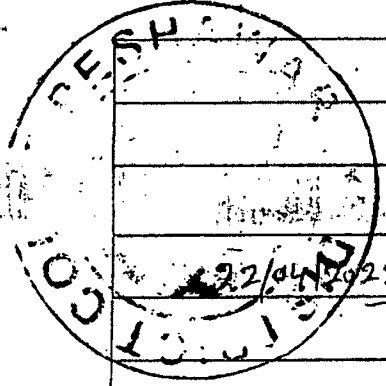
26
انڈیکس

Ann - G
I

بجاعت جناب اشفاق تاج ڈسٹرکٹ اینڈ سیشن جج، پشاور

مقدمہ	رجسٹر	اصل رجسٹر	فیصلہ	قطععات	مختصر حکم عدالت
OS DA	24-03-2022	24-03-2022	22-04-2022	15	اپیل سے خارج شد

(1) تشکیل احمد کنڈی
سابقہ سبکدوش
نام سید سولاج ایچ ایچ
سابقہ سبکدوش



نمبر شمار	قطعہ نمبر	تعداد قطععات	نوعیت کاغذات
بت "الف"			
1	01/01	01	انڈیکس
2	02/04	03	جملہ آرڈر شیٹ و حکم انجمن 22/04/22
	05/06	02	اپیل و وجوہات اپیل
	07/08	02	اردو درخواست و وجوہات
	09/10	02	جواب اکٹھن رپورٹ ضمانت SCT ایفمن
	11/14	04	مصدقہ نقول سے حاصل حکم و نوٹاری رپورٹ
	15/15	01	نقل نوٹس 1
بت "الف" کے کل 15 قطععات داخل دفتر شد			
بت "ب"			
بت "ب" کے کل 15 قطععات داخل دفتر شد			
جیکہ کل 30 کے کل 15 قطععات داخل دفتر شد			

ATTESTED

تیار کنندہ
[Signature]

(Examiner)
District Court Peshawar

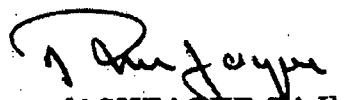
Countersigned

Superintendent
District & Sessions Court,
Peshawar.

ORDER - 01
24/03/2022

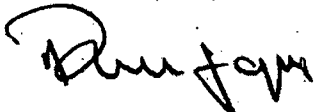
Departmental Appeal received. Be registered.

Appellant Shakeel Ahmad Kundi, Ex-Bailiff of the establishment of Senior Civil Judge (Admn), Peshawar present. Comments of the learned Senior Civil Judge (Admn), Peshawar, being competent authority, be requisitioned for 04/04/2022.


[ASHFAQE TAJ]
District & Sessions Judge,
Peshawar.

ORDER - 02
04/04/2022

Appellant/official present. Comments not received. Fresh notice be issued to learned Senior Civil Judge (Admn), Peshawar for submission of comments for 06/04/2022.



[ASHFAQE TAJ]
District & Sessions Judge,
Peshawar.

ORDER - 03
06/04/2022

Appellant/official present. Comments received and placed on file. To come up for personal hearing/order on 12/04/2022.

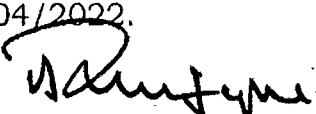
ATTESTED


(Examiner)
District Court Peshawar


[ASHFAQE TAJ]
District & Sessions Judge,
Peshawar.

ORDER - 04
12/04/2022

Appellant/official present and heard in person. To come up for order on 22/04/2022.


[ASHFAQE TAJ]
District & Sessions Judge,
Peshawar.

38

انڈس

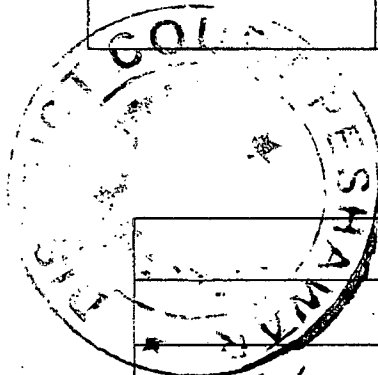
Ann - G

II

II

ایڈالت جناب محمد آیان خان، ایڈیشنل ڈسٹرکٹ و سیشن جج، XII، پشاور

صفحہ نمبر	رہجوہ	اصل رجوعہ	فیصلہ	قطعات	مختصر حکم عدالت
7/6	13-10-21		10-01-2022	47	



فرائض ... سیکشن عدالت

نمبر شمار	قطعہ نمبر	تعداد قطعات	نوعیت کاغذات
بت "الف"			
1	1/11	11	انڈس 1 خط سیمپل ہائی - مائیکس
2	12/47	38	سابقہ مکتوبات فائنل اور ریسٹن -
بت "الف" کے کل 47 قطعات داخل دفتر شد			
بت "ب"			
بت "ب" کے کل 47 قطعات داخل دفتر شد			
جبکہ کل ہذا کے کل 47 قطعات داخل دفتر شد			

دستخط مختصر عدالت

Checked & Found Correct

AD&SJ-XII, Peshawar

ATTESTED

18/11/2022

(Examiner)
District Court Peshawar

39

ORDER

13 October, 2021

Complaint alongwith record received from the Court of worthy District & Sessions Judge, Peshawar. It be checked and registered. Official Shakeel Kundi be summoned for 15.10.2021. Meanwhile, Civil Nazir of the Civil Courts is directed to produce the personal file of the said official on the date fixed.

MUHAMMAD AYAZ KHAN
ADDL: SESSIONS JUDGE-XII,
PESHAWAR

ORDER

15 October, 2021

Delinquent official Shakeel Kundi present.

Record received. File to come up for further proceedings on

18-10-21

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII,
PESHAWAR

ORDER

18 October, 2021

Delinquent official Shakeel Kundi present. He is directed to submit reply to the allegations levelled against him. File to come up on 30/10/21

ATTESTED

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII
PESHAWAR

ORDER

30 October, 2021

(Examiner)
District Judge Peshawar

Delinquent official Shakeel Kundi present. Reply not submitted, he is again directed to submit reply to the

40

allegations levelled against him. File to come up on

15-11-21

R

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII
PESHAWAR

ORDER

15 November, 2021

Delinquent official Shakeel Kundi not in attendance, be noticed for 30-11-21

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII
PESHAWAR

ORDER

30 November, 2021

Delinquent official Shakeel Kundi present. Time sought for submission of reply, granted. File to come up for submission of reply on 10-12-21

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII
PESHAWAR

ORDER

10 December, 2021

Delinquent official Shakeel Kundi present. Reply to the allegation submitted, POF. Civil Nazir be noticed for

7-1-22

R

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII
PESHAWAR

ATTESTED

(Examiner)
District Court Peshawar

41

ORDER

07 January, 2021

Delinquent official Shakeel Kundi present. Civil
Nazir present and recorded his statement. File to come up
for further proceedings on 10/1/22

(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII
PESHAWAR

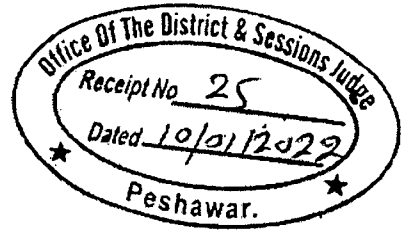
ATTESTED

(Signature)
District Court Peshawar

42

IN THE COURT OF MUHAMMAD AYAZ KHAN, ADDITIONAL
SESSIONS JUDGE-XII/INQUIRY OFFICER, PESHAWAR.

*Inquiry case file No.07/6 of 2019.
Inquiry against Shakeel Kundi Bailiff.*



Order
10.01.2022

Present Shakeel Kundi (delinquent official) in person.

The instant inquiry has been marked by order dated 12.10.2021 of honorable District Judge, Peshawar. The available record transpires that delinquent official has got stinging reputation and he has been involved in numbers of inquiries, some of which resulted in the penalties.

As far as the present in-depth inquiry of past record of the present official is concerned, the whole record is perused. A gist of previous inquiries in respect of the delinquent official is as under:

1. Inquiry No.42/6 dated 05.12.2018 with allegation of not returning of NBW against Patwari Halqa issued from the Court of learned Civil Judge-XXI, Peshawar. The same resulted in acquittal of delinquent official.
2. Inquiry No.47/6 dated 12.12.2018 with allegation of not returning of NBW against Patwari Halqa issued from the Court of learned Civil Judge-VII, Peshawar. The same resulted in a written warning to be careful in future in performance of his official duties.

[Signature]
10/1/22

ATTESTED

8. Inquiry No.30/6 dated 19.09.2020 with allegation that the delinquent official was absent from duties. The same resulted in imposition of minor penalty of CENSURE.
9. Inquiry No.25/6 dated 12.09.2020 with allegation of not returning of NBW issued from the Court of learned Civil Judge-XIX, Peshawar. The same resulted in imposition of minor penalty of withholding an increment for one year with non-accumulative effect.
10. Inquiry No.26/6 dated 12.09.2020 with allegation that Mr. Sardar Muhammad Imran (complainant) filed an application on 11.07.2020 before the Hon'ble District & Sessions Judge, Peshawar raising therein allegations regarding the gratification received by the delinquent official on the ground that the accused official has received an amount of Rs.45000/- from the complainant and others. The same resulted in exoneration.

The past record of the delinquent official is full of inquiries and penalties within the meaning of Efficiency and Discipline Rules, 2011. The overall reputation of the official (Shakeel Kundi) is more notorious and dishonest as compared to the record present on file.

It is to mention that Civil Nazir namely Yousaf Khan was directed to ensure the attendance of the delinquent official for the proceedings, resultantly, the Civil Nazir appeared and recorded his statement on 07.01.2022 and

ATTESTED

18/1/2022

[Signature]
10/1/22

5

3. Inquiry No.48/6 dated 13.12.2018 with allegation of not returning of NBW against Patwari Halqa issued from the Court of learned Civil Judge-VII, Peshawar. The same resulted in a written warning to be careful in future in performance of his official duties.
4. Inquiry No.06/6 dated 12.01.2019 with allegation of not returning of NBW against Patwari Halqa issued from the Court of learned Civil Judge-VII, Peshawar. The same resulted in minor penalty of CENSURE.
5. Inquiry No.08/6 dated 04.02.2019 with allegation of order of interim custody of minor made in favour of the plaintiff was not executed, issued from the Court of learned Civil Judge-VIII, Peshawar. The same resulted in penalty of stopping of one increment of the delinquent official.
6. Inquiry No.44/6 dated 24.06.2019 with allegation of not returning of NBW against Patwari Halqa issued from the Court of learned Civil Judge-XV, Peshawar. The same resulted in acquittal.
7. Inquiry No.29/6 dated 19.09.2020 with allegation of not returning of NBW against PW/Official Record Keeper Municipal Corporation BCA, Branch, Peshawar issued from the Court of learned Civil Judge-IX, Peshawar. The same resulted in imposition of minor penalty of withholding an increment for one year with non-accumulative effect.

ATTESTED

16/11/22

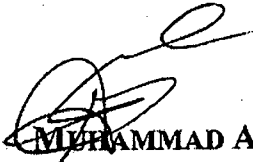
45

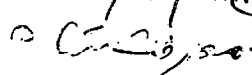
informed the undersigned that the delinquent official is absent from his official duty since 03.01.2022 without intimation to the competent authority. This shows the conduct of the delinquent official. This amounts to gross mis-conduct within the meaning of Efficiency and Discipline Rules, 2011 on part of the delinquent official.

In such circumstance, keeping the said official in the district judiciary, Peshawar, would bring bad reputation to the institution. Report is submitted as desired, please.

The record of instant inquiry proceedings be transmitted to Hon'ble District & Sessions Judge, Peshawar for onward transmission to the quarter concerned.

ANNOUNCED.
10.01.2022


MUHAMMAD AYAZ KHAN
AD&SJ-XII/Inquiry Officer,
Peshawar

No.	42632
Date	18/8/22
Page	P-11
Signature	
Date of Issue	18/8/22
Date of Receipt	18/8/22

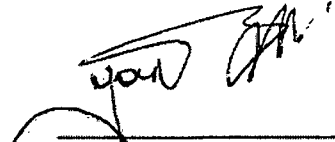
ATTESTED

(Examiner)
District Court Peshawar

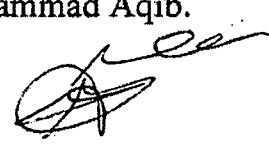
46

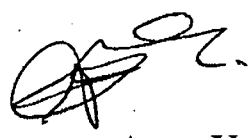
Statement of Mr. Yousaf Khan, Nazir to Senior Civil Judge, Peshawar, on oath, stated that the accused official namely Shakeel Kundi is absent from his official duty since 03rd January, 2022 till date without any intimation from the concerned authority. Today, the attendance of Shakeel Kundi is procured through his brother namely Imran Kundi, Reader of Civil Judge Muhammad Aqib.

RO & AC:
07.01.2022



Yousaf Khan, Civil Nazir


(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII,
PESHAWAR


(MUHAMMAD AYAZ KHAN)
ADDL: SESSIONS JUDGE-XII,
PESHAWAR

ATTESTED

12
(Examiner)
District Court Peshawar

47
Ann - "G" III
Inquiry Vs Shakeel Kundi

Order-01
05.4.2021

Instant inquiry received. Be registered.

Complainant Fida Muhammad, delinquent official
Shakeel Kundi (process server) be summoned for
12.4.21. Record be also requisitioned for the date
fixed.

M. T. Aurangzeb
Muhammad Tahir Aurangzeb
AD&SJ-IX, Peshawar

0-2
12.4.21.

None present
Push notice be issued to complainant & P.S
for 19.4.21.

OR....03
19/4/2021

None present. notice afresh be issued to
complainant and PS for 24/4/2021

M. T. Aurangzeb
Muhammad Tahir Aurangzeb,
AD&SJ-IX, Peshawar

OR....
24/4/2021

Sr.PP for state Mr. Shafi Ullah Khan is present.
None present. Notice afresh be issued to complainant
through SHO concerned for 30/4/21

ATTESTED

18 AUG 2022

M. T. Aurangzeb
Muhammad Tahir Aurangzeb,
AD&SJ-IX, Peshawar

PScript
24/4/2021

(Examiner)
District Court Peshawar

Complainant present. Process server be noticed for date fixed.

M. T. Aurangzeb
Muhammad Tahir Aurangzeb,
AD&SJ-IX, Peshawar

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Pscript
24/4/2021

At the closing the court hours the complainant was heard in person and the facts disclosed by them needs proper response of respondent/process server. Process server Shakil Kundi is served with notice through senior Civil Judge, Admn Peshawar and in person as well as through civil nazir of establishment of senior civil judge for 26/4/2021 and the earlier date that is 30/4/2021 due to leave schedule is shifted to 26/4/2021. On that day the statement of complainant with opportunity of cross examination concerned process server and statement of that process server with opportunity of cross examination to complainant will be provided.


Muhammad Tahir Aurangzeb,
AD&SJ-IX, Peshawar

Or No...
26/4/2021

Complainant present. Respondent Shakil Kundi was served and civil nazir was also summoned, who also confirmed the service of notice to respondent but the respondent remained absent. Complainant is informed to appear for recording his statement on 30/4/2021 in the meanwhile respondent is served with notice to submit his reply that whether he has any defense against the allegation leveled against him by the complainant.


Muhammad Tahir Aurangzeb,
AD&SJ-IX, Peshawar

Pscript
26/4/2021

Respondent present. who is directed to submit reply for 30/4/2021. File to come up for date fixed.


Muhammad Tahir Aurangzeb,
AD&SJ-IX, Peshawar

~~ATTACHED~~
18 AUG 2021
0- (Examiner)
District Court Peshawar
30.4.21.

Justice P. Ahmad
Statement recorded Record to respondent
for 19.5.21.

وکالت نامہ

بعدالت: ہلالی صبر فستواسروس سروسز

مستعمل الکھ نندہ بنام حکومت پاکستان

منجانب مسائل دعویٰ S.A 2022

تاریخ 20/8/2022

باعتبار حریز آنکھ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جواب دہی

بمقام کیے جاوید اقبال گل بیلہ ایڈووکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوکل پرواختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و گمرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم اتناعی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا نیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا ایئر سٹرو کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہوں گے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ 20/8/2022 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
[Signature]

[Signature]

Javed Gul
Bc = 10-7924
MC # 173014096065
Email # Javedgul@pubala1980@gmail.com
Cell # 0345-9405501

[Signature]

[Signature]